CITY OF KIRKLAND
CITY COUNCIL

**Kelli Curtis, Mayor • Neal Black, Deputy Mayor • Jay Arnold • Amy Falcone •
Jon Pascal • Shilpa Prem • John Tymczyszyn • Kurt Triplett, City Manager**

Land Acknowledgment

We acknowledge that the Southern Salish Sea region lies on the unceded and ancestral land of the Coast Salish peoples, the Duwamish, Muckleshoot, Puyallup, Skykomish, Snoqualmie, Snohomish, Suquamish and Tulalip tribes and other tribes of the Puget Sound Salish people, and that present-day City of Kirkland is in the traditional heartland of the Lake People and the River People. We honor with gratitude the land itself, the First People – who have reserved treaty rights and continue to live here since time immemorial – and their ancestral heritage.
—Drafted in collaboration with representatives from the Duwamish, Muckleshoot, Snoqualmie, and Suquamish Tribes, and others. More: kirklandwa.gov/LandAcknowledgement

Vision Statement

Kirkland is one of the most livable cities in America. We are a vibrant, attractive, green and welcoming place for everyone to be. 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.

123 Fifth Avenue • Kirkland, Washington 98033-6189 • 425.587.3000 • TTY Relay Service 711 • www.kirklandwa.gov

AGENDA
KIRKLAND CITY COUNCIL MEETING
City Council Chamber
Tuesday, October 20, 2026
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. Persons that require special accommodations to address to the Council shall be allowed more than three minutes subject to reasonable time limitations at the discretion of the Presiding Officer. Items From the Audience will be programmed for up to 45 minutes each meeting and no more than six speakers may address the Council on any one subject. The Council may suspend its rules to amend these policies at their discretion.

1. CALL TO ORDER
2. ROLL CALL
3. STUDY SESSION
   a. Intelligent Transportation Systems, Traffic Signals, and AI Update
   b. Green Loop Implementation Plan Update
   c. Middle Housing Focused Optimization Briefing
4. HONORS AND PROCLAMATIONS
5. COMMUNICATIONS
   a. Announcements
   b. Items from the Audience
   c. Petitions

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.

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.

6. PUBLIC HEARINGS

a. Public Hearing and Possible Action on Resolution R-5748, Opposing Initiative Measure No. 26-638 Concerning Participation in Athletics at K-12 Schools

(1) The Ballot Title for Initiative Measure No. 26-638 reads as follows:

Statement of Subject: Initiative Measure No. IL26-638 concerns participation in athletics at K-12 schools.

Concise Description: This measure would prohibit students it defines as "biologically male" from competing in certain school athletic activities intended for female students only. It would require verification of biological sex by students' healthcare providers.

Should this measure be enacted into law?
( ) Yes ( ) No

b. Public Hearing and Possible Action on Resolution R-5749, Opposing Initiative Measure No. 26-001 Concerning Parental Rights Relating to Their Children in Public School

(1) The Ballot Title for Initiative Measure No. 26-001 reads as follows:

Statement of Subject: Initiative Measure No. IL26-001 concerns parental rights relating to their children in public school.

Concise Description: This measure would repeal amendments to a statute listing certain rights of parents and guardians of public-school children and re-enact the law as it was originally enacted by Initiative to the Legislature 2081.

Should this measure be enacted into law?
( ) Yes ( ) No

7. SPECIAL PRESENTATIONS

8. CONSENT CALENDAR

***QUASI-JUDICIAL MATTERS**
A quasi-judicial matter is a site-specific decision affecting legal rights, where the Council or Hearing Examiner must apply existing laws to specific facts. Special requirements apply to quasi-judicial matters. Decisions must be based solely on evidence in the public record and information presented at the formal public hearing. The record includes testimony from previous hearings (before a Hearing Examiner or relevant commission) plus timely written submissions. For this reason, public comment is not taken during Council consideration of such matters.

a. Approval of Minutes

(1) September 24, 2026 – Special Meeting

(2) October 6, 2026 – Regular Meeting

b. Audit of Accounts

c. General Correspondence

d. Claims

(1) Claims for Damages

e. Award of Bids

f. Acceptance of Public Improvements and Establishing Lien Period

g. Approval of Agreements

h. Other Items of Business

(1) Transportation Strategic Plan Metrics

(2) Open Link Biennial Community Survey Results

(3) Council Policies and Procedures Update – Council Committees

(4) Ordinance O-4950, Relating to Amending Chapters 5 and 112 the City of Kirkland Zoning Code to Facilitate Affordable Housing Development on Property Owned or Controlled by Faith-Based Organizations

(5) Acknowledgement of Design Review Board Resignation

(6) Federal Impacts Team Update

(7) 2025 - 2026 Legislative Updates Impacting Kirkland Municipal Code and Kirkland Zoning Code Update

(8) Ratification of 2026-2028 Commissioned Staff Collective Bargaining Agreement of Kirkland Police Guild

(9) 2026 Third Quarter Capital Improvement Program (CIP) Accepted Projects Review

(10) August 2026 Financial Dashboard

(11) August 2026 Sales Tax Report

(12) Procurement Report

9. BUSINESS

a. 2027-2028 Utility Rate Adoption

(1) Ordinance O-4951, Amending Section 15.24.020 of the Kirkland Municipal Code to Change Water System Customer Rates for 2027 and 2028

(2) Ordinance O-4952, Amending Section 15.24.070 of the Kirkland Municipal Code to Change Sewer System Customer Rates for 2027 and 2028

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.

9. BUSINESS – CONTINUED

(3) Ordinance O-4953, Amending Section 15.56.020 of the Kirkland Municipal Code to Change Annual Surface Water Utility Service Rates for 2027 and 2028

(4) Ordinance O-4954, Amending Section 16.12.030 of the Kirkland Municipal Code to Change Solid Waste Collection Rates for 2027 and 2028

b. Draft 2027 State Legislative Agenda

10. REPORTS

a. City Council Regional and Committee Reports

b. City Manager Reports

(1) Legislative Request Memorandum

a) LRM080526A - Exploring Options to Allow a Shared Micromobility Program, Including E-Scooters, E-Gliders, and E-Bikes within the City

b) LRM080526B - Exploring Options for Requiring the Use of Bike Helmets when Operating Electric Micromobility Devices in Kirkland

c) LRM080526C1 - Holmes Point Overlay – Development Standards to Facilitate Middle Housing

d) LRM080526C2 - Holmes Point Overlay – Tree Removal Allowances

(2) Calendar Update

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. EXECUTIVE SESSION

11. ADJOURNMENT

Council Meeting: 10/20/2026
Agenda: Study Session
Item #: 3. a.

CITY OF KIRKLAND
PUBLIC WORKS
123 Fifth Avenue, Kirkland, WA 98033
425-587-3000

MEMORANDUM

To: Kurt Triplett, City Manager

From: Julie Underwood, Public Works Director
Sarah R. Olson, Public Works Deputy Director – Engineering and Planning
Stephen Padua, AICP, Transportation Manager
Jennifer Palmer, PE, Transportation Engineering Supervisor

Date: September 25, 2026

Subject: **Intelligent Transportation Systems (ITS), Traffic Signals, and AI Update**

RECOMMENDATION:

Staff recommends that the City Council receives a briefing on the current Intelligent Transportation Systems (ITS) status, planned improvements, and potential Artificial Intelligence (AI) integrated technologies that enhance traffic flow and safety.

EXECUTIVE SUMMARY:

- At the February 17, 2026 Council Meeting, Councilmember Prem requested a Legislative Request Memo, asking the City Manager to explore options to integrate Artificial Intelligence (AI) with the City's ITS, or traffic signal operations, to enhance traffic flow and safety. Staff returned to the March 17, 2026[1] Council meeting and Council selected LRM Option 1, which is being presented as part of this status update.
- Adopted in 2020, Kirkland's ITS Plan[2] has been reviewed by staff and most items outlined in the plan are in progress.
- Kirkland staff already uses AI-powered technology in some areas of ITS and traffic signals systems. Additionally, staff is evaluating options for adaptive signal control technology by conducting demos and recently concluded an AI-powered safety analysis pilot.
- Staff seeks Council's feedback and direction to determine what additional pilot projects to pursue, if any.

BACKGROUND:

Intelligent Transportation Systems (ITS) is defined as an integrated system of advanced sensor, computer, electronics, and communication technologies and management strategies, used to

[1] https://www.kirklandwa.gov/files/sharedassets/public/v/1/city-council/agenda-documents/2026/march-17-2026/10b1b_city-manager-reports.pdf
[2] https://www.kirklandwa.gov/files/sharedassets/public/v/3/public-works/transportation/intelligent-transportation-systems-its-plan.pdf

increase the safety and efficiency of the surface transportation system. Kirkland's ITS is used to support and enhance its traffic signals systems for the traveling public, which regulate traffic movements at intersections to enhance safety and mobility for all modes of travel.

Adopted in 2020, Kirkland's ITS Plan supported the multimodal and operational goals described in the City's adopted Transportation Master Plan (updated into the Transportation Strategic Plan[3]). In general, most items outlined in the 2020 ITS Plan are still in progress. An accounting of progress made from the 2020 ITS Plan is shown in **Attachment 1**. An ITS Plan Update has been included for consideration in the 2027-2028 budget to help direct future ITS enhancement investments. The ITS Plan update could include identifying replacement cycles, standardizing equipment specifications, and ensuring that the system remains reliable and resilient while considering advancing technologies.

Kirkland currently owns, operates, and maintains 68 traffic signalized intersections throughout the city. This number does not include traffic signals owned, operated, and maintained by the Washington State Department of Transportation (WSDOT) within Kirkland in the vicinity of the I-405 freeway ramp terminal intersections. Most of Kirkland's traffic signalized intersections are managed through ITS, which allows staff to remotely program signal operations, implement timing plans, and adjust signal timings from the Traffic Management Center (TMC). To utilize ITS and its benefits, a communications connection must be maintained between the asset in the field and the TMC, most commonly by fiber optics.

Currently the number of intersections connected to the TMC include:

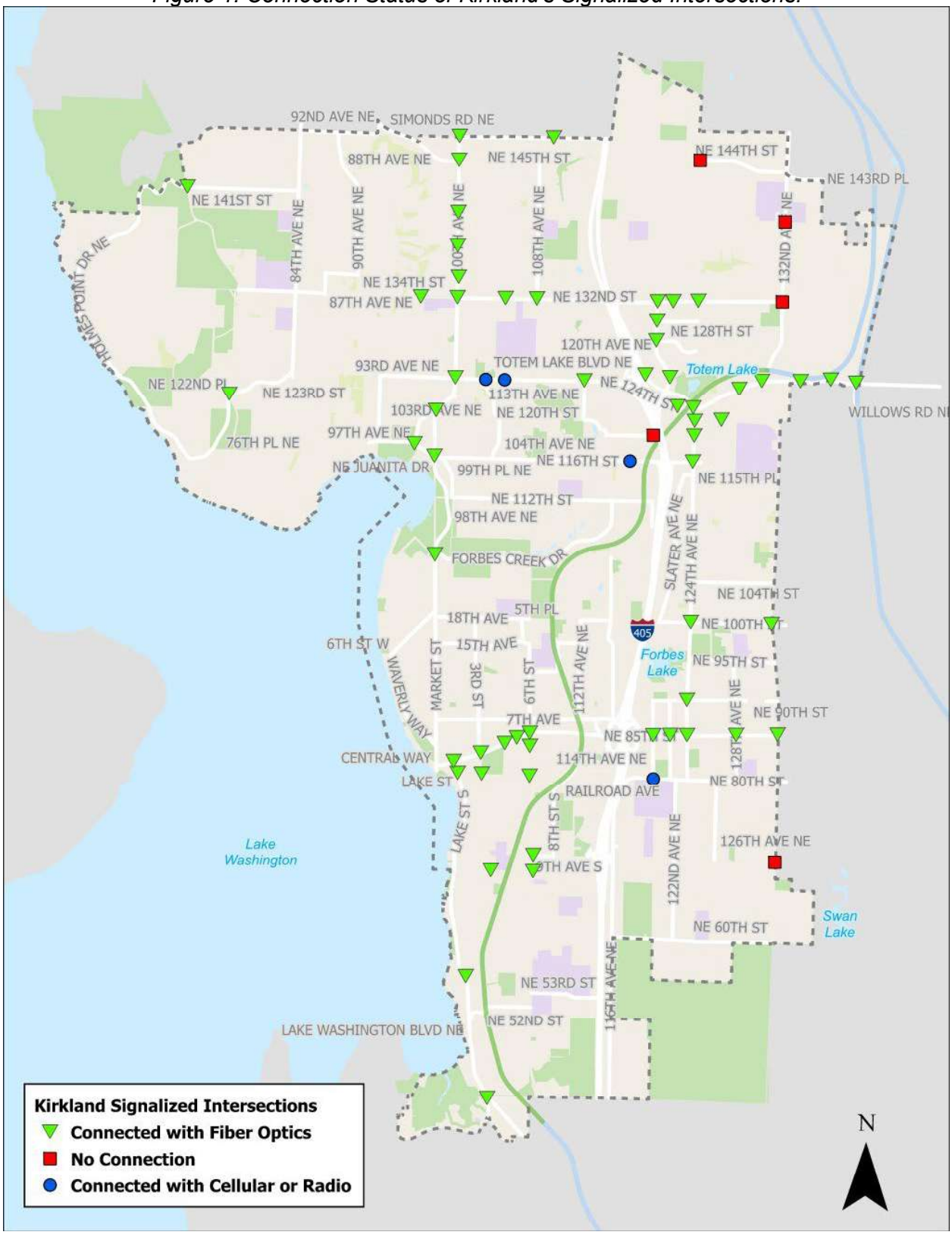
- 59 intersections are connected by fiber optics;
- 4 intersections are connected by radio and/or cellular; and
- 5 intersections are unconnected to the TMC.

The most reliable method of communications connection is fiber optics. Conversely, traffic signals at unconnected intersections can only be adjusted in the field within the traffic signal cabinet at the intersection. The five unconnected intersections are in areas where it would be very costly to bring fiber optics improvements to those locations. The four intersections currently connected by radio and/or cellular communications would benefit from transitioning to a more reliable fiber optics connection in the future as resources allow.

A map of intersections within the city and their current connection status is shown in **Figure 1**.

[3] https://www.kirklandwa.gov/Government/Departments/Public-Works-Department/Transportation/Plans-and-Studies-Transportation-Division/Transportation-Strategic-Plan

Figure 1. Connection Status of Kirkland's Signalized Intersections.



During morning and afternoon peak hours when vehicle volumes are highest, most signalized intersections along major arterial roadways in the city operate timing plans in coordination with each other. This coordination allows the progression of vehicles through the roadway with fewer stops. Running closely spaced signals in coordination along a busy roadway ensures that drivers have space to move into when the light turns green, as long as the road capacity is not overwhelmed by vehicle volumes. Roadways currently utilizing traffic signal timing coordination include:

- Central Way/NE 85th Street
- 6th Street South
- 100th Avenue NE
- NE 124th Street
- NE 132nd Street

All traffic signals in the city are actuated using multimodal video detection, which is able to identify vehicles and bicyclists. No traffic signals within Kirkland operate solely using pre-timed programming without video detection. The traffic signal receives detection information to determine whether there is demand at a certain part of the intersection. The system then extends or reduces that timed phase based on minimum and maximum time values set by engineering staff. Therefore, the duration of each signal phase is based on real-time demand.

Past and Current ITS Projects
Kirkland staff successfully completed the ITS Phase I project in 2014, which added a central traffic management system, the TMC, and various traffic signal and communications equipment connected to this system. The ITS Phase II project was completed in 2017 and started the upgrade of traffic signals to video detection, addition of closed-circuit television (CCTV) cameras used for monitoring traffic, and other ITS programming to improve traffic safety and flow. The ITS Plan was adopted in 2020 and provided recommendations for future upgrades to communications and ITS equipment.

Currently in progress, the ITS Phase III[4] project includes upgrades to more intersections and equipment, as well as connects one additional intersection to the City's communications fiber network. ITS Phase III will replace aging video detection equipment with new single-point video detection cameras. In addition to providing multimodal detection, the newer single-point video detection cameras use Artificial Intelligence to collect multimodal volume counts broken down by mode (i.e., passenger car, bus, truck, bicyclist, pedestrian) and provide basic signal performance measures. The traffic data collected by these cameras is validated by staff and can be used in many current and future work items and reduce the need for manual traffic counts.

Current Use of AI in ITS and Traffic Signals Systems
In addition to the video detection cameras, staff has conducted demonstrations of AI-driven technology focused on safety at signalized intersections. These are most commonly referred to as "near-miss" analyses. City staff engaged with a vendor, Street Simplified, during the Kirkland Transportation Safety Action Plan[5] (KTSAP) project in 2025 to perform a two-day intensive study at six select intersections. The results of that study were published in the KTSAP and led

[4] https://www.kirklandwa.gov/files/sharedassets/public/v/1/finance-and-administration/business-opportunities/contracts/contracts-3-4-25-intelligent-trafic-systems-phase-3.pdf
[5] https://www.kirklandwa.gov/Government/Departments/Public-Works-Department/Transportation/Plans-and-Studies-Transportation-Division/Kirkland-Transportation-Safety-Action-Plan

to recommendations for safety countermeasures. Other examples of vendor demonstrations in this area are shown in the Discussion/Analysis in the next section.

DISCUSSION/ANALYSIS:

Staff has explored options for technologies that integrate AI further with the City's ITS and traffic signal operations to enhance traffic flow and safety. An analysis of what is available in these areas as well as options to move forward in the future are described in the next section.

Adaptive Signal Control Technology
Adaptive Signal Control Technology (ASCT) dynamically adjusts signal timings to accommodate changing traffic patterns and ease traffic congestion. Currently, Kirkland signal timing plans are programmed for specific time-of-day periods and do not automatically adjust to unusual traffic conditions including special events, accidents, and construction activities. Staff either adjusts signal timings live in real-time or sets up changes to signal timing plans before events such as traffic detours. ASCT can modify signal timing in response to real-time traffic data collected from field detectors. Some adaptive signal control programs market their products as incorporating AI and some do not. The effect of ASCT is the same: dynamic timing adjustments to enhance traffic flow.

While helpful, ASCT would not alleviate the traffic congestion concerns on Kirkland's arterial roadways during peak travel times. There is currently no technological solution to relieve congestion when roadway traffic vehicle volumes exceed roadway capacity.

Several cities and agencies in the Puget Sound region have deployed or are in the process of deploying ASCT, including Bellevue, Renton, Federal Way, Redmond, Sammamish, and Snohomish County. Staff is currently exploring options to deploy ASCT as a pilot on a selected corridor in Kirkland to assess the benefits. The most common product used in our region is called Split Cycle Offset Optimization Technique or SCOOT. A less common product used by the City of Bellevue is called Sydney Coordinated Adaptive Traffic System, or SCATS.

Staff has reached out to vendors including Miovision and Yunex Traffic to provide demonstration presentations of their ASCT products. Both products are already compatible with Kirkland's hardware and systems deployed in the field. Pending Council discussion, staff may reach out to additional vendors.

Although ASCT may help improve traffic flow through arterial corridors during select times of the day, implementing ASCT will require significant additional investments in ITS, including detection, communications, and software licensing. Example costs for deploying ASCT pilot programs from both vendors are shown in **Table 1**.

Table 1. Estimated Costs to Implement ASCT Pilot Programs

Vendor	Component Costs for Six Intersections	Example Pilot Program Cost
Miovision ***(staff recommendation)***	$11,500 per intersection for set-up and licensing, plus $5,000 training, and optional $2,000 per year for maintenance	approximately $74,000 for six intersections without the optional maintenance fee
SCOOT (Yunex Traffic)	$120,000 for set-up, plus $20,000 one-time licensing fee, plus unknown cost in detection upgrades and ongoing maintenance	approximately $140,000 for six intersections, plus unknown infrastructure costs for detection upgrades

Considerations for implementing any ASCT pilot programs include compatibility with current hardware and software and additional costs for both required infrastructure and continuing subscription-based costs. Additionally, staff would need resources to measure success with these programs, which may include new ways of performing before/after studies to track delay and travel time savings.

The City's transportation engineers are able to deploy a pilot of these adaptive signal control programs for a selected arterial corridor if the City Council would like this pursued or explored further.

Safety Analysis

Staff recently worked with a vendor, Derq Insight, for a demonstration of safety and near-miss analysis at the northbound approach to the roundabout located at NE 132nd Street and 116th Way NE. Derq Insight utilizes AI to record and identify safety events such as near-misses, collisions, wrong-way driving events, and pedestrian compliance issues. The demonstration utilized a video camera already deployed in the field and staff worked with the vendor to validate event data during the trial period. Derq uses AI to track the paths of different road users (vehicles, pedestrians, bicyclists, etc.) and then categorizes the events into different severities based on their post encroachment time (PET). The PET measures the time difference between two road users who occupy or pass through the exact same spatial coordinate sequentially. The events that appear in larger patterns with higher frequencies and higher severities suggest traffic patterns that require further engineering study and may benefit from new safety countermeasure projects to prevent potential future crashes.

One of the key outcomes of this Derq demonstration was identifying safety countermeasures to increase safety at the NE 132nd Street roundabout intersection such as enhanced striping, signing, and traffic calming measures, which staff is currently collaborating with WSDOT to implement.

If the City wanted to pursue near-miss analysis on an ongoing basis at more intersections, it would require an additional annual subscription cost. The approximate cost to deploy ongoing near-miss analysis would be approximately **$16,000 per intersection per year**. The cost includes equipment, setup/configuration, and support from the vendor for one year. Adding this item may reduce levels of service for other work items, unless additional staff resources are allocated to monitoring this technology, analyzing the results and implementing resulting safety countermeasures.

Staff recommends the City Council considers implementing near-miss analysis at a pilot group of between one and five intersections, where the deployment is compatible with existing camera equipment to help determine safety countermeasures.

Staff has coordinated with City of Bellevue Transportation Department to learn more about their Safer Signals Pilot Program[6]. The City of Bellevue's Smart Mobility Manager provided a tour of their TMC to Kirkland transportation staff in March 2026 with a specific focus on its AI technologies and adaptive signal programming.

The City of Bellevue is currently testing new safety-focused AI-driven technologies at a few locations around the city. Through their Safer Signals Pilot Program, traffic signals systems are making real-time interventions to keep people safer for four specific use cases:

1. Delaying the signal change for certain vehicle movements when the system detects a pedestrian needs more time to safely cross the road.
2. Extending pedestrian walk times based on volume of pedestrians and walking speed of people intending to cross at a signalized intersection.
3. Restricting or allowing left turns on a flashing yellow arrow for vehicles based on the distance or number of oncoming vehicles.
4. Activate "no-turn-on-red" when there are large volumes of people at the crosswalk and cars waiting to turn right.

Bellevue's Safer Signals Pilot Program project received $1.43 million in 2024 from the USDOT SMART grant program. The goal of the project is to provide real-time safety intervention; it does not increase vehicle throughput at signalized intersections. Many vendors were brought on to Bellevue's team who provide various equipment and services, such as an edge computing device, LiDAR detection technology, customized camera equipment, customized programming, and new ITS integrations. While the system works well, Bellevue staff are currently working on approaches to scaling the technology to more intersections for the first and second use cases. The Safer Signals Pilot Program is deployed at fewer than 10 of 200 signalized intersections.

To implement a similar project in Kirkland, it is expected that a very large initial investment will be needed for hardware, software, and staff resources. For this reason, a similar safer signal pilot program in Kirkland is not recommended at this time.

NEXT STEPS:

Staff recommends that City Council provides feedback on the following:

1. New Adaptive Signal Control pilot program to enhance traffic flow along one arterial corridor (approximately $74,000 from staff-recommended vendor).
2. New deployment of near-miss analysis pilot program to enhance safety at a select number of intersections (approximately $16,000 per intersection per year).

If City Council is interested in pursuing either pilot program, staff will return to a future meeting with more information and potential options for implementation.

[6] https://bellevuewa.gov/city-government/departments/transportation/safety-and-maintenance/traffic-safety/safer-signals-pilot-program

ATTACHMENTS:

Attachment 1 – Status Review of 2020 Intelligent Transportation Systems Plan

Attachment 1

CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.457.3800
www.kirklandwa.gov

To: Jennifer Palmer, PE, Transportation Engineering Supervisor

From: Xiaomeng Zhang, PE, Transportation Engineer

Date: March 1, 2026

Subject: Status Review of 2020 Intelligent Transportation Systems Plan

BACKGROUND

The City adopted the Intelligent Transportation Systems (ITS) Plan in 2020 to establish operational goals of resiliency, reliability and responsiveness, as well as provide increased transparency to continuously measure and report on performance.

The purpose of this memo is to review the plan and evaluate the implementation status of the items developed in the plan and identify items that may require updates.

PLAN TRACKING

This review indicates that many items in the 2020 ITS Plan remain relevant and continue to support the City's ITS goals. However, some items may need revaluation based on current operational needs, technology advancements and available resources.

Operations Concepts and Needs:

The plan identified Reliability, Resilience and Principal Arterials Operations as three operations concepts. To achieve these concepts, the needs included:

- Implement data storage and analytics capability to understand and evaluate operations, and report on performance,
- Reduce the potential for major signal malfunctions,
- Provide staff resources to meet needs,
- Reduce response times to signal malfunctions,
- Operate signals in manner to respond to spikes in demand, including to freeway incidents, school functions, and surface street incidents and closures,
- Improve emergency services response times,
- Remove barriers to better operations at WSDOT signals,
- Better serve a balance of multimodal operations.

The ITS Plan outlined the status of the City's existing four core ITS elements in terms of readiness for future ITS expansion, including:

- Field Elements
- Communications Network
- Systems and Software
- Staff and Skills

Nine capital projects were identified in the ITS Plan as shown below:

- Performance Monitoring
- ITS Phase 3
- GPS-Based Opticom
- Multimodal Detection Improvements
- Advanced Signal Ops Software
- Staff Training
- Develop and Adopt ITS Design Standards
- Update ITS Plan
- WSDOT Signal Integration

KEY PROGRESS SINCE 2020

Performance Evaluations and Multimodal Detection Improvements

The City previously worked with Iteris to develop an Automated Traffic Signal Performance Measures (ATSPM) system along the NE 132nd St corridor. Eventually, the City did not move forward with the system due to budget constraints.

The City aims to replace all existing detectors with Miovision SmartView 360 cameras, which can collect traffic counts and support basic ATSPM, which includes travel times, delays, split failure, etc. Miovision cameras also provide more reliable multimodal detection compared to older cameras.

The City has upgraded the video wall in Traffic Management Center (TMC) in early 2026, replacing and expanding from four to six new TV displays. This allows operations staff to monitor more locations at the same time.

Connection Improvements

Signals connected to the City's fiber network are generally reliable. The signal shop has installed cellular communication at several unconnected intersections, which reduced the number of completely unconnected intersections to five. Real time CCTV images are available on Kirkland traffic camera website for the public.

ITS Phase 3 is planned to be completed in 2026. The project will replace project intersections with upgraded controllers and provide fiber connections to a few

unconnected intersections, which will be remotely monitored and optimized by operations staff. Upgrading and replacement of aging field equipment decrease the likelihood of major signal malfunction significantly.

Advanced Signal Operations Functionality

The following are other operational upgrades that advance signal operations:

- The City is in the process of upgrading controller's software. The latest controller software will enable additional functionality including adaptive signal control, transit signal priority which can dynamically improve citywide operations efficiency and reduce delays.
- The City is in the early stages of exploring adaptive signal control to improve signal performance and response to changing traffic patterns like accidents, events, constructions, etc.
- The City is currently working with King County Metro to deliver RapidRide K Line Project, which will bring transit signal priorities throughout the city.
- To serve community members with a disability, accessible push buttons have been installed at most intersections citywide.
- Pedestrian recall and rest in walk features are turned on at various locations during peak hours to decrease pedestrian delay and illegal crossing.
- Leading pedestrian intervals (LPI) have been in place at various locations to help pedestrians establish a presence in the crosswalk and improve pedestrian safety. Transportation division staff are currently drafting a citywide LPI policy to further deploy this signal control strategy to more locations.

ITS Design Standards

The City maintains ITS design standards in the Public Works Pre-Approved Plans, which define the City standards for public and private projects. The City regularly revises and updates Traffic Signal Pre-Approved Plans and publish to the public website, to consider modern best practices and ensure design and construction uniformity.

ONGOING CHALLENGES

WSDOT Signal Integration Plan

The City employs one transportation engineer dedicated to support ITS operations and citywide signal programming. The Traffic Signals Maintenance group level remains lower than national average in relation to the number of managed signalized intersections. Signal maintenance staff are not required to be available after hours, however, on-call over-time support is available for emergency situations. Response to traffic signal malfunction during after-hours may still take extra time. One of the requirements to oversee WSDOT signals is providing 24/7 staffing, therefore, WSDOT signal integration is not viable in Kirkland at this time.

Staff Resources

In consideration of staffing levels, maintaining institutional knowledge and providing ongoing training are important for sustaining current ITS system. The City is still reliant on the knowledge of a few IT engineers to manage and make changes to the network and access administrator function of the central traffic signal control software. Documenting operational procedures and system configurations can help preserve institutional knowledge and ensure smooth transition if key staff retire or leave the City.

Emergency Service Response

The City operates emergency vehicle preemption using the Opticom system to support police and fire response. The existing system requires a clear line-of-sight between the responding vehicle and the traffic signal for it to function. The system does not respond as quickly as needed on curved and hilly approaches due to the line-of-sight need. As Emergency Vehicle Preemption (EVP) technologies evolve, continued interagency coordination will help ensure the system remains effective and aligned with emergency response goals.

The latest cloud-based Opticom EVP technology provides centralized management, monitoring and performance evaluation. While shown in the ITS Plan, the funding and roles for deploying new EVP technology depends on a collaborative relationship between Transportation, the Fire Department, IT, and the vendor. Transportation staff is willing to facilitate conversations among all parties in the future.

CONCLUSIONS

Based on the review of the 2020 ITS Plan and current system conditions, the City is making progress on most items. Several items warrant reevaluation as significant efforts are expected or no longer relevant. Table 1 shows a summary of the status and highlights of each item:

Table 1. Status of Ongoing Projects

Capital Projects	Project Complete	In Progress	Significant Efforts Required	Not Currently Feasible	Comments
Performance Monitoring		X			Basic ATSPM are available from Miovision Dashboard. More Miovision cameras are being deployed by signal shop.
ITS Phase 3		X			Project is currently ongoing, estimated to complete in 2026.
GPS-Based Opticom			X		Require KFD support.
Multimodal Detection Improvement		X			Miovision provides reliable bike detection. LPI and rest in walk are deployed at certain intersections.
Advanced Signal Ops Software		X			In the early stage exploring adaptive system. TSP will be available with K Line project.
Staff Training		X			Staff training is always ongoing as technology evolves. Training is also provided for CIP groups.
Develop and Adopt ITS Design Standards		X			Traffic Signal Pre-Approved Plans are updated regularly on public website.
Update ITS Plan			X		Items outlined from 2020 ITS plan are still pending. An ITS plan update could provide benefit in identifying locations where updates should be made next.
WSDOT Signal Integration				X	WSDOT requires 24-hour standby staff. Signal shop cannot currently provide the support.

Council Meeting: 10/20/2026
Agenda: Study Session
Item #: 3. b.

CITY OF KIRKLAND
PARKS AND COMMUNITY SERVICES
123 Fifth Avenue, Kirkland, WA 98033
425-587-3000

MEMORANDUM

To: Kurt Triplett, City Manager

From: Mariah Gill, Parks Planning and Development Manager
Jodie Galvan, Green Kirkland Partnership Supervisor

Date: September 25, 2026

Subject: **Green Loop Implementation Plan Update**

RECOMMENDATION:

Staff recommends that the City Council receives an update on the Green Loop Implementation Plan, confirms proposed implementation priorities, and provides feedback on branding concepts.

EXECUTIVE SUMMARY:

- The Green Loop Corridor originated as a community-led vision in the Finn Hill Neighborhood Plan, with support from the Juanita Neighborhood Association, and was incorporated into the City's Comprehensive Plan in 2018.
- In September 2020, Council adopted Resolution R-5446, establishing a framework for planning and implementing the Green Loop and authorizing King County Parks Levy funding to support development of a master plan (renamed the implementation plan) through a public review process.
- The 2044 Comprehensive Plan, adopted by Council in December 2024, reaffirmed the Green Loop through Goal FH-5, as summarized below, which calls for a corridor connecting parks, open spaces, trails, wildlife corridors, and natural areas in the Finn Hill neighborhood.
- The City contracted with Alta Planning + Design to conduct community engagement and develop the Green Loop Implementation Plan, including a recommended route, design guidance, cost estimates, acquisition strategies, and implementation priorities.
- In January 2026, Council reviewed the results of community engagement and early Green Loop planning routes.
- The City subsequently contracted with Otak to develop Green Loop branding and wayfinding concepts that may also inform wayfinding elsewhere in Kirkland's park system.
- Staff has returned with updated route maps, preliminary branding and wayfinding concepts, and an executive summary of the draft Green Loop Implementation Plan.
- Council and community feedback will inform final revisions to the Green Loop Implementation Plan, with completion anticipated in January 2027.

BACKGROUND:

The 2044 Comprehensive Plan, adopted by Council on December 2, 2024, includes Goal FH-5 of the Finn Hill Neighborhood Plan, which calls for establishing a Green Loop Corridor that circles the neighborhood and connects parks, open spaces, pedestrian trails, wildlife corridors, and natural areas to promote active recreation and environmental preservation.

Policy FH-5.1 calls for development of a Green Loop Corridor Master Plan (to be renamed Implementation Plan) through a public review process under the direction of the Park Board. This Finn Hill Neighborhood Plan policy directs that the implementation plan:

- Identify the location, design, and function of different corridor segments;
- Promote uses that meet diverse recreational needs, including walking, hiking, wildlife viewing, dog walking, and other forms of recreation;
- Prioritize the segment of the loop connecting the Lake Washington shoreline to the top of Finn Hill, including connections among Juanita Beach Park, Juanita Heights, Juanita Woodlands, and Big Finn Hill Park;
- Maintain and promote the retention of native vegetation and trees in natural areas and support wildlife, stream, and fish protection; and
- Encourage public and private restoration efforts to remove invasive plant species and plant native herbaceous plants, shrubs, and trees.

Policy FH-5.2 provides for the City to secure public access or greenbelt easements through the development review process to provide public access and preserve natural areas within the corridor.

On September 1, 2020, Council adopted Resolution R-5446, establishing a policy for the Department of Parks and Community Services to use King County Parks Levy funds to support development of a trail system that meets community parks and recreation needs.[1] The resolution identified the Green Loop as an eligible use of these funds, including development of a master plan (to be renamed an implementation plan), acquisition of key parcels and easements, and trail construction.

Resolution R-5446 further directed that planning for the Green Loop be informed by Goal FH-5 and Policies FH-5.1 and FH-5.2 of the Finn Hill Neighborhood Plan. The planning process was to consider factors including potential parcel and easement acquisitions, suitability for acquisition and development, ADA requirements, route continuity, topography, development constraints, construction feasibility, and development costs.

On July 22, 2025, the City entered into an agreement with Alta Planning + Design to develop the Green Loop Implementation Plan, which includes the following components:

- Executive summary;
- Recommended pathway alignment;
- Implementation strategy and phasing;
- Trail design standards;
- Operation, management and maintenance strategies;
- Funding strategies;
- Next steps;

[1] https://docs.kirklandwa.gov/CMWebDrawer/RecordHtml/483781

- Research and analysis;
- Public engagement results; and
- Trail construction best practices.

At its January 6, 2026 meeting,[2] Council received an update on the Green Loop Implementation Plan and provided direction on the next phase of community and property-owner engagement.

DISCUSSION/ANALYSIS:

Since the last update to Council on January 6, 2026, staff has continued to advance the Green Loop from a community vision toward an actionable implementation framework. Following the January Council discussion, the City transitioned responsibility for further development of the Green Loop Implementation Plan from Alta Planning + Design to City staff. Staff has since refined the work initiated by Alta, conducted additional property and corridor research, advanced the implementation framework, and coordinated development of a Green Loop branding and wayfinding system.

A central focus of this work has been developing an implementation approach that is both ambitious and realistic. The draft Green Loop Implementation Plan recommends a flexible corridor alignment rather than establishing a single fixed route. The proposed approach prioritizes existing public lands and transportation connections where feasible while identifying opportunity areas where future property acquisitions or trail easements could improve connectivity and provide a more natural trail experience. Participation by private property owners would be voluntary, and alternative alignments would remain available where property acquisition or easement agreements cannot be reached.

Advancing Property and Corridor Research

Staff has refined the work initiated by Alta and further developed the proposed Green Loop alignment, including a detailed analysis of property needs, trail types, distances, and implementation requirements.

Based on the current proposed alignment, the Green Loop would extend approximately 13.73 miles. The corridor would incorporate a variety of existing and proposed facilities, including approximately:

- 9.89 miles of natural-surface trail
- 2.01 miles of sidewalks
- 0.74 miles of paved shared-use paths; and
- 1.09 miles of neighborhood greenways.

Approximately 6.28 miles of the proposed corridor already exist in some form, while approximately 7.45 miles would require new natural-surface trail connections or improvements.

[2] https://www.kirklandwa.gov/files/sharedassets/public/v/1/city-council/agenda-documents/2026/january-6-2026/11c_business.pdf

Completing the Green Loop will require a combination of property acquisition, trail easements, capital improvements, and ongoing maintenance. Current planning-level assumptions, expressed in 2026 dollars, include:

- Acquisition of approximately 10.72 acres of privately owned property for additional open space, estimated at $4.87 million.
- Acquisition of approximately 22,015 linear feet of 10-foot-wide trail easements across privately owned property, estimated at $4.05 million.
- Construction of approximately 7.45 miles of natural-surface trail and associated infrastructure, such as minor boardwalks, pedestrian bridges, stairs, and signage, estimated at $8.3 million.
- Long-term maintenance of approximately 9.89 miles of natural-surface trail, estimated at $283,462 annually, plus approximately $100,000 in one-time costs.

These estimates are intended for long-range planning and should not be interpreted as a single capital funding request. Actual costs will depend on the alignment ultimately implemented, property-owner participation, site conditions, design and permitting requirements, construction costs, and the availability of outside funding and partnerships. Estimates will be refined as individual segments advance through acquisition, design, permitting, and construction.

Implementation is anticipated to occur incrementally over approximately 10 to 20 years and is organized into near-, mid-, and long-term priorities. Near-term efforts would generally focus on segments that are publicly controlled, relatively straightforward to permit and construct, or well positioned for available funding. They may also be segments or connections that the community has strongly expressed support for or requested through our outreach campaign. Mid- and long-term segments may require property acquisition or easements, additional planning and design, environmental review, partnerships, or larger capital investments.

The implementation categories are intended to guide sequencing rather than establish commitments that individual segments will be completed within specific timeframes. Priorities may change as funding, property availability, permitting requirements, partnerships, and other opportunities evolve. This approach allows the City to advance feasible projects while retaining flexibility to adjust future alignments and priorities as circumstances change.

Community priorities identified through the planning process—including environmental protection, neighborhood connectivity, recreation, safety, accessibility, and consideration of adjacent properties—will continue to inform implementation. As individual segments advance toward design and construction, the City will provide project updates via the project website and dedicated listserv and will conduct additional public engagement appropriate to the scope and potential impacts of each project.

Staff has also provided regular updates on Green Loop planning and implementation through the monthly Park Board CIP Dashboard. In addition, staff has provided formal presentations, informational updates, and community outreach throughout 2026, including a Green Loop update to Park Board on February 25, 2026; a Branding and Wayfinding presentation to Park Board on August 26, 2026; and updates, informational meetings, and tabling with the Finn Hill Neighborhood Association (March 5, May 6, and September 11), Juanita Neighborhood Association (May 4, June 11, and August 1), Morningstar HOA (February 22), and the Kiwanis Club of Kirkland (March 18).

Advancing Green Loop Branding and Wayfinding

On July 29, 2026, the City entered into an agreement with Otak to develop coordinated branding and wayfinding materials for the Green Loop. The project includes a Green Loop logo and a suite of standardized signage templates designed specifically for the Green Loop but adaptable for broader use throughout Kirkland's park system.

The draft wayfinding system includes:

- Primary trail entry signs
- Secondary trail entry signs
- Directional posts
- Mile marker posts
- Trail indicators
- Interpretive signs
- A-frame/H-frame signs

Initial Green Loop logo concepts were shared with the community through an online survey launched on September 21, 2026, and open through October 2, 2026. The Finn Hill Neighborhood Alliance and Juanita Neighborhood Association were both directly informed of the survey, which received 91 responses. Staff and the consultant team will use this feedback to refine the initial concepts into two final logo options, which will be presented for community input through a second online survey from October 19 through October 26, 2026.

Results from the community surveys, along with Council and other public feedback, will inform final Green Loop branding and wayfinding materials and revisions to the Implementation Plan. The final Implementation Plan is anticipated to be completed in January 2027.

Advancing the Green Loop Implementation Plan

Staff has also substantially advanced the Green Loop Implementation Plan itself. While the Plan remains a working draft, it has developed into a comprehensive framework that addresses not only the proposed alignment, but also the practical considerations necessary to implement, operate, fund, and maintain the Green Loop over time.

Attachment 3 provides a preview of the draft Implementation Plan and highlights the major sections Council can expect to see in the final document, including:

- **Recommended Pathway Alignment** – establishes the flexible corridor approach, proposed connections, and factors used to evaluate potential routes;
- **Implementation Strategy and Phasing** – identifies near-, mid-, and long-term opportunities and establishes a framework for sequencing projects as funding, property, permitting, and partnership opportunities arise;
- **Trail Design Standards** – provides guidance for natural-surface trails, boardwalks, stairs, paved shared-use paths, on-street facilities, accessibility, and trail access points;
- **Access and trail safety** – access point control and crime prevention considerations
- **Branding and Wayfinding** – establishes a coordinated system for identifying the Green Loop and helping users navigate the network;
- **Operations, Management, and Maintenance** – addresses long-term responsibilities, safety and security measure, maintenance standards, rules, and operational considerations;

- **Funding Strategies** – identifies potential grant programs, nonprofit and private partnerships, and other local or nontraditional funding mechanisms that could support implementation;
- **Next Steps and Tracking** – establishes an incremental implementation approach and methods for tracking and communicating progress;
- **Ongoing Community Engagement and Future Enhancements** – describes how public involvement, accessibility, environmental stewardship, amenities, and future improvements can continue as the Green Loop develops; and
- **Research and Analysis** – documents the planning, GIS, field, environmental, property, cost, and community engagement analysis supporting the Plan.

The Plan is intended to provide Council with a practical roadmap for advancing the Green Loop over time, while recognizing that the final alignment, timing, cost, and individual projects will evolve as conditions and opportunities change. The final Implementation Plan is anticipated to be completed in January 2027.

Advancing Resources to Support Implementation

Staff has also advanced implementation by pursuing external funding for priority Green Loop segments. On June 29, 2026, the City was awarded a $515,000 appropriation from the Washington State Department of Commerce to support development of a specific Green Loop segment across public lands in the northeastern quadrant of the loop. On September 30, 2026, the King County Conservation Futures Advisory Committee recommended an additional $562,500 allocation toward acquisition of a specific Western Finn Hill Addition building on the $1.65 million previously awarded in 2025. Additionally, $58,350 was awarded in 2026 for acquisition of an Eastern Finn Hill Addition by Conservation Futures. The potential acquisitions are in research and discussion. These funding efforts demonstrate progress toward moving priority Green Loop segments from planning into acquisition and trail development.

The following funding is currently available to support the Green Loop effort:

Table 1: Available Funding for Green Loop

Source	Amount	Timeline	Scope
King County Parks Levy	$10M	2026-2031	Acquisition and construction
WA State Department of Commerce	$515,000	2026-2027	Trail construction in NE quadrant
Conservation Futures	$1,650,000	2026-2027	Western Finn Hill Addition
Conservation Futures	$562,500	2027-2028	Western Finn Hill Addition
Conservation Futures	$58,350	2027-2028	Eastern Finn Hill Addition
Conservation Futures	$1,131,441	2026-2027	Juanita Heights Addition

NEXT STEPS:

Staff requests Council confirms or provides feedback on the proposed implementation priorities identified on page 3 of Attachment 1.

- Green sections – Near-term priorities
- Yellow sections – Mid-term priorities
- Red sections – Long-term priorities

Staff also requests feedback on the Green Loop branding concepts provided in Attachment 2.

Staff will use Council's feedback, along with community input, to finalize the Implementation Plan and associated branding and wayfinding materials. Staff anticipates returning to Council in January 2027 with the final Green Loop Implementation Plan for consideration and approval.

ATTACHMENTS:

Attachment 1 – Draft Green Loop Mapping
Attachment 2 – Green Loop Branding Concepts
Attachment 3 – Green Loop Implementation Plan Executive Preview

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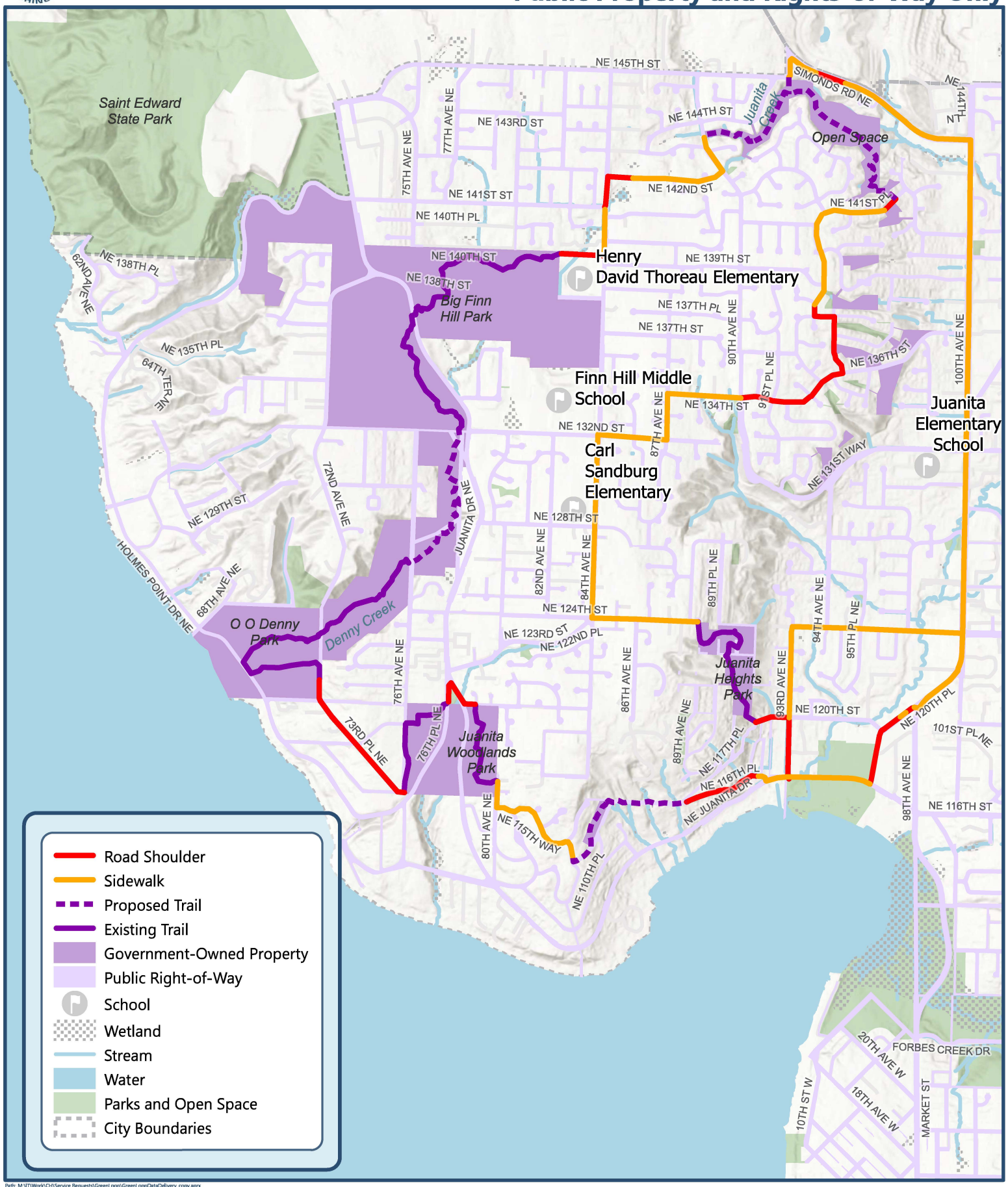
Attachment 1
Trail Corridor Alignment
Public Property and Rights-of-Way Only



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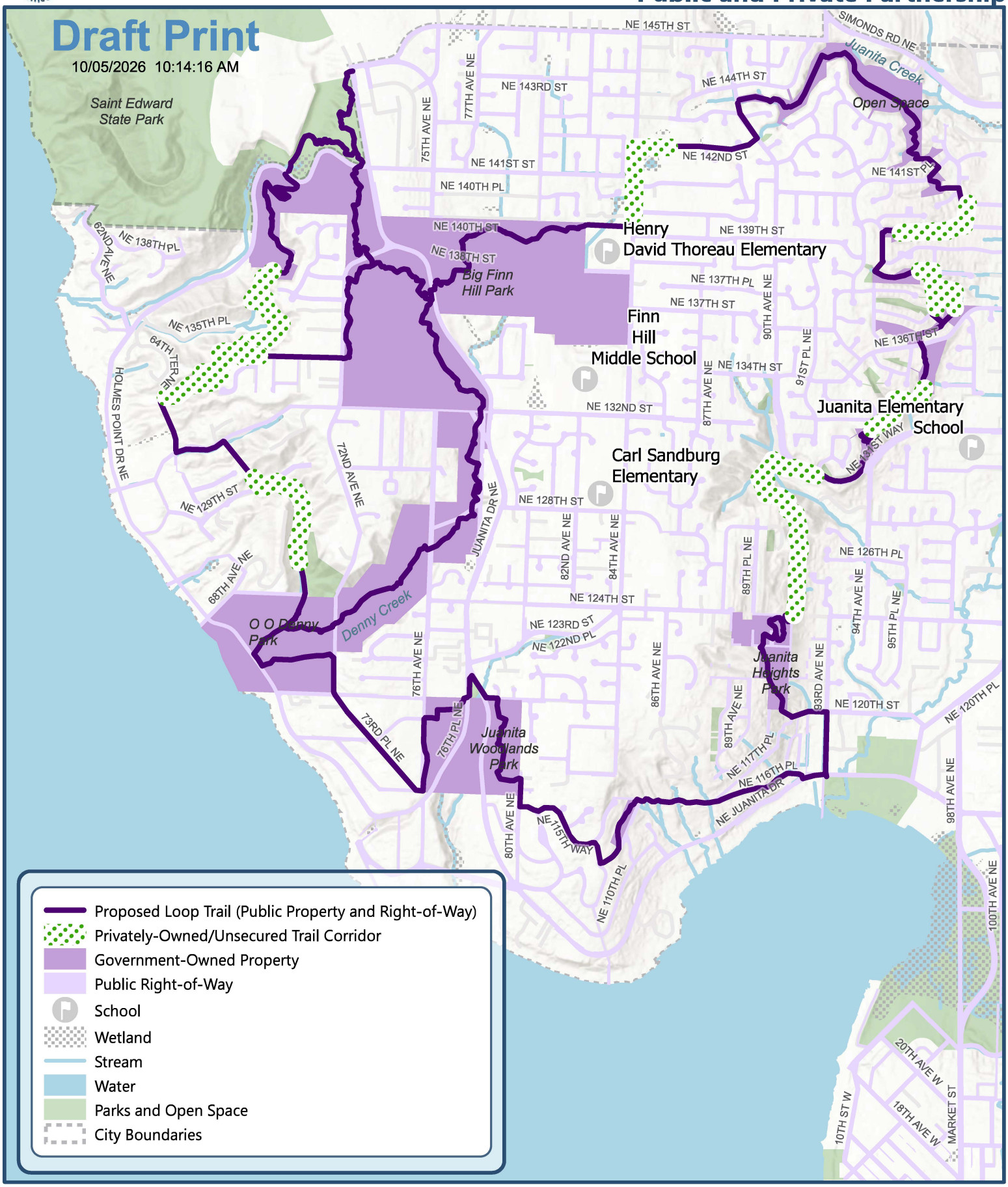
Preliminary Recommended Trail Corridor Alignment

Public and Private Partnership



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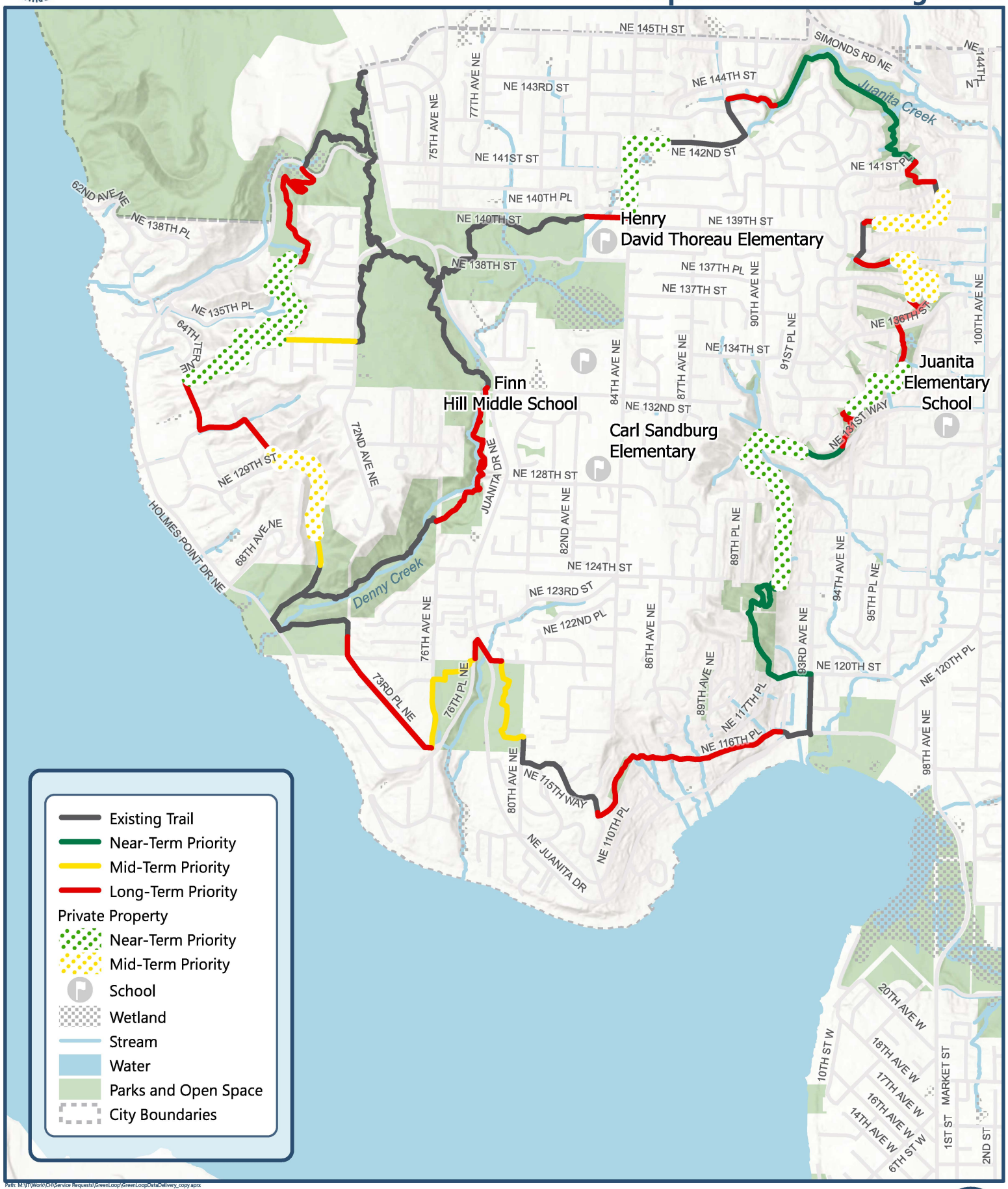
Green Loop Recommended Alignment
Proposed Prioritized Segments



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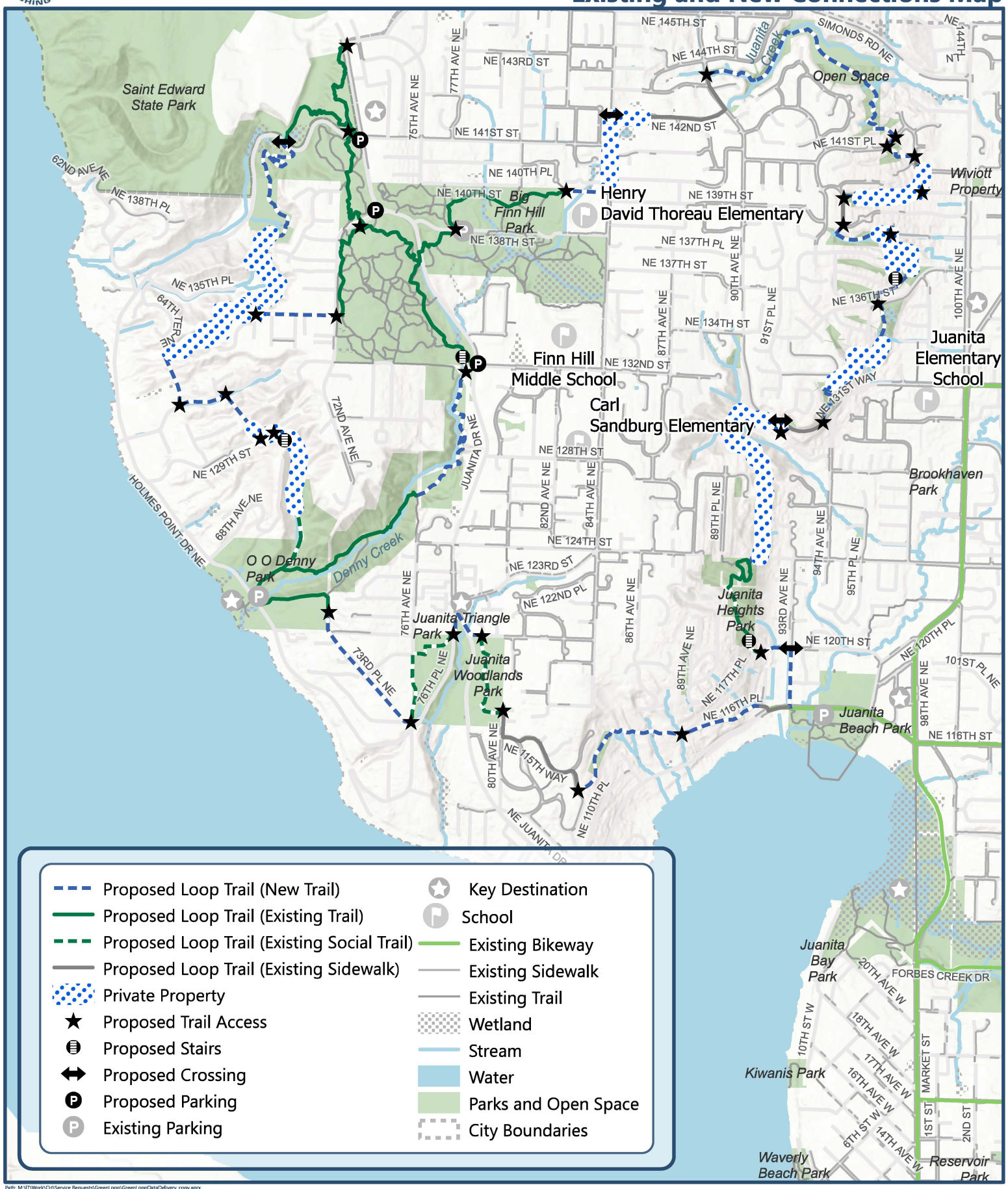
Green Loop Recommended Alignment

Existing and New Connections Map



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Green Loop Recommended Alignment

Proposed Trail Typology Map

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Concept Option A:
Banana Slug

Attachment 2

Concept Option B:
Tree Rings

Concept Option C:
Fern

Attachment 3

Preview of the Green Loop Implementation Plan

Prepared for City Council

October 20, 2026

Executive Summary

The Green Loop Implementation Plan translates the community's long-standing vision for a connected network of parks, open spaces, trails, neighborhoods, and regional destinations into a practical framework for implementation. The Plan is intended to serve as a long-term roadmap rather than a fixed project or single capital investment, recognizing that implementation will occur incrementally as funding, property opportunities, permitting, partnerships, and community priorities evolve.

The Implementation Plan is currently in draft form. The following summary provides a preview of the Plan's major sections and the framework staff is developing for Council consideration.

1. Recommended Pathway Alignment

The Plan establishes a flexible Green Loop corridor rather than a single fixed route. The recommended alignment was developed through review of adopted City plans, GIS and desktop analysis, field assessments, environmental considerations, property conditions, and extensive community input.

The draft alignment is approximately 13.73 miles, including:

- 9.89 miles of natural-surface trails;
- 2.01 miles of existing or planned sidewalks;
- 0.74 miles of paved shared-use paths; and
- 1.09 miles of neighborhood greenways.

Approximately 6.28 miles of the proposed system already exists in some form, while approximately 7.45 miles would require new trail connections or improvements.

The Plan also identifies potential future connections and opportunity areas where voluntary property acquisition or easements could improve connectivity and provide a more natural trail experience. Private property participation would be voluntary, and alternative alignments would remain available where property interests cannot be secured.

2. Implementation Strategy and Phasing

The Plan establishes a 10- to 20-year implementation framework organized around near-, mid-, and long-term opportunities.

Rather than assigning rigid completion dates to individual segments, the phasing framework is intended to help the City prioritize projects based on factors such as:

- existing public ownership and ease of implementation;
- community-supported connections and network gaps;
- funding opportunities and project readiness;
- property acquisition or easement opportunities;
- environmental review and permitting requirements;
- coordination with other City and regional projects; and
- complexity, cost, and constructability.

This approach allows the City to advance projects when opportunities arise while continuing to work toward the long-term connected system.

3. Trail Design Standards

The Plan establishes a range of trail typologies so that the Green Loop can respond appropriately to Kirkland's varied terrain and environmental conditions. Depending on the location, improvements may include:

- natural-surface trails;
- boardwalks;
- stairs;
- paved shared-use paths; and
- on-street facilities where an off-street connection is not feasible.

The Plan also addresses accessibility, access points, environmental protection, and design considerations for challenging conditions such as steep slopes, wetlands, streams, sensitive habitat, and constrained corridors.

4. Access and Safety

The Plan directly addresses community concerns regarding public access and safety throughout the Green Loop. Access to the trail network will be provided at designated locations, some with parking and others designed for pedestrian or bicycle access from surrounding neighborhoods. Signage and wayfinding will clearly identify public trail areas and distinguish where public property ends and private property begins, while trail design will incorporate Crime Prevention Through Environmental Design (CPTED) best practices to promote visibility, appropriate use, and a safe and welcoming experience.

The Plan also explains how Green Loop trails will be monitored and managed to support appropriate use and public safety. Park Rangers will routinely monitor the trail system, while the City's Homeless Assistance and Response Team—including Homeless Outreach Coordinators, Neighborhood Resource Officers, and Crisis Responders—will be available to respond to reports involving people experiencing homelessness and connect individuals with appropriate resources. Community members will also be able to use the OurKirkland app to quickly report maintenance, safety, or other concerns directly to the City.

5. Branding and Wayfinding

A coordinated branding and wayfinding system will help make the Green Loop recognizable as a connected system even though it will be implemented incrementally and may use different trail types and existing facilities.

The Plan identifies signage, maps, pavement markings, and digital information as tools to help users understand:

"Am I on the Green Loop? Where can I go? What should I expect?"

The branding and wayfinding work being developed with Otak, Inc. will complement this section of the Implementation Plan.

6. Operations, Management and Maintenance

The Plan recognizes that building the Green Loop also creates a long-term stewardship obligation.

This section identifies anticipated roles and responsibilities for the City, partner agencies, and property owners and addresses maintenance standards, operations, rules, and long-term stewardship.

At a planning level, maintaining the proposed natural-surface trail system is estimated to require approximately $283,000 annually, plus an estimated $100,000 initial vehicle investment. These figures are preliminary planning estimates and will be refined as individual segments are designed and constructed.

7. Funding Strategies

The Plan does not assume that a single funding source will deliver the entire Green Loop. Instead, it identifies a portfolio approach to funding, including:

- federal, state, regional, and local grants;
- nonprofit and private partnerships;
- local and nontraditional financing mechanisms; and
- coordination of funding with project readiness and implementation phasing.

The intent is to position individual Green Loop segments to take advantage of funding opportunities as they become available rather than waiting for a single system-wide funding source.

8. Next Steps and Tracking Progress

The Plan establishes implementation as an incremental, adaptive process. Staff will pursue multiple tracks simultaneously, including funding, willing-owner acquisition and easements, agency coordination, planning and design, permitting, construction, and ongoing maintenance.

The Plan also establishes a framework for tracking and communicating progress through the Green Loop webpage, project communications, Parks reporting, and future planning updates.

9. Ongoing Community Engagement and Future Enhancements

Because the Green Loop originated as a community-driven vision, continued public involvement will remain an important component of implementation. The type and level of engagement will vary depending on the scope and complexity of individual projects. Project updates and information will continue to be anchored by the City project website and listserv.

The Plan also identifies opportunities for future enhancements—including amenities, accessibility improvements, habitat restoration, and green infrastructure—to be incorporated as funding and project opportunities allow.

10. Research and Analysis Supporting the Plan

The final portion of the Plan documents the work supporting the recommendations, including:

- review of adopted City and regional plans;
- GIS and desktop analysis;
- field assessments;
- environmental assessment;
- community feedback;
- potential route identification and evaluation;
- property and easement cost estimates;
- trail construction cost estimates; and
- trail maintenance and operations cost estimates.

The Plan's appendices provide additional documentation of the community engagement process and trail construction best practices.

What Council Can Expect

Taken together, the Implementation Plan is intended to provide Council with a clear framework for moving the Green Loop from vision to implementation while preserving the flexibility necessary for a project of this scale and complexity.

The draft demonstrates that the Green Loop is not being approached as a single construction project. Rather, it establishes a framework for incremental investment, voluntary property participation, strategic funding, thoughtful environmental stewardship, and ongoing community engagement.

Staff anticipate returning with a final Implementation Plan for Council consideration in January 2027.

Council Meeting: 10/20/2026
Agenda: Study Session
Item #: 3. c.

CITY OF KIRKLAND
PLANNING AND BUILDING
123 Fifth Avenue, Kirkland, WA 98033
425-587-3000

MEMORANDUM

To: Kurt Triplett, City Manager

From: Adam Weinstein, AICP, Planning and Building Director
Allison Zike, AICP, Deputy Planning and Building Director
Martha Rubardt, Senior Planner

Date: September 28, 2026

Subject: **Briefing on Middle Housing Focused Optimization – File No. CAM26-00779**

RECOMMENDATION:

Staff recommends that the City Council receives a briefing to review and discuss the project scope and potential changes to development standards in order to optimize the development of middle housing in the city. Based on Council's initial feedback, staff will research and refine potential code amendment options for this focused middle housing optimization project.

EXECUTIVE SUMMARY:

- This staff memo contains an initial analysis of the potential code changes that could be implemented through the Middle Housing Focused Optimization project.
- This project is one of two middle housing optimization projects identified in the 2026-2028 Planning Work Program (PWP). The scope of this project is narrow and focused on making relatively quick, "low-hanging fruit" changes. A broader middle housing optimization project is scheduled for 2028.
- Middle housing is broadly defined as a tier of housing between detached single-family homes (i.e., one home per property) and larger multi-unit buildings. In Kirkland, middle housing includes accessory dwelling units (ADUs), cottages, townhouses, stacked flats, and multiplexes. ADUs and cottages are currently the most common types of middle housing being developed in the city. Based on initial research, these projects are generally maximizing the development potential of their sites within the existing development standards for lot coverage, floor area ratio (FAR), setbacks, and height.
- Staff has begun analyzing potential code changes within the scope of this project and has identified three potential code amendment package options:
    1. *Streamline existing regulations*: Seek opportunities to simplify permit review and make targeted adjustments to development standards to improve consistency and clarity, such as making FAR exemptions more uniform across different housing types and/or removing the 250 square foot allowance for an attached

garage for cottages and instead allowing the 250 square feet to be included in the overall maximum unit size. Avoid any major regulatory changes.

2. *General optimization of middle housing projects*: In addition to the streamlining adjustments in Option 1, this package could include adjusting development standards such as lot coverage and FAR to incentivize smaller units or certain housing forms or allow more units to be built on a property. Potential amendments could include establishing a tiered FAR or lot coverage allowance that increases with every additional unit built on a site.
3. *Incentivize retention of existing homes and encourage other age-friendly housing types*: Identify code adjustments that would make it easier to retain existing housing units (e.g., mid-century ramblers that are more affordable by nature of their compact size and age) and avoid demolition, and explore incentives for single-level, accessible housing types (e.g., stacked flats) that are friendly to aging community members and families.
4. *Take no action until the broader middle housing optimization project in 2028, when issues such as height allowances and reduced setbacks could be considered.*

- Staff is seeking Council feedback on the following questions:
    1. Does Council have a preferred code amendment option or combination of options for this focused optimization project?
    2. Are there additional code amendment options Council would like staff to explore?
    3. What types of data would Council like to see as part of this project?
    4. What level and type of public outreach should staff pursue for this project?

BACKGROUND:

Middle housing is a key strategy for meeting the housing demand and goals for the City of Kirkland. The majority of the land area of the city is zoned for low density residential uses, which historically have strictly allowed only one single-family residence per lot. This restriction has resulted in much of Kirkland being developed with large and expensive homes, excluding many people from being able to afford home ownership within the Kirkland city limits.

Middle housing, which includes cottages, carriage units, two-to six-unit buildings, townhouses, stacked flats, and ADUs, provides an opportunity to accommodate an increase of smaller units in low-density residential areas. Because middle housing units are smaller, they are generally more affordable than the typical single-family home.

Kirkland has allowed some forms of middle housing since 2007, when the first iteration of regulations for cottages and two- and three-unit homes was adopted. In 2020, Kirkland overhauled its middle housing regulations and made significant changes to streamline the review process, including removing the requirement for these projects to undergo a land use approval process.

In June 2025, Council adopted Ordinance O-4905 to update Kirkland's middle housing and ADU regulations to comply with the state's mandated "Middle Housing" laws and to clarify key

development standards.[1] Notably, as required by state law, this ordinance expanded the number and type of housing units permitted within residential areas of the City, allowing at least four middle housing units on all residential lots (including lots that had previously been zoned single-family development only), and allowing townhomes, multiplexes, and stacked flats. But Ordinance O-4905 did not adjust the development standards for middle housing. Therefore, the same development standards that apply to single-family development also apply to middle housing. As a result, most- developers have chosen not to utilize the increased density bonuses that were adopted as part of the 2025 reforms.

Through Council's discussions during the 2044 Comprehensive Plan and the 2026-2028 Planning Work Program (PWP) decision-making process, Council expressed interest in simplifying and optimizing the development of middle housing to help meet the City's housing and affordability goals. This Middle Housing Focused Optimization project is one of two projects on the 2026-2028 PWP. This "focused" optimization project is intended to be narrow in scope and examine specific changes to development standards that can be implemented soon. The second middle housing optimization project is scheduled for 2028 and will involve a more comprehensive review of the development standards and incentives that could be implemented or amended to further optimize middle housing development.

Project Scope

The 2026-2028 PWP[2] includes a description of the Middle Housing Focused Optimization project, stating the intent of the project and identifying those development standards that may be changed and those that will not. The project description[3] is as follows:

> *Near-term code adjustments to identify and improve existing sticking points in middle housing permit review, and that could include incentives for the retention of existing dwelling units in middle housing projects. Code adjustments will not include changes to: heights; setbacks; affordable housing requirements; tree protection requirements; units per acre limits; stormwater mitigation requirements; and could include changes to: floor area ratio; lot coverage; incentives for developments built for aging in place; incentives for off street parking; clarifications to floor area ratio exemptions; adjustments to square footage allowances for cottages; and increasing flexibility for existing dwelling units within middle housing projects.*

Applicable Comprehensive Plan Policies

The Housing Element of the 2044 Comprehensive Plan[4] includes numerous policies that support the optimization of middle housing. The overarching themes of these policies are to provide a diversity of housing forms, support smaller and more attainable homes, preserve

[1] https://www.kirklandwa.gov/Government/City-Council/Council-Meeting-Minutes-and-Agendas/2025-Kirkland-City-Council-Meetings/June-17-2025-Kirkland-City-Council-Meeting/Agenda-June-17-2025-Kirkland-City-Council-Regular-Meeting
[2] https://www.kirklandwa.gov/Government/Departments/Planning-and-Building/Planning-Work-Program
[3] The description in the Planning Work Program is intended to provide a range of options and/or examples of what a task may entail and does not reflect a final decision about the scope of study for the project.
[4] https://kirkland.municipal.codes/CompPlan/4

existing homes, and expand housing options for people with a range of incomes, ages, and abilities. The following are some of the policies most directly applicable to middle housing:

- *H-1.8: Continue to support the construction of ADUs, DADUs, cottages, duplexes, triplexes, and other forms of missing middle housing and ensure zoning and regulations do not add to the cost of building housing.*
- *H-1.15: Cooperate with other jurisdictions, agencies, and housing organizations to increase regulatory consistency across jurisdictions and reduce regulatory and permitting complexity and reduce the cost of housing.*
- *H-2.2: Provide access to affordable housing to rent and own throughout the City, in particular for those populations disproportionally impacted by past discriminatory land use and housing practices.*
- *H-2.4: Ensure that land use, zoning, and regulations support housing options and supportive services for older adults, disabled persons, people with medical conditions, unhoused individuals and families, and displaced people.*
- *H-2.6: Support housing options, programs, and services that allow older and differently abled adults to stay in their homes or neighborhoods. Encourage universal design improvements in renovation and new construction that increase housing accessibility throughout the City.*
- *H-2.8: Support no net loss in residential capacity, including for BIPOC, older adults, disabled persons, people with medical conditions, and low-income households, through development incentives, flexible standards, and programs that encourage preservation of existing homes while allowing for infill residential development.*
- *H-2.17: Support developers in the creation of housing that is environmentally sustainable, meets the needs of people at all stages of life, and promotes quality shared spaces.*
- *H-2.18: Support a variety of regulatory and programmatic solutions for the preservation of existing housing and ensure no-net-loss in City-wide residential capacity.*
- *H-2.23: Promote equitable community wellness through City regulations and programs that ensure fair access to housing in neighborhoods with convenient access to transit, schools and childcare, parks, and goods and services.*
- *H-2.27: Ensure equitable distribution of more housing types by removing exclusionary regulations and review processes from the zoning code. Prioritize removing regulatory and permitting barriers that prevent moderate-intensity residential development in lower-intensity neighborhoods.*

Middle housing advances these policies by allowing more homes to be accommodated within existing residential neighborhoods while retaining a smaller-scale residential form. Middle housing can increase the number of homes on a lot; expand the range of available housing sizes and costs; create opportunities for more people to become homeowners in neighborhoods with convenient access to transit, schools and childcare, parks, and goods and services; and support more efficient use of land and infrastructure to meet the community's housing needs.

DISCUSSION/ANALYSIS:

Middle Housing Development Trends

With the goal of making it easier to build middle housing and optimizing the number of units that are built on each project site, staff has begun initial analysis of some options for changes to the development standards included in this project scope on the 2026-2028 PWP.

Cottage developments and ADUs continue to be the most common forms of middle housing development in Kirkland and tend to fluctuate on a roughly inverse basis (when cottage production increases, ADU production tends to diminish). Table 1 below shows the total number of ADUs, cottages, and duplexes/triplexes permitted between 2018 and 2025. Between 2020 (when Council adopted major middle housing reform) and 2025, the number of issued middle housing permits increased by over 800 percent, and many properties that would once have been developed with single-family housing are being developed with middle housing.

Table 1: New Middle Housing Permits Issued

Year	ADUs	Cottages	Duplex and Triplex	Total Units
2025	55	111	2	168
2024	86	55	8	149
2023	77	65	16	158
2022	47	55	3	105
Year	**ADUs**	**Cottages**	**Duplex and Triplex**	**Total Units**
2021	24	41	0	65
2020	18	2	0	20
2019	28	6	0	34
2018	36	0	0	36

Source: Kirkland Housing Dashboard[5]

Attachment 1 includes data from a small sample of cottage projects applied for between 2024 and 2026, and shows the number of units, lot coverage, FAR, and unit sizes. The data demonstrates that projects typically maximize the FAR, lot coverage, or both that are allowed on the site. The data also shows that many projects maximize the unit gross floor area of individual units. Staff would expect similar data for ADU projects to show that these projects also typically maximize the FAR, lot coverage, or both that are allowed on the site.

Middle Housing Types

With the 2025 code updates, the types of middle housing units allowed within Kirkland expanded from ADUs, cottages, carriage units, duplexes, and triplexes to also include townhouses, stacked flats, and multiplexes. The development standards, including maximum height, lot coverage, FAR, and setbacks, were not changed and remain the same that apply to

[5] https://kirklandwa.maps.arcgis.com/apps/dashboards/8899c6a5566349b98765b97a73f721fb#

single-family development. As a result, many developers have not chosen to utilize the increased density bonuses that were adopted as part of the 2025 reforms.

Below is a description of each of these housing types and development trends for each type as observed by staff. For purposes of describing and analyzing these housing types, they are organized into three categories: ADUs, detached middle housing units, and attached middle housing units. In addition to the development standards listed below for each category, there are standards for setbacks, height, and lot coverage that apply to all middle housing types.

ADUs

ADUs are permitted as accessory units to a primary single-family residence, which distinguishes them from the other middle housing types. Applicants may build one single-family residence and up to two ADUs, either detached or attached, on a single lot. Applicants may also build up to two attached ADUs that are not counted as units for density calculations with a middle housing project. Note that regulations for ADUs are more restrictive on Goat Hill.

- Notable development standards: ADUs are limited to 1,200 square feet of gross floor area, including garage space. The primary single-family residence is not limited in gross floor area beyond the FAR, which is further discussed below.
- Common development trends: Since expanding allowances in 2020, the number of infill projects building ADUs has substantially increased. The primary residences being built on lots with ADUs have an average size of approximately 3,200 square feet in Kirkland, with either one or two 1,200-square-foot ADUs. Projects are typically designed to provide driveways and vehicle access to each unit which can conflict with other development standards (tree retention, lot coverage, common open space, setbacks) and restrict the site design. Existing homes are sometimes retained when an ADU is added within the home or as a detached unit in the backyard, but full redevelopment remains the most common approach for ADU development. Attachment 2 includes several example site plans that illustrate what these developments commonly look like.
- Permitting sticking points: Measurement of the 1,200 gross floor area maximum, and the site wide FAR can be confusing for applicants and planners to apply. The areas used to calculate the unit gross floor area and the area used to calculate the FAR are slightly different, with some features being exempted from one calculation and not the other. Some developers also believe ADUs should be allowed to be larger than 1,200 square feet, and/or that the square footage limitation should not include garages.

Detached Middle Housing Units

Other than ADUs, cottages are currently the only detached middle housing type allowed within Kirkland.

- Development standards: Cottages are allowed on all residential lots (except for Goat Hill) at a maximum density of either four units per lot (or six units per lot if within ¼-mile of a major transit stop) or twice the number of units allowed in the underlying zoning, whichever is greater. Cottages are limited in gross floor area to 1,700 square feet each, plus 250 square feet for an attached garage, and are subject as well to a site-wide FAR maximum. For cottage developments that contain five or more cottages, a common open space is required.
- Common development trends: Cottages are currently the most common form of middle housing. The majority of cottage housing projects maximize the allowed gross floor area

per unit, rather than maximize the allowed density to fit more units on a site. The most common development size is three units, with a couple larger cottage projects containing over seven units. It is very rare that a cottage project does not provide an attached garage and vehicular access to each unit. Existing homes have occasionally been retained as part of cottage developments, but this is not a common approach. Attachment 3 includes several example site plans that illustrate what cottage developments commonly look like.

- Permitting sticking points: Many of the initial sticking points during review and permitting of cottages have been resolved with past code amendments, but there continues to be some confusion around unit gross floor area and site-wide FAR. Cottages do not receive the bonuses or exemptions from FAR that other housing types use, which can limit development potential. Additionally, the common open space requirement can be restrictive for projects and add review time. Site layouts are also constrained by the need to accommodate individual or shared driveways serving each unit since most cottage units contain their own attached garage. These driveways typically conflict with other development standards (tree retention, lot coverage, common open space, setbacks) and limit development potential. Some developers also argue that cottages should be allowed to exceed 1,700 square feet (or 1,950 square feet, including garages).

Attached Middle Housing Units

There are several forms of attached middle housing units that are permitted within Kirkland: townhouses, stacked flats, and multiplexes up to six units in size.

- Notable development standards: Attached middle housing units are allowed on all residential lots (except for Goat Hill) at a maximum density of either four units (or six units if within ¼-mile of a major transit stop) or twice the number of units allowed with the underlying zoning, whichever is greater. Individual attached middle housing units do not have gross floor area limitations beyond the sitewide FAR, meaning they can be as large as the FAR regulations allow.
- Common development trends: Prior to the code updates in 2025, the only attached middle housing that was permitted were duplexes and triplexes, of which few were developed from 2022 until 2025 (see Table 1 above). Since the code update, there has not been an increase in permit applications for attached middle housing. Applicants are continuing to favor detached middle housing over attached middle housing. Retention of existing homes is not common with attached middle housing projects. The City has not received applications for the stacked flats housing type in low-density residential zones.
- Permitting sticking points: The few permit applications received for this housing type are often maximizing FAR, lot coverage, height, and setbacks, which can add time to permit review. The Building Code contains additional restrictions for stacked dwelling units, which may be a reason why this housing type is not common. In general, many developers opt not to maximize their allowed density by building smaller attached units since there is a perception that smaller units are less desirable than larger units (particularly stand-alone units). In addition, condominium liability law may be a factor discouraging developers from building stacked units.

Development Standards to Consider Adjusting

While there are numerous development standards that regulate residential development in low-density zones, FAR and lot coverage have been identified as particularly relevant to middle housing outcomes, where adjustments might present the most opportunity for optimization. As

such, staff is providing detailed background on these two standards below. Note that additional standards may be discussed more in the future after receiving Council guidance on the desired code amendment package.

Floor Area Ratio

FAR is a development standard that the City applies to residential development within the low-density residential zones. The intent of this standard is to limit the size, bulk and mass of the structures on a lot in proportion to the size of the lot. FAR is calculated on a site-wide basis, meaning the floor area of all structures on the property is added together and expressed as a percentage of the lot size. The maximum FAR for most low-density residential lots is 50% of the lot size; a limited number of zones with relatively high minimum lot sizes have a lower allowed FAR. On a typical 7,200-square-foot lot, an owner can construct approximately 3,600 square feet of building space (with some exemptions allowing for more building area).
With the addition of middle housing as a common development type in low density zones, the FAR regulations have been modified for different development types. The table below summarizes the FAR regulations that apply to each middle housing type and to single-family homes, including available bonuses and exemptions.

Table 2: Floor Area Ratio (FAR)

Housing Type	FAR Standards and Exemptions
Single-family home	• 5% FAR bonus available for specified design features that reduce visual bulk and mass • Standard exemptions include basements, open-covered decks/patios, and 100 square feet for internal stairs • Floor area with a ceiling height greater than 16 feet is counted twice
Housing Type	**FAR Standards and Exemptions**
Single-family home and ADU(s)	• Same standard exemptions as single-family homes • 500-800 square feet of one detached ADU may be exempt when located behind the primary residence • 5% FAR bonus available for specific design features that reduce visual bulk and mass • Floor area with ceilings over 16 feet counted twice
Cottages	• 25 square foot exemption for each cottage with an internal staircase • Affordable units exempt from FAR • Required 64 square foot porch exempt
Townhouses, Stacked Flats, Multiplexes	• Affordable units are exempt • Same standard exemptions as single-family homes • Floor area with ceilings over 16 feet is counted twice • 5% FAR bonus available for specific design features that reduce visual bulk and mass

Based on initial research of middle housing projects, the majority of these developments are maximizing the FAR allowed on each site. ADU projects typically maximize the 1,200 square foot gross floor area allowance for each ADU, use the applicable ADU FAR exemption, and then use the remaining site-wide FAR to construct the primary single-family residence to the maximum size allowed. Cottage developments also typically maximize the site-wide FAR in addition to maximizing the individual gross floor area allowed for each unit. Under this approach, a typical developer will tend to build fewer (but larger) cottage units instead of a larger number of smaller cottages.

With the current FAR regulations and exemptions, the purpose and function of the FAR calculation are less consistent across the different low-density housing types. For single-family homes, ADUs, and attached middle housing, the FAR calculation and exemptions are clearly intended to reduce the bulk and mass of structures that are visible from the right-of-way and from neighboring properties, as well as incentivize site design and building design that reduce the visual perception of massing.

The FAR for cottage projects differs from this approach. Cottage FAR does not include the exemptions and incentives for site and building design that reduce the visual perception of massing and instead represents a straightforward calculation of the total gross floor area of the site. For cottages, FAR primarily limits how much total floor area can be built on a site. This can indirectly limit the overall bulk and mass of a development, but the FAR for cottages is not a direct measure of the portions of a building that contributes to its perceived bulk and mass, as it is for the other housing types. This approach was implemented in part to simplify the regulations and permit review for cottage developments by using a single gross floor area calculation.

The different approaches to FAR for cottages and other low-density residential housing types provide an opportunity to re-examine the purpose and application of FAR. Some potential approaches to revising FAR could include standardizing the calculation across housing types; removing the FAR calculation altogether and relying on the lot coverage, setbacks, and height to maintain the small residential scale; or utilizing FAR as a tool to control development capacity and incentivize certain development outcomes. An example of this latter option would be to tie additional FAR on a lot to additional units (e.g., implementing a scaled FAR that increases as the number of units on a lot increases). If Council is interested in amending FAR, staff would research and explore options in further detail.

Lot Coverage

Lot coverage is a zoning regulation that limits the amount of hardscaped surface on a lot to ensure, ostensibly, that vegetated open space is provided and maintained. As written in the Kirkland Zoning Code, the intent of lot coverage is “to limit areas of hardscape, place an emphasis on landscaping, and to increase vegetated spaces throughout the City.”[6] The lot coverage regulation is separate and different from the impervious and pervious calculations for surface water but there is overlap in what is included in both calculations.

Currently, the maximum lot coverage for most low-density residential lots is 50% of the lot size, with more restrictive regulations in the Holmes Point Overlay. This includes the building footprints, driveways, walkways, patios, decks, and any other areas that are not vegetated open space.

[6] https://kirkland.municipal.codes/KZC/115.90

Lot coverage could be a development standard that is adjusted to incentivize certain middle housing development outcomes, such as allowing additional lot coverage for every additional unit that is developed on the site. If Council is interested in amending lot coverage, staff would research and explore options in coordination with the Public Works Surface Water team to ensure any change to lot coverage would be feasible for builders to implement and is safe for the environment.

Potential Code Amendment Options

Following the scope of this project in the PWP, staff has developed three initial potential code amendment packages for Council consideration. The packages have slightly different objectives, but there is overlap and individual concepts could be combined or incorporated. The concepts identified below are based on initial research and would likely be refined based on feedback from Council and the Planning Commission, as well as additional staff research and analysis.

1. *Streamlining Existing Development Standards*

   This option would seek opportunities to simplify permit review and make targeted adjustments to development standards to improve consistency and clarity while avoiding any major regulatory changes. Potential amendments could include, but would not be limited to:

   - Clarifying the calculation for ADU gross floor area;
   - Making FAR exemptions more uniform across different housing types; and/or
   - Removing the 250 square foot allowance for an attached garage for cottages and instead allowing the 250 square feet to be included in the overall maximum unit size.

2. *General Optimization of Middle Housing Projects*

   In addition to the streamlining adjustments in Option 1, this option would focus broadly on opportunities to incentivize and optimize middle housing. Code amendments could be designed to encourage smaller units, certain housing forms, or more units to be built on a property. Potential amendments could include the following:

   - Exempting units below a specific size threshold (such as 1,000 square feet) from FAR;
   - Implementing a tiered FAR that increases with each additional unit proposed on a site, which could incentivize the development of increased number of units and more compact housing units. This could follow one of the methods implemented by a neighboring city or the approach included in the Washington State Model Code for Middle Housing;[7]
   - Implementing a tiered lot coverage that increases with each additional unit proposed on a site; and/or
   - Removing or reducing the common open space requirement for cottages or increasing the current five-unit threshold that triggers common open space requirements. Open space alternatives could be explored, such as rooftop deck space.

[7] https://deptofcommerce.app.box.com/s/hx0itq9b0a3nwefm9lm9wcxqtz9dzsf3

3. *Incentivizing Retention of Existing Homes and Age-friendly Housing*

   Staff has received feedback from community members that the middle housing being developed in Kirkland—with bedrooms on different floors and vertical construction—is not conducive to aging in place and is not favorable to families with young children. The community has also expressed a desire for more efforts to be made to preserve older housing (particularly single-story, rambler-style housing that tends to be more affordable and conducive to aging in place) while also allowing infill development to occur.

   This option would focus on opportunities to incentivize the retention of existing homes and encourage other age-friendly housing types. Kirkland has a large amount of older housing stock, some of which is smaller and single-level and may be well suited for aging in place. This package could explore code adjustments that make it easier to retain existing homes within middle housing projects, which could help preserve homes with historic value and reduce the environmental impacts associated with new construction.

   This package could also explore incentives for developing other single-level accessible housing types, particularly stacked flats. Stacked flats, particularly when they are located on the ground floor, or accessible by elevators, are favorable for aging in place and families with young children because their living spaces and bedrooms exist on one floor, reducing the need to walk up and down stairways. Consistent with the limited project scope of this focused optimization project, amendments could include the following:

   - Exempting retained homes from density, lot coverage, and/or FAR calculations;
   - Providing setback flexibility to make it more feasible to retain existing residences while allowing the remainder of the site to be accessed and developed; and/or
   - Increasing lot coverage, FAR, and potentially other development allowances for stacked flat projects.

     (Note: increasing height would likely provide a more direct incentive for the development of stacked flats, but modifications to height standards are currently outside the scope of this project.)

This third package of amendments could also support Kirkland's commitments to AARP's Network of Age-Friendly States and Communities, a consortium that the City joined in 2025.

4. *Take no action until the broader middle housing optimization project in 2028, when issues such as height allowances and reduced setbacks could be considered.*

   Making these focused changes may not encourage developers to construct more middle housing in the near term. Developers who track the City's Planning Work Program may choose to wait until more permissive amendments such as height are evaluated. Council may conclude it is better to wait and defer these ideas until consideration of a more comprehensive package in 2028.

Development Community Input

Staff has not conducted community outreach specific to this project but has received two resources from Master Builders of King and Snohomish Counties (MBAKS) that are applicable to middle housing optimization. Attachment 4 includes the *Middle Housing Barriers and Solutions* document, and Attachment 5 includes the *Housing Toolkit* document. These

documents identify a range of barriers to housing production, including those that affect middle housing, and offer strategies to reduce or remove those barriers. In addition to FAR and lot coverage standards, these documents also identify utility requirements, right-of-way improvements, setbacks and height standards, curb cut restrictions, tree retention requirements, lack of uniformity in development regulations across jurisdictions, along with many others, as potential barriers to housing production.

With this Middle Housing Focused Optimization project, some of these barriers may be able to be addressed, such as lack of uniformity across jurisdictions, as well as FAR and lot coverage restrictions. Many of the other items are more consequential and could potentially be explored and addressed with the broader middle housing optimization project in 2028 when optimization will be analyzed more comprehensively.

Community Input

As noted above, staff has not conducted community outreach specific to this project. However, general feedback that staff and Council have received regarding middle housing (beyond the aging-in-place concerns noted above) has included concerns about increased on-street parking and pedestrian access, logistical challenges with garbage collection, and the general increase in residential density and its potential impact on trees and infrastructure.

Some residents have also expressed general support for middle housing in the City and approve of the progress the City has made increasing middle housing production since 2020.

As scoped on the adopted Planning Work Program, the timeline for this focused optimization project (focusing on minor adjustments) was not intended to include a significant amount of time devoted to community engagement; however, this can be adjusted with Council direction.

Questions for Council

1. Does Council have a preferred code amendment option or combination of options for this focused optimization project?
2. Are there additional code amendment options Council would like staff to explore?
3. What types of data would Council like to see as part of this project?
4. What level and type of public outreach would Council like staff to pursue for this project?

NEXT STEPS:

With feedback from Council, staff will begin researching and collecting data on the topics and incentives that Council is interested in. Staff will conduct outreach to the development community and other organizations or community members identified by staff, Council, or the Planning Commission, and work with the Commission to develop code amendments options for Council to consider to optimize middle housing production.

ATTACHMENTS:

Attachment 1 – Cottage Project Data
Attachment 2 – ADU Example Project Site Plans
Attachment 3 – Cottage Example Project Site Plans
Attachment 4 – MBAKS Middle Housing Barriers and Solutions
Attachment 5 – MBAKS Housing Toolkit

Attachment 1

Example Cottage Project Development Data										
Lot Size	Number of Units	Unit 1 Size (sq. ft.)	Unit 2 Size (sq. ft.)	Unit 3 Size (sq. ft.)	Unit 4 Size (sq. ft.)	Unit 5 Size (sq. ft.)	Unit 6 Size (sq. ft.)	Floor Area Ratio	Lot Coverage	Development Considerations
11,706	3	1,695	1,695	1,695				49.03%	42%	
11,547	4	1,262	1,262	1,262	1,262			49.97%	48.48%	
11,002	3	1,567	1,567	1,567				49.98%	49.50%	
8,817	2 (one retained)	1706 (Existing)	1,699					39.70%		Retained unit creates limitations on developable area.
17,452	5	1,690	1,690	1,690	1,690	1,690		50%	43%	
14,412	4	1,536	1,435	1,625	1,625			49%	47.83%	
10,530	3	1,479	1,479	1,582				49.81%	42.33%	
10,567	3	1,385	1,616	1,616				49.94%	46.18%	
10,842	3	1,516	1,514	1,504				46.76%	49.58%	
16,800	4	1,625	1,625	1,482	1,482			36.39%	24.20%	Additional development restrictions apply due to being within Holmes Point Overlay.
22,506	6	1,620	1,620	1,620	1,620	1,620	1,620	49.53%	49.92%	
14,445	3	1,670	1,670	1,670				42%	35.10%	Existing utility easement.
13,750	3	1,676	1,700	1,698				42%	40%	Landslide hazard area limited developable area.
11,246	3 (one retained)	3,133 (Existing)	1,440	1,379				50%	48.64%	
18,634	5	1,598	1,524	1,524	1,620	1,620		45%	49.90%	

Note: the highlighted cells above call attention to unit sizes or site conditions that are near, or reaching, the maximum allowed under the current development standards for cottages.

Attachment 2

Reader instructions:

Zoning Summary included in box with dotted red outline is included for each site.

Site features are color coded with the following:

- Single-family residences shown in red
- ADUs shown in blue
- Driveways and parking areas shown in gray
- Retained trees shown in green

CITY OF KIRKLAND FAR SQUARE FOOTAGES

MAIN HOUSE MAIN FLR. ENCLOSED SQFT	1000 SQFT
MAIN HOUSE UPPER FLR. ENCLOSED SQFT	1149 SQFT
MAIN HOUSE LOWER FLR. ENCLOSED SQFT (INCLUDES GARAGE)	1085 SQFT
AADU MAIN FLR. ENCLOSED SQFT	536 SQFT
AADU UPPER FLR. ENCLOSED SQFT	489 SQFT
DADU MAIN FLR. ENCLOSED SQFT	579 SQFT
DADU UPPER FLR. ENCLOSED SQFT	621 SQFT
TOTAL ENCLOSED SQFT (FROM INSIDE OF EXTERIOR WALL IN)	5459 SQFT

LOT COVERAGE:

SF/ADU:	1981 SQFT
DADU:	672 SQFT
WALKWAYS	138 SQFT
HVAC PADS	27 SQFT (10 sqft per dwelling unit can be exempted)= 0 SQFT
DRIVEWAY AND PARKING	1964 SQFT
PATIOS	46 SQFT

TOTAL 4801 SQFT (49.96%)

TOTAL LOT SIZE= 9613 SQUARE FEET

TOTAL SITE F.A.R.

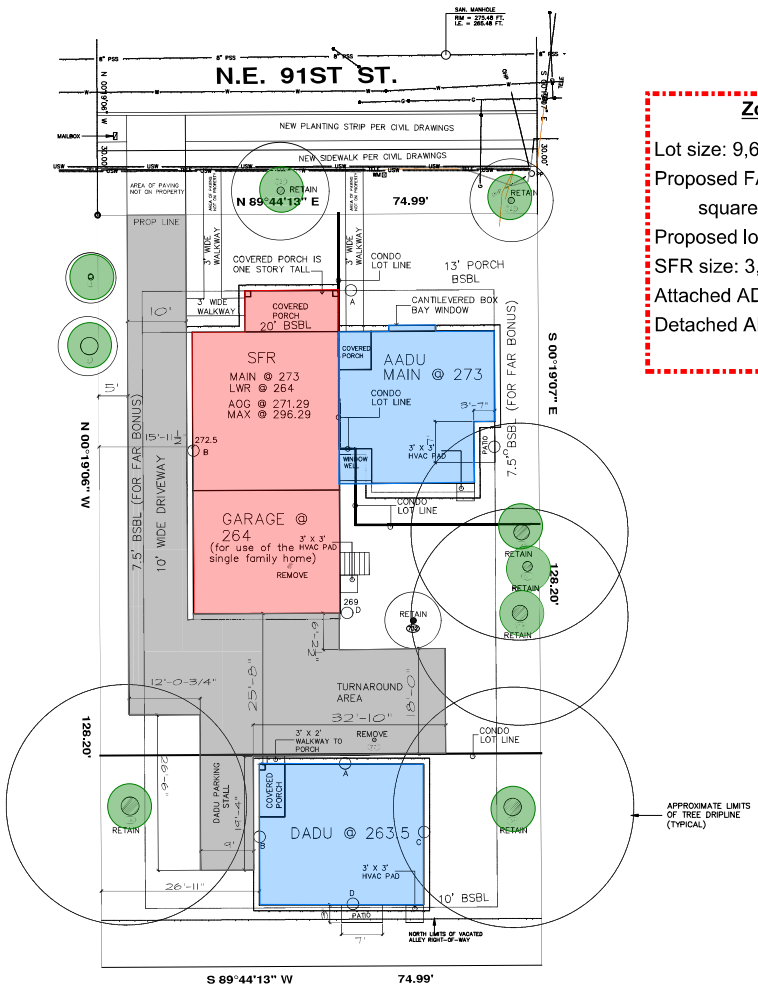
SITE AREA 9613 S.F.

MAX. FAR (50%) = 4806 S.F.

* ON LOTS MORE THAN 8500 S.F. THE FIRST 800 S.F OF AN ACCESSORY DWELLING UNIT CAN BE EXEMPTED IF IT IS 10' BEHIND THE PRIMARY STRUCTURE
* AN ADDITIONAL 5% FAR BONUS CAN BE USED IF PRIMARY ROOFS ARE 4:12 OR MORE AND STRUCTURES ARE 7.5' AWAY FROM PROPERTY LINES.

9613 (.55) = 5287.15 + 800= 6087.5 SQFT (MAX FAR)

MAIN HOUSE (3234 S.F.) (W/ 100 S.F. REDUCTION FOR STAIRS)	3134 S.F.
AADU	1025 S.F.
DADU	1200 S.F.
TOTAL	5359 S.F.



Zoning Summary

Lot size: 9,613 square feet
Proposed FAR: 47.5% (using 800 square foot ADU exemption)
Proposed lot coverage: 49.9%
SFR size: 3,234 square feet
Attached ADU size: 1,025 square feet
Detached ADU size: 1,200 square feet

SINGLE FAMILY/ADU

AVERAGE EXISTING GRADE

	MIDPOINT ELEVATION	RECT. SEGMENT LENGTH	TOTAL
A	273.50	51.5	14085.25
B	272.50	55	14987.5
C	272.50	55	14987.5
D	269.00	51.5	13853.5

57913.75/213= 271.89

AVERAGE EXISTING GRADE= 271.89
MAXIMUM BUILDING HEIGHT= 296.89 (25')
ACTUAL BUILDING HEIGHT= 296.20

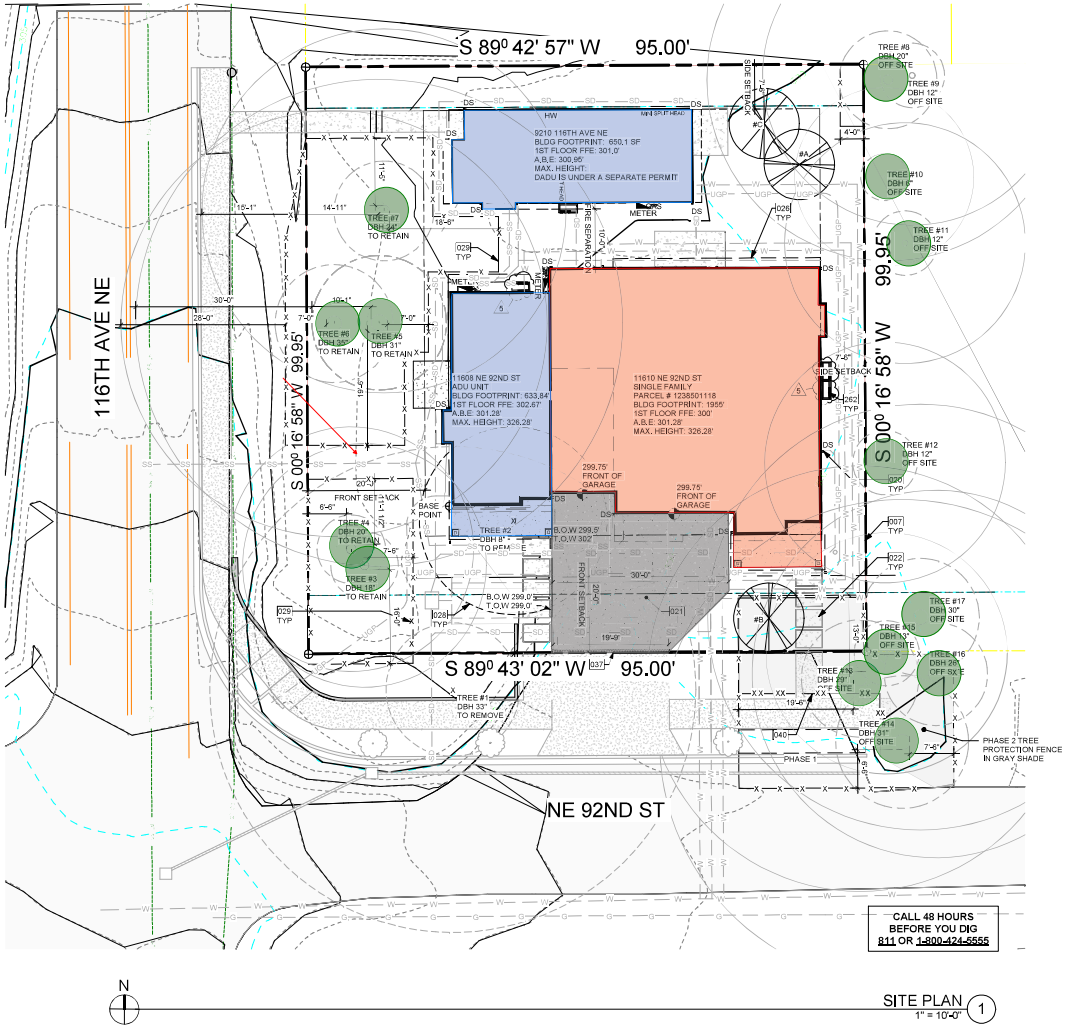
DADU

AVERAGE EXISTING GRADE

	MIDPOINT ELEVATION	RECT. SEGMENT LENGTH	TOTAL
A	263.50	28	7378
B	262.15	24	6291.6
C	262.88	24	6309.12
D	261.47	28	7321.16

27299.88/104= 262.49

AVERAGE EXISTING GRADE= 262.49
MAXIMUM BUILDING HEIGHT= 287.49 (25')
ACTUAL BUILDING HEIGHT= 286.54



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SITE PLAN (1)
1" = 10'-0"

ZONING REQUIREMENTS

MAXIMUMS:
MAX. FAR: 50%(4748 SF) OR 55% (5222 SF)
MAX. LOT COVERAGE: 50% (4748 SF)
MAX. HEIGHT: 25' ABOVE ABE

SETBACKS:
REQUIRED FRONT: MIN. 20' PROVIDED: 20'
REQUIRED SIDE: MIN. 5'/10' PROVIDED: 7'-6"
REQUIRED REAR: MIN. 10' PROVIDED: N/A

Zoning Summary

Lot size: 9,496 square feet
Proposed FAR: 53.5% (using 800 square foot ADU exemption and 5% design-based bonus)
Proposed lot coverage: 47.3%
SFR size: 3,580 square feet
Attached ADU size: 1,199 square feet
Detached ADU size: 1,199 square feet

SYMBOL LEGEND

SEE TITLE BLOCK SHEET A0.0 FOR COMPLETE SYMBOL INDEX.

TREE DENSITY CALCULATION

ONSITE TREES

TREE	#	SPECIES	ACTION	CREDITS
EXISTING	#2	JAPANESE MAPLE	REMOVE	0
	#3	WESTERN RED CEDAR	RETAIN	7.5
	#4	WESTERN RED CEDAR	RETAIN	9
	#5	DOUGLAS FIR	RETAIN	11
	#6	DOUGLAS FIR	RETAIN	11
	#7	DOUGLAS FIR	RETAIN	11
TOTAL CREDITS				50

OFFSITE TREES

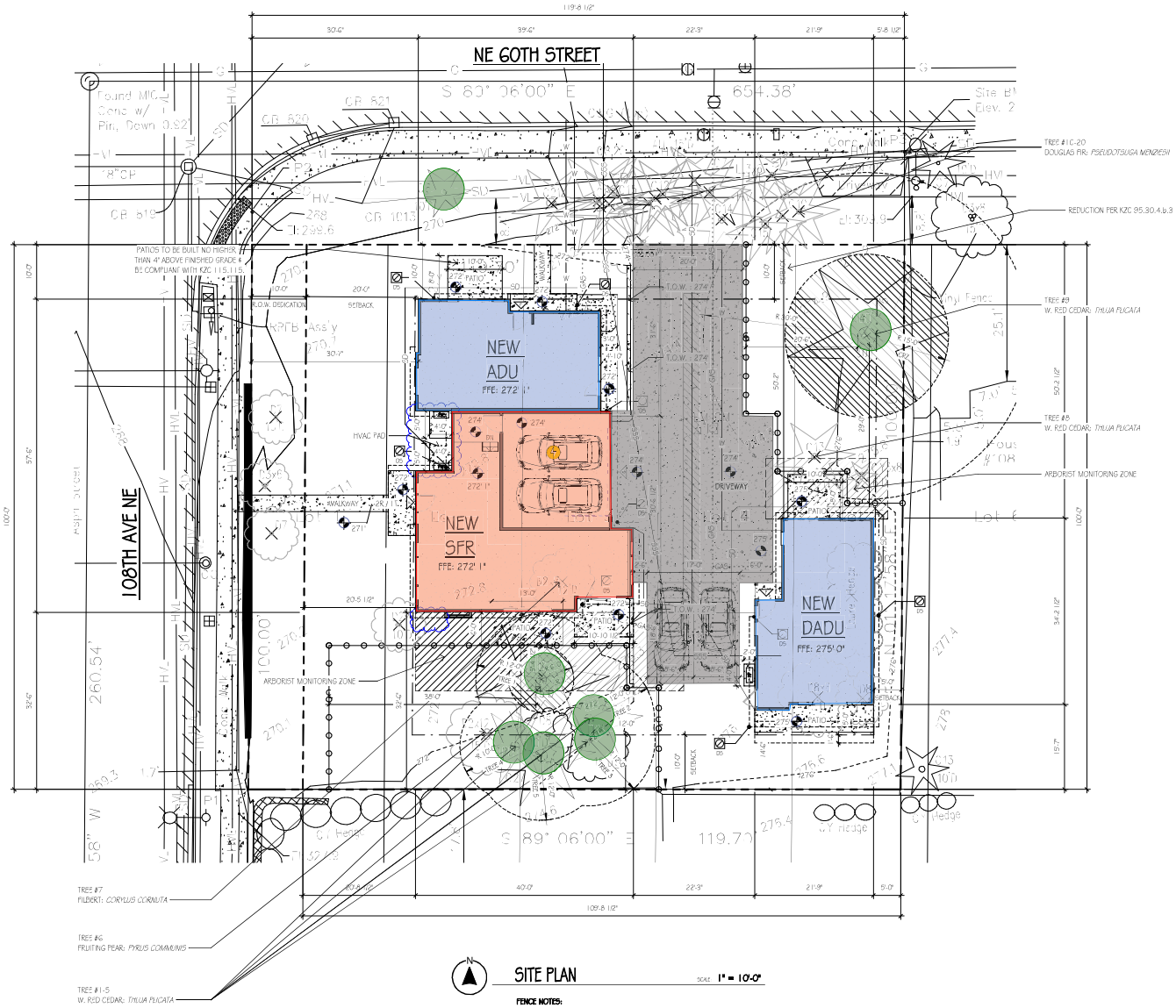
TREE	#	SPECIES	ACTION
EXISTING	#1	DOUGLAS FIR	REMOVE
	#8	WESTERN RED CEDAR	RETAIN
	#9	WESTERN RED CEDAR	RETAIN
	#10	APPLE	RETAIN
	#11	PACIFIC DOGWOOD	RETAIN
	#12	JAPANESE MAPLE	RETAIN
	#13	WESTERN REDCEDAR	RETAIN
	#14	DOUGLAS FIR	RETAIN
	#15	DOUGLAS FIR	RETAIN
	#16	DOUGLAS FIR	RETAIN
	# 17	GIANT SEQUOIA	RETAIN

LOT SIZE 9496 SF / 0.22 ACRES
TREES PER ACRE 50
TOTAL CREDITS RETAINED 50
TOTAL CREDITS REQUIRED 11

NOTES:
* SUPPLEMENTAL TREES TO MEET REQUIRED MINIMUM SIZE WORTH ONE TREE CREDIT AS OUTLINE IN KZC 95.33(4).
* 2" CALIPER FOR DECIDUOUS & 6-7 ft. TALL CONIFERS.

PROPOSED MITIGATION TREES

TREE	#	SPECIES
MITIGATION	#A	KATSURA TREE/CIRCIDIPHYLLUM JAPONICUM
	#B	MAGYA GINKGO/GINKO BILOBA " MAGYAR"
	#C	JAPANESE RED PINE/PINUS DENSIFLORA



SITE PLAN

SCALE: 1" = 10'-0"

FENCE NOTES:
1. ALL FENCES LOCATED IN FRONT YARDS CANNOT BE BUILT TO A HEIGHT GREATER THAN 3'-6", PER KZC 115.40, U.N.O.

NOTE:
ALL PATIOS TO BE BUILT NO HIGHER THAN 4" ABOVE FINISHED GRADE & BE COMPLIANT WITH KZC 115.115.

Zoning Summary

Lot size: 10,970 square feet
Proposed FAR: 44%
Proposed lot coverage: 47.2%
SFR size: 2,437 square feet
Attached ADU size: 1,191 square feet
Detached ADU size: 1,199 square feet

LAND USE DATA

SETBACKS & SEPARATIONS (REF SITE PLAN):

REQUIRED:		PROVIDED:	
FRONT W:	20'-0" MIN.	FRONT:	20'-0"
SIDE N:	10'-0" MIN.	SIDE:	10'-0"
SIDE E:	5'-0" MIN.	SIDE:	5'-0"
REAR S:	10'-0" MIN.	REAR:	10'-0"

PARKING
REQUIRED: 2.0 STALLS FOR THE SFR
NO STALLS ARE REQUIRE FOR THE ACCESSORY UNITS PER **KZC 115.07.6.b**
PROVIDED: 4.0 (2.0 IN GARAGE & 2.0 STALLS)

AVERAGE BUILDING ELEVATION & HEIGHT LIMIT:

STRUCTURE	AVERAGE BUILDING ELEVATION	ALLOWED HEIGHT PER ZONING	MAX BUILDING HEIGHT	PROPOSED BUILDING HEIGHT
SFR+ADU	273'-0"	25'-0"	298'-0"	297'-8 1/2"
DADU	275'-0 1/2"	25'-0"	301'-0 1/2"	300'-1"

NOTE: SEE SHEET A1.1 FOR AVERAGE BUILDING ELEVATION PLAN & DATA.

LOT COVERAGE:

ZONE	PROJECT LOT SIZE	LOT COVERAGE PER ZONE	ALLOWED COVERAGE AREA	PROPOSED LOT COVERAGE
RS 8.5	10970.60 SF	50%	5485.30 SF	5187.27 SF

NOTE: SEE SHEET A1.1 FOR LOT COVERAGE PLAN & DATA.

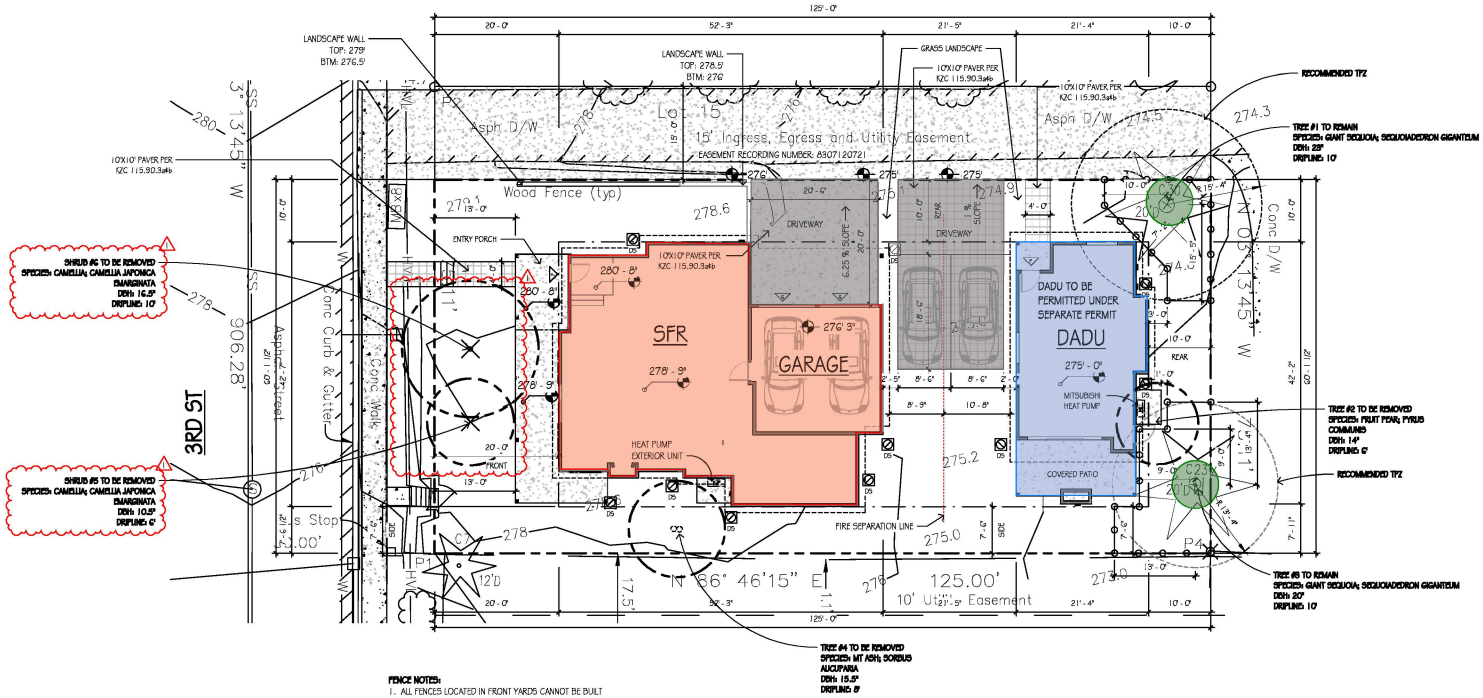
SITE FAR CALCULATION & DATA:

ZONE	LOT SIZE	FAR	FAR BONUS	MAX. SITE FAR	PROPOSED SITE FAR
RS 8.5	10970.60 SF	50%	0.00 SF	5485.30 SF	4826.95 SF

STRUCTURE FAR & DATA: *NOTE: SEE SHEET A1.2 FOR COMPLETE FAR PLAN & DATA*

STRUCTURE	FLOOR LEVEL	AREA
SFR	LEVEL 1	1250.14 SF
SFR	LEVEL 2	1186.78 SF
		2436.92 SF
ADU	LEVEL 1	602.69 SF
ADU	LEVEL 2	587.98 SF
		1190.67 SF
DADU	LEVEL 1	625.22 SF
DADU	LEVEL 2	574.14 SF
		1199.36 SF
ADU COVERED ENTRY	LEVEL 1	38.66 SF
ADU UNCOVERED DECK	LEVEL 2	39.00 SF
		77.66 SF
DADU COVERED PATIO	LEVEL 1	102.05 SF
DADU COVERED ENTRY	LEVEL 1	14.52 SF
DADU COVERED DECK	LEVEL 2	79.58 SF
		196.15 SF
TOTAL		5100.76 SF

REFER TO SHEETS G1.1 & G1.2 FOR GENERAL NOTES AND CONDITIONS



SITE PLAN SCALE: 1" = 10'-0"

Zoning Summary

Lot size: 7,513 square feet
Proposed FAR: 55% (with 5% design-based bonus)
Proposed lot coverage: 49.2%
SFR size: 3,708 square feet
Detached ADU size: 1,104 square feet

LAND USE DATA

PARKING:
REQUIRED: 2.0 PER DWELLING UNIT
PROVIDED: 2.0 IN ATTACHED GARAGE, 2.0 SURFACE STALLS, 4 STALLS IN TOTAL.

SETBACKS & SEPARATIONS (REF SITE PLAN):

REQUIRED:		PROVIDED:	
FRONT:	20'-0" MIN.	FRONT:	20'-0"
REAR NORTH:	10'-0" MIN.	REAR:	10'-0"
SIDE SOUTH:	5'-0" MIN.	SIDE:	7'-6.5"
REAR EAST:	10'-0" MIN.	REAR:	11'-1"

AVERAGE BUILDING ELEVATION & HEIGHT LIMIT:

STRUCTURE	AVERAGE BUILDING ELEVATION	ALLOWED HEIGHT PER ZONING	MAX BUILDING HEIGHT	PROPOSED BUILDING HEIGHT
SFR	278' - 10"	29' - 0"	303' - 10"	303' - 10"
DADU	274' - 5 1/2"	29' - 0"	299' - 5 1/2"	299' - 5"

NOTE: SEE SHEET A1.1 FOR AVERAGE BUILDING ELEVATION PLAN & DATA.

LOT COVERAGE:

ZONE	PROJECT LOT SIZE	LOT COVERAGE PER ZONE	ALLOWED COVERAGE AREA	PROPOSED LOT COVERAGE
RS 7.2	7513.63 SF	50%	3756.82 SF	3701.28 SF

NOTE: SEE SHEET A1.1 FOR LOT COVERAGE PLAN & DATA.

SITE FAR CALCULATION & DATA:

ZONE	LOT SIZE	FAR	FAR BONUS	MAX. SITE FAR	PROPOSED SITE FAR
RS 7.2	7513.63 SF	50%	375.68 SF	4132.47 SF	4121.58 SF

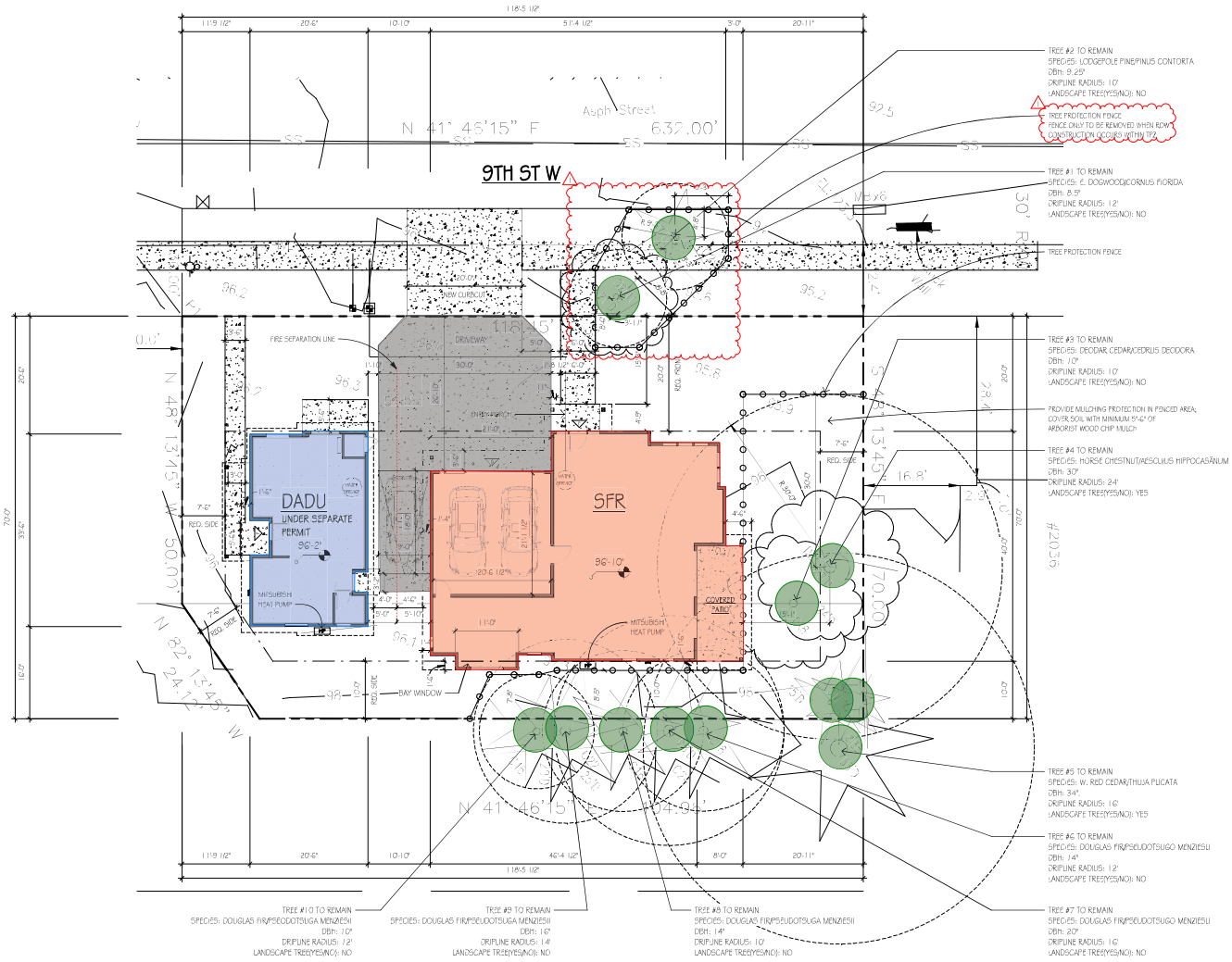
NOTE: SEE SHEET A1.2 FOR COMPLETE FAR PLAN & DATA.

TREE DENSITY REQUIREMENTS
TREE CREDITS REQUIRED = 9 CREDITS
TREE CREDITS PROVIDED = 24.5 CREDITS

TREE DENSITY CALCULATION:
7,513 SF / 43,560 SF = 0.165 x 50 = 8.8 = 9 TREE CREDITS REQ.

EXISTING TREE(S) CREDITS:
TREE #1 : 7 X 1.5 = 10.5 TREE CREDITS
TREE #3 : 6 X 1.5 = 9 TREE CREDITS
TOTAL PROVIDED TREE CREDITS = 19.5

REFER TO SHEETS G1.1 & G1.2 FOR GENERAL NOTES AND CONDITIONS



REFER TO THE CIVIL SHEET C1 FOR FULL UTILITY DESIGN

SITE PLAN

SCALE: 1" = 10'-0"

FENCE NOTES:
1. ALL FENCES LOCATED IN FRONT YARDS CANNOT BE BUILT TO A HEIGHT GREATER THAN 3'-6", PER KZC 115.40, U.N.O.

Zoning Summary

Lot size: 8,157 square feet
Proposed FAR: 55% (with 5% design-based bonus)
Proposed lot coverage: 47.4%
SFR size: 3,363 square feet
Detached ADU size: 1,199 square feet

LAND USE DATA

PARKING:
REQUIRED: 2.0 PER DWELLING UNIT
PROVIDED: 2.0 IN ATTACHED GARAGE

SETBACKS & SEPARATIONS (REF SITE PLAN):

REQUIRED:		PROVIDED:	
FRONT:	20'-0" MIN.	FRONT:	20'-0"
SIDE:	5'-0" MIN.	SIDE:	7'-6"
REAR:	10'-0" MIN.	REAR:	10'-0"

AVERAGE BUILDING ELEVATION & HEIGHT LIMIT:

STRUCTURE	AVERAGE BUILDING ELEVATION	ALLOWED HEIGHT PER ZONING	MAX BUILDING HEIGHT	PROPOSED BUILDING HEIGHT
SFR	96.3'	25'-0"	121.3'	121.4'
DADU	96.0'	25'-0"	121.0'	121.0'

NOTE: SEE SHEET A1.1 FOR AVERAGE BUILDING ELEVATION PLAN & DATA.

LOT COVERAGE:

ZONE	PROJECT LOT SIZE	LOT COVERAGE PER ZONE	ALLOWED COVERAGE AREA	PROPOSED LOT COVERAGE
RS 7.2	8157.00 SF	50%	4078.50 SF	3873.02 SF

NOTE: SEE SHEET A1.1 FOR LOT COVERAGE PLAN & DATA.

SITE FAR CALCULATION & DATA:

ZONE	LOT SIZE	FAR	FAR BONUS	MAX. SITE FAR	PROPOSED SITE FAR
RS 7.2	8157.00 SF	50%	508.00 SF	4586.50 SF	4561.58 SF

STRUCTURE FAR & DATA:

STRUCTURE	FLOOR LEVEL	AREA
SFR	LEVEL 1	1691.19 SF
SFR	LEVEL 2	1671.90 SF
		3363.08 SF
DADU	LEVEL 1	605.17 SF
DADU	LEVEL 2	593.33 SF
		1198.50 SF
TOTAL		4561.58 SF

NOTE: SEE SHEET A1.2 FOR COMPLETE FAR PLAN & DATA.

Attachment 3

Reader instructions:

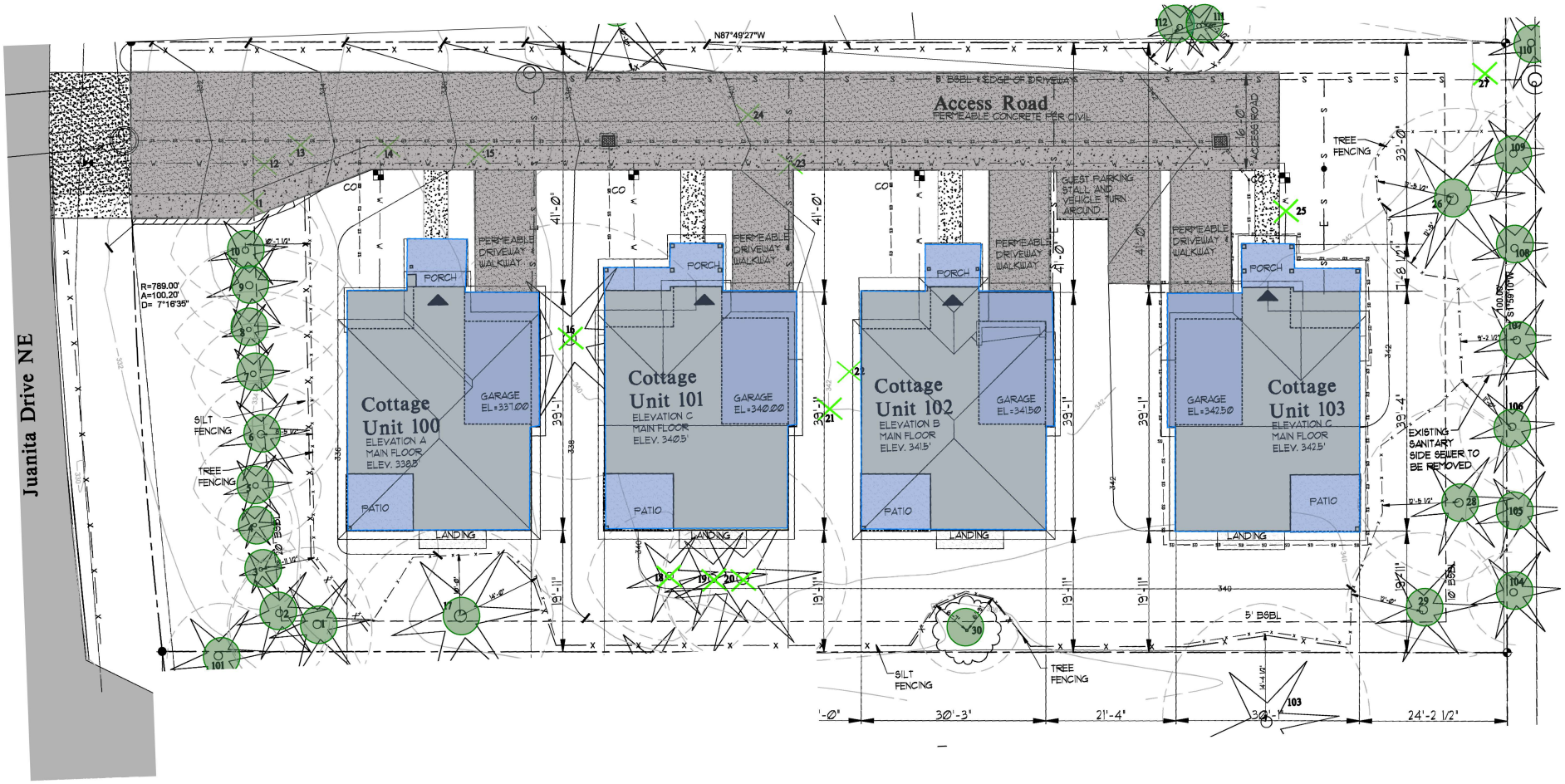
Zoning Summary included in box with dotted red outline is included for each site.

Site features are color coded with the following:

- Cottage units are shown in blue
- Driveways and parking areas shown in gray
- Retained trees shown in green

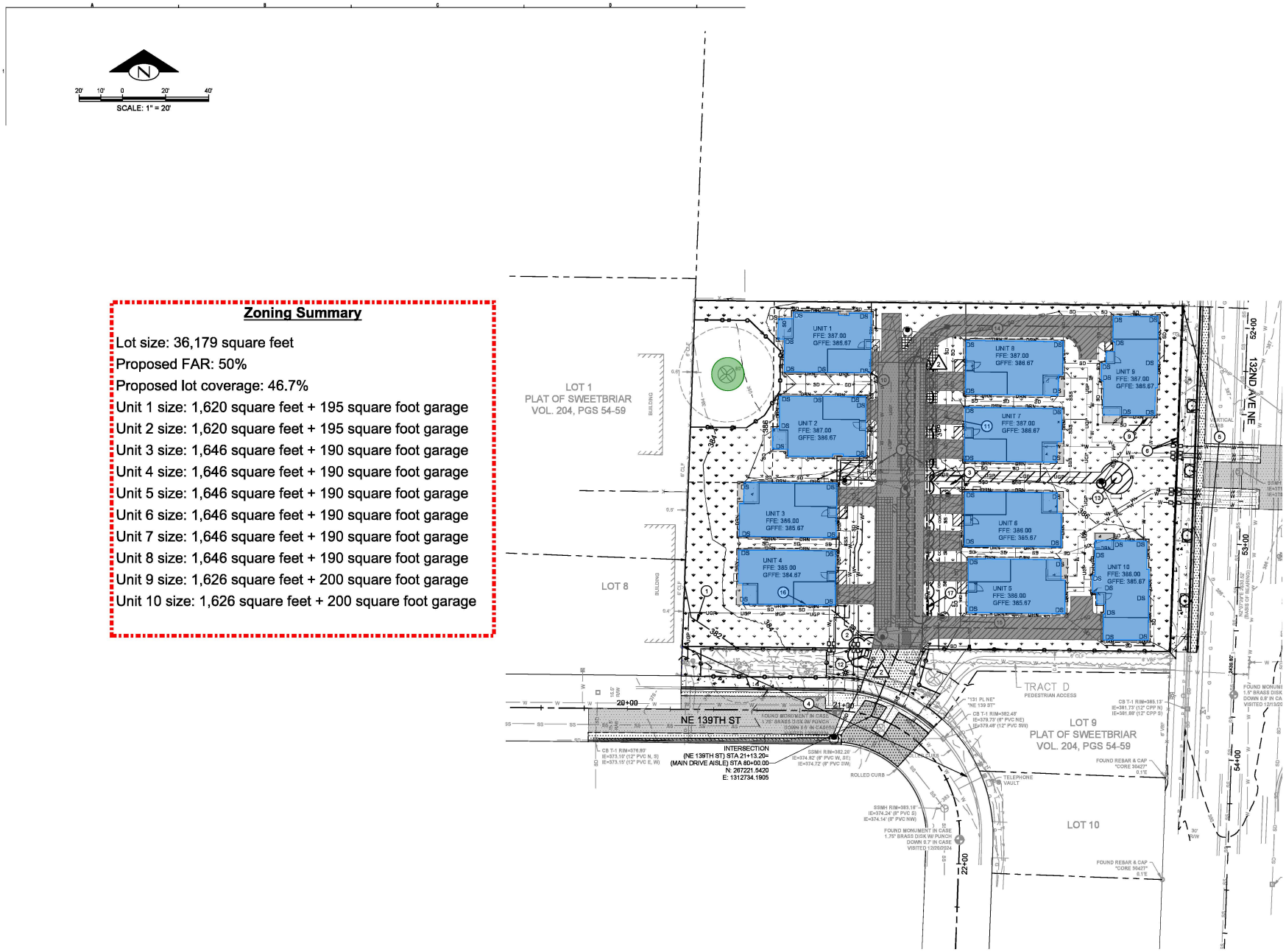
Zoning Summary

Lot size: 22,396 square feet
Proposed FAR: 36.27%
Proposed lot coverage: 44%
Unit 1 size: 1,608 square feet +246 square foot garage
Unit 2 size: 1,608 square feet +246 square foot garage
Unit 3 size: 1,608 square feet +246 square foot garage
Unit 4 size: 1,608 square feet +246 square foot garage



Zoning Summary

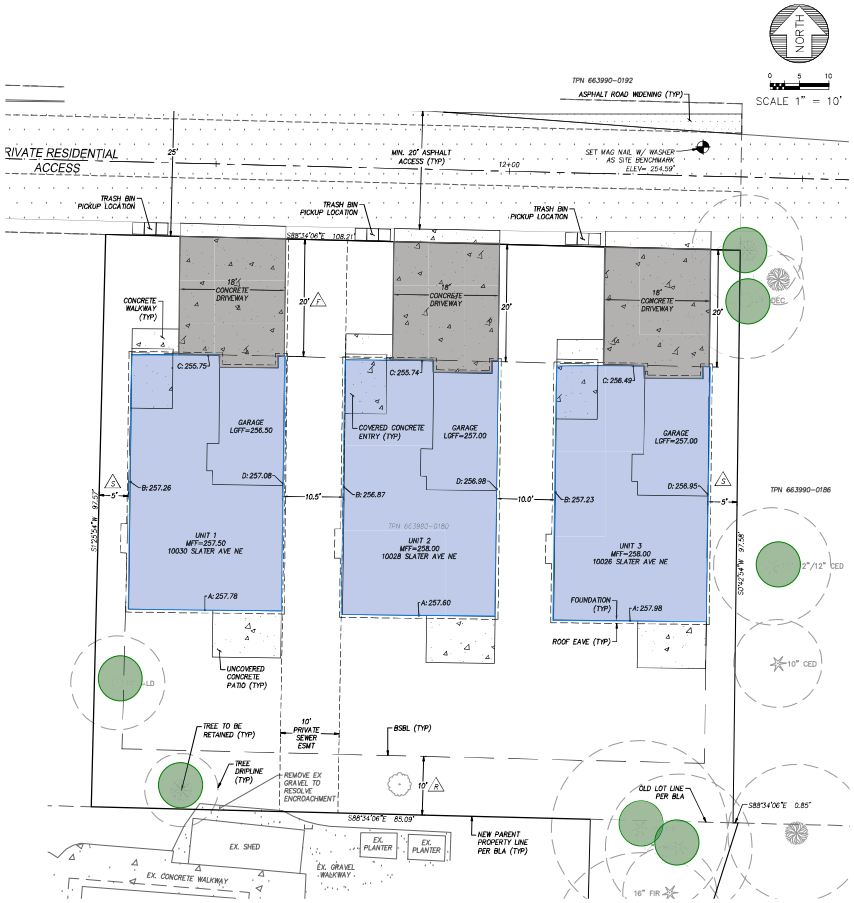
Lot size: 36,179 square feet
Proposed FAR: 50%
Proposed lot coverage: 46.7%
Unit 1 size: 1,620 square feet + 195 square foot garage
Unit 2 size: 1,620 square feet + 195 square foot garage
Unit 3 size: 1,646 square feet + 190 square foot garage
Unit 4 size: 1,646 square feet + 190 square foot garage
Unit 5 size: 1,646 square feet + 190 square foot garage
Unit 6 size: 1,646 square feet + 190 square foot garage
Unit 7 size: 1,646 square feet + 190 square foot garage
Unit 8 size: 1,646 square feet + 190 square foot garage
Unit 9 size: 1,626 square feet + 200 square foot garage
Unit 10 size: 1,626 square feet + 200 square foot garage



SITE PLAN

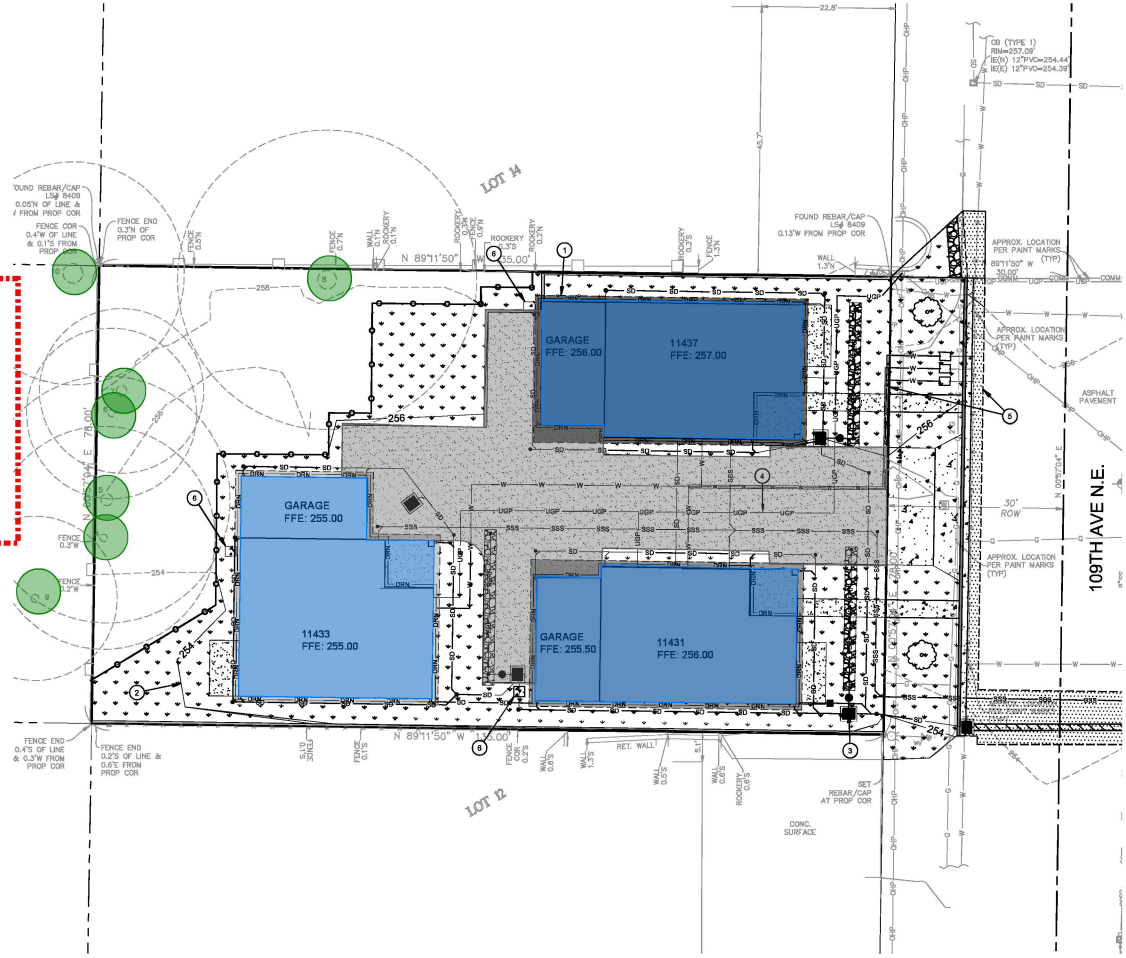
Zoning Summary

Lot size: 11,706 square feet
Proposed FAR: 49%
Proposed lot coverage: 42%
Unit 1 size: 1,695 square feet + 218 square foot garage
Unit 2 size: 1,695 square feet + 218 square foot garage
Unit 3 size: 1,695 square feet + 218 square foot garage



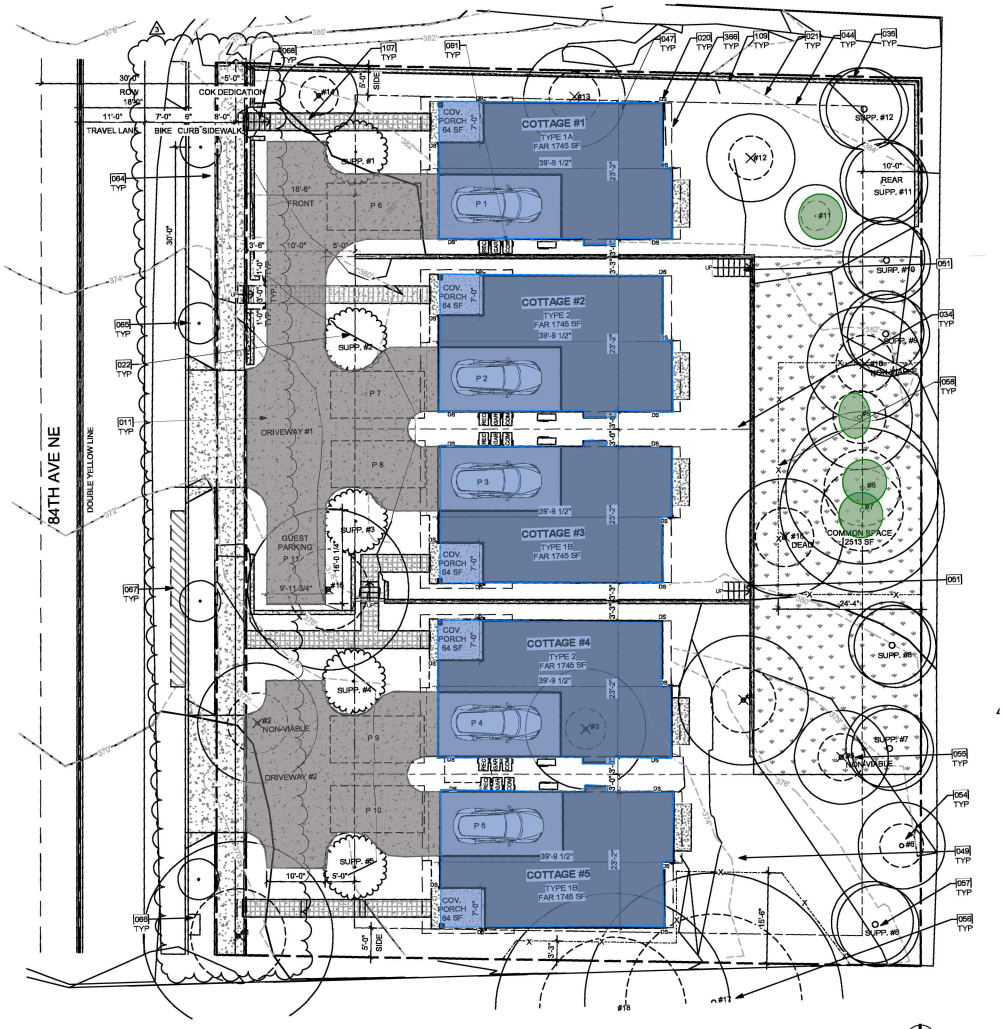
Zoning Summary

Lot size: 10,530 square feet
Proposed FAR: 49.8%
Proposed lot coverage: 42.3%
Unit 1 size: 1,479 square feet + 241 square foot garage
Unit 2 size: 1,479 square feet + 241 square foot garage
Unit 3 size: 1,582 square feet + 241 square foot garage



SITE PLAN
SCALE: 1" = 10'

FILE LOCATION: Z:\SHARED\PROJECTS\ACTIVE\2023\0004\LDTI_LEGACY_11433 109TH AVE NE_KIRKLAND_LSM FORMT PLANS\DWG - ORIGINAL SHEET SIZE: ARCH FULL BLEED D (36.00 X 24.00 INCHES) - LAST MODIFIED BY: CHRIS MANNELL
PRINCIPAL: BI PROJECT MANAGER: BI DESIGNED BY: LG DRAWN BY: GS, CK CHECKED BY: BI



SITE PLAN
1" = 10'-0"

Zoning Summary

Lot size: 18,212 square feet
Proposed FAR: 50%
Proposed lot coverage: 42.3%
Unit 1 size: 1,478 feet + 202 square foot garage
Unit 2 size: 1,478 square feet + 202 square foot garage
Unit 3 size: 1,478 square feet + 202 square foot garage
Unit 4 size: 1,478 square feet + 202 square foot garage
Unit 5 size: 1,478 square feet + 202 square foot garage

Image: Isla Community, Kirkland
Greencity Homes

MASTER BUILDERS ASSOCIATION of King and Snohomish Counties

MIDDLE HOUSING BARRIERS & SOLUTIONS

Prepared by Master Builders of King and Snohomish Counties | Last updated May 2026

Middle Housing Barriers & Solutions

Prepared by Master Builders Association of King and Snohomish Counties

OVERVIEW

Everyone deserves a place to call home, and that starts with making it possible to build more homes. Middle housing reform expands opportunity, but its impact depends on local implementation.

Barriers vary jurisdiction to jurisdiction, and they add up. Codes, development regulations, fees, and site requirements that may seem modest on their own collectively make middle housing infeasible to build.

Master Builders Association of King and Snohomish Counties (MBAKS) has identified common barriers and practical solutions. While some require legislative action, many can be addressed through local policy and implementation.

MBAKS's overarching recommendation is straightforward: keep it simple. The easier, faster, and more predictable it is to build, the more likely homes will pencil and get built. Policies that add cost, time, or uncertainty reduce supply and worsen affordability. The most effective housing policies do the opposite: they allow more homes, reduce delays, provide certainty, and maintain financial feasibility.

This document is a practical resource to support our shared goal: more homes, better outcomes, and policies that make housing possible.

Contents

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UTILITIES & INFRASTRUCTURE 2
ENVIRONMENTAL REGULATIONS 3
BUILDING CODE & SITE DESIGN 3
PROCESS 5
FEES 6
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UTILITIES & INFRASTRUCTURE	
Barrier	*Solution*
Mandates to underground utilities *Requiring underground utilities is often very expensive and can delay projects by as much as a year.*	Do not mandate undergrounding of utilities when it makes a project financially infeasible. Establish clear criteria for when the requirement should not apply and adopt exemptions to provide flexibility. See Electric Service, p. 21 of Department of Commerce's Guidance for Neighborhood Infill Development ("Infill Guidance").
Infrastructure limitations/water and sewer standards *Policies that limit access to water and sewer or impose excessive utility connection costs prevent properties from being developed for middle housing.*	Funding mechanisms for infrastructure, beyond the direct impacts of proposed projects, should be broad-based. Ensure regulations and policies related to infrastructure are updated to facilitate — not inhibit — development of middle housing. See Water and Sewer, *Infill Guidance* p. 11.
Inconsistent utility meter requirements *Utility meter requirements vary across jurisdictions, creating unpredictability for building middle housing.*	Allow independently metered utilities (water, power, and gas) for each unit and allow flexibility in selecting utility hook-up points on-site. For ADUs, allow shared sewer infrastructure on-site with a single connection to the main, reducing unnecessary cost without compromising function. See Utilities and Easements, *Infill Guidance* p. 16.
Excessive frontage and right-of-way improvements or unreasonable off-site improvements such as ADA curb cuts *Frontage and right-of-way improvements — such as sidewalks, curbs, and street widening — and requiring additional curb cuts/ramps create significant financial barriers to development.*	Create targeted exemptions for small-scale infill projects so it is feasible for builders to deliver middle housing and incremental infill development. Reduce costs to create middle housing by waiving or greatly reducing street improvement requirements. See Public Street Improvements, *Infill Guidance* p. 18.

ENVIRONMENTAL REGULATIONS	
Barrier	*Solution*
Tree codes and retention requirements *Overly restrictive tree retention or replacement requirements can limit housing. Codes lacking clear and objective standards increase cost and delay, presenting too much risk for builders to proceed.*	Adopt flexible tree codes with a "right tree, right place" approach that is simple, predictable, and based on clear and objective criteria. We can have both trees and housing. Ensure tree retention and replacement standards support middle housing. See MBAKS's *Tree Codes and Housing*.
Critical Areas Regulations/excessive buffer requirements *Overly large buffers can take buildable lots off the table. Many small lots simply lack space for effective on-site mitigation, reducing housing supply.*	Establish buffer widths for streams and wetlands that are consistent with Best Available Science, clearly defining buffer widths, vegetation standards, and mitigation pathways to reduce ambiguity and improve predictability. Incorporate flexibility, such as buffer averaging, into local critical areas regulations, which supports infill development and housing diversity without compromising critical area functions.

BUILDING CODE & SITE DESIGN	
Barrier	*Solution*
Engineering and design standards not aligned with middle housing *Engineering and design standards that are not aligned with middle housing can create conflicts, adding time and cost during project review.*	Ensure that regulations and design standards are aligned with middle housing policies to facilitate, not inhibit, development.
Road widths/fire access	Uniformity in road standards would help middle housing be built more consistently

Excessive road widths add cost and reduce on-site density, undermining middle housing feasibility.	across jurisdictions. Provide flexibility by allowing internal roads to be private with widths as low as 10 feet when fire code requirements are met. Ensure codes work together to enable rear-lot access. See Road and Fire Access Requirements, *Infill Guidance* p. 19. Expand the use of private road access and avoid placing caps on the number of homes that can be served. This will increase flexibility for site layouts, reduce costs, and support housing diversity.
Curb cut restrictions *Not allowing individual curb cuts for driveway access can limit marketability and reduce the feasibility of middle housing projects.*	Provide flexibility for curb cuts where appropriate to enable access, improve site design, and support feasible middle housing projects.
Floor Area Ratio (FAR), lot coverage, and other height/bulk/scale requirements *FAR, lot coverage, and other height, bulk, and scale standards can significantly limit density and the number of homes produced.*	Modernize FAR, height, bulk, and scale requirements so they facilitate rather than impede development of middle housing and ensure they are consistent across jurisdictions. See Department of Commerce's *User Guide for Middle Housing Model Ordinances*, § 7.G.3 (Dimensional Standards), p. 47 for recommended exclusions.
Design standards *Design standards imposing restrictive rules on height, setbacks, lot coverage, parking, and architectural elements add cost and complexity, making projects infeasible.*	Avoid design review where possible. Where it exists, ensure it is streamlined, time-limited, and based on clear, objective standards — as required by RCW 36.70A.630. Design regulations should support feasible middle housing development.
State Building Code limitations *Constant code update cycles add cost and uncertainty. Also, structures with three or more units fall under the International Building Code (IBC) and are subject to more extensive and costly standards than*	Support state legislation that limits frequent building code updates — such as HB 2141 — to stabilize construction costs and improve affordability. Align building codes so middle housing of up to six units can be built under IRC standards, reducing complexity and cost.

one-or two-unit structures, which fall under the International Residential Code (IRC).	
Fire sprinkler mandates *Blanket fire sprinkler mandates for single-family and middle housing add cost without clear, demonstrated safety benefits, making homes less attainable.*	Requiring and maintaining smoke alarms, alongside public education of their importance, remains the most practical and proven way to reduce home fire fatalities. See MBAKS's *Fire Sprinklers in Single-Family Homes: Legal and Policy Considerations for Housing and Fire Safety*.

PROCESS	
Barrier	*Solution*
Permitting delays *Long, unpredictable permit timelines increase carrying costs, create uncertainty, and undermine housing feasibility.*	Local jurisdictions should adopt measures to expedite permitting processes, such as providing for administrative approval of preliminary plats as authorized by RCW 58.17.095 and allowing concurrent review of construction/engineering plans for a subdivision while the preliminary plat application is being reviewed/approved. At the state level, support legislation to extend clear and objective design and development standards to all development regulations, improving predictability and efficiency. *See MBAKS's Legal Requirements for Objective Development Regulations: Providing Clarity in Local Codes*.
Local jurisdictions improperly conducting substantive analysis in making determinations of completeness on applications *Jurisdictions should not apply substantive review when determining application completeness. Doing so creates*	With the passage of HB 2418 in 2026, local jurisdictions should immediately review and update permit intake practices to ensure completeness determinations are based solely on checklist compliance. *See MBAKS's Legal Brief: What Local Jurisdictions Can and Cannot Do in Making a Determination of Completeness*.

unnecessary delays and added steps in the permit process.	
Unpredictable cultural resources requirements add delay and uncertainty *In 2026, the Legislature authorized funding to develop a model code on cultural resources. These model code efforts could expand review and consultation requirements, as well as permit timelines, if not carefully calibrated.*	Before adding new requirements, policymakers should identify gaps in current processes. Cultural resource review should be clear, consistent, and time-bound.
Lack of streamlined administrative unit lot subdivision (ULS) process *SB 5559 provides a statewide framework for implementing clear, administrative ULS processes to improve predictability and efficiency. However, the required deadline is not until July 2027.*	Encourage early implementation of SB 5559 to expand housing options sooner than the required deadline. Timely local adoption will be critical to supporting middle housing. *See MBAKS's Unit Lot Subdivisions (ULS): Expanding Homeownership Options Across Washington.*

FEES	
Barrier	*Solution*
Mandatory Housing Affordability (MHA)/inclusionary zoning fees *Mandatory inclusionary zoning (IZ) programs and fees raise constitutional issues under Supreme Court rulings requiring a showing of a "nexus" and "rough proportionality." They also undermine middle housing homeownership opportunities by adding to the cost of new housing, often making it infeasible to build. This is especially true when these fees are added on top of other costs to build, such as impact fees.*	Oppose unfunded mandatory inclusionary zoning fees. Cities should instead adopt voluntary, incentive-based strategies to facilitate more housing choices. Funding for affordable housing should be broad-based. *See MBAKS's press release "New Reports Show Local Policies Undermine Housing Goals."*

Excessive and redundant review fees *These create unnecessary cost barriers to adding more housing choices.*	Reduce the cost of middle housing by waiving or lowering permit, impact, and utility connection fees and general facilities charges. Oppose increases that add to housing costs.

OTHER CONSIDERATIONS	
Barrier	*Solution*
Lack of uniformity across jurisdictions *A patchwork of local rules creates unnecessary barriers, driving up costs and making it harder and more expensive to build homes.*	Encourage cross-jurisdictional collaboration to create more uniform, simple codes. Consistent implementation of middle housing standards reduces risk and lowers barriers to entry.
Arbitrary requirements *Arbitrary requirements that add time, cost, or complexity without clear purpose increase risk and can prevent middle housing projects from moving forward.*	Encourage cities to "keep it simple." The easier and more cost-effective it is to build middle housing, the more likely it is to be built, and the more attainable it will be for those looking for a place to call home.
Higher minimum densities than what the market will support *Mandating density beyond what the market supports can stop projects altogether, ensuring feasible housing gets replaced with no housing.*	Ensure zoning and local code provides enough flexibility to align with market demand.
Uncertainty caused by Covenants, Conditions & Restrictions (CC&Rs) that predate the effective date of HB 1110 *Conflicts may exist between legacy CC&Rs and updated zoning under HB 1110. Older private restrictions can limit density and create uncertainty for middle housing implementation.*	Be aware of the enforceability of restrictive covenants predating HB 1110. *See MBAKS's Legal Brief: Enforceability of Restrictive Covenants Predating HB 1110 — Overview*. See also MRSC's *"Covenants and Zoning"* for additional background on private covenants and local zoning.

MBAKS HOUSING POLICY FILTER

Everyone deserves a place to call home. That starts with making it possible to build more homes.

Housing outcomes are driven by feasibility. MBAKS's Housing Policy Filter provides a quick, practical way to evaluate whether a policy, code, fee, or process change will meaningfully increase or decrease housing supply.

A simple test for any policy, code, fee, or process change:

- Does it add cost, time, unpredictability, or reduce the number of homes that can be built? → decreases supply

> Every added cost has real impact. For every $1,000 home price increase, 982 households are priced out in the Seattle-Tacoma-Bellevue Metro area.[1]

Cost: Does this increase costs (fees, requirements, delays) or reduce the number of homes that can be built?

Time: Will this lengthen permitting or approval timelines?

Certainty: Does this introduce discretion, risk, or unpredictability?

Complexity: Does this add unnecessary steps or complication?

Everyone deserves a place to call home.

To get there, we need policies that make housing possible, not harder to build. More homes. Better outcomes. Smart policy makes both possible.

[1] Zhao, N. (2026, February 2). *Households Being Priced Out of the Housing Market*. NAHB. https://www.nahb.org/news-and-economics/housing-economics/housings-economic-impact/households-priced-out-by-higher-house-prices-and-interest-rates

MASTER BUILDERS ASSOCIATION of King and Snohomish Counties

MBAKS HOUSING TOOLKIT

Addressing the Housing Supply Shortage

Prepared by Master Builders Association of King and Snohomish Counties with input from LDC, Inc.

We believe everyone deserves a place to call home.

Last Updated September 2025

The four-county Puget Sound region (King, Snohomish, Pierce, and Kitsap) is projected to add 1.5 million more people by 2050. There must be a clear plan for building new housing that works for current residents while ensuring that the region can accommodate the growth in a way that is affordable for newcomers and future generations.

To meet the demand from this projected growth, we need more housing, including the full range of housing types, such as condominiums, accessory dwelling units (ADUs), townhomes, and multiplexes, as well as single-family homes.

Regulations and long permit review times can create significant obstacles for both those trying to build the homes and those seeking housing by driving up costs. This pushes housing affordability even further out of reach for many buyers and renters. There are, however, simple steps cities and counties can take today to help ease some of these regulatory burdens and reduce cost pressures on new housing without compromising environmental protections or other important policy goals.

This toolkit is intended to serve as a useful guide for local governments, listing specific code updates and process improvements jurisdictions can take to help provide more diverse, more affordable housing for our growing population. All these tools can be adopted locally and do not require state legislative action. Included throughout the toolkit are examples of local jurisdictions already utilizing these tools and model codes, where applicable, that other cities can reference.

SYMBOL KEY

Single-Family Neighborhoods

Middle Housing Types

Multifamily Neighborhoods

ACKNOWLEDGMENTS
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ABOUT MBAKS
Founded in 1909 and headquartered in Bellevue, Washington, the Master Builders Association of King and Snohomish Counties (MBAKS) is the nation's oldest and largest local homebuilders association, serving every area of the residential building industry. Like our founders, our members continue to take a leading role in all facets of homebuilding, addressing the many concerns and issues affecting our region's ever-evolving housing industry. From groundbreaking technology to revolutionary advances in sustainability, from leading government advocacy efforts to giving back to our communities every chance we get, our goal never wavers. We are the professional homebuilders, architects, remodelers, suppliers, manufacturers, and sales and marketing professionals in your community who believe homeownership is a right for everyone. Our purpose is to make home happen, and we believe everyone deserves a place to call home.

Cover: 602 Flats is located in Seattle. This project by BUILD LLC includes four flats built on a 2,600 square-foot corner lot. Photo: Andrew van Leeuwen

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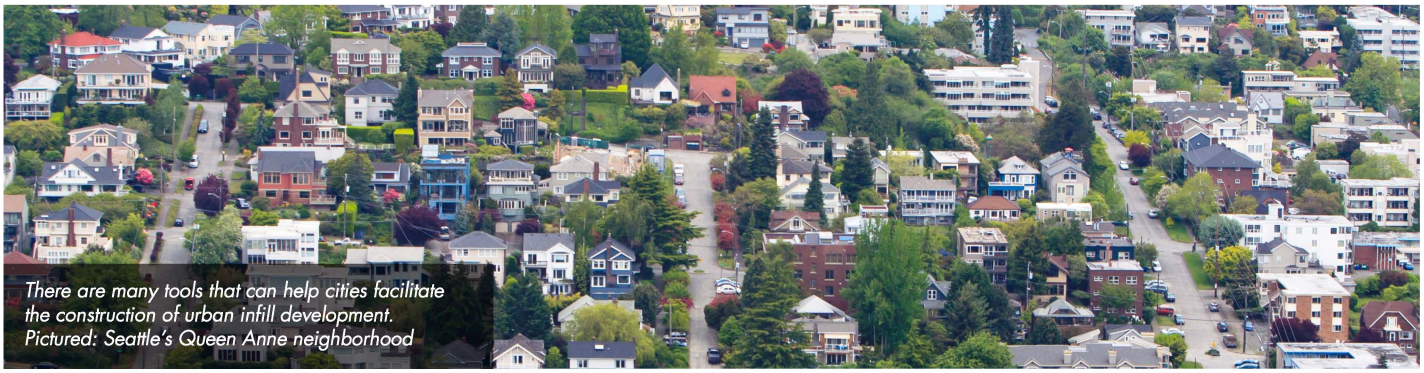


There are many tools that can help cities facilitate the construction of urban infill development. Pictured: Seattle's Queen Anne neighborhood

SEPA PLANNING TOOLS

There are actions that cities and counties can take under the State Environmental Policy Act ("SEPA") to facilitate construction of "infill" housing inside urban growth areas (UGAs). These tools can help alleviate some of the redundancies and time delays encountered by developers seeking to build more infill housing. In the decades since SEPA has become law, many other state laws have been enacted requiring jurisdictions to adopt regulations that protect the environment. This includes the Growth Management Act (GMA), critical areas regulations, stormwater regulations, the Shoreline Management Act, and dozens of other development regulations and standards which are utilized to mitigate project impacts. As a result, today environmental protections are provided by a myriad of regulations that were not in existence when SEPA was first adopted.
The enactment of the GMA in 1990 required most cities and counties in the state to adopt comprehensive plans and implement development regulations with the primary objective being to direct most population and employment growth to occur within UGAs. Adoption of those comprehensive plans and development regulations undergoes SEPA review at the "programmatic" (non-project) level. Since enacting the GMA in 1990 the Legislature has struggled to harmonize SEPA review at the project level is warranted given the programmatic level planning local jurisdictions are required to do under the GMA. How much environmental review under SEPA at the project level is necessary and appropriate given the GMA's requirements for local jurisdictions to do more upfront planning, and corresponding SEPA review, of comprehensive plans and development regulations at the programmatic level?

In recognition of the planning and environmental review of comprehensive plans and development regulations required by the GMA, the Legislature in 1995 determined that for purposes of SEPA, most environmental impacts of individual projects within UGAs will be mitigated through compliance with existing local code, state, and federal regulations.[1] Thus, after a local jurisdiction determines a development proposal complies with applicable codes and regulations it does not then undertake "environmental review." Rather, under RCW 43.21C.240 "environmental review" under SEPA became a determination that (a) a development proposal meets all applicable codes and regulations and (b) those codes and regulations will mitigate any specific environmental impacts of the project." This, however, merely defines the scope of the review required by a local jurisdiction when making a "threshold determination" under SEPA. It did not address what projects would be exempt from SEPA review altogether.

For many years, whether a residential development was exempt from SEPA was determined by the categorical exemption in the SEPA Rules[2] adopted by the Department of Ecology (DOE) for "minor new construction."[3] However, the threshold under this categorical exemption was very low as to the size of the residential project that would be exempt. Very few residential construction projects qualified for the exemption.

The Legislature therefore in 2012 directed DOE to update the SEPA Rules to increase the minimum number of lots/units that qualify for the minor new construction categorical exemption. DOE also established a higher maximum number of lots/units that cities and counties could allow so larger projects could utilize this exemption. Under the updated categorical exemption for minor new construction DOE amended the SEPA Rules to allow local jurisdictions to exempt up to 30 lots/homes for single-

1. See RCW 43.21C.240.
2. Chp. 197-11 WAC (SEPA Rules).
3. See WAC 197-11-800(1).

family development and up to 60 units for multi-family projects. This would increase the SEPA categorical exemptions for minor new construction to the state maximum allowed, specifically for those projects located within the UGA.

Many jurisdictions that are fully planning under the GMA have chosen to raise the exemption levels up to the maximum allowed for "minor new construction" to encourage development in UGAs and streamline permit processes.[4] Increases to exemption levels can significantly reduce the duplication and administrative costs of environmental review while still protecting the environment and offering strong public participation during the permitting process. **A city or county should increase the thresholds in its categorical exemption to the maximum project sizes allowed under WAC 197-11-800(1) if it has not done so already.** (See MBAKS Issue Brief on SEPA Reform: Categorical Exemptions).

The following are additional actions cities and counties can take under SEPA to facilitate more housing choices

Adopt an infill development categorical exemption

Given that the main purpose of the GMA is to direct most growth to occur within the UGAs, efforts have been made for many years to create a SEPA exemption for infill development that is not limited by the number of proposed lots/housing units. This would mean moving away from relying upon the categorical exemption for minor new construction. In 2003 the Legislature authorized local jurisdictions to adopt a categorical exemption for infill residential and mixed-use development within UGAs that is consistent with the adopted comprehensive plan and development regulations.[5] However, this categorical exception is not "self-effectuating." It requires a local jurisdiction to adopt an ordinance creating a categorical exemption consistent with the requirements of the statute. The Legislature authorized, but did not mandate, that local jurisdictions adopt an infill categorical exemption. Unfortunately, no jurisdiction took this step for almost 10 years.

As originally enacted, RCW 43.21C.229 applied to residential and mixed-use development. In 2012 the Legislature amended the statute through 2ESSB 6406 to allow the exemption to apply to up to 65,000 square feet of commercial development (excluding retail). That change prompted the City of Kent to enact an infill development categorical exemption pursuant to RCW 43.21C.229 for its Downtown Subarea and to implement the City's revised 2005 Downtown Strategic Action plan.[6]

In 2020 the Legislature again tweaked RCW 43.21C.229 to provide that a proposed development must be "roughly equal to" (adding the word "roughly") to the density and intensity contemplated under the comprehensive plan and development regulations to qualify for the infill development categorical exemption.[7] This change prompted Snohomish County in 2022 to adopt an infill categorical exemption.[8]

This infill development categorical exemption is an important tool allowing flexibility with local options for jurisdictions that want to plan for and accommodate growth. Adopting SEPA exemptions in this way would alleviate some of the redundancies and time delays encountered by developers, which often acts as a barrier in efforts to build more infill housing inside urban growth areas. Jurisdictions conduct significant environmental review and public outreach in the comprehensive plan update. SEPA exemptions for infill development avoids doing the same work twice.

RESOURCES:

- MBAKS Issue Brief on SEPA Reform: Infill
- Code Example: Snohomish County (Ordinance No. 22-037)

4. The following are some of the jurisdictions that have increased the thresholds for minor new construction above the minimum levels required by WAC 197-11-800(1): Des Moines; Everett; Federal Way; Kent; Kirkland; Lake Stevens; Lynnwood; Marysville; Mountlake Terrace; Mukilteo; North Bend; Redmond; Seattle (uses SEPA threshold exemption in five urban centers and villages and in Downtown); Shoreline; Snohomish County (adopted maximum allowed for multi-family projects but not for single-family development); City of Snohomish; and Woodinville.

5. See RCW 43.21C.229.

6. Kent's infill categorical exemption is codified at Kent Municipal Code § 11.03.215 and was enacted through Ordinance No. 4097 approved on December 10, 2013.

7. See SHB 2673, Laws of Washington 1st sp.s. c 1 § 304.

8. See Snohomish County Council Ordinance No. 22-037 codified in part at Snohomish County Code § 30.61.035 (exemption thresholds for minor new construction and infill development).

Do subarea planning

The Legislature in 2023 again amended RCW 43.21C.229[1] to create a SEPA categorical exemption for infill development that is "self-effectuating" and does not require jurisdictions to adopt an ordinance defining the scope of the exemption.[2] However, there are several steps that must be satisfied for individual projects to use this categorical exemption.

First, this exemption applies only where the local jurisdiction has done upfront programmatic SEPA review for its comprehensive plan and development regulations. Such environmental analysis shall include documentation that the requirements for environmental analysis, protection, and mitigation for impacts to elements of the environment have been adequately addressed for the development exempted. The requirements may be addressed in locally adopted comprehensive plans, subarea plans, adopted development regulations, other applicable local ordinances and regulations, or applicable state and federal regulations.

Second, the city or county must document its consultation with the department of transportation regarding impacts to state-owned transportation facilities, including consideration of whether mitigation is necessary for impacts to transportation facilities.

This new categorical exemption is a great opportunity for cities and counties to consider subarea planning and undertake corresponding SEPA review upfront at the comprehensive planning level. Completing this environmental analysis upfront will create more consistency and streamline projects with upfront expectations of mitigation costs and requirements, saving time and money.

The Legislature in 2023 also created an exemption that can be used until September 30, 2025, in the City of Seattle for proposals to develop new residential housing or middle housing.[3] After that date such proposals can utilize the self-effectuating infill categorical exemption. Seattle has done subarea plan work to do the SEPA planning upfront, so the city can implement this change once the exemption in RCW 43.21C.229(4) expires on September 30, 2025.

1. 2SSB 5412; Laws of Washington 2023 c 368 s 1.
2. See RCW 43.21C.229(3).
3. See RCW 43.21C.229(4).

RESOURCES

- SEPA Guidance on Categorical Exemptions: Department of Ecology
- SEPA Categorical Exemptions: Puget Sound Regional Council
- Redmond 2050 SEPA Infill Exemptions
- Code Example: City of Kent (Chapter 16.04.080)
- Code Example: City of Covington (Chapter 6.88.070)

Pursue a planned action ordinance and EIS

Local jurisdictions can also use the planned action provisions in SEPA under RCW 43.21C.440. This is a tool that allows upfront SEPA review to facilitate environmental review of subsequent individual development projects. Local governments can assess environmental impacts within a defined area or for a specific project and reduce a layer of regulation for developments proposed within the area that meets the planned uses. Several jurisdictions noted below have done planned action environmental impact statements in conjunction with subareas or defined projects.

RESOURCES:

- Planned Action Resources: MRSC
- Planned Action EIS: Puget Sound Regional Council

The following are some examples of jurisdictions that have done planned actions under SEPA:

- Lynnwood City Center Planned Action EIS (2004-2012)
  - Ordinance
  - Final EIS
- Bothell Downtown Planned Action (2008-2009)
  - Website
  - Ordinance
  - Final EIS
- Shoreline 185th St Station Subarea Plan (2015)
  - Website
  - Ordinance
  - Final EIS

Twin Lakes Landing is a sustainably built development from Housing Hope that provides safe, stable housing for homeless and low-income families, offering a full spectrum of support services to empower them to achieve stability.

AFFORDABLE HOUSING

Most of the tools in this Toolkit are intended to enable the full range of housing, from market-rate to affordable housing built by nonprofit builders. However, there are additional steps local governments can take to facilitate housing that serves community members experiencing the greatest need for affordable housing. These tools are designed to help provide affordable housing for seniors, low- and moderate-wage workers, and formerly homeless individuals and families. They are important so communities can be more affordable and inclusive for all.

MBAKS maintains the first and best way to promote housing affordability is to lower regulatory barriers to adding more homes across the full spectrum of housing available to all economic levels. Easing of regulatory requirements, such as design review or impact fees, should not be limited to housing intended for a predetermined affordability level but should apply to all housing types.

To be successful, any funding provisions should be broad-based and affordability tools must be feasible. Requiring projects to provide on-site affordable housing or a fee-in-lieu can be cost prohibitive in many cases, especially small-scale projects, and could hamper the goals of these provisions from being met.

Adopt affordable housing levies

To help create more affordable housing choices, local jurisdictions could pursue the adoption of a local housing levy to fund acquisition or construction of affordable housing. Affordable housing levies are authorized under RCW 84.52.105, which states "A county, city, or town may impose additional regular property tax levies of up to fifty cents per thousand dollars of assessed value of property in each year for up to ten consecutive years to finance affordable housing for very low-income households when specifically authorized to do so by a majority of the voters of the taxing district voting on a ballot proposition authorizing the levies."

Housing levies represent an important funding tool for ensuring cities are inclusive, affordable, and livable for everyone. For example, Seattle's housing levy, when combined with other city funding, has led to the creation and preservation of more than 16,000 affordable homes for seniors, low- and moderate-wage workers, and formerly homeless individuals and families. It has also provided down payment assistance to more than 1,000 first-time low-income homebuyers, as well as emergency rental assistance for thousands of families in need.

RESOURCES:

- Seattle Housing Levy
- The Bellingham Home Fund
- Bellingham's Home Levy and Fund Resolution No. 2018-09
- Jefferson County Resolution No. 35-17

Left: Housing levies can be used to fund a range of affordable housing programs, including homeownership assistance for first-time homebuyers. Pictured: Family receives new home at Habitat for Humanity-Seattle King County dedication.

Right: The Sammamish Cottages Community, a Habitat for Humanity Seattle-King County project, features 10 affordable homes ranging from 1,000 to 1,500 square feet. Habitat for Humanity is a member of MBAKS.

Multifamily tax exemption

Multifamily tax exemptions (MFTE) are helpful in incentivizing the development of more affordable multifamily housing. Jurisdictions must designate certain areas in which the tax exemption may apply. MFTE is also an important option for jurisdictions to meet the requirements of House Bill 1220. Under this state law adopted in 2021, local jurisdictions for the first time must plan for homes of all types that all ranges of household incomes can afford. New multifamily construction within the designated area may defer taxes on the value-added portion of new or rehabilitated property investment for eight years if adding multifamily housing units, and up to 12 years if 20% of housing units are affordable to low- and moderate-income households.

RESOURCES:

Following are examples of jurisdictions that have adopted MFTE:

- See RCW 82.02 for details.
- As part of its building and land use/zoning code updates for ADUs and missing middle/upzone, the city of Kirkland has been adopting a series of master lease agreements and MFTE ordinance amendments to promote more affordable housing, including reserving 46 units in the new urban downtown development for city staff and other public sector employees at certain area median incomes (AMIs).
- City of Bellevue
- City of Everett
- City of Marysville

ALLOW A VARIETY AND MIX OF HOUSING TYPES AND INNOVATION

The following tools will help cities and counties provide more housing choices for residents and support a more affordable future for our communities. Allowing more housing types, such as accessory dwelling units, townhomes, and microhousing, would create more home choices for Washington families in neighborhoods close to jobs, transit, schools, parks, and other amenities.

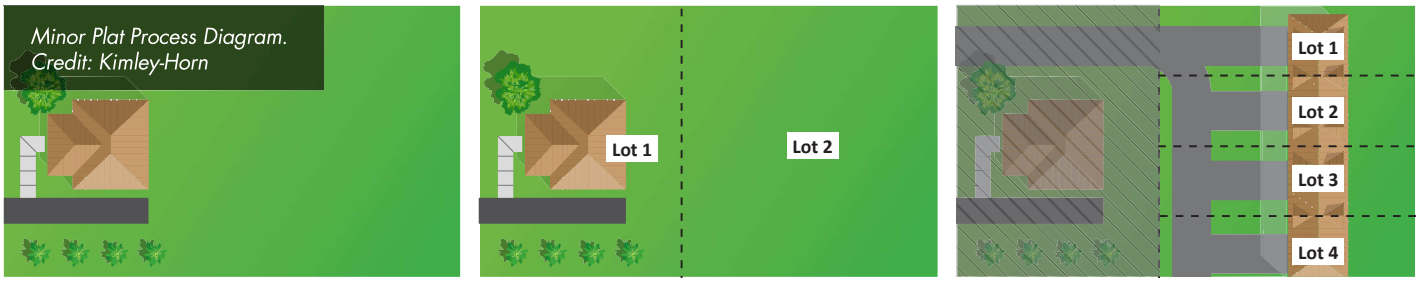
Accessory dwelling units can be attached or detached, like the one shown here, and offer significant community benefits.

ADU code changes

Cities could adopt an accessory dwelling unit code to enable more ADUs as a housing option. State legislation adopted in 2023 (EHB 1337) will require GMA planning jurisdictions to remove local barriers on ADU construction by eliminating owner-occupancy requirements, legalizing two ADUs per lot, establishing a baseline minimum ADU size of 1,000 square feet, among other changes. ADUs make it easier for younger buyers to qualify for their first home, enable seniors to age in place, and expand options for multigenerational living. ADUs also give homeowners a way to earn rental income. Furthermore, by offering an affordable housing choice in cities, ADUs are critical tools for accommodating growth in the very places where many families want to live—near job centers and existing infrastructure. ADUs are also an environmentally friendly housing option, given their small size and the fact that residents tend to drive less, resulting in lower carbon emissions. Enabling ADUs benefits communities by adding much-needed, affordable housing options.

RESOURCES:

- Accessory Dwelling Unit Ordinances (includes model code): Master Builders Association of King and Snohomish Counties, Updated June 2024
- Department of Commerce ADU guidance
- REALTORS® + Housing website, developed in partnership with Seattle King County REALTORS®, Washington REALTORS®, and Kimley-Horn
- City of Seattle Ord 125854
- City of Seattle ADUniverse Guidance for Homeowners
- City of Burien ADU code (19.17.070)
- City of Everett ADU Resources
- The Kirkland ADU Toolkit
- Snohomish County ADU code (30.28.010)
- Snohomish County Relaxes Urban Accessory Dwelling Rules Ahead of State Deadlines: Fesler, Stephen—The Urbanist, March 31, 2025
- City of Burien Accessory Dwelling Units Handout
- All About Accessory Dwelling Units: AARP Livable Communities resources
- Why Mother-in-Laws Matter: Fahey, Anna and Morales, Margaret—Sightline Institute, January 16, 2020
- Housing Choices for Everyone: Backyard Cottages—MBAKS, June 11, 2019



Minor Plat Process Diagram. Credit: Kimley-Horn

Lot splitting

Local jurisdictions could implement a simple, expedited administrative process for dividing existing residential lots into two separate lots. Allowing "lot splitting" would expand housing supply; increase homeownership opportunities; enable housing at lower price points, creating more starter home options for first time buyers; offer existing homeowners flexibility to stay in their homes and/or create a home for extended family; and allow infill construction that is low-impact and supports the environmental goals of the Growth Management Act ("GMA").

The Legislature in 2025 enacted E2SHB 1096 ("HB 1096") establishing a uniform lot-splitting process. Under HB 1096, all cities must include a process in their development regulations for administrative approval of lot splits. Previously, under state law, the only means to divide property into separate legal lots that could be legally conveyed was through either a subdivision pursuant to Washington State subdivision laws or creation of a condominium in accordance with the Condominium Act and the Washington Uniform Common Interest Ownership Act. Nevertheless, several jurisdictions explored how lot divisions could be implemented as an expedited two-lot short plat under previous statutory authority. To learn more about the requirements for lot splitting in HB 1096, see MBAKS Issue Brief below.

RESOURCES:

- MBAKS Issue Brief: Creating More Housing Through Lot Splitting
- MBAKS Issue Brief: Modernizing Washington State Subdivision Statutes
- Leave behind piece

Adopt form-based code

"Form-based code" means a package of land use regulations that fosters predictable built results and a walkable public realm by using physical form, rather than separation of use, as the organizing principle for the code. These land use regulations are adopted into city or county code and represent an innovative alternative to conventional zoning regulation. Form-based codes are linked to a plan that designates the appropriate form and scale of development, as well as the appearance and placement of buildings and their connection to the street, rather than only distinctions in land use types.

Form-based codes can be beneficial because they enable local governments to eliminate restrictive zoning, while providing the regulatory means to achieve development objectives, such as compact, pedestrian-friendly walkable neighborhoods, with greater certainty. Form-based codes can be adopted as a new zoning district or as an overlay district.

RESOURCES:

See also Subarea Planning/Programmatic EIS (p. 6)

- City of Bothell Downtown Subarea Plan
  - Website
  - Code and Regulations (separate documents)
- Clark County Highway 99 Subarea Hybrid Code
  - Website
  - Village Center Code—very permissive on use, detailed form/design regulations
  - Woodland District—hybrid code; Urban Neighborhood 1—Woodland Square is form-based
- City of Shoreline—Mixed Residential Zoning/Subarea Planning
  - Subarea Planning Website
  - Mixed Residential Zones description
  - Code Section—see Table 20.50.020(2)
- City of North Bend
  - Downtown Form Based Code
- Form-Based Codes Institute

Fee simple townhomes

By adopting unit lot subdivision codes for townhome developments, local governments can help create more affordable homeownership options that make efficient use of our limited land supply. This allows townhomes to be developed and sold as individual units rather than developed as rental units. It also eliminates the need for a builder to develop the townhomes as condominium units, which adds needless costs that end up being added to the price of the townhomes when they are sold.

By avoiding the condominium process it is easier for buyers and builders alike to obtain financing from banks and acquire insurance. Adopting a unit lot subdivision code removes a hurdle to homeownership and provides better access to townhomes, which are a more affordable and popular housing type. This change also improves the ability of owners to refinance and sell their homes, allowing more families to enjoy the benefits of ownership. Townhomes make efficient use of scarce land and help us meet GMA planning goals. The change also helps enable what has become a very popular housing choice.

In 2023, the Washington Legislature adopted Senate Bill 5258, which among other things, requires all local governments to update their short plat regulations to allow unit lot subdivisions. This will enable property owners to divide parent lots into separately owned unit lots. Jurisdictions must implement this change by their next periodic comprehensive plan update but have the option to do so sooner, as many have already done.

Some key components of fee simple:

- Submit under commercial code
- Allow drive aisle or internal driveway
- Covenants, conditions, and restrictions (CC&Rs) in lieu of Homeowners Association
- Zero lot line law in Seattle
- Serves both entry level and retirees

RESOURCES:

- City of Lynnwood—LMC 19.40
  - Code
  - Depending on underlying zoning, can be processed as short/long plats or as binding site plans

- Snohomish County
  - SCC 30.41A.205—Design Standards—unit lot subdivision
  - Townhouse code
  - Zero lot line development definition
  - Single-family attached definition
  - Townhouse dwelling definition
- City of Everett—EMC 19.15A
  - Code
- City of Lake Stevens Unit Lot Subdivision Code for townhomes
- City of Mountlake Terrace—MTMC 17.09
  - Code
- City of Bothell (New Detached Condominium or Townhomes Building Permit Checklist)
- City of Bellevue—Fee Simple Ordinance
- City of Enumclaw
- City of North Bend
- City of Redmond
- City of Seattle
- City of Shoreline
- City of Tukwila
- MBAKS fee simple slide presentation

Allow separate ownership of ADUs

The state has adopted statutes calling for jurisdictions to allow accessory dwelling units (ADUs) and detached accessory dwelling units (DADUs). Additionally, with the passage of House Bill 1337 in 2023, a city or county may not prohibit the sale or other conveyance of a condominium unit independently of a principal unit solely on the grounds that the condo was originally built as an ADU. In the absence of a mechanism to segregate ADUs for separate ownership like lot divisions, they can only be used for rental homes, unless the property owner opts to go through the condominium process.

Separate ownership of ADUs is one of the most critical pathways for success of middle housing, financial security, and bridging economic and opportunity divides. ADUs are more affordable to build and own; they offer affordable first-time homeownership opportunities, safe aging-in place living for seniors, reliable single-parent ownership, and opportunities for BIPOC homeownership to build valuable equity.

RESOURCES:

City of Kirkland: KZC 115.07 allows for the maximization of density on small and substandard lots including the provision of two cottages, two carriages, two-unit homes, or combinations of these with ADU/DADUs. While not expressly enumerated in code, the city continues to support separate ownership of all ADUs. The allowance of separate ownership for ADUs will be explicitly allowed under forthcoming interpretations.

Situated in Seattle's Maple Leaf neighborhood, Best Practice Architecture's Granny Pad is an award-winning detached additional dwelling unit (DADU).
Photo: Ed Sozinho Photography

The Roost, by Neiman Taber Architects, features 33 microhousing units like the one pictured here, and was designed with a focus on affordability, livability, community, support for the arts, and sustainability.
Photo: Alex Hart Photography

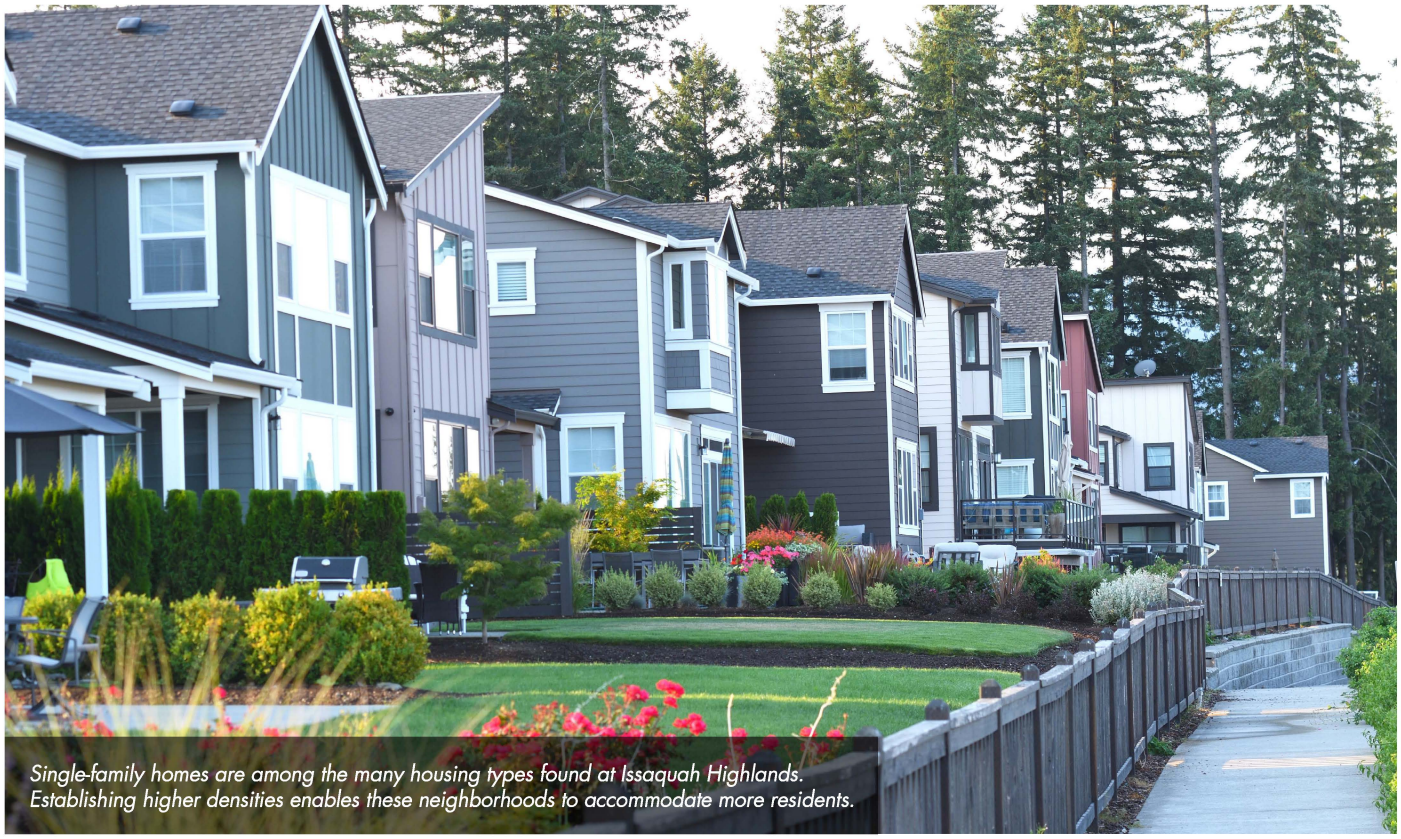
Enable microhousing

Microhousing can fill an important need for residents who do not want, or cannot afford, a larger apartment. Microunits are small living spaces, typically less than 350 square feet, with a fully functioning kitchen and bathroom. They offer an innovative solution to urban housing affordability. This housing choice provides increased access to desirable neighborhoods and offers renters and homebuyers another option that may better fit their needs.

In 2024, the Washington State Legislature gave its nod of support to microhousing by passing House Bill 1998, legalizing "co-living" homes—small apartments with shared kitchens offering a low-cost housing option—in all urban growth areas that allow at least six multifamily homes. The new law also prohibits a city or county from imposing certain regulations or restrictions on co-living housing.

RESOURCES:

- Types of Affordable Housing: MRSC
- King County microhousing demonstration project ordinance
- Micro-Housing: It's Not About the Size but How You Use It: Neiman, David—Sightline Institute, November 2, 2023
- Housing Choices for Everyone: Microhousing—MBAKS, September 18, 2019
- Seattle Proposes Co-Living Ordinance Seeking to Meet New State Mandate: Trumm, Doug—The Urbanist, May 1, 2024
- Mayor Harrell Signs Legislation to Expand Co-Living Housing Opportunities in Seattle: Craighead, Callie—Office of the Mayor, November 20, 2024



Single-family homes are among the many housing types found at Issaquah Highlands. Establishing higher densities enables these neighborhoods to accommodate more residents.

MAXIMIZING RESIDENTIAL DENSITIES

The following tools are designed to maximize residential densities in single-family neighborhoods inside urban growth areas. To the extent that cities and counties can create more housing choices in these neighborhoods, they will be better positioned as our region grows. Many local jurisdictions already have a significant portion of their residential neighborhoods zoned for single family. These tools are designed to ensure single-family neighborhoods are more equitable and are being used as efficiently as possible to accommodate new residents near jobs, schools, parks, transit, and other amenities.

Allow clustering of lots in single-family zones

Clustering is a planning tool that provides a builder with density bonuses for clustering smaller lots together in exchange for public amenities such as open space. A cluster subdivision will typically include several houses grouped together next to undeveloped land held for the common ownership of the lot owners. Grouping homes together in this manner can lower the cost of housing by making more efficient use of the land and reducing the initial investment in streets and utility lines needed to service these communities.

Jurisdictions that choose to allow cluster zoning should also make sure that the tool is easy to find in code and straightforward to implement.

RESOURCES:

- Carnation (15.48.070)
- Everett (18.28.210)
- Lake Stevens (14.48.070)
- Seattle (23.44.024), see also Seattle Zoning Chart
- Bothell (12.30.070)

Lot size averaging

Lot size averaging is an innovative development technique that puts buildable land to more efficient use by allowing smaller lots on constrained sites while complying with the underlying zoning. Specifically, this technique encourages a more efficient use of land for subdivision and short subdivision development. The size of individual lots within a subdivision or short subdivision using lot size averaging can be less than the required minimum lot size. This is provided the average lot size of all lots meets or exceeds the minimum lot size allowed, and the development density achieved is not greater than the gross site area divided by the underlying zone.

The flexibility allowed by lot size averaging can be useful for developing single-family housing on unusually shaped parcels or on properties constrained by critical areas. It will also ensure that the densities anticipated in code can be met. Smaller lot sizes may also provide more affordable housing opportunities.

Jurisdictions that choose to allow lot size averaging should also make sure that the tool is easy to find in code and straightforward to implement.

RESOURCES:

- Burien (19.15.005)
- Carnation (Chapter 15.48)
- Redmond (20C.30.25-050)
- Snohomish County (30.23.210)
- Sultan (19.44)
- Mark Villwock/LDC Inc. slides

Allow cottage housing

Cottage housing refers to multiple detached dwelling units that share common areas. This housing choice provides more compact urban development, expanding the range of housing types available to consumers. It generally works best when allowed in single-family zones.

RESOURCES:

- MBAKS Cottage Housing Issue Brief
- City of Kirkland: Zoning Code Ch. 113, Cottage, Carriage, and Two/Three Unit Homes
- City of Redmond: 21.08.290, Cottage Housing Developments
- MRSC Cottage Housing Overview and Resources

Cottage housing, like the cottage cluster seen here, is a charming and innovative type of development.
Photo: Toll Brothers Centre Cottages, Redmond

"Plexes" like this are no longer allowed to be built in most single-family neighborhoods.
Photo courtesy Sightline Institute Modest Middle Homes Library, CC by 4.0

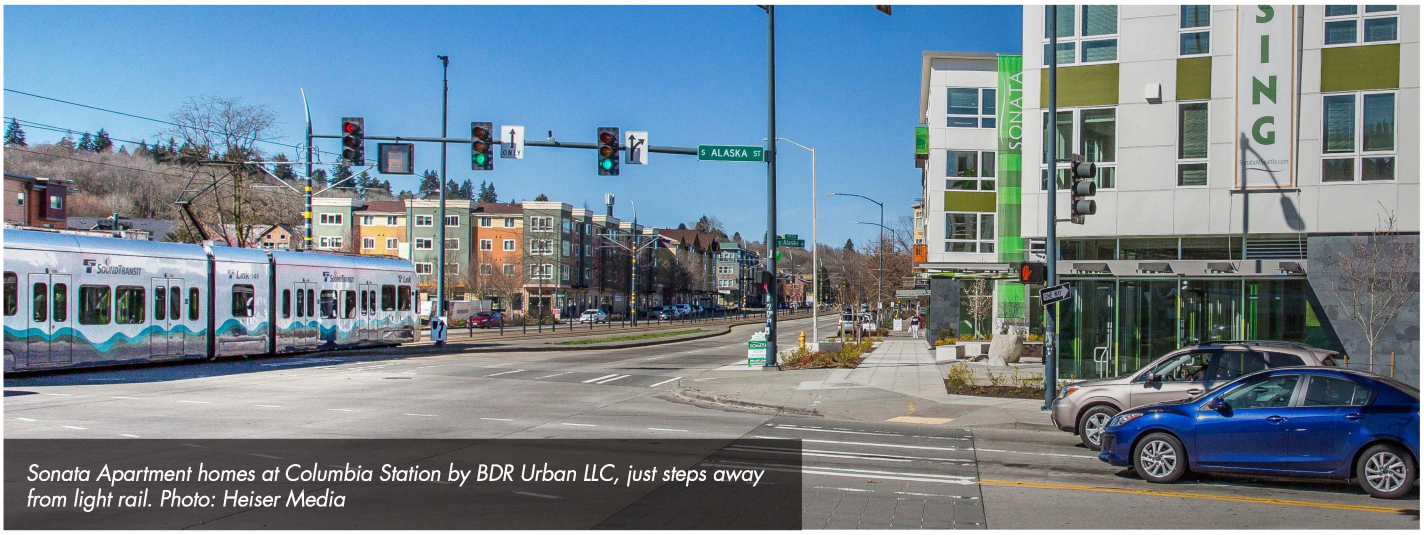
Allow multiplexes

Many people who want to live in our cities are finding it more difficult to find a home that fits their lifestyle and budget. Allowing more home choices, such as duplexes and triplexes, in addition to single-family detached homes, would create more housing choices for Washington families in neighborhoods closer to jobs, transit, schools, parks, and other amenities. Multiplexes, such as duplexes, triplexes, fourplexes, and sixplexes, are more affordable than detached, single-dwelling houses because land costs, which account for a significant portion of the cost of a new home, can be spread across more homes.

Legislation adopted in 2023 (E2SHB 1110) will for the first time require certain jurisdictions to allow diverse housing options like multiplexes (duplexes, triplexes, quadplexes, and sixplexes), townhouses, stacked flats, courtyard apartments, or cottage housing on most lots in Washington's residential neighborhoods. This new law is a major reform to zoning in the state that will provide more housing options for more people. Cities subject to the new law must comply with its provisions beginning six months after the next periodic comprehensive plan update but have the option to adopt sooner than this date. Local jurisdictions also have the option to go beyond the minimum requirements of the middle housing law, allowing more middle housing types and/or a higher unit count per lot.

RESOURCES:

- Middle Housing in Washington: Resources from the Washington State Department of Commerce
- Department of Commerce: User Guide for Middle Housing Model Ordinances | Update: October 24, 2024
- MBAKS Middle Housing Implementation Plan
- MBAKS Video: Working Together on Middle Housing to make home happen
- REALTORS® + Housing website, developed in partnership with Seattle King County REALTORS®, Washington
- City of Auburn Middle Housing Code Amendments
- City of Bothell Middle housing code (12.14.134)
- City of Shoreline Neighborhood Residential Zoning Rules
- MRSC: Missing Middle Housing
- State of Oregon Housing Choice resources
- Sightline Institute Missing Middle Housing Photo Library
- Spokane already ahead on expanding 'middle housing': KREM 2 News, May 8, 2023
- Spokane Laps Seattle, Legalizes Missing Middle Housing: The Urbanist, July 19, 2022



Sonata Apartment homes at Columbia Station by BDR Urban LLC, just steps away from light rail. Photo: Heiser Media

INCREASE HOUSING CAPACITY NEAR TRANSIT AND JOBS

The following tools are designed to increase housing capacity near transit and jobs and can help cities meet a variety of important goals. Housing located near transit reduces our reliance on cars, reducing traffic congestion and greenhouse gas emissions and creating more sustainable communities. It also supports walkable neighborhoods and helps to accommodate growth by enabling higher-density housing in the very places where the Growth Management Act intends for our region to grow inside our urban areas. Doing so successfully helps protect forests and farmland.

Transit/employer-oriented development

PROACTIVELY PLANNING FOR INCREASED HOUSING CAPACITY AROUND MAJOR TRANSIT AND EMPLOYMENT HUBS

At its core, transit-oriented development (TOD) is designed to better connect higher density housing options and jobs to existing and planned transit stations or transit corridors. TOD involves a mix of uses, allowing residents to commute to work and take advantage of a variety of amenities without needing a car.

Employer-oriented development (EOD) is a similar concept that refers to increasing zoning to allow more homes near employment centers. Some major job centers simply do not have mass transit nearby and are also surrounded by low-density, single-family zoning. Allowing more people to live near work both enriches their lives by shortening commutes and relieves government from the financial burden of paying for commuters.

Examples of high-job areas with single-family zoning nearby include the "U-District" around the University of Washington, the Washington State Capitol Campus, and Northwest and West Bellevue.

RESOURCES:

- Transit-Oriented Development: MRSC
- City of Shoreline Light Rail Station Subarea Planning
- City of Mountlake Terrace Town Center Subarea Plan
- Wilburton Vision: City of Bellevue
- Redmond Sees New Neighborhood Burgeon Around Marymoor Park as Light Rail Arrives: The Urbanist, May 9, 2025
- Everything You Need to Know About Downtown Redmond Link: Packer, Ryan and Doug Trumm—The Urbanist, May 10, 2025
- Next stop for Washington housing: More construction near transit: Goldstein-Street, Jake—Washington State Standard, May 13, 2025
- Mountlake Terrace's Town Center Slowly Emerges Ahead of Light Rail: The Urbanist, August 27, 2024
- Kenmore Missing Middle Housing Resources

Roads and access flexibility

Local jurisdictions can employ several options to create more flexibility when it comes to roads and access for certain subdivisions. These actions can simplify the process to apply for a private versus public road or outright permit them in certain types of development. Cities and counties should also look to broaden the use of shared drive aisles and simplify fire access rules. These tools can result in a more efficient road system that is less expensive to build and maintain than public roads and decreases the amount of pollutant generating impervious surfaces per home. They are especially important for facilitating infill housing, like fee simple/unit lot subdivisions, supporting the need to add more density in urban growth areas.

The ability to utilize private drive aisles is an important element when determining feasibility, especially for middle housing types. By allowing for more design flexibility, private drive aisles also make it easier to apply Low Impact Development (LID) techniques important for stormwater management, save trees, and incorporate more open space into new communities.

Simplifying these processes and creating more flexibility for roads and access can help local jurisdictions ease a significant cost pressure on new housing, facilitating more housing choices while allowing for a road system that is more environmentally friendly.

RESOURCES:

- Snohomish County Roads and Access Ordinance

The Sonata Apartment Community by BDR Urban LLC is in Seattle's Columbia City neighborhood, adjacent to light rail. Photo: Heiser Media

Allow low-rise zoning/higher density within proximity to frequent transit

Providing infill housing at higher densities in transit-served areas is another tool for increasing housing options near transit. This would enable more people to live within easy walking distance of transit, helping to maximize its use. It would also encourage more equitable, sustainable, and less expensive housing exactly where it makes the most sense.

RESOURCES:

- City of Seattle LR Zoning

Reduce or eliminate parking requirements near transit

Local governments can choose to eliminate off-street parking requirements for developments near transit, such as bus rapid transit, or where transit services are planned. More jurisdictions are moving toward eliminating parking requirements near transit altogether. For example, Bellevue and Olympia have lowered or eliminated parking requirements near transit, and the state of California adopted a law prohibiting cities from imposing parking requirements within a half mile of major public transit stops. Furthermore, provisions in House Bill 1110 eliminate off-street parking for middle housing within a half mile of a major transit stop.

Parking requirements add to the cost of housing by increasing the land area required or the need for structured parking, both of which are very expensive and can render projects infeasible . With each stall in a parking garage costing tens of thousands of dollars to build, parking requirements can impose significant costs on new housing, directly increasing the cost of housing for both renters and owners. These requirements end up forcing people who buy or rent housing to pay for parking regardless of their actual needs. They also attract buyers and renters with cars rather than more without vehicles who would utilize transit.

In many cases, minimum parking requirements also go beyond what is necessary to ensure that residents have adequate parking and may encourage higher rates of car ownership and driving, which not only increase congestion and pollution, but ignores the benefits of living near high-capacity transit. In addition, one-size-fits-all parking requirements can lead to excess land dedicated to parking that might otherwise be used for housing. Where parking standards are reduced or eliminated, areas typically devoted to parking stalls can be utilized for housing, providing more housing choices and benefiting the environment.

One approach to reduced parking requirements—contingency-based parking, also known as adaptive parking—is an option even outside of areas served by frequent transit. Under contingency-based parking, rather than building costly reserved parking onsite, developers submit plans for addressing parking demand should it become a problem after the building is constructed. A builder could agree to install bike storage, partner with a nearby building with excess parking to share a parking lot or pay a fee-in-lieu to fund public parking and transportation infrastructure that serves the entire neighborhood. The conditions of such an agreement may not ever be triggered, reducing car-dependency, vehicle miles traveled, and impervious surfaces, and stormwater runoff. Even in cases where a parking contingency plan is triggered, adaptive parking offers flexibility, reduces the cost of housing, and encourages both sharing existing underutilized parking and alternative modes of transportation.

RESOURCES:

- The State of Parking Mandates in Washington: Gould, Catie—Sightline Institute, October 2024
- Spokane Just Ditched Parking Mandates. What's Stopping the Rest of Washington?: Packer, Ryan-The Urbanist, August 16, 2024
- King County Right Size Parking Calculator
- Shoreline Makes Good on Pledge to Stop Mandating Car Parking Citywide: Packer, Ryan—The Urbanist, Aug. 13, 2025
- Bothell Drops Parking Mandates, Legalizes Neighborhood Corner Stores Citywide: Packer, Ryan—The Urbanist, July 10, 2025
- City of SeaTac, amendments to Ch 15 of the SMC, allowing residential developments located within the City Center Overlay District to reduce the number of required parking spaces by up to 35%
- City of Bellevue: Reduced Minimum Residential Parking Standards
- City of Olympia: Chapter 18:38, Parking and Loading
- Why Communities Are Eliminating Off-Street Parking Requirements—and What Comes Next: Gould, Catie–Lincoln Institute of Land Policy, October 12, 2022
- Parking Reform: Part 2: Pool, Lisa—MRSC, October 19, 2022
- In These US Cities, Parking Reform Is Gaining Momentum—Institute for Transportation & Development Policy, February 1, 2024
- Reinventing Parking
- Victoria Transport Policy Institute
- Sightline Institute | Beyond Parking Mandates
- Sightline Institute | A Flexible Approach to Meeting Parking Mandates
- Lynnwood (21.18.200–300, 21.18.820-900) (Shared and remote parking, administrative capacity adjustment, commute trip reduction, bicycle parking)
- Redmond (21.40.010.F) (Shared parking and fee in lieu)
- Puyallup (20.55.011.3-4) (Parking demand analysis, shared parking, overflow parking, commute trip reduction)
- Friday Harbor (17.68.040-050) (Shared parking and fee in lieu)
- Renton (4-4-080.E.3) (Shared parking)
- Kirkland (50.60.4) (Fee in lieu)

Periodic review of underutilized land for potential redesignation and possible rezoning

In between mandatory 10-year updates to comprehensive plans as required by GMA, jurisdictions should review more frequently to evaluate if policy changes are warranted. A jurisdiction could consider expanding its allowed uses for underutilized land near transit and job centers, such as Business Park zones, to include residential development of a range of housing types. This tool could support the critical need for diverse housing types, particularly missing middle housing, near transit and employment hubs

RESOURCES:

- Snohomish County Ordinance 22-014: Ordinance allows for single family homes, cottage housing, duplexes, multiple family and townhomes in zones designated for Business Parks.

  Specific requirements for development include that the site must be a minimum of 25 contiguous acres under the same ownership or control, and the Business Park zoning on the site must have been in effect prior to the effective date of the ordinance.

ENHANCE PREDICTABILITY

A key component of a more efficient permitting process that facilitates housing is predictability. There are some specific tools local governments could deploy that focus on predictability, which is a key factor in enabling project applicants to plan appropriately for housing they are seeking to build. Tools that enhance predictability related to project timelines and what land use laws and ordinances are in place are vital for planning timelines and financing for projects.

Local vesting of regulations and fees

Washington's vested rights doctrine gives property owners and developers the right to develop properties according to the land use laws and ordinances in place when they submit a complete permit application. Vesting provides certainty for all parties to development that rules won't change, which could otherwise jeopardize a project after initiation. Vesting is crucial to ensuring certainty, stability, and fairness in the development process. Homebuilders depend on vested rights to successfully plan new communities on time and within budget, two factors critical to housing affordability and availability.

However, several court rulings in recent years have reached inconsistent conclusions and severely limited Washington's common law vested rights doctrine. In one case, one Washington Court of Appeals severely restricted vested rights by going so far as to conclude that the doctrine is only statutory in nature, meaning that vested rights are afforded only to building permit and subdivision applications. In short, the Courts said there is no "common law" vesting; there is only statutory vesting.
Thus, for vesting to be recognized, according to the Courts it must be delineated in code, whereas the common law vested rights doctrine previously extended to a broader range of applications.

In the absence of the common law doctrine, a city or county may establish vested rights by ordinance. Having a code on vesting provides both customers and staff clear guidance and predictability regarding how long an application or approval is good for. This is especially important given the fact that most submittals require multiple permit applications and permit processes.

RESOURCES:

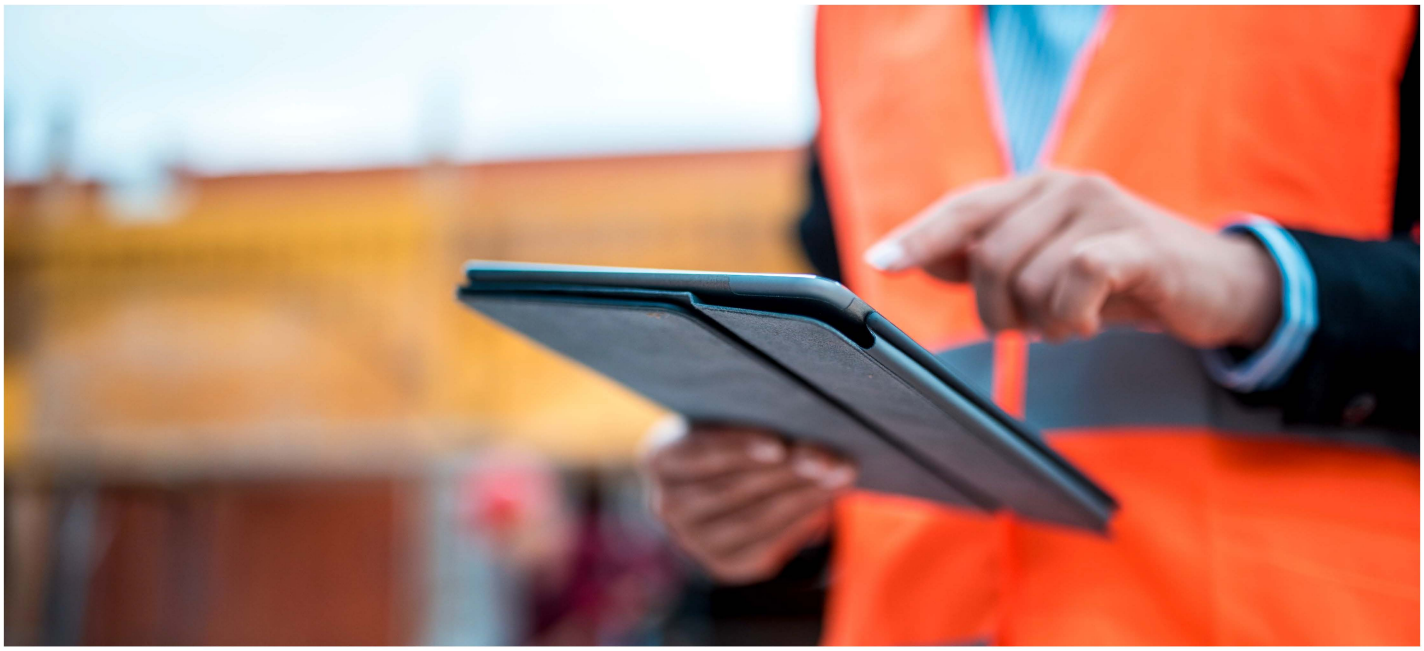
- Snohomish County School Impact Fee Vesting
  - Ordinance 18-306
  - SCC 30.66C.100

Limit scope and duration of moratoria

Local governments should resist enacting building moratoria and instead work within their communities to expand housing supply and choices for families. Should a moratorium be enacted, jurisdictions should limit the time it is in effect. While a moratorium is legal and can be put in place for a variety of reasons, they harm our region's economy and ability to add much-needed housing supply, making it even harder for current and future residents to find a home they can afford. Moratoria can also run counter to our region's transportation investments that contemplate the need for more transit-oriented development in certain areas.

Even for projects put on hold by a moratorium that are completed after it is lifted, the cost of delay can add significantly to the selling price of these housing units once they finally reach the market. Some projects in earlier stages of planning, for which significant resources have already been invested, simply never move forward due to a moratorium. In these ways, a building moratorium limits supply and worsens our housing affordability crisis.

Building moratoria also represent a missed opportunity for cities, who stand to lose significant revenue from potential new construction that does not materialize, such as the real estate excise tax, construction sales tax, and sales tax from the home buyers' purchases. Cities that enact a building moratorium lose local income, jobs, taxes, and other benefits of new housing. Not only does housing provide for a basic human need, it is also a major economic driver that benefits our entire region by helping to fund valuable local services, including schools and parks.



Ensure required timeline data is provided

Issuing estimates of permit review timelines is an important step that local planning departments could take at the time of permit submittal. Transparency in timeline permit data provides much-needed predictability for permit applicants so they can analyze the feasibility of projects and plan appropriately. There are many steps of the development process that rely on permits being processed within the timelines expressed by counties or cities. The predictability of timelines also drives some of the costs for development.

Permit reform legislation adopted by the 2023 state legislature (2SSB 5290) makes clear that cities or counties required to establish Urban Growth Capacity Reports under the Growth Management Act must produce an annual performance report outlining time periods for certain permit types associated with housing. This includes:

- Permit timelines for certain permit processes in counties and cities;
- The total number of decisions issued during the year for preliminary subdivision, final subdivisions, and binding site plans;
- Permit processes associated with the approval of multifamily housing;
- Construction plan review for each of these permit types when submitted separately;
- The total number of decisions for each permit type which included consolidated project permit review; and
- The total number of days:
  - from a submittal to a decision being issued
  - the application was in review with the county or city, and
  - the permit is the responsibility of the applicant.

RESOURCES:

- MBAKS Issue Brief: Streamlining Local Permitting Processes
- MRSC blog post on SB 5290
- Department of Commerce: 2SSB 5290 Frequently Asked Questions
- Local Project Review Guidebook – 2025, Washington State Department of Commerce
- Annual Performance Report – 2024, Washington State Department of Commerce

Balanced and predictable tree policies

When adopting tree codes regarding tree retention and replacement, local jurisdictions should consider regulations that take a balanced approach to ensuring a sustainable tree canopy while working to accommodate a growing population, as required by our state's Growth Management Act. Recognizing there is not a one-size-fits-all ordinance for regulating trees, cities should adopt smart, targeted, and flexible approaches when developing tree canopy targets. In doing so, cities should consider a variety of factors, as recommended by American Forests, such as development densities and land use patterns, climate, equitable distribution of canopy across income levels, age and species diversity, and tree condition. There are a variety of ways this can be accomplished, such as assuring potential plant-able and tree retention areas, soil quality and stability, incentive programs and bonuses, and location prioritization such as the Arbor Day Foundation's "Right Tree Right Place" concept, which retains and plants trees in optimal areas on a site.

Allowing for flexibility to strike the right balance between houses and trees is the key. Local ordinances should provide for no net loss of housing and exceptions for required access or utility connections. They should also factor in the need for compliance with other regulations and design standards.

RESOURCES:

- MBAKS Issue Brief: Tree Codes and Housing
- 2023 MBAKS Fact Sheet
- Seattle Tree Code
- Snohomish County: example of tree canopy approach
- Snohomish County 2023 Tree Canopy Monitoring Report
- Arbor Day Foundation: "Right Tree Right Place" concept
- Newcastle MC 18.16, Kenmore: examples of incentives and bonus measures for retention
- Bellevue: Exemplary public/municipal tree retention and replanting program, as well as tree prioritization location
- Why We No Longer Recommend a 40 Percent Urban Tree Canopy Goal: Leahy, Ian—American Forests, January 12, 2017
- King County Tree Code
- American Forests: They work to restore forest landscapes, create tree equity, advance forest policy, and implement programs to build canopy and re-leaf forests and cities. "Tree canopy cover targets are difficult to specify broadly because the opportunities to create canopy are highly variable among cities, even within a climatic region or land use class. Targets are best developed for specific cities and should consider constraints to creating canopy such as:
  - Development densities (i.e., dense development patterns with more impervious surfaces have less opportunity for cover);
  - Land use patterns (i.e., residential areas may have more opportunity for canopy than commercial areas, but canopy cover tends to be less in residential areas of disadvantaged communities versus wealthy ones);
  - Ordinances (i.e., parking lot shade ordinances promote cover over some impervious areas); and
  - Climate (i.e., canopy cover in desert cities is often less than tropical cities)."

Trees and other vegetation help infiltrate stormwater runoff in neighborhoods.

These traditional rowhouses are just blocks away from the city's downtown core.

PERMIT EFFICIENCIES AND PROCESS IMPROVEMENTS

Cities and counties looking for ways to improve the climate for housing and to make housing less expensive should consider ways to streamline the permit process so that it's more efficient and predictable. To the extent that permit timelines can be reduced and made more predictable to project applicants, these improvements can go a long way toward alleviating a significant cost pressure on new housing.

Model home permits

Local governments should amend their zoning code to increase the number of model homes allowed to be constructed in approved preliminary subdivisions prior to final plat recording. Allowing construction of homes prior to final plat recording can shorten the amount of time needed to construct homes and bring them to market sooner. This helps reduce costs and increase supply.

Jurisdictions should adopt a model home code if they have not already done so. This would enable developers to display a wider variety of housing styles. It would also allow home construction to begin prior to final plat recording, which helps bring much needed supply to market faster. For example, in the city of Lake Stevens, for short plats consisting of a subdivision of nine or fewer lots, the city allows a maximum of two model home building permits or 20% of the total number of single-family residences proposed, whichever is less. For all other subdivisions, the maximum number of model home permits allowed is six or 20% of the total number of single-family residences planned for the development, whichever is less. The city of Monroe allows up to seven model homes or 20% of the total number of single-family residences planned for the development. Snohomish County and the city of Marysville allow up to nine model home permits.

RESOURCES:

- City of Lake Stevens Model Homes code 14.44.025
- City of Marysville Model Homes code 22C.010.070 (30)
- City of Monroe Model Homes code 22.68.050
- Snohomish County model home permit code 30.41A.520

Online permitting and tracking

Providing online permitting and tracking creates a much more efficient and streamlined process for applicants by saving them unnecessary trips to the permit counter and enabling them to follow the progress on their permit reviews. Furthermore, online permitting proved to be an invaluable tool during the COVID-19 pandemic when strict physical distancing measures were in place. To be successful, a human element must be part of any online permit process so applicants can access the permit review team as questions and individual issues arise.

RESOURCES:

- MyBuildingPermit
- City of Kent online permitting portal

Eliminate design review

Design review is a process some cities have adopted for reviewing certain projects for their aesthetic and architectural quality and urban design. The design review process often adds unnecessary delays and costs to the homebuilding process, creating a significant hurdle in the effort to build more housing. Furthermore, the design review process is sometimes used by residents as a tool to block or delay new housing in their neighborhoods. Design review can create a great deal of uncertainty over the development timeline and costs on any given project. This lack of predictability and potential for delays makes projects subject to design review riskier to investors and more expensive to finance. Cities looking to adopt solutions that address rising housing costs and create a more streamlined and efficient permit processes should consider eliminating design review.

For cities that choose to maintain a design review process, local governments should strive to make it as streamlined, objective, timely, and predictable as possible. Some argue for eliminating volunteer boards and enabling professional city staff to take on this role via administrative design review. This is preferable to full design review, assuming a timely and predictable process can be maintained.

Legislation adopted by the 2023 state legislature, ESHB 1293, will streamline development rules and provide more clarity by requiring design review to be based on "clear and objective" standards that will not reduce development capacity. The new law also prohibits more than one public design review meeting. Local governments are encouraged to adopt further project review provisions to provide prompt, coordinated, and objective reviews.

RESOURCES:

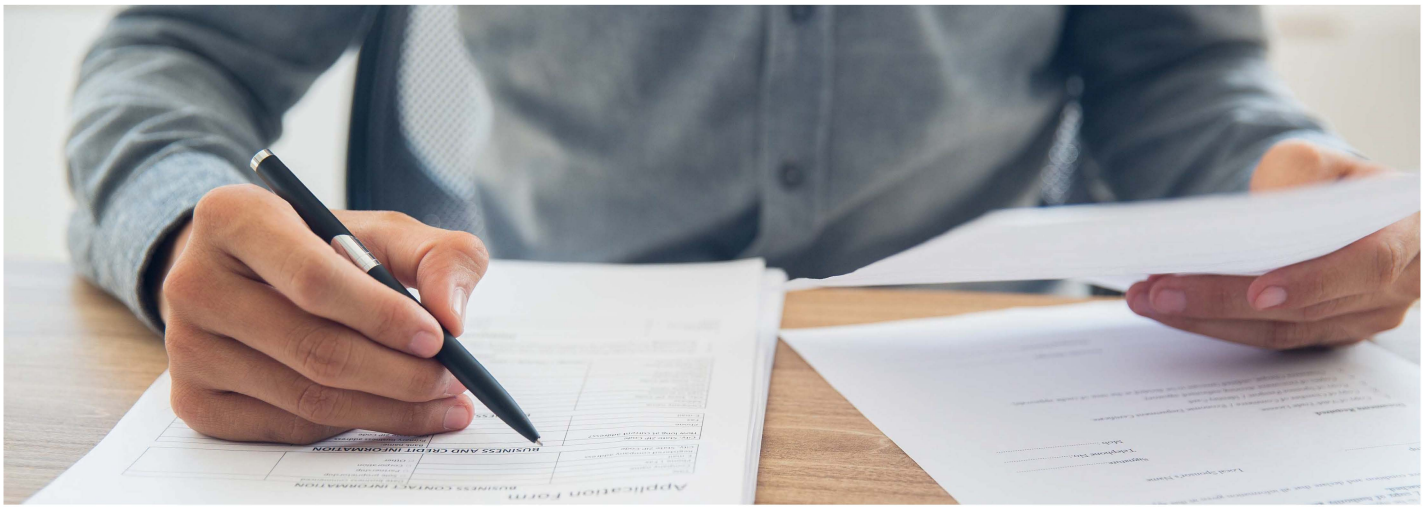
- Sightline: How Seattle's Design Review Sabotages Housing Affordability
- Recently signed bill takes aim at design review: Seattle Daily Journal of Commerce

LESSONS LEARNED FROM COVID-19 PANDEMIC

In the wake of the COVID-19 pandemic, it became clear some jurisdictions were better prepared than others to keep permitting and other planning processes on track during the crisis when strict physical distancing measures were suddenly put in place. For example, cities that had already adopted online permitting prior to COVID-19 were better able to continue delivering permitting functions during the Governor's "Stay Home, Stay Safe" order.

There are other constructive steps local governments can take now to be better prepared for future emergencies, and many are tools and best practices that are already featured in this Toolkit. These steps are designed to help jurisdictions continue operating during such times, or to recover from these episodes more quickly.

- Adopt permit extensions, either by ordinance or administratively, so applicants can more easily pick up where they left off when work is interrupted without having the restart the process.
- Allow administrative approval of a preliminary plat ("p-plat") in the same manner as a short plat pursuant to RCW 58.17.095.
- Adopt procedures used during the pandemic, such as video inspections.
- Hire pro tem hearing examiners and third-party inspectors to work through permit backlogs.
- Make sure local codes, regulations and policies provide vesting of building permit applications consistent with state law.
- Allow for building permit applications to be submitted and processed for review at preliminary plat approval, so construction can commence at approval of final plat or sooner if the jurisdiction allows model homes.
- Adopt administrative approval for final plats.



Streamlined utility availability certificate process

Cities can streamline the water, wastewater, and stormwater design review of entitlement applications and increase process predictability, creating a more efficient process.

RESOURCES:

- City of Redmond: Applicants may submit the application for UAC in tandem with a pre-application meeting submittal or at least 14 days in advance of a planned entitlement submittal.

Raise short plat thresholds to nine

Currently, under state law (RCW 58.17.020(6)), short subdivisions are defined as including four or fewer lots, but local jurisdictions have the option to include up to nine lots in urban growth areas. Despite this authority, many cities in the Puget Sound region still require a formal subdivision for projects between five to nine lots. This can add months of time and tens of thousands of dollars for small infill developments, which are important as the region continues to grow.

RESOURCES

The following jurisdictions are among those that have raised short plat thresholds to nine:

- City of Arlington
- City of Auburn (17.09.010)
- City of Bellevue (20.50.046) see Subdivision, Short
- City of Bothell
- City of Covington
- City of Des Moines
- City of Everett
- City of Federal Way
- City of Kenmore
- City of Kent
- City of Kirkland (KZC 22.20)
- City of Lake Stevens (14.18.010)
- City of Lynnwood (Chapter 19.50)
- City of Maple Valley
- City of Marysville (22G.090.310)
- City of Monroe
- City of Mountlake Terrace
- City of Newcastle
- City of North Bend
- City of Redmond
- (RMC 20F.40.150-40)
- Short Plat Checklist
- City of Renton (4-7-070)
- City of Sammamish
- Short Subdivision Application and Fees
- City of SeaTac
- City of Seattle
- City of Shoreline
- City of Stanwood
- City of Sultan
- City of Tukwila
- City of Woodinville
- King County (19A.04.310)
- Snohomish County (30.91S.280)

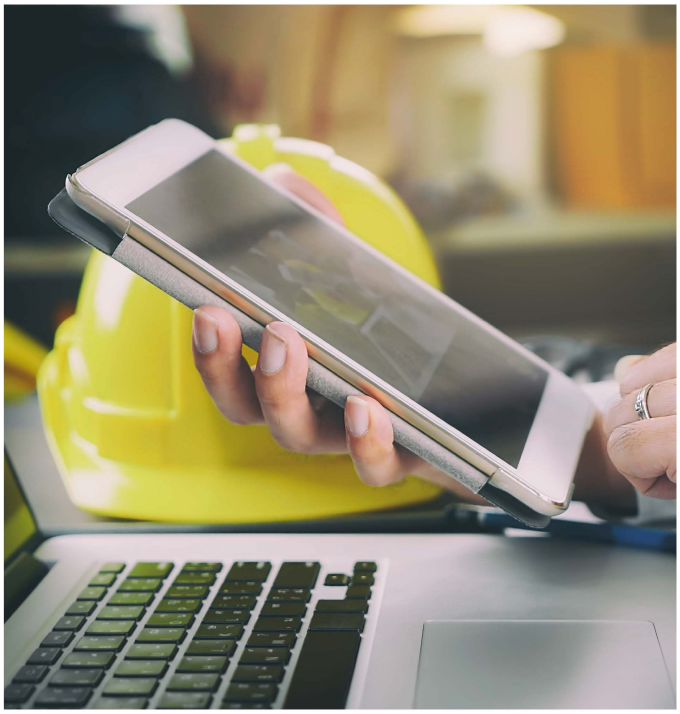
Administrative approval of preliminary plats

Local jurisdictions could allow administrative approval of a preliminary plat ("p-plat") in the same manner as a short plat pursuant to RCW 58.17.095. Today many large residential projects, such as an apartment complex or townhome project, can be approved administratively through a site plan or binding site plan process, which does not require a public hearing under the statute. The Legislature did amend the subdivision statutes in 1986 to authorize local jurisdictions to provide administrative review of a preliminary plat application without having to hold a public hearing – the same process that applies to a short plat. However, few, if any, local jurisdictions have used this authority to approve long plats administratively without a public hearing.

Adopting administrative approval of p-plats would streamline the permit process, allowing for much needed housing to be built and made available more quickly. It would also free up local planning staff time that could be re-allocated to address permit review backlogs that are currently slowing housing production in many local jurisdictions. Additionally, this change would facilitate infill development to meet growing demand, including middle housing.

RESOURCES

- MBAKS Issue Brief: Reforming and Streamlining Washington State Subdivision Statutes



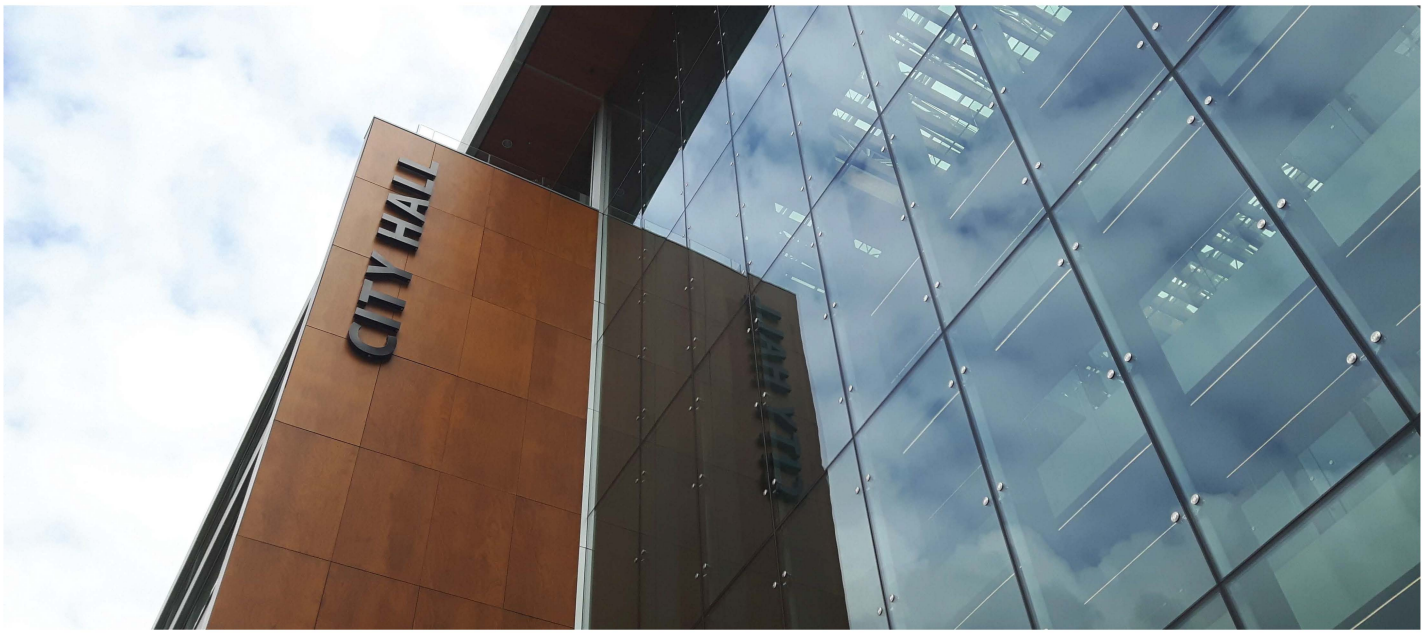
Administrative approval of final plats

In 2017, Governor Jay Inslee signed into law legislation providing a local option to allow administrative approval of the final plat process on long subdivisions—that is, the division of land into multiple lots. Specifically, the law allows local jurisdictions to change the final plat approval process for subdivisions to one that is administrative. This means local governments can delegate final plat approval to planning directors or other designated officials. Administrative approval of final plats can save weeks and even months of delay in getting on council agendas for final approval, bringing greater efficiency to the permit process, and reducing an unnecessary cost pressure on housing.

RESOURCES

Following are examples of jurisdictions that have adopted administrative approval of final plats:

- City of Arlington
- City of Auburn
- City of Bothell
- City of Covington
- City of Everett
- City of Federal Way 18.40; see also Administrative Approval of Plat Alternations
- City of Kent
- City of Kirkland 22.16.05
- City of Lake Stevens 14.18.035
- City of Lynnwood
- City of Maple Valley
- City of Marysville
- City of Mercer Island
- City of Mill Creek
- City of Mountlake Terrace
- City of Newcastle
- City of Normandy Park
- City of Renton
- City of Shoreline
- City of Snohomish
- City of Stanwood
- City of Sultan
- City of Tukwila 17.14.030(B)
- City of Woodinville 29.91.070(2)(a)
- King County
- Snohomish County



Completeness review within 10 days vs. current 28+ days

Under the Local Project Review Act (RCW 36.70B) local governments have 28 days to perform a procedural completeness review and 14 days for a re-review before beginning a substantive review of a permit application. This process can add weeks, if not months, to a permit application timeline without adding any corresponding value. However, cities and counties have the option to reduce timelines associated with completeness review. Local governments could modify code to shorten the 28-day completeness review to 10 days or fewer when accepting applications online and eliminating the 28-day completeness requirement when requiring a submittal appointment. Where an appointment is required, the procedural completeness determination could be made during the submittal appointment. If an application is procedurally incomplete, it would not be accepted by the city or county. The 14-day re-review timeline could be reduced to five days or fewer.

Many cities and counties already make the completeness determination at submittal in practice, but others don't. Shortening completeness review would not only save time during the permit process, it would also save jurisdictions resources by not having to generate letters stating an application is incomplete or complete. It would improve the climate for housing by streamlining an expensive and unnecessary step in the permit process, thereby alleviating a significant cost pressure on new housing. It would also make the permit process more predictable.

Video inspections

During the COVID-19 pandemic, local governments have employed various approaches to help facilitate permits and the development review process amid physical distancing requirements. One such tool is video inspections. Video inspections enable cities and counties to remotely inspect development and construction sites by having the project manager use a smartphone app, such as Zoom or FaceTime, to display sites for inspectors. This innovative approach enables local jurisdictions to continue operating their inspection function during the crisis. Furthermore, video inspections have great potential to continue to support a more efficient inspection process long after social distancing has ended and should be made permanent.

RESOURCES:

- City of Everett Remote Video Inspection Instructions
- City of Seattle SDCI Guide to Video Inspections

Ensure needed capacity for reviews by maintaining appropriate staffing levels and providing training

Maintaining proper staffing levels in planning departments is key to ensuring timely permit processing. Furthermore, regular training of planning staff is critical for maintaining consistency of application of the rules as staffing changes occur. Knowing how the rules are going to be interpreted and applied from project to project helps to create much-needed predictability for permit applicants.

Pursuant to RCW 82.02.020, cities and counties can recover the costs of processing permit applications. The development community is oftentimes open to fees covering staffing costs as long as predictable and timely service can be provided. Local governments can reach out to MBAKS and other stakeholders if permit fees are a barrier to providing predictable and timely service.

Cities and counties could also use on-call services. Having people in place in advance of permit volume increases or staffing level changes is a great way to make sure planning departments don't fall behind. To facilitate this, local governments could include budget dollars for outside services each year to ensure resources are available to planning departments during times of high permit volumes. Having contracts in place with consultants who could perform city reviews is an important best practice for cities and counties.

Lastly, many permits are now reviewed by multiple departments, including planning, traffic, engineering, and fire to name a few. Maintaining an efficient permit process requires that internal review processes be well coordinated. We often see project reviews that are held up for weeks or months because one of the reviewing departments is far behind. Keeping on top of this issue will cut down on the amount of time needed to review an application.

Commit to meeting or exceeding established review timelines

Under RCW 36.70B.080, cities and counties planning under the GMA must establish and implement time periods with timely and predictable procedures. Since 1995, state law provided the time period for action by a jurisdiction for each type of permit should not exceed 120 days unless the jurisdiction makes written findings that additional time is needed. The statute was amended in 2023 when the state legislature adopted 2SSB 5290, such that project permit applications submitted after January 1, 2025 will be subject to a sliding scale. New time periods ranging from 65 to 170 days are based on the process required for review of various types of project permit applications.

In practice, government decisions on permit applications often exceed the established timeline for reasons ranging from inadequate staffing to complex codes with complicated standards that are sometimes at cross purposes with each other. A commitment to meeting or exceeding the review timelines established in code (or the state backstop) is important to ensure housing can be brought to market. There is an enormous amount of cost associated with having unpredictable review timelines.

RESOURCES:

- MBAKS Issue Brief: Streamlining Local Permitting Processes
- BIAW Cost of Permitting Delays report
- Department of Commerce: Fact Sheet on Chapter 338, Laws on 2023 (SB 5290)
- Department of Commerce: 2SSB 5290 Frequently Asked Questions

Concurrent review of preliminary plat and civil plans

A city could allow for civil engineering plans to be reviewed at the same time as the preliminary plat application, with the understanding that changes made to the preliminary plat during review may necessitate changes to construction plans. Allowing this as an option could save up to four to six months on the permit process and ensure houses get to market faster.

RESOURCES:

- City of Auburn
- City of Bellevue
- City of Kent
- City of Lake Stevens
- City of Redmond (pilot program)
- Snohomish County
- MBAKS Issue Brief: Reforming and Streamlining Washington State Subdivision Statutes

FLEXIBILITY IN SITE PLANNING AND DESIGN

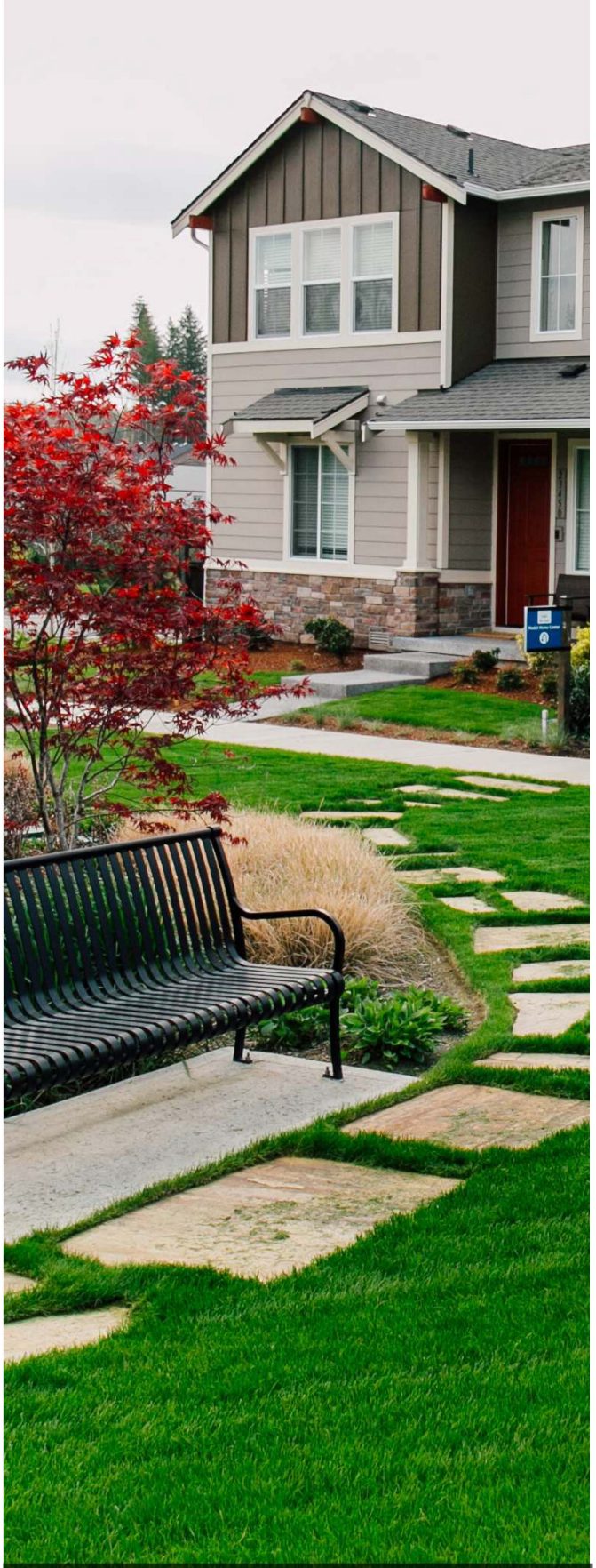
The following tools are intended to create more flexibility in site planning and design, which can help cities and counties optimize residential densities inside urban growth areas. This is especially important given the minimum density requirements adopted in 2023 in House Bill 1110, the middle housing law. What can be built and how it can be laid out on a site is governed by an array of local development regulations. How these regulations work together determines how much of a site can be utilized for housing and whether density goals can be met. By increasing flexibility in site planning and design, cities and counties can improve their ability to provide more housing choices and help ease cost pressures on new housing.

Reduced building setback requirements

A setback is the minimum distance which a building or other structure must be set back from a street or road. In housing developments, setbacks are often required along front, rear, and side property lines. Local governments create setbacks through ordinances, zoning restrictions, and building codes. Larger setbacks can lower the density of a given neighborhood, creating an added cost pressure on these homes. They are also a less efficient use of our region's limited land supply. Reducing building setbacks is often used in tandem with lot size averaging or clustering of homes (p. 13–14). Lot sizes are reduced to ensure zoned densities may be achieved and open space is focused on common open space areas. Local jurisdictions should update code provisions and design standards to ensure they facilitate, rather than inhibit, implementation of middle housing and accessory dwelling units.

RESOURCES:

- Lake Stevens PRD code
- Oak Harbor PRD code
- Marysville PRD code



Flexible site planning and design in new developments can help create more housing choices and optimize shared community spaces. Pictured: Homes by Lennar at Ten Trails in Black Diamond

Reduced street widths

Many communities have adopted roadway and parking standards, which can act as a barrier to new development. This includes the requirement for public roads within single-family and townhome developments where proposed roads are not connecting two arterials. Alternative road and parking designs that include reduced street widths could help lower costs of new housing, because there is less pavement to construct.

There is also a significant environmental benefit as less pollutant generating impervious surfaces are created within the project site. Additionally, this reduces the size of required detention facilities, helping to facilitate more housing choices by maximizing residential densities. Lastly, the allowance for private roads eases the requirements of the city or county to maintain infrastructure that can be maintained privately by homeowners' associations through covenants, conditions, and restrictions (CC&Rs).

All roads, whether public or private, are always required to meet fire code requirements. In some cases, reduced street widths may allow higher site densities. Importantly, this can also help lower the cost of new housing by creating more efficient use of our limited land. Alternative designs featuring reduced street widths can provide safe access for cars and pedestrians and offer sufficient parking.

Street standards with reduced widths can allow more flexibility in site design, which can result in one or more additional lots in a development over what would be possible with wider streets. The ability to use private streets where appropriate can also provide flexibility in site design.

RESOURCES:

- Marysville's PRD street width/standard detail
  - Code
  - Engineering Standards (Ch. 3, pp. 48–49, Standard Details 3-218-001 and 3-218-002)
  - Snohomish County Townhouse Code (Chapter 30.31E)

Reduced on-street parking in single-family areas

Finding ways to reduce street widths in single-family developments can also be linked with limiting the oversupply of parking in single-family areas. Reducing the requirements for on-street parking in denser residential zones, whether using private streets or narrow-section public streets, can cut down on overprovision of parking while potentially creating more space within a development to add much-needed density (especially when combined with more flexible lot sizes as described under lot size averaging and cluster subdivisions on p. 12–13). If single-family developments provide two-car garages along with driveways for each unit, for example, reduced street widths by way of reducing or eliminating on-street parking requirements can help provide more land for lots/units while avoiding an oversupply of parking.

Where significant on-street parking is required as part of a code, consider allowing flexibility to those requirements where a parking study is provided that highlights why reduced parking for that project will work (see more on contingency-based parking on p. 19). Since every site is different, providing some flexibility will ensure sites are not overparked even when less parking is necessary for the project.

RESOURCES:

- Marysville's PRD code and street standards (see left)

Ten Trails master planned community offers a variety of housing types, including townhomes, duplexes, and single-family detached homes.

Pictured: Homes by Lennar at Ten Trails in Black Diamond

FEES

Local governments looking for ways to facilitate housing should implement tools to reduce the cost impacts created by fees and inefficient regulatory frameworks. First, local jurisdictions should ensure any impact fees are balanced. According to RCW 82.02.050(2), counties, cities, and towns that plan under RCW 36.70A.040 can impose impact fees on development to finance public facilities. However, when financing system improvements for new development, impact fees must be balanced with other public funds and cannot be the sole source of funding. Fees and regulations can drive up housing costs unnecessarily. Following are some best practices to help minimize the cost burden associated with fees and enable more affordable housing.

Use fair and broad-based funding mechanisms

Any plan for new housing should include work to reduce the cost impacts created by fees and inefficient regulatory frameworks. Fees and regulations that make it unnecessarily expensive to build more housing choices create financial barriers to new home construction, which can result in fewer projects moving forward because they are not feasible to build. For example, banks will not lend to fund housing construction unless adequate security is provided for the loan. When fewer homes are built—especially in areas where demand is high—prices rise. To the extent we can make it less expensive to build new housing, more projects can move forward. This is true for market rate and nonprofit builders alike.

Local governments should use fair and broad-based funding mechanisms, such as bond measures and levies, to help pay for necessary infrastructure improvements benefiting all community members. Cities and counties should also be mindful of the cumulative impact of fees on housing affordability.

RESOURCES:

- MBAKS Impact Fee Issue Brief
- MBAKS Report: The Decline of Seattle Townhomes Under MHA (2025)
- Mandatory Affordable Housing Fees Carry Unintended Consequences, ECOnorthwest: July 2025
- How Nexus Studies Misunderstand the Affordable Housing Challenge, ECOnorthwest, July 2025
- MBAKS Legal Memorandum: Constitutional Risks of Mandatory Housing Affordability Programs Post-Sheetz
- Impact Fees in Washington State for 2024: BIAW, January 2025
- Housing Attainability in Washington in 2025: BIAW, March 20, 2025

If fees are imposed, ensure they are properly set and defer collection

If a local government decides to impose fees on new development, they should first ensure they are properly set (proportionality, nexus, etc.). For example, Washington state law authorizing impact fees is clear that these fees must not be solely relied upon for financing new improvements.
Instead, there must be a "balance between impact fees and other sources of public funds." The statute is also clear that impact fees cannot be imposed arbitrarily or in a duplicative manner for existing impacts. They must be designed so that the impact fee cost is proportionate to the benefit that new growth and development will receive from improved and expanded public services.

Additionally, when local governments impose these fees, they should defer collection until later in the process. Impact fees are challenging for builders to finance and can be significant upfront costs, especially for small and mid-sized builders. Deferring their collection until occupancy or closing, when impacts are realized, would help reduce a significant cost pressure on new housing and enable more projects to move forward.

RESOURCES:

- Chapter 82.02 RCW
- Impact Fee Payment Deferral Programs: MRSC
- 2024 Impact Fee Deferral Report: Department of Commerce, January 8, 2024
- See fee deferral options by jurisdiction in MBAKS' impact fee chart

Toolkit effectiveness rating chart

The following chart assigns the housing type or types that best fit each code change or best practice while also rating them on their effectiveness in facilitating housing.

HOUSING TYPE

- Single-family Neighborhoods
- Middle Housing Types
- Multifamily Neighborhoods

POTENTIAL IMPACT TIER

- 1 Most Effective
- 2 Very Effective
- 3 Effective

Housing Tool/Best Practice	Housing Type	Potential Impact Tier
SEPA PLANNING TOOLS		
Adopt an infill development categorical exemption	Single-family Neighborhoods, Multifamily Neighborhoods	1
Do subarea planning	Middle Housing Types, Multifamily Neighborhoods	1
Pursue a planned action ordinance and EIS	Middle Housing Types, Multifamily Neighborhoods	1
AFFORDABLE HOUSING		
Adopt affordable housing levies	Middle Housing Types, Multifamily Neighborhoods	1
Multifamily tax exemption	Multifamily Neighborhoods	1
ALLOW A VARIETY AND MIX OF HOUSING TYPES AND INNOVATION		
Accessory dwelling unit code changes	Single-family Neighborhoods, Middle Housing Types	1
Lot splitting	Middle Housing Types	1
Adopt form-based code	Single-family Neighborhoods, Middle Housing Types, Multifamily Neighborhoods	2
Fee simple townhomes	Middle Housing Types	1
Allow separate ownership of ADUs	Middle Housing Types	1
Enable microhousing	Multifamily Neighborhoods	2
MAXIMIZING RESIDENTIAL DENSITIES		
Allow cluster zoning in single-family zones	Single-family Neighborhoods	1
Lot size averaging	Single-family Neighborhoods	1
Allow cottage housing	Single-family Neighborhoods, Middle Housing Types	1
Allow multiplexes	Single-family Neighborhoods, Middle Housing Types	1
INCREASE HOUSING CAPACITY NEAR TRANSIT AND JOBS		
Transit/employer-oriented development	Multifamily Neighborhoods	1
Roads and access flexibility	Single-family Neighborhoods, Middle Housing Types	1
Allow low-rise zoning/higher density near frequent transit	Multifamily Neighborhoods	2
Reduced or eliminate parking requirements near transit	Multifamily Neighborhoods	2
Periodic review of underutilized land for potential redesignation and possible rezoning	Single-family Neighborhoods, Middle Housing Types, Multifamily Neighborhoods	2

ENHANCE PREDICTABILITY		
Local vesting of regulations and fees		1
Limit scope and duration of moratoria		1
Ensure required timeline data is provided		3
Balanced and predictable tree policies		2
PERMIT EFFICIENCIES AND PROCESS IMPROVEMENTS		
Model home permits		1
Online permitting and tracking		1
Eliminate design review		1
Streamlined utility availability certificate process		2
Raise shot plat thresholds to nine		1
Administrative approval of preliminary plats		2
Administrative approval of final plats		2
Completeness review within 10 days vs. current 28+ days		2
Video inspections		2
Ensure needed capacity for reviews by maintaining appropriate staffing levels and providing training		2
Commit to meeting or exceeding established review timelines		1
Concurrent review of preliminary plat and civil plans		1
FLEXIBILITY IN SITE PLANNING AND DESIGN		
Reduced building setback requirements		2
Reduced street widths		2
Reduced on-street parking in single-family areas		2
FEES		
Use fair and broad-based funding mechanisms		2
If fees are imposed, ensure they are properly set and defer collection		2

OTHER RESOURCES

- Housing Supply Accelerator Playbook: authored by the American Planning Association (APA) and the National League of Cities (NLC) and produced in collaboration with the Mortgage Bankers Association, the National Association of Home Builders and the National Association of REALTORS
- Washington Center for Housing Studies: BIAW
- Creating Housing for All—Creative Solutions to the Affordability Crisis: National Association of Home Builders
- Diversifying Housing Options With Smaller Lots and Smaller Homes: National Association of Home Builders, June 2019
- Washington Housing Affordability Index: BIAW
- Housing Underproduction™ in the U.S.: Up for Growth
- Strong Foundations: Financial Security Starts With Affordable, Stable Housing: The Aspen Institute, January 2020
- Housing Memorandum: Issues Affecting Housing Availability and Affordability: produced in accordance with Senate Bill 5254, Buildable Lands, June 2019

BUILT GREEN RESOURCES

Many local governments have adopted a green building incentive program to encourage more environmentally sustainable building practices and new home development that is more affordable, equitable, healthier for residents, and better for the environment. Built Green is the green home certification program of the Master Builders Association of King and Snohomish Counties. Built Green incentive programs are a helpful part of local and regional development plans for environmentally sustainable housing to meet climate action plan targets.

Many municipalities and utilities already offer incentives for certifying through Built Green. These incentives range from cash rebates, cost departure possibilities, and reduced fees to expedited permitting and zoning bonuses. Incentives are a proven way to increase the amount of green building. Over 50% of all green buildings in Washington State are Built Green certified, representing over 42,0000 housing units.

RESOURCES:

- Built Green: Green Building Incentives Resources
- Built Green: Green Building Incentives Handout
- City of Seattle: Priority Green Permitting and Zoning Incentives
- City of Shoreline: Deep Green Incentive Program
- City of Issaquah: Expedited Permitting
- City of Kirkland: High Performing Green Building Program
- City of Redmond: Green Building Incentive Program
- City of Bellevue: Parking Minimum Reductions and FAR Bonuses
- City of Tacoma: Planned Residential Development Density Bonus
- City of Tacoma: Priority Permitting
- City of Everett: Development Height Incentives Program
- Puget Sound Energy: Multifamily Construction Rebates
- Snohomish County (SnoPUD): Better Built Homes Rebates
- Seattle City Light: Multifamily Construction and Retrofit Rebates
- Marysville Built Green incentives
- Kirkland Update to Expedited Permitting
- Kirkland High Performance Building Standards
- Shift Zero Net Carbon Incentive Policy Toolkit
- Inflation Reduction Act energy efficiency tax credits
- Issaquah Sustainable Building Design Standards
- Energy Smart Eastside: Heat Pump Incentive Program

CONTACT US

We welcome your comments and suggestions on this toolkit. Contact **data@mbaks.com** if you'd like more information and/or to share your ideas and success stories.

335 116th Ave. SE, Bellevue, WA 98004 | 425.451.7920 | mbaks.com

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MASTER BUILDERS ASSOCIATION of King and Snohomish Counties

Council Meeting: 10/20/2026
Agenda: Public Hearings
Item #: 6. a.

CITY OF KIRKLAND
CITY MANAGER'S OFFICE
123 Fifth Avenue, Kirkland, WA 98033
425-587-3000

MEMORANDUM

To: Kurt Triplett, City Manager

From: Andreana Campbell, Government Affairs Manager

Date: September 25, 2026

Subject: **Public Hearing and Possible Action on Resolution R-5748 Opposing Initiative Measure No. IL26-638 Concerning Participation in Athletics at K-12 Schools**

RECOMMENDATION:

Staff recommends that the City Council holds a public hearing on and considers Resolution R-5748 expressing opposition to Initiative Measure No. 26-638 concerning participation in athletics at K-12 schools, which is on the November 3, 2026 general election ballot.

EXECUTIVE SUMMARY:

- Pursuant to RCW 29B.45.010, the City Council may vote to support or oppose a ballot measure at an open public meeting if the required meeting notice includes the measure's title and ballot proposition number and if councilmembers or members of the public are afforded an approximately equal opportunity for the expression of any opposing view. Both the pro and con campaigns for the initiative were notified and invited to the public hearing.
- Council directed staff at its October 6, 2026 Meeting to bring a resolution in opposition of Washington State Initiative Measure No. IL26-638, concerning participation in athletics at K-12 schools, which will be presented to voters on the November 3, 2026 general election ballot.
- A public hearing will be held as part of Council's consideration of the resolution opposing Initiative No. 26-638 prior to any Council action on the resolution. Following the public hearing, Council may approve or reject the proposed resolution, modify the resolution, ask staff to provide additional information for action at a later date, or take no action.

BACKGROUND:

Pursuant to RCW 29B.45.010,[1] the City Council may vote to support or oppose a ballot measure at an open public meeting as long as the required meeting notice includes the measure's title and ballot proposition number and provided that councilmembers or members of the public are afforded an approximately equal opportunity for the expression of any opposing view.

[1] https://app.leg.wa.gov/rcw/default.aspx?cite=29B.45.010

At Council's October 6, 2026 meeting, Council requested that staff return to a future meeting with a resolution in opposition to Initiative IL26-638. Consistent with this state law, the City Council has scheduled a public hearing to be held October 20, 2026, to receive public testimony on a proposed resolution opposing Initiative No. 26-638. After the public hearing concludes, Council intends to consider whether to adopt a resolution expressing a position in opposition to the initiative. Staff has invited both pro and con committees representatives to the hearing.

The Attorney General provided the following ballot title for Initiative No. IL26-638:

> Statement of Subject: Initiative Measure No. IL26-638 concerns participation in athletics at K-12 schools.
>
> Concise Description: This measure would prohibit students it defines as "biologically male" from competing in certain school athletic activities intended for female students only. It would require verification of biological sex by students' healthcare providers.

For reference, the ballot measure summary for Initiative IL26-638 from the Washington State Secretary of State's website:[2]

> This measure would require policies prohibiting students it defines as "biologically male" from competing with or against female students in certain interschool athletic activities that are intended for female students only. Students who choose to participate in such activities must provide a statement from the student's healthcare provider verifying the student's biological sex, based on reproductive anatomy, genetic makeup, or normal endogenously produced testosterone levels. These requirements would apply to individual or team athletic competitions.

Initiative Process
For some additional background, Washington State provides two initiative pathways, initiatives to the people and initiatives to the Legislature. Initiative IL26-638 is an initiative to the Legislature. Once certified, an initiative to the Legislature may be enacted as submitted, placed on the general election ballot if the Legislature rejects it or takes no action, or submitted to voters alongside a legislative alternative. The Legislature did not act on Initiative IL26-638 during the 2026 session. Therefore, the Secretary of State certified it to appear on the November 3, 2026 general election ballot for voter approval or rejection.

DISCUSSION/ANALYSIS:

The Attorney General's explanatory statement published by the Secretary of State on Initiative IL26-638, from the Washington State Secretary of State's website provides:[3]

> **The Law as it Presently Exists**
>
> In Washington, school districts may offer extracurricular sports opportunities for students. Those sports must be offered to all public school students without regard to sex, but public schools may provide separate athletic teams based on sex. The Office of the Superintendent of Public Instruction also creates regulations and guidelines to eliminate discrimination in sports for students, and these regulations prohibit discrimination based on sex and gender identity.

[2] https://www.sos.wa.gov/sites/default/files/2026-03/INITIATIVE%20IL26-638%20ballottitleletter.pdf
[3] https://www.sos.wa.gov/sites/default/files/2026-07/IL26-638%20Explanatory%20Statement.pdf

Public and private K-12 schools in Washington may allow individual athletes and teams to compete against athletes and teams from other schools. For public schools, a school district's board of directors is responsible for regulating these athletic activities but may delegate that responsibility to a nonprofit organization, such as the Washington Interscholastic Activities Association (WIAA). A nonprofit organization that regulates interschool sports may not discriminate on the basis of sex and must have written rules and policies regarding student participation.

The Effect of the Proposed Measure if Approved

If approved, this initiative would change participation rules for interschool sports. This initiative would, in its own language, prohibit "biologically male students from competing with and against female students" on sports teams or in individual events that are designated for female students only. This would generally prevent transgender girls from participating on girls' sports teams. This prohibition would affect public K-12 schools and also private schools that participate in the WIAA or similar nonprofit organizations.

Students who want to participate in interschool sports teams or individual events that are designated for female students only would have to provide a form that verifies the student's "biological sex." That form must be signed by the student's personal health care provider. The verification would have to be based on the student's reproductive anatomy, genetic makeup, or normal endogenously produced testosterone levels. Students would thus have to undergo some type of medical evaluation of their sex to participate in interschool sports designated for female students only.

Arguments for and against written by the pro and con committees for Initiative Measure IL26-638 can be found on the Washington State Secretary of State's website[4] as well as in the Voter Guide. The official fiscal impact statement can also be found on the Washington State Secretary of State's website.[5]

Both the pro and con committees for Initiative Measure No. IL26-638 were invited to participate in the public hearing as part of the City affording an approximately equal opportunity for the expression of any views as required in RCW 29B.45.010.

NEXT STEPS:

To comply with state law, Council shall hold a public hearing on Resolution R-5748 and ensure approximately equal opportunities for expression of opposing views. Following the public hearing, Council may approve or reject the resolution as drafted, modify the proposed resolution, ask staff to provide additional information for action at a future meeting, or take no action on the resolution.

ATTACHMENTS:

Resolution R-5748, Opposing Initiative Measure No. 26-638 Concerning Participation in Athletics at K-12 Schools

[4] https://www.sos.wa.gov/sites/default/files/2026-08/IL26-638%20VP%20page.pdf
[5] https://www.sos.wa.gov/sites/default/files/2026-07/Initiative%20Measure%20NoIL26-638_FIS_FINAL.pdf

RESOLUTION R-5748

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND OPPOSING INTITIATIVE MEASURE NO. 26-638 CONCERNING PARTICIPATION IN ATHLETICS AT K-12 SCHOOLS.

WHEREAS, Washington State has placed a ballot measure before the voters with the official ballot measure title of “Initiative Measure No. 26-638 concerns participation in athletics at K-12 schools”; and

WHEREAS, on February 21, 2017, the City Council adopted Resolution R-5240 declaring Kirkland a safe, inclusive, and welcoming community for all people, and reaffirmed this on June 17, 2025, by adopting Resolution R-5686 affirming inclusion and safety for 2SLGBTQIA+ individuals; and

WHEREAS, the City of Kirkland’s 2044 Comprehensive Plan Vision Statement affirms that Kirkland is a place where all people are valued and commits the City to celebrating diversity, inclusion, and the active combating of discrimination as guiding principles for public decision-making; and

WHEREAS, on July 5, 2022, the City Council adopted Resolution R-5548, establishing Kirkland’s Diversity, Equity, Inclusion, and Belonging (DEIB) 5-Year Roadmap and embedding equity and belonging into City programs, services, and community engagement processes; and

WHEREAS, the City’s Sustainability Strategic Plan recognizes the importance of supporting a sense of belonging, access to services, cultural inclusion, and equitable opportunities for all as essential to maintaining a healthy community; and

WHEREAS, schools serving Kirkland’s shared community play a central role in fostering safe, inclusive environments where all students can learn, grow, and thrive; and

WHEREAS, the City’s 2044 Comprehensive Plan Vision Statement and human services goals emphasize a community free from discrimination where individuals can achieve well-being, access resources, and enjoy educational, cultural, and recreational opportunities; and

WHEREAS, on September 15, 2026, the City Council adopted Resolution R-5738 endorsing the Kirkland Youth Bill of Rights as a reference guide when considering policy decision that may impact young people, including a focus on equity, inclusion, and belonging in youth spaces and programs that help young people thrive; and

WHEREAS, pursuant to the text of Initiative Measure No. 26-638, the initiative would require any student participating in a competition activity intended for female students to provide the school with documentation signed by the student’s personal health care provider verifying the student’s biological sex, relying only on the student’s reproductive anatomy, genetic makeup, or normal endogenously produced testosterone levels; and

WHEREAS, the measure could introduce intrusive medical eligibility reviews, mandate additional administrative processes, and potentially expose school staff and students to unwarranted medical verification procedures; and

WHEREAS, the City supports nondiscrimination on the basis of gender identity and expression in school athletics and reinforces its commitment to policies that promote equity, nondiscrimination, and trust in public institutions serving diverse communities; and

WHEREAS, since 2025, the City Council advocated for legislation that requires correctional facilities to conduct strip searches in accordance with an individual's stated gender identity and, as a result, Washington State House Bill (HB) 1604 was signed into law in 2026; and

WHEREAS, Initiative Measure No. 26-638 is scheduled to go to Washington voters during the November 3, 2026 General Election; and

WHEREAS, in compliance with RCW 29B.45.010(1), notice of the meeting during which this resolution is being voted on included the title and number of the ballot measure, and members of the public and members of City Council were each afforded an approximately equal opportunity for the expression of opposing views; and

WHEREAS, with this Resolution, the City Council desires to oppose Initiative Measure No. 26-638.

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

Section 1. The City Council of the City of Kirkland hereby declares its official position in opposition to Initiative Measure No. 26-638 concerning participation in athletics at K-12 schools.

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2026.

Signed in authentication thereof this ____ day of _____, 2026.

_____
Kelli Curtis, Mayor

Attest:

_____
Anastasiya Warhol, City Clerk

Council Meeting: 10/20/2026
Agenda: Public Hearings
Item #: 6. b.

CITY OF KIRKLAND
CITY MANAGER'S OFFICE
123 Fifth Avenue, Kirkland, WA 98033
425-587-3000

MEMORANDUM

To: Kurt Triplett, City Manager

From: Andreana Campbell, Government Affairs Manager

Date: September 25, 2026

Subject: **Public Hearing and Possible Action on Resolution R-5749 Opposing Initiative Measure No. IL26-001 Concerning Parental Rights Relating to their Children in Public School**

RECOMMENDATION:

Staff recommends that the City Council holds a public hearing on and considers Resolution R-5749 expressing opposition to Initiative Measure No. IL26-001 concerning parental rights relating to their children in public school, which is on the November 3, 2026 general election ballot.

EXECUTIVE SUMMARY:

- Under RCW 29B.45.010, the City Council may vote to support or oppose a ballot measure at an open public meeting if the required meeting notice includes the measure's title and ballot proposition number and if councilmembers or members of the public are afforded an approximately equal opportunity for the expression of any opposing view. Both the pro and con campaigns for the initiative were contacted and invited to the public hearing.
- Council directed staff at its October 6, 2026 Meeting to bring forward one resolution in opposition to Washington State Initiative Measure No. IL26-001, concerning parental rights relating to their children in public schools, which will be presented to voters on the November 3, 2026 general election ballot.
- A public hearing will be held as part of Council's consideration of the resolution opposing Initiative No. IL26-001 prior to any Council action on the resolution. Following the public hearing, Council may approve or reject the proposed resolution, modify the resolution, ask staff to provide additional information for action at a later date, or take no action.

BACKGROUND:

Pursuant to RCW 29B.45.010,[1] the City Council may vote to support or oppose a ballot measure at an open public meeting as long as the required meeting notice includes the measure's title and ballot proposition number and provided that councilmembers or members of

[1] https://app.leg.wa.gov/rcw/default.aspx?cite=29B.45.010

the public are afforded an approximately equal opportunity for the expression of any opposing view.

At Council's October 6, 2026 meeting, Council requested that staff return to a future meeting with a resolution in opposition to Initiative IL26-001. Consistent with this state law, the City Council has scheduled a public hearing for October 20, 2026, to receive public testimony on a proposed resolution opposing Initiative No. 26-638. After the public hearing concludes, Council intends to consider whether to adopt a resolution expressing a position in opposition to the initiative. Staff has invited representatives of both the pro and con committees to participate in the hearing.

The Attorney General provided the following ballot title for Initiative No. IL26-001:

> Statement of Subject: Initiative Measure No. IL26-001 concerns parental rights relating to their children in public school.
>
> Concise Description: This measure would repeal amendments to a statute listing certain rights of parents and guardians of public-school children and re-enact the law as it was originally enacted by Initiative to the Legislature 2081.

For further reference, the ballot measure summary for Initiative IL26-001 from the Washington State Secretary of State's website:[2]

> This measure would re-enact RCW 28A.605.005 as it was originally enacted in Initiative to the Legislature 2081. The re-enacted law would list certain rights of parents and guardians of public-school children, including rights to review materials and student records, receive certain notifications and opt students out of certain activities. It would repeal amendments to the statute, which modified school obligations and access to certain student records and added certain parental rights.

Initiative Process
For some additional background, Washington State provides two initiative pathways, initiatives to the people and initiatives to the Legislature. Initiative IL26-001 is an initiative to the Legislature. Once certified, an initiative to the legislature is submitted to the Legislature, which may enact it, decline to act on it, or propose an alternative for voters to consider alongside it. The Legislature did not act on IL26-001 during the 2026 regular session. Therefore, the measure will appear on the November 3, 2026 general election ballot for voter approval or rejection.

DISCUSSION/ANALYSIS:

The Attorney General's explanatory statement published by the Secretary of State on Initiative IL26-001, from the Washington State Secretary of State's website provides:[3]

> **The Law as it Presently Exists**
>
> In 2024, the Legislature passed Initiative to the Legislature 2081, which listed certain rights of parents and guardians of public-school children. Many of those rights were already set forth elsewhere in state or federal law. In 2025, the Legislature made several

[2] https://www.sos.wa.gov/sites/default/files/2026-03/INITIATIVE%20IL26-001%20ballottitleletter.pdf
[3] https://www.sos.wa.gov/sites/default/files/2026-07/ExStat_IL26-001.pdf

changes to this list of parental and guardian rights, which again restated many rights that already existed elsewhere in state and federal law. Currently, the list of parent and guardian rights is set forth in statute at RCW 28A.605.005 and provides:

Access to Educational Materials and Records: Parents and legal guardians have the right to access their child's classroom and school-sponsored activities to observe and to examine textbooks, curriculum, and supplemental materials used in their child's classroom in accordance with policies and procedures. Parents and legal guardians have the right to review their child's education records by submitting a written request. Records must be provided within a reasonable period of time not to exceed 45 days. Education records are defined as official records, files, and data directly related to a student and maintained by the public school, including records in a child's cumulative folder, records of attendance and academic work completed, records of achievement and evaluative tests, disciplinary status, test protocols, and individualized education programs. Education records do not include records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record. Schools may charge a reasonable fee for copying education records for parents and guardians so long as the fee does not prevent a parent or guardian from accessing the records. Parents and guardians are not required to appear in person to request education records, provided the public school can ascertain the identity of the requestor. Access and disclosure of health care information is governed by state health-care disclosure laws.

Student Performance and Attendance: Parents and legal guardians have the right to be informed of their child's academic performance, including the child's performance on state learning standards tests and assessments. A parent or legal guardian has the right to request an in-person meeting with the child's classroom teacher and principal to discuss resources or strategies to support and encourage the child's academic improvement. Parents and legal guardians also have the right to be notified of unexcused absences and to engage in efforts to eliminate or reduce the child's absences in accordance with other state law.

Criminal Action and Law Enforcement: Parents and legal guardians have the right to receive immediate notification when a criminal action is alleged to have been committed against their child on school property during the school day or during a school sponsored activity or when their child has been detained based on probable cause of involvement in criminal activity on school property during the school day. Parents and legal guardians also have the right to receive immediate notification if their child is subject to custodial interrogation at the school during the school day, except in cases where the parent or legal guardian has been accused of abuse or neglect against the child being questioned. Public schools must also give notice to parents and guardians upon receipt of reports that their child is the alleged victim of physical or sexual abuse, misconduct, or assault by a school employee or contractor.

Removal from Campus: Parents and legal guardians have the right for their child not to be removed from school grounds or buildings during school hours without the authorization of a parent or legal guardian according to other provisions of state law. Notice to parents provided by youth shelters, law enforcement agencies, and the Department of Children, Youth, and Families when they provide shelter to or take custody of children are governed by other laws.

Non-Discrimination: Parents and legal guardians have a right to have their child receive a public education in a setting that prohibits discrimination on the basis of sex, race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, the presence of any sensory, mental or physical disability, or the use of a trained dog guide or service animal by a person with a disability.

Harassment, Intimidation, and Bullying: Parents and guardians have the right to file a complaint on behalf of their child relating to harassment, intimidation, and bullying, as set forth in other state law.

Notification and Opt Out Rights: Parents and legal guardians have the right to receive written notice and to opt their children out of surveys, analyses, or evaluations that reveal information concerning categories listed in federal opt-out laws, including political affiliation or beliefs; mental or psychological problems of the student or student's family; sex behavior and attitudes; illegal, anti-social, self-incriminating, or demeaning behavior; critical appraisals of people with close relationships to the child or the child's family; religious practices, affiliations, or beliefs of the child or the child's family; and income. Parents and legal guardians also have the right to opt their child out of comprehensive sexual education as required by other state law.

Enrollment Rights: Parents and legal guardians have a right to have their child qualify for enrollment in a school district if they are transferred to, or pending transfer to, a military installation within the state. Parents and legal guardians have a right to have their child qualify without a legal residence for enrollment in a school district. Parents and legal guardians also have the right to request enrollment for their child in a nonresident school district. Parents and legal guardians have a right to request enrollment for their child in a charter school.

Language Access Rights: Parents and legal guardians have a right to receive annual notice of the public school's language access policies and services and the parents' right to free language access services. Parents and legal guardians also have a right to have their child whose primary language is not English to access supplemental instruction and services through a transitional bilingual instruction program.

Special Education Rights: Parents and legal guardians have the right to request special education programs and assistance for their child if their child is eligible for, but not receiving, special education services, including due to illness. Parents and legal guardians also have the right to request an appeal to the superintendent of public instruction if their child with disabilities has been denied the opportunity of a special education program by a school district or public school, and to access special education due process hearings regarding their child.

School Calendar: Parents and legal guardians have a right to receive the annual school calendar no later than 30 days prior to the beginning of the school year, and to be notified of any revisions to the calendar. The calendar must be posted to the school's website and must include student attendance days and events that require parent or student attendance outside of normal school days or hours.

Required Fees: Parents and legal guardians have a right to be informed of required fees and their purpose and use, and how economic hardships may be addressed.

Dress Code or Uniform: Parents and legal guardians have a right to be informed of a description of any required dress code or uniform.

Private Right of Action: Nothing in the statute setting forth rights of parents and legal guardians creates a private right of action.

The Effect of the Proposed Measure if Approved

If approved, the proposed measure would undo all of the changes made by the 2025 Legislature, and re-institute the list of rights as enacted in 2024 by Initiative to the Legislature 2081. Specifically, the proposal would modify current law in the following ways:

Access to Educational Materials and Records: Parents and legal guardians would have a right to examine the textbooks, curriculum, and supplemental material used in their child's classroom. The limitation that parental and guardian access is according to the provisions of other law and in conformity with school policies would be removed. With respect to records, schools would be prohibited from requiring that parents appear in person to make a records request. The exception for cases where the school could not verify the identity of the parent or guardian would be eliminated. Schools would be prohibited from charging for electronic copies, and could charge a reasonable fee for copies of paper records. Records would have to be produced within ten business days instead of the 45 days allowed by current law. The kinds of records that schools would be required to produce would be broadened to include any student specific files, documents, or other materials that are maintained by the school. The exception for documents kept in the sole possession of the maker would be eliminated. The provision specifying that health care records are controlled by separate laws about disclosure of health care records would be eliminated.

Medical Services and Treatment: The measure would add that parents and legal guardians have a right to receive prior notification when medical services are being offered to their child (except emergency medical treatment), to receive notification when any medical service has been provided to their child that could result in financial impact to the parent or legal guardian, and to receive notification when the school has arranged for medical treatment that results in follow-up care beyond normal school hours.

Criminal Action and Law Enforcement: The specification that parents and guardians are only entitled to notice from public schools when the crime or law enforcement engagement occurs on school property and during school hours would be removed. The right to receive immediate notification when a child is alleged to be the victim, target, or recipient of physical or sexual abuse, sexual misconduct, or assault by a school employee or contractor would be removed.

Removal from Campus: The provision specifying that parental and legal guardian notification by youth shelters, law enforcement, and the Department of Children, Youth, and Families is governed by other laws would be removed. Public schools would be required to notify parents if a child is taken or removed from a public school without parental permission, including to stay at a youth shelter.

Non-Discrimination: The provision specifying that parents and legal guardians have a right to have their child receive an education in a setting that prohibits discrimination on a number of bases would be removed. The measure would instead state a right of

parents and legal guardians to receive assurance that their child's public school will not discriminate against their child based upon the sincerely held religious beliefs of the child's family.

Notification and Opt Out: Parents and legal guardians would continue to have the right from federal law to receive written notice and to opt their children out of surveys, analyses, or evaluations that reveal information concerning political affiliation or beliefs; mental or psychological problems of the student or student's family; sex behavior and attitudes; illegal, anti-social, self-incriminating, or demeaning behavior; critical appraisals of people with close relationships to the child or the child's family; religious practices, affiliations, or beliefs of the child or the child's family; and income. The measure would add to the list of topics for which parents and legal guardians have the right to receive notice and opt-out the child's sexual experiences or attractions, the child's family beliefs, morality, or religion, or political affiliations; and any mental health or psychological problems of the child or a family member.

The right to opt a child out of comprehensive sexual education would be rewritten to state a right to receive written notice and the option to opt a child out of instruction on topics associated with sexual activity in accordance with state law.

Other Provisions Removed: The right of a parent or legal guardian to file a complaint on behalf of their child relating to harassment, intimidation, and bullying, as set forth in other state law, would be removed. The statement that nothing in the statute setting forth rights of parents and legal guardians creates a private right of action would be removed. The provisions regarding enrollment rights, language access rights, and special education rights would be removed.

Calendar, Fees, and Dress Code: No changes would be made to the provisions regarding the school calendar, required fees, or the dress code or uniform.

Arguments for and against written by the pro and con committees for Initiative Measure IL26-001 can be found on the Washington State Secretary of State's website[4] as well as in the Voter Guide. The official fiscal impact statement can also be found on the Washington State Secretary of State's website.[5]

Both the pro and con committees for Initiative Measure No. IL26-001 were invited to participate in the public hearing as part of the City affording an approximately equal opportunity for the expression of any views as required in RCW 29B.45.010.

NEXT STEPS:

To comply with state law, Council shall hold a public hearing on Resolution R-5749 and ensure approximately equal opportunities for expression of opposing views. Following the public hearing, Council may approve or reject the resolution as drafted, modify the proposed resolution, ask staff to provide additional information for action at a future meeting, or take no action on the resolution.

[4] https://www.sos.wa.gov/sites/default/files/2026-08/IL26-001%20VP%20page.pdf
[5] https://www.sos.wa.gov/sites/default/files/2026-07/Initiative%20Measure%20NoIL26-001_FIS_FINAL.pdf

ATTACHMENTS:

Resolution R-5749, Opposing Initiative Measure No. 26-001 Concerning Parental Rights Relating to Their Children in Public School

RESOLUTION R-5749

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND OPPOSING INITIATIVE MEASURE NO. 26-001 CONCERNING PARENTAL RIGHTS RELATING TO THEIR CHILDREN IN PUBLIC SCHOOL.

WHEREAS, Washington State has placed a ballot measure before the voters with the official ballot measure title of “Initiative Measure No. 26-001 concerns parental rights relating to their children in public school”; and

WHEREAS, Initiative Measure No. 26-001 is scheduled to go to Washington voters during the November 3, 2026 General Election; and

WHEREAS, on February 21, 2017, the City Council adopted Resolution R-5240 declaring Kirkland a safe, inclusive, and welcoming community for all people; and

WHEREAS, the City of Kirkland’s 2044 Comprehensive Plan Vision Statement affirms that Kirkland is a place where all people are valued and commits the City to celebrating diversity, inclusion, and the active combating of discrimination as guiding principles for public decision-making; and

WHEREAS, the City recognizes that schools serving Kirkland’s shared community play a foundational role in promoting inclusive, welcoming, and equitable learning environments for all students, including 2SLGBTQIA+ youth, multilingual learners, students with disabilities, and students from historically marginalized communities, many of whom rely on trusted school-based services for safety and support; and

WHEREAS, Kirkland is dedicated to accessibility, resilience, and the wellbeing of current and future generations, which includes supporting systems that foster safe and supportive educational environments; and

WHEREAS, the City has consistently affirmed that strong, inclusive, and collaborative public institutions are essential to maintaining community wellbeing, public trust, and continuity of services that serve a diverse and growing population; and

WHEREAS, the City acknowledges that any changes affecting the accessibility of supportive school services, including counseling, mental health resources, family engagement supports, or culturally competent student services, could have disproportionate impacts on students who already face barriers to equitable educational experiences; and

WHEREAS, in compliance with RCW 29B.45.010(1), notice of the meeting during which this resolution is being voted on included the title and number of the ballot measure, and members of the public and members of City Council were each afforded an approximately equal opportunity for the expression of an opposing views; and

WHEREAS, with this Resolution the City Council desires to oppose Initiative Measure No. 26-001.

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

Section 1. The City Council of the City of Kirkland hereby declares its official position in opposition to Initiative Measure No. 26-001 concerning parental rights relating to their children in public school.

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2026.

Signed in authentication thereof this ____ day of _____, 2026.

_____
Kelli Curtis, Mayor

Attest:

_____
Anastasiya Warhol, City Clerk

KIRKLAND CITY COUNCIL SPECIAL MEETING MINUTES
September 24, 2026

1. CALL TO ORDER

Deputy Mayor Neal Black called the special meeting to order at 5:30 p.m., held at the following location: Kirkland Parks Maintenance Center 12006 120th Pl NE, Kirkland, WA 98034.

2. ROLL CALL

Members Present: Deputy Mayor Neal Black; Councilmembers Amy Falcone, Jay Arnold, and John Tymczyszyn; Mayor Kelli Curtis arrived later at 7:30 p.m.

3. BUSINESS

a. The 2026 Kirkland Initiative cohort met the Council for their first class with an introduction given by Deputy Mayor Neal Black and Deputy City Manager of External Affairs Jim Lopez.
b. Two guiding table questions include: How does this form of government promote accountability and responsiveness? What are the strengths and potential challenges of separating policy-making from day-to-day administration?
c. Each new cohort member introduced themselves to the entire class on why they joined the Kirkland Initiative and what they love about the class
d. Each Councilmember shared their origins to joining the Council
e. Q&A

4. ADJOURNMENT

The Kirkland City Council special meeting of September 24, 2026, was adjourned at 9 p.m.

Anastasiya Warhol, City Clerk

Kelli Curtis, Mayor

KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES
October 06, 2026

1. CALL TO ORDER

Mayor Kelli Curtis called to order the study session at 5:30 p.m. and the regular meeting to order at 7:30 p.m.

2. ROLL CALL

Members Present: Mayor Kelli Curtis, Deputy Mayor Neal Black, Councilmember Jay Arnold (participated remotely), Councilmember Amy Falcone, Councilmember Jon Pascal, Councilmember Shilpa Prem, and Councilmember John Tymczyszyn.

3. STUDY SESSION

a. Citywide Speed Limit Changes

Transportation Engineer Supervisor Jennifer Palmer briefed the City Council on staff recommendations to implement citywide speed limit changes. The Council asked questions and provided feedback.

b. Comprehensive Emergency Management Framework

Emergency Manager Heather Kelly presented to the City Council on the proposed 2026 Comprehensive Emergency Management Framework (CEMF). The Council asked questions and provided feedback.

c. Short-Term Rental Code Briefing

Senior Planner Stacy MacGregor updated the City Council on potential Short-Term Rental (STR) code updates called for in the 2026-2028 Planning Work Program and potential regulatory framework amendments. The Council asked questions and provided direction.

The Council recessed at 7:04 p.m. and reconvened at 7:30 p.m.

4. HONORS AND PROCLAMATIONS

a. Indigenous Peoples' Day

Mayor Curtis asked Councilmember Tymczyszyn to read the proclamation which was accepted by Bethany Fackrell, a Snoqualmie tribal member, veteran, and multi-faceted artist.

b. Domestic Violence Awareness Month

Mayor Curtis asked Councilmember Pascal to read the proclamation which was accepted by Theresa Anderson, Executive Director of LifeWire.

5. COMMUNICATIONS

a. Announcements

b. Items from the Audience

Addressing the City Council were Alycia Ramirez, Josief Werede, Jory Hamilton, Kathryn Straub, Marla Gonzalez, Debbie Lacy, Susan Davis, Ela Hanif, Loita Hawkinson, Joe Kunzler, and Emily McCalib.

c. Petitions

6. PUBLIC HEARINGS

None.

7. SPECIAL PRESENTATIONS

a. EvergreenHealth 2026 State of Healthcare

EvergreenHealth Chief Executive Officer Dr. Ettore Palazzo shared an overview of the current status, successes and challenges in healthcare and at EvergreenHealth, and responded to Council questions.

8. CONSENT CALENDAR

a. Approval of Minutes

(1) September 15, 2026 – Regular Meeting

The minutes of September 15, 2026, regular meeting were approved via approval of the consent calendar.

(2) September 17, 2026 – Special Meeting

The minutes of September 17, 2026, special meeting were approved via approval of the consent calendar.

(3) September 19, 2026 – Special Meeting

The minutes of September 19, 2026, special meeting were approved via approval of the consent calendar.

b. Audit of Accounts

Payroll: $9,663,064.63
Bills: $11,880,807.30

TB91626A	AP CK RUN	CHECK # 761824-761977
TB92326A	AP CK RUN	CHECK # 761978-762088
TB93026A	AP CK RUN	CHECK # 762089-762258
TB91826A	COK EFT	CHECK # 900414-900416
TB92526A	COK EFT	CHECK # 900419-900426
TB93026A	COK EFT	CHECK # 900427
TB10226A	COK EFT	CHECK # 900428-900440
TB91826B	COK-RCR EFT	CHECK # 900417
TB10226B	COK-RCR EFT	CHECK # COK-RCR EFT
TB92126A	HMA	WIRE #1199
TB92526B	HMA	WIRE #1202
TB92526C	HMA	WIRE #1203
TB10526A	HMA	WIRE #1207
TB92126B	CVS	WIRE #1198
TB92426A	CVS	WIRE #1200
TB92926A	CVS	WIRE #1206
TB92526D	MANDANA	WIRE #1201
TB10226D	AUG USE TAX	WIRE #1204
TB10226D	EXCISE TAX	WIRE #1205
	NATIONAL FIDELITY	
	AUG PCARD	

The Audit was acknowledged via approval of the consent calendar.

c. General Correspondence

d. Claims

(1) Claims for Damages

Claims received from Casey Emtman, Maria Hudson, Robert Kidder, Mae R. Macy, Jung (JW) Song, and State Farm Mutual Automobile Insurance Company a/s/o Emmanuel Abram-Profeta were acknowledged via approval of the consent calendar.

e. Award of Bids

f. Acceptance of Public Improvements and Establishing Lien Period

g. Approval of Agreements

h. Other Items of Business

(1) Arbor Day Proclamation

The proclamation was acknowledged via approval of the consent calendar.

(2) Disability Awareness Month Proclamation

The proclamation was acknowledged via approval of the consent calendar.

(3) Walk and Roll to School Month Proclamation

The proclamation was acknowledged via approval of the consent calendar.

(4) Fire Prevention Week Proclamation
The proclamation was acknowledged via approval of the consent calendar.

(5) Resolution R-5746, Adopting the City of Kirkland 2026 Comprehensive Emergency Management Framework

Resolution R-5746 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ADOPTING THE CITY OF KIRKLAND 2026 COMPREHENSIVE EMERGENCY MANAGEMENT FRAMEWORK." was approved via approval of the consent calendar.

(6) 2026 Third Quarter IT Operations Update

The update was acknowledged via approval of the consent calendar.

(7) Declaration of Vehicle and Equipment Surplus

The declaration of surplus vehicles and authorization of disposal through sale was approved via approval of the consent calendar.

(8) August 2026 Investment Report

The report was acknowledged via approval of the consent calendar.

(9) Procurement Report

The report was acknowledged via approval of the consent calendar.

Motion to Approve the Consent Calendar.
Moved by Councilmember Amy Falcone, seconded by Deputy Mayor Neal Black.
Vote: Motion carried 7-0.
Yes: Mayor Kelli Curtis, Deputy Mayor Neal Black, Councilmember Jay Arnold, Councilmember Amy Falcone, Councilmember Jon Pascal, Councilmember Shilpa Prem, and Councilmember John Tymczyszyn.

9. BUSINESS

The agenda was amended without objection to begin the business portion with item 9b, Economic Competitiveness and Minimum Wage Study Results.

a. NE 85th Street Station Naming Selection

This item was postponed to a future Council meeting.

b. Economic Competitiveness and Minimum Wage Study Results

Item was heard as the first item of business. Economic Development Manager Jen Davis Hayes introduced Morgan Shook, Partner and Senior Policy Advisor and Zoe Fairlie, Technical Associate from ECOnorthwest who provided a report about the completed economic competitiveness study and minimum wage white paper to the City Council. The Council asked questions and provided feedback.

Motion to Ask staff to conduct stakeholder engagement, using the Unincorporated King County minimum wage ordinance as a reference, with relevant groups and individuals, including the Kirkland Chamber of Commerce, labor unions, business owners and management, and low wage workers, and return to the November 4, 2026 Council Meeting with a draft Kirkland ordinance based on the Unincorporated King County minimum wage ordinance and potential options for modifications of the draft Kirkland ordinance based on stakeholder engagement.
Moved by Councilmember Amy Falcone, seconded by Councilmember John Tymczyszyn.

Discussion ensued on the motion.

The Council recessed at 10:02 p.m. and reconvened at 10:10 p.m.

Discussion continued on the motion.

Motion to Amend the main motion by substituting November 17, 2026 for November 4, 2026.
Moved by Councilmember John Tymczyszyn, seconded by Councilmember Amy Falcone.

Discussion ensued on the motion.

Motion to Amend the pending amendment by substituting January 19, 2027, for November 17, 2026. Moved by Councilmember Jay Arnold, seconded by Councilmember Amy Falcone.

Discussion ensued on the motion.

Vote: Amendment the amendment carried 6-1.
Yes: Mayor Kelli Curtis, Deputy Mayor Neal Black, Councilmember Jay Arnold, Councilmember Amy Falcone, Councilmember Jon Pascal, and Councilmember Shilpa Prem.

No: Councilmember John Tymczyszyn.

Following the 6-1 vote substituting January 19, 2027, for November 17, 2026, the Council proceeded to consideration of the main motion with January 19, 2027 understood as the operative date, although no separate vote was taken on the amendment, as amended.

Discussion ensued.

Vote: Main Motion, reflecting a January 19, 2027 return date, failed 3 - 4.
Yes: Councilmember Jay Arnold, Councilmember Amy Falcone, and Councilmember John Tymczyszyn.
No: Mayor Kelli Curtis, Deputy Mayor Neal Black, Councilmember Jon Pascal, and Councilmember Shilpa Prem.

Motion to Direct the City Manager to bring community engagement and targeted study options for a minimum wage in Kirkland to the Council on November 4, 2026, for review and discussion.
Moved by Councilmember Amy Falcone, seconded by Councilmember John Tymczyszyn.

Discussion ensued on the motion.

Vote: Motion carried 7-0.
Yes: Mayor Kelli Curtis, Deputy Mayor Neal Black, Councilmember Jay Arnold, Councilmember Amy Falcone, Councilmember Jon Pascal, Councilmember Shilpa Prem, and Councilmember John Tymczyszyn.

Due to the late hour, the agenda was amended without objection to postpone items 9a, 9c, 9f, along with the two legislative request memorandums, to a future Council meeting.

c. Federal Impacts Team Update

This item was postponed to a future Council meeting.

d. Adoption of State Election Statute and Proposed Code Enactments

Assistant City Attorney Ryan Gompertz introduced Ordinance O-4949, incorporating by reference existing state law election protections in Chapter 29A.84 RCW and provided information on two local actions and state legislative action related to ballot box buffer zones. Council asked questions and provided direction.

(1) Ordinance O-4949, Relating to Election Safety and Enacting a New Section of Chapter 11.12 of the Kirkland Municipal Code to Address Election Crimes and Penalties

Motion to Approve Ordinance O-4949 entitled, "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ELECTION SAFETY AND ENACTING A NEW SECTION OF CHAPTER

11.12 OF THE KIRKLAND MUNICIPAL CODE TO ADDRESS ELECTION CRIMES AND PENALTIES."
Moved by Councilmember Jay Arnold, seconded by Councilmember Shilpa Prem.

Councilmember Falcone provided comments.

Vote: Motion carried 7-0.
Yes: Mayor Kelli Curtis, Deputy Mayor Neal Black, Councilmember Jay Arnold, Councilmember Amy Falcone, Councilmember Jon Pascal, Councilmember Shilpa Prem, and Councilmember John Tymczyszyn.

e. Authorizing an Affordable Housing Agreement at Arete Apartments

Planning and Building Director Adam Weinstein presented to the City Council on the affordable housing agreement for the Arete Apartments at 450 Central Way.

(1) Resolution R-5747, Authorizing the City Manager to Negotiate and Execute Agreements and Associated Documents Necessary to Provide a City-Funded Loan to Arete Apartments to Purchase and Preserve 224 Residential Units at Arete Apartments as Long-Term Affordable Housing Units

Motion to Approve Resolution R-5747 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AGREEMENTS AND ASSOCIATED DOCUMENTS NECESSARY TO PROVIDE A CITY-FUNDED LOAN TO ARETE APARTMENTS TO PURCHASE AND PRESERVE 224 RESIDENTIAL UNITS AT ARETE APARTMENTS AS LONG-TERM AFFORDABLE HOUSING UNITS."
Moved by Councilmember Amy Falcone, seconded by Deputy Mayor Neal Black.

Discussion ensued on the motion.

Vote: Motion carried 7-0.
Yes: Mayor Kelli Curtis, Deputy Mayor Neal Black, Councilmember Jay Arnold, Councilmember Amy Falcone, Councilmember Jon Pascal, Councilmember Shilpa Prem, and Councilmember John Tymczyszyn.

f. Council Policies and Procedures Updates

This item was postponed to a future Council meeting.

g. Authorization of Potential Lease for Former LDS Church Property Located at 13220 NE 132nd Street

Deputy City Manager for External Affairs Jim Lopez briefed the City Council on the potential to lease the former church property for community purposes. City Attorney Darcey Eilers noted that the property sale had closed. Council asked questions and provided feedback.

Motion to Authorize the City Manager to proceed with leasing the former church property located at 13220 NE 132nd Street for community purposes following closing on the property.
Moved by Deputy Mayor Neal Black, seconded by Councilmember Shilpa Prem.

Discussion ensued on the motion.

Vote: Motion carried 5-2.
Yes: Mayor Kelli Curtis, Deputy Mayor Neal Black, Councilmember Jay Arnold, Councilmember Amy Falcone, and Councilmember Shilpa Prem.
No: Councilmember Jon Pascal and Councilmember John Tymczyszyn.

10. REPORTS

a. City Council Regional and Committee Reports

Due to the late hour, reports would be shared via email. Mayor Curtis provided an update on a meeting with King County Councilmembers Claudia Balducci and Rod Dembowski, as well as feedback regarding the Sound Cities Association (SCA) committees.

b. City Manager Reports

City Manager Triplett provided an update on his meeting with King County Councilmembers Balducci and Dembowski regarding the Northeast Recycling and Transfer Station (NERTS) and the potential 0.01 sales tax authority that the King County Executive has transmitted to the King County Council for consideration.

(1) Legislative Request Memorandum

The legislative request memorandums were postponed to a future Council meeting.

(a) LRM080526C1 - Holmes Point Overlay – Development Standards to Facilitate Middle Housing

(b) LRM080526C2 - Holmes Point Overlay – Tree Removal Allowances

(2) Calendar Update

Mayor Curtis requested additional information on Pursuit Church, including a report outlining current City actions, limitations on what can be

done, and potential steps that could help improve their relationship with neighboring residents.

City Manager Triplett provided additional information on the finalization of bids for the Houghton Village property, noting that an executive session will be scheduled to discuss them. He also shared updates on the resolutions for and against two statewide initiatives – IL26001 and IL26-638, currently planned for the October 20 Council agenda.

Discussion followed.

Motion to Remove consideration of the initiative positions from the Council agenda.
Moved by Councilmember Jay Arnold, seconded by Councilmember Jon Pascal.

Discussion ensued on the motion.

Vote: Motion failed 3 - 4.
Yes: Deputy Mayor Neal Black, Councilmember Jay Arnold, and Councilmember Jon Pascal.
No: Mayor Kelli Curtis, Councilmember Amy Falcone, Councilmember Shilpa Prem, and Councilmember John Tymczyszyn.

Discussion continued.

Motion to only prepare resolutions in opposition to the ballot measures for consideration on the October 20, 2026 agenda.
Moved by Councilmember Jay Arnold, seconded by Councilmember John Tymczyszyn.

Vote: Motion carried 7-0.
Yes: Mayor Kelli Curtis, Deputy Mayor Neal Black, Councilmember Jay Arnold, Councilmember Amy Falcone, Councilmember Jon Pascal, Councilmember Shilpa Prem, and Councilmember John Tymczyszyn.

11. EXECUTIVE SESSION

12. ADJOURNMENT

The Kirkland City Council regular meeting of October 6, 2026, was adjourned at 11:26 p.m.

Anastasiya Warhol, City Clerk

Kelli Curtis, Mayor

Council Meeting: 10/20/2026
Agenda: Claims for Damages
Item #: 8. d. (1)

CITY OF KIRKLAND
FINANCE AND ADMINISTRATION
123 Fifth Avenue, Kirkland, WA 98033
425-587-3000

MEMORANDUM

To: Kurt Triplett, City Manager

From: Michael L Olson, Director of Finance and Administration
Anastasiya Warhol, City Clerk

Date: October 20, 2026

Subject: **Acknowledgement of Claims for Damages**

RECOMMENDATION:

Staff recommends that the City Council acknowledges receipt of Claim(s) for Damages. By taking action on the consent calendar, the Council is acknowledging receipt.

EXECUTIVE SUMMARY:

- Staff details four Claims for Damages received between September 24, 2026, and October 7, 2026, totaling an estimated amount of $6,500.42.
- This report is in accordance with the requirements of RCW 35.31.040, that claims for damages shall not be satisfied until report of them has been made to the Council.
- This report is routinely reviewed at each regular City Council meeting.

BACKGROUND:

Background is captured in the Executive Summary.

DISCUSSION/ANALYSIS:

During the timeframe of September 24, 2026, through October 7, 2026, the City of Kirkland received the following Claim for Damages:

(1) Lemak, Colleen

Amount: $502.39

Nature of Claim: Claimant states damages occurred in the form of personal injuries due to a dock bench post at the following location: Marina Park, 25 Lakeshore Plaza.

(2) Luong, Francis

Amount: $800.00

Nature of Claim: Claimant states damages occurred to personal vehicle due to a water main lid at the following location: eastbound NE 124th Street by Toyota of Kirkland.

(3) Marion, Cara

Amount: $340.41

Nature of Claim: Claimant states damages occurred to a commercial fire extinguisher due to assisting in extinguishing a fire at the following location: Juanita Beach Park, 9703 NE Juanita Drive.

(4) Northshore Utility District

Amount: $4,857.62

(5) **Nature of Claim**: Claimant states damages occurred to Northshore Utility District sewer system due to a City of Kirkland contractor, Northwest Asphalt, at the following locations: 9217 NE 134th Street and 9245 NE 135th Street.

NEXT STEPS:

Staff has referred each claim to the risk management division for disposition. The claims are now with the City's insurer, Washington Cities Insurance Authority (WCIA), for investigation and resolution.

ATTACHMENTS:

None.

Council Meeting: 10/20/2026
Agenda: Other Items of Business
Item #: 8. h. (1)

CITY OF KIRKLAND
PUBLIC WORKS
123 Fifth Avenue, Kirkland, WA 98033
425-587-3000

MEMORANDUM

To: Kurt Triplett, City Manager

From: Julie T. Underwood, Director of Public Works
Sarah R. Olson, Deputy Director of Public Works
Stephen Padua, Transportation Manager
Blair Daly, Transportation Program Coordinator

Date: September 2, 2026

Subject: **Transportation Strategic Plan Performance Metrics Dashboard Report**

RECOMMENDATION:

Staff recommends that the City Council receives an update on the Transportation Strategic Plan Metrics Dashboard. By acting on the consent agenda, the Council is receiving the update.

EXECUTIVE SUMMARY:

- The Transportation Strategic Plan (TSP) is the 20-year planning document for the City's transportation system.
- The TSP includes performance metrics, which will now be displayed through an online dashboard and be updated regularly based on data availability.
- TSP metrics were discussed with the Transportation Commission on March 25, 2026, and May 28, 2026, with the Commission's feedback implemented into the new dashboard.

BACKGROUND:

The 20-year Transportation Strategic Plan[1] (TSP) was adopted November 19, 2024, in coordination with the City of Kirkland's 2044 Comprehensive Plan update.[2] The TSP is a standalone plan, but its primary components make up the Transportation Element within the 2044 Comprehensive Plan. Council input on the TSP focused on goals, policies, performance metrics, and prioritization criteria used to create and sort the 20-year transportation capital project list.

[1] https://www.kirklandwa.gov/files/sharedassets/public/v/1/public-works/transportation/plans-and-studies/kirkland-tsp-final.pdf
[2] https://www.kirklandwa.gov/Government/Departments/Planning-and-Building/Planning-Projects/Kirkland-2044-Comprehensive-Plan-Update

The TSP includes two methods for monitoring system performance and how Kirkland is addressing the goals outlined in the TSP. Implementation of the TSP was previously discussed at the February 3, 2026[3] Council meeting and this update provides additional information about the latest metrics and a new dashboard.

The TSP includes two tables with metrics that evaluate system performance. Table 5-3 Multimodal Level of Completeness, included in Attachment 1, contains measures designed to track Kirkland's Multimodal Level of Service (MMLOS) as part of Kirkland's concurrency program, which is a requirement under the Growth Management Act (GMA). The MMLOS measures assist staff in measuring comprehensive system performance and help to identify all investment needed to build out a transportation system consistent with GMA goals. The MMLOS measures are based on level-of-completeness of the transportation system.

Table 6-4 Performance Measures and Evaluation, also included in Attachment 1, lists measures designed to track the progress of addressing each goal in the TSP over the 20-year plan horizon.

TSP Metrics Tables 5-3 and 6-4 contain a total of 19 measures to gauge system performance. Staff previously produced annual progress report infographics related to the Transportation Master Plan adopted in 2015.[4]

Table 1: TSP Metrics Tables

TSP Page #	Table #	Table Name	# of Metrics
116	5-3	Multimodal Level of Completeness	8
131	6-4	Performance Measures and Evaluation	11

When the Transportation Strategic Plan was developed in 2024, the Transportation Commission and staff discussed performance measure metrics during meetings on March 27, 2024,[5] April 24, 2024,[6] and July 24, 2024.[7] The primary goal of those discussions was to choose reasonable measures that staff could report on that would allow the City Council, the Transportation Commission, and the public to periodically gauge progress with implementing the TSP Plan. Performance measures should ideally be produceable under current conditions with available resources and should be replicable on a regular basis.

At the March 25, 2026[8] Transportation Commission meeting, staff proposed and the Commission approved the recommendation to adjust three metrics in the TSP while keeping their intent intact. The three metrics were related to Transit Passenger Environment (Table 5-3), Intelligent Transportation Systems (Table 5-3), and Vehicle Network Management (Table 6-4).

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[3] https://www.kirklandwa.gov/files/sharedassets/public/v/1/city-council/agenda-documents/2026/february-3-2026/9c_business.pdf
[4] https://www.kirklandwa.gov/files/sharedassets/public/v/1/public-works/transportation/plans-and-studies/2023-tsp-progress-report.pdf
[5] http://www.kirklandwa.gov/files/sharedassets/public/v/1/boards-and-commissions/transportation-commission/2024/03_mar-27/tc-agenda-mar-27-2024.pdf
[6] http://www.kirklandwa.gov/files/sharedassets/public/v/1/boards-and-commissions/transportation-commission/2024/04_apr-24/transportation-commission-meeting-agenda-april-24-2024.pdf
[7] http://www.kirklandwa.gov/files/sharedassets/public/v/3/boards-and-commissions/transportation-commission/2024/07_jul-24/tc-meeting-agenda-7-24-2024.pdf
[8] https://www.kirklandwa.gov/files/sharedassets/public/v/1/boards-and-commissions/transportation-commission/2026/03_march-25/tsp-metrics-memo.pdf

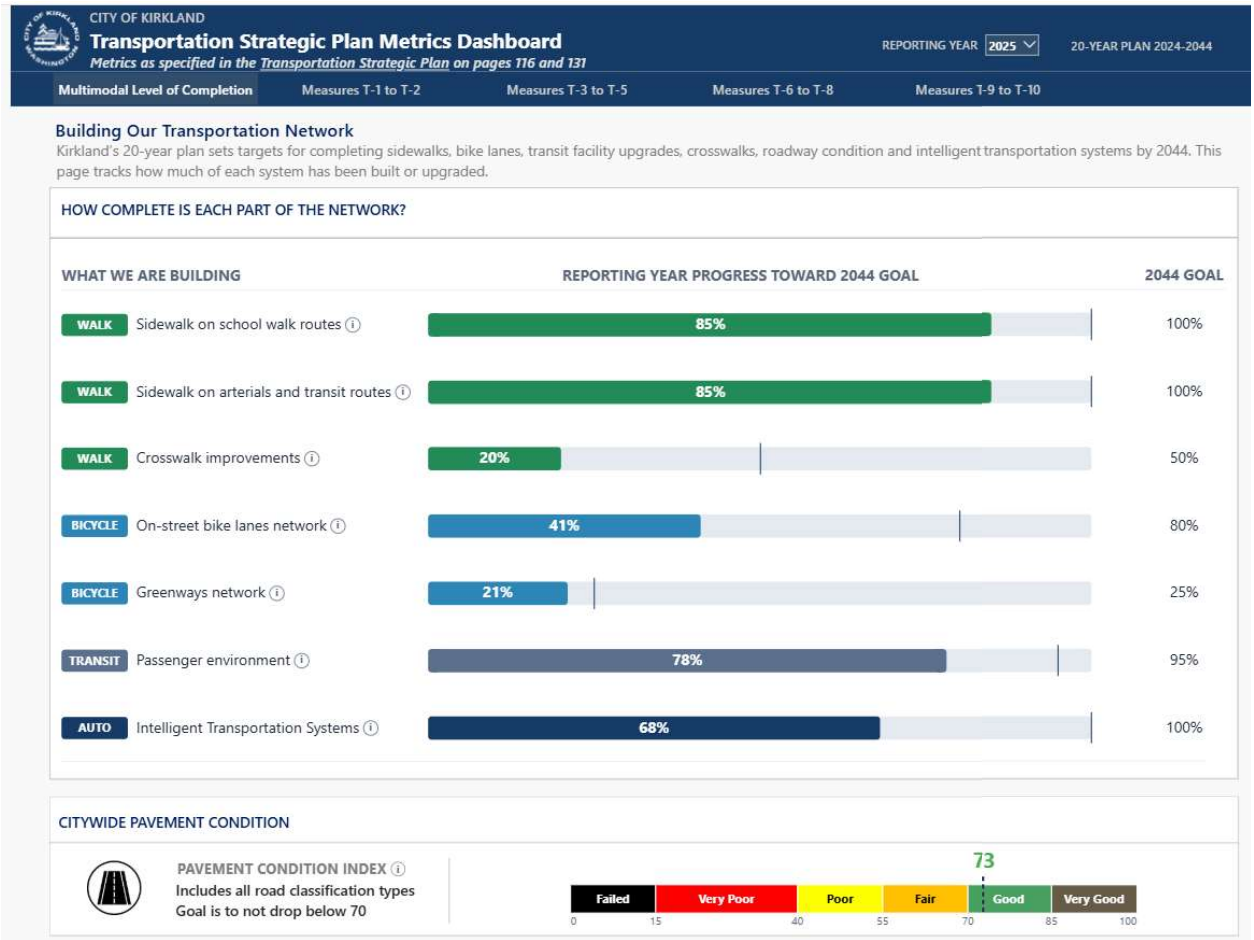
During the May 27, 2026[9] Transportation Commission meeting, staff presented the 2025 TSP metrics and announced that a dashboard was in development to display the metrics. The Commission's feedback about the metrics and staff's response is described in Attachment 2. Staff revised the metrics dashboard to address much of the Commission's feedback, and the dashboard is now available for public use.[10]

DISCUSSION/ANALYSIS:

The TSP Metrics Dashboard is posted on the City's website (see screenshot below). The dashboard presents the metrics on a series of five tabs. The first tab shows the metrics from Table 5-3 Multimodal Level of Completeness (TSP page 116), and the remaining four tabs show the metrics from Table 6-4 Performance Measures and Evaluation (TSP page 131).

The dashboard shows the metrics for 2025, representing a snapshot of available data between January 1 and December 31, 2025. Metrics representing a snapshot as of December 31, 2026, will also be available in the dashboard by spring 2027. A feature in the dashboard header allows users to select which year's metrics to display.

[9] https://www.kirklandwa.gov/files/sharedassets/public/v/1/boards-and-commissions/transportation-commission/2026/05_may-27/transportation-strategic-plan-tsp-metrics-memo.pdf
[10] https://www.kirklandwa.gov/Government/Departments/Public-Works-Department/Transportation/Plans-and-Studies-Transportation-Division/Transportation-Strategic-Plan/Transportation-Strategic-Plan-Metrics-Dashboard



Since the TSP was adopted in late 2024, many metrics are new and do not have available data prior to 2025. For this reason, staff are not able to observe system trends at this time. Staff plans to report to Council about the TSP metrics again in 2028, unless the Council requests and earlier check-in. At that time, data for 2025, 2026, and 2027 will be in the dashboard, and staff will highlight observed trends.

NEXT STEPS:

Staff will update the TSP Metrics dashboard with new data annually and will report on the TSP metrics and transportation system trends to the City Council every two years.

ATTACHMENTS:

Attachment 1 – Transportation Strategic Plan Tables 5-3 and 6-4
Attachment 2 – Transportation Commission Comment Matrix

MULTIMODAL LEVEL OF SERVICE

Kirkland has a complete vehicular network but does not have a complete network for the other modes of travel, including sidewalks, bicycle facilities, and transit. Multimodal standards help Kirkland measure comprehensive system performance and identify investment needs to build out a transportation system that includes non-automobile modes, consistent with GMA goals.

Multimodal network capacity to accommodate future growth comes from projects and programs in the transportation capital project list, part of Kirkland's Capital Facilities Plan (CFP). These projects and programs collectively provide the necessary multimodal capacity to support growth over the next 20 years. Kirkland has a MMLOS based on level of investment in multimodal projects and is measured by level of completeness for different modes. The City uses level of completeness to track progress toward the multimodal goals of the TSP over the 20-year horizon.

Multimodal LOS measures based on completeness of the transportation system are shown in Table 5-3. Objective measures are used to develop and prioritize projects included in the 20-year transportation capital project list. Generally, the level of completeness is based on available funding as well as the goals and policies of the TSP and Transportation Element.

TABLE 5-3. MULTIMODAL LEVEL OF COMPLETENESS

Transportation Strategic Plan Priorities	Measurement	2044 Level of Completeness	2024 Level of Completeness
Walk: School walk routes	% of streets on school walk routes with sidewalks on at least one side.	100%	85% (98% on collectors and arterials, 74% on local streets)
Walk: Sidewalks on arterial streets and transit routes	% of arterial streets and all-day service transit routes with sidewalks or pedestrian walkways on at least one side of transit	100%	85%
Walk: Crosswalks†	% of new crosswalk improvements complete that are identified in the TSP	50%	0%
Bicycle: On-street network*	% of planned bicycle network complete as identified in the TSP (excluding greenways)	80%	40%
Bicycle: Greenway network	% of planned greenway network complete as identified in the TSP	25%	21%
Transit: Passenger environment	% of transit stops with lighting and shelters on frequent service routes	50%	22% with shelters and streetlights (5% with pedestrian oriented lighting)
Auto: ITS	% of investment allocated to Intelligent Transportation Systems (ITS) Capital Projects as identified in Table 4-1 in the Kirkland ITS Plan	100%	48%
Auto: Pavement Condition Index (PCI)	Citywide PCI	PCI of 70	72

TABLE 6-4. PERFORMANCE MEASURES AND EVALUATION

TSP Goal	Performance Measure	Performance Measure Evaluation
T-1: Safety	Annual totals of fatalities, serious injuries, and bicycle/pedestrian related crashes. Analysis of priority locations and leading contributing factors reported every two years with the Local Road Safety Plan.	Monitor trends. Summary level crash data will also be continuously available with a website dashboard dynamically connected to a police report database.
T-2: Active Transportation	Annual totals of bicycle and pedestrian volume counts on the CKC	Monitor trends. Data collected by tube, infrared, and camera sensors and potentially crowdsourced data.
T-3: Public Transportation	Annual total ridership numbers on all day routes in Kirkland.	Monitor trends and/ or link to Metro's ridership dashboard
T-4: Vehicle Network Management	Narrative summary of annual progress towards completing ITS Implementation Plan	Narrative
T-5: Technology and Emerging Practices	Narrative summary of new technologies and the implementation of improvements that support future technologies such as Smart Cities Initiative, fiber optic connectivity, parking technologies, and other infrastructure upgrades reported every two years.	Narrative
T-6: Maintenance	Percentage of maintenance program and/or project funding in the capital improvement program	% of funding levels
T-7: Equity	Narrative summary of CIP Equity Tool scores of completed projects.	Narrative
T-8: Sustainability	Percentage of funds spent per transportation mode in the CIP, reported every two years.	% of funding levels
	Link to the Sustainability Strategic Plan monitoring of the 7 goals and 21 actions under Land Use and Transportation	Link
T-9: Link to Land Use	Narrative summary of project updates that support land use goals (transit, centers, etc.). Grant updates included.	Narrative
T-10: Partnerships	Narrative summary on Kirkland's partnerships if any for that year (K line example)	Narrative

The actions in this plan outline additional support to better monitoring including Policy T-1.4 to build a robust and transparent data framework. The performance measures outline baseline conditions that the City can monitor and report on each year. This is in addition to the many other monitoring activities such as the City's traffic count program, speed studies, and inventories.

Transportation Commission Comments Matrix		
Relevant TSP Metric	**Commissioner's Request/Comment**	**Staff Response**
Pavement condition index	Make clearer that PCI of 70 is minimum goal. Add color scheme to aid interpretation of status (e.g. green, yellow, red)	Added wording to dashboard to make it clearer. Added color-coding and labels to aid interpretation.
Pavement condition index	Add PCI for each road classification in addition to rolled-up PCI for all classifications.	Change not made. CIP's internal StreetSaver dashboard unable to make integration with this dashboard with current resources.
T-2 Active Transportation	Add contextual notes that help explain the observed CKC user counts if things like a long-term CKC closure artificially suppress or inflate the counts.	The counts where the CKC crosses 6th St S are for April through December 2025 because the counting device was installed in late March 2025. The counts where the CKC crosses NE 87th St were substantially depressed by the closure of the CKC to the south of that counting location, which started in July 2025, for the NE 85th St Shared Use Pathway Project. The bicycle user counts where the CKC crosses 128th Ln NE do not include counts for the months of April and May 2025 due to damage to the equipment that was rectified by June.
T-2 Active Transportation	In the future, consider including user counts from greenways and/or other non-CKC locations.	This will be considered in future counts.
T-2 Active Transportation	Explain to the City Council the reasons why the 2024 user counts data was incomplete/problematic.	A note is identified in this comments matrix available for City Council review.
T-3 Public Transportation	For this metric, instead of or in addition to ridership numbers, do something that better captures gained and lost transit service / how transit service is improving or not improving.	City staff is coordinating with King County Metro to determine if this is a reasonable metric to gather with currently available resources.
T-3 Public Transportation	Add something to the chart showing for each bus route whether service hours increased or decreased.	Options being explored with King County Metro staff.
T-3 Public Transportation	Add contextual notes that help explain the observed transit ridership counts if things artifically suppress or inflate the counts.	When appropriate, staff will include such notes in the dashboard or in the trends reporting with City Council.
T-3 Public Transportation	Add to the chart ridership counts for Sound Transit route 535.	Change made.

T-6 Maintenance	Show a different or additional maintenance-related metric.	Staff created public-facing dashboards showing Public Works assets counts for Transportation and Streets & Grounds. Links to those are in tab 4 of the TSP metrics dashboard.
Table 5-3 Multimodal Level of Completeness / Dashboard Tab 1	How do we know if we're on track to reach the goals in Table 5-3? What about adding green / yellow / red symbols to showing if we're on track with each one?	Tracking of goals are displayed in dashboard. Staff unable to make additional changes to metrics and dashboard without additional goals adopted by city council and additional resources to adequate track this progress.
Table 5-3 Multimodal Level of Completeness / Dashboard Tab 1	Is there a way we can display the quality and utilization of the transportation facilities we're building?	Developing criteria for assessing the quality of the facilities that would then be displayed as metrics in a dashboard is beyond the scope of this project at this time, considering existing resources.

Council Meeting: 10/20/2026
Agenda: Other Items of Business
Item #: 8. h. (2)

CITY OF KIRKLAND
CITY MANAGER'S OFFICE
123 Fifth Avenue, Kirkland, WA 98033
425-587-3000

MEMORANDUM

To: Kurt Triplett, City Manager

From: David Wolbrecht, Communications Program Manager

Date: September 16, 2026

Subject: **Open Link Biennial Community Survey Results**

RECOMMENDATION:

Staff recommends that the City Council receives the results of the open link community survey.

EXECUTIVE SUMMARY:

- No action is needed on this item.
- The City's biennial community survey provides longitudinal data on resident satisfaction, quality of life, service priorities, and key performance indicators used to inform the City's budget and the Kirkland Quad.
- In May 2026, ReconMR conducted the 2026 survey using a randomly selected, address-based sample of Kirkland households, with a target of 1,000 completed surveys through mixed-mode web and phone completion. ReconMR presented its findings at the May 29, 2026 Council Retreat and can be found online.[1]
- City staff promoted an open-link version of the same survey throughout the month of August. This memorandum highlights the key differences between each survey.

BACKGROUND:

Since 2012, the City has conducted a community survey every other year to gauge resident satisfaction with City services and to help establish priorities for the City's biennial budget. The survey is the source of the data that constitutes the "Kirkland Quad," a quantitative mapping of various City services by importance and performance ratings. The most recent Kirkland Quad can be found on page 21 of the City's 2025-2026 Budget Document PDF.[2] Prior community survey reports can be found on the City's website.[3]

[1] https://app.displayr.com/Dashboard?id=7b5d0c6d-3bbe-411a-bdce-a647e0e1703a#page=be435507-232d-445c-9542-4953d8802bd5
[2] https://www.kirklandwa.gov/Government/Departments/Finance-and-Administration/Budget-Information/Budget-Documents
[3] https://www.kirklandwa.gov/Government/City-Managers-Office/Community-Survey

By keeping most of the questions consistent, the biennial survey provides longitudinal data for the various Quad topics as well as other key performance indicators for the City. These non-Quad topics include how City is doing overall, how well it's managing the public's money, and how well the City is keeping residents informed, as well as other topics.

Starting in early May, the City's selected survey consultant, ReconMR, conducted a randomly selected, address-based sample (ABS) of Kirkland households, with a target of 1,000 completed surveys. ReconMR presented the results of the survey to the Council at the May Financial Retreat. As in prior years, the City issued the same instrument as an open-link community survey later in the summer. This open-link survey was promoted widely in the City's standard communication channels and shared by various neighborhood and community groups.

DISCUSSION/ANALYSIS:

As indicated by the consultant, results from the open access survey are generally less positive than those seen in the scientific, address-based sample results from May. This is consistent with past open access surveys and with expectations when doing this type of sampling and comparing results.

Beyond this general trend, ReconMR highlighted some key areas of difference between address-based sample (ABS) and open link. Specifically, survey respondents' satisfaction with the City's performance is notably lower regarding:

1. "Creating community where you feel like you belong." (67% ABS vs. 54% Open)
2. "Focusing on the priorities that matter most to residents." (45% ABS vs 31% Open)
3. "The job the city is doing overall." (71% ABS vs. 52% Open)
4. "Streets, sidewalks, parks, and roadside landscaping." (85% ABS vs 76% Open)

In contrast, open link respondents were notably more likely to say they are "somewhat" or "well informed" (75% ABS vs 86% Open). Open link respondents were also more than twice as likely to say they are subscribed to the 'This Week in Kirkland' newsletter (19% ABS vs 46% Open). The full data set can be found on the survey dashboard available here: https://app.displayr.com/Dashboard?id=7b5d0c6d-3bbe-411a-bdce-a647e0e1703a#page=be435507-232d-445c-9542-4953d8802bd5

NEXT STEPS:

None.

ATTACHMENTS:

None.

Council Meeting: 10/20/2026
Agenda: Other Items of Business
Item #: 8. h. (3)

CITY OF KIRKLAND
CITY MANAGER'S OFFICE
123 Fifth Avenue, Kirkland, WA 98033
425-587-3000

MEMORANDUM

To: Kurt Triplett, City Manager

From: Andreana Campbell, Government Affairs Manager

Date: October 12, 2026

Subject: **Council Policies and Procedures Update on Council Committees**

RECOMMENDATION:

Staff recommends that the City Council approves the recommended amendments to Chapter 7 of the Council Policies and Procedures related to Council Committees and the Legislative Work Group. By approving the consent calendar, Council will approve the amendments proposed in Attachment 1 as the formal Chapter 7 Council Committee policies and procedures. These amendments will be acknowledged in a future resolution the next time the Council revises the Council Policies and Procedures.

EXECUTIVE SUMMARY:

- The City Council Policies and Procedures are periodically updated to reflect current practice, improve clarity, and incorporate Council direction.
- Staff originally prepared a set of amendments for Council consideration on the August 5 and October 6 Council meetings, but the discussion was postponed both times.
- Staff proposes that Council consider the specific amendments to Chapter 7 to clarify the advisory role of intermittent Council committees, provide for biennial appointments, require a charter for each Council committee, and remove outdated references to the former Transportation Ad Hoc Work Group.
- Staff also provides a draft Legislative Work Group (LWG) charter for review. The Charter is intended to clearly define the LWG's purpose, membership, responsibilities, meeting procedures, and relationship to the full Council. No action is being requested on the Charter on October 20.

BACKGROUND:

The City Council Policies and Procedures[1] (May 2026) establish the operational framework governing Council meetings, committee structures, public comment, and related procedures. During the February retreat, Council identified a number of provisions to update and requested

[1] https://www.kirklandwa.gov/files/sharedassets/public/v/2/city-council/policies-and-procedures/file-cmo-council-policies-procedures-20260612.pdf

staff to bring back potential amendments for discussion. Several of those provisions were addressed earlier in the year through the May 2026 update.

Subsequently, staff prepared proposed additional amendments as a Part II Update. One set of amendments related to Council committees and the Legislative Work Group. Another set related to how the Council meeting agendas are set. These were first scheduled for Council discussion at the August 5, 2026 Council Meeting,[2] but the item was subsequently postponed. The discussion on those amendments was then scheduled for Council discussion on the October 6, 2026 Council Meeting,[3] Staff now recommends that Council approve through the Consent Calendar the amendments related to the Council Committees in Chapter 7, particularly to adopt provisions related to the Legislative Work Group. Staff will return with the remaining proposed amendments related to Council meeting agendas at a future meeting.

DISCUSSION/ANALYSIS:

As requested by Council, staff proposes amendments to Chapter 7 related to council committees, including provisions related to the Legislative Work Group (LWG). Proposed amendments to the Council Policies and Procedures are included in Attachment 1, and the draft LWG charter is included in Attachment 2.

Chapter 7 – Council Committees
The Council Policies and Procedures address Council committees in Chapter 7. This section requires a few updates. First, some changes are necessary to Section 7.03 related to specifically designated Council Committees. Second, additional details on the Council's Legislative Work Group should be incorporated into the chapter to address current processes.

Council Intermittent Committees in Section 7.03
On the first issue, Section 7.03 currently reads as follows:

7.03 Council Intermittent Committees

Committee/Topic Areas	Staff
• State and Federal Legislative Work Group	Intergovernmental Relations Manager
• Transportation Ad Hoc Work Group	Transportation Manager
• Lake Washington School District Coordinating Committee	Senior Neighborhood Services Coordinator

The list of Council intermittent committees and supporting staff changes over the years. In January 2026, the Council elected to sunset the Transportation Ad Hoc group, which is listed in Section 7.03 as a Council Committee. In addition, the Senior Neighborhood Services Coordinator no longer supports the LWSD Coordinating Committee, and the Intergovernmental Relations Manager is not the current title of the staff member supporting the Legislative Work Group. As a result, this section should be updated.

[2] https://www.kirklandwa.gov/files/sharedassets/public/v/1/city-council/agenda-documents/2026/august-5-2026/9f_business.pdf
[3] https://www.kirklandwa.gov/files/sharedassets/public/v/2/city-council/agenda-documents/2026/october-6-2026/9f_business.pdf

First, the Council can simply update this section by removing the reference to the Transportation Ad Hoc Group and by changing the support staff title for the LWSD Coordinating Committee to Special Projects Coordinator. Second, rather than periodically changing this section to reflect Council decisions and staffing changes, Section 7.03 *Council Intermittent Committees* could be amended to the following:

> In general, these appointments should be made every two years along with other Councilmember Board and Committee appointments. A charter for each intermittent committee shall be approved by the Council when the committee is authorized. Current committees, topic areas, and staff assignments will be maintained by the City Manager's Office with the Council's regional board and committee appointments. The number and time frame for intermittent committees may be amended as needed by the Council during each two-year appointment cycle.

Staff recommends amending the language as shown above to allow the Council to change the number, topics, and staffing of Council committees every two years without needing to fully update the Council Policies and Procedures. Amended language is shown in legislative track changes on page 23 of Attachment 1.

Legislative Work Group and State Legislative Agenda
On the second issue, at the February retreat, Council discussed incorporating the current processes and practices of Council's Legislative Work Group (LWG) into the Council Policies and Procedures.

The City's State Legislative Agenda and LWG processes have proven highly effective in advancing the priorities of the City Council and serving the interests of the broader community. The LWG plays a central role each year in advancing the City's State legislative priorities. Although the work group has operated in a consistent manner, its purpose, structure, and bill review process have not yet been fully formalized by Council.

Originally, these proposals on the City's State Legislative Agenda and LWG processes were included in the August 5, 2026 Council packet, but the agenda item was postponed. Thereafter, on September 3, 2026, staff met with the current LWG and discussed the proposal staff had included in the August 5 packet. Staff then made relatively minor modifications to the proposals reflecting the LWG's recommendations.

Staff recommends adding language to the Council Policies and Procedures outlining the advisory nature, appointment process, and general purpose of the LWG and then also incorporating reference to a LWG charter that more specifically details the legislative process and responsibilities of LWG members. Referring to the charter in the Council Policies and Procedures rather than fully adopting everything in the Policies and Procedures will allow the LWG's process and responsibilities to be amended by Council without returning with a full Council Policies and Procedures update.

Staff recommends that a new section 7.05 titled *"Legislative Work Group and State Legislative Agenda"* be added, as shown in red legislative markup on pages 23-24 of the Council Policies and Procedures provided in Attachment 1. Staff recommends that the new section reflect the following language, which is identical to the language included in the earlier agenda item, with the exception of one additional sentence, which is added at the end based on feedback from the current LWG:

7.05 Legislative Work Group and State Legislative Agenda. Given the fiscal and policy impact the state legislature has on local governments, one recurring intermittent committee shall be the Legislative Work Group (LWG) whose purpose shall be to advise the Council on the State Legislative Agenda. The Legislative Work Group will consist of three councilmembers appointed through the Council's biennial board and committee appointment process for two-year terms. The Mayor and Deputy Mayor may designate one member to serve as Chair to be confirmed by the Council.

The LWG serves in an advisory capacity to the Council by recommending legislative priorities and advising on strategies to advance or oppose legislation consistent with the LWG charter and the adopted state legislative agenda. The LWG charter serves as the primary document describing the purpose, responsibilities, membership and operating procedures of the LWG. The charter shall describe the purpose and elements of the state legislative agenda and the process by which Council positions on legislation are determined. The charter will be reviewed at least every two years along with the appointment of the LWG members and updated if advisable or necessary. It may be updated more often as determined by Council.

This advisory role allows the LWG to provide timely guidance between Council meetings. The LWG's recommendations are implemented within the authority granted by the Council through the adopted state legislative agenda. Any additions to or substantive changes in to the adopted priorities of the legislative agenda require approval of Council.

When acting in their official role, Councilmember advocacy should be in support of the city's adopted state legislative agenda.

A draft LWG charter is provided in Attachment 2 for Council's consideration. The charter outlines the LWG's purpose, relationship to the full Council, the elements of the state legislative agenda, member roles and responsibilities, bill review process and Council positions, and membership. No action is requested on the charter on October 20. Staff will present the LWG Charter to Council for approval at a later date.

NEXT STEPS:

Staff recommends that Council approves the proposed amendments to Chapter 7 of the Council Policies and Procedures through action on the consent calendar.

Later this year, staff will be presenting additional proposed amendments to the Council Policies and Procedures related primarily to the Council agenda setting section. Once Council provides feedback on those additional amendments, staff will prepare a proposed resolution formally adopting the full Council Policies and Procedures. Staff will incorporate the approved Chapter 7 amended language into the full Council Policies and Procedures at that time.

ATTACHMENTS:

Attachment 1 – Proposed Amendment to Chapter 7 of the Council Policies and Procedures in Legislative Markup
Attachment 2 – Draft Legislative Work Group Charter

CHAPTER 7: COUNCIL COMMITTEES

7.01 Purpose and Relationship to City Council. Council Committees are advisory and do not take action on behalf of the Council. The purpose of committees is to review matters in detail and to make reports to the full Council for possible Council actions. The Council does not have standing committees but may have ad hoc or intermittent committees, which are appointed for special or time-limited subjects. Ad hoc committees are disbanded when they complete their assigned task(s). Issues which are not assigned to ad hoc or intermittent committees may be addressed by the Council during study sessions and at retreats.

7.02 Council Committee Meetings. Unless a quorum of the Council is in attendance, meetings of Council Committees do not need to be posted to the City's website. If a committee member is unable to attend the committee meeting in person, they may attend by speaker phone provided that adequate notice is provided to the Chair and the City Manager.

7.03 Council Intermittent Committees. In general, these appointments should be made every two years along with other councilmember Board and Committee appointments. A charter for each intermittent committee shall be approved by the Council when the committee is authorized. Current committees, topic areas, and staff assignments will be maintained by the City Manager's Office with the Council's regional board and committee appointments. The number and time frame for intermittent committees may be amended as needed by the Council during each two-year appointment cycle.

2025-2026 Committee/Topic Areas	**Staff**
• State ~~and Federal~~ Legislative Work Group	~~Intergovernmental Relations~~ Government Affairs Manager
~~• Transportation Ad Hoc Work Group~~	~~Transportation Manager~~
• Lake Washington School District Coordinating Committee	~~Senior Neighborhood Services~~ Special Projects Coordinator

7.04 Council Committee Membership and Attendees. Each ad hoc or intermittent Council Committee will consist of no more than three appointed Councilmembers in order to support their advisory nature. In some limited instances, and with the prior approval of the Council by action taken at a Council meeting, additional Councilmembers may attend a committee meeting, but in such instances the committee may not vote on any matter before it. Further, each committee meeting expected to be attended by more than three Councilmembers will be noticed as a special meeting of the Council in accordance with the Open Public Meetings Act. Councilmembers not attending a committee meeting noticed as a special meeting of the Council and not appointed to such committee shall not be considered absent from such meeting.

7.05 Legislative Work Group and State Legislative Agenda. Given the fiscal and policy impact the state legislature has on local governments, one recurring intermittent committee shall be the Legislative Work Group (LWG), whose purpose shall be to advise the Council on the State Legislative Agenda. The Legislative Work Group will consist of three councilmembers appointed through the Council's biennial board and committee appointment process for two-year terms. The

Mayor and Deputy Mayor may designate one member to serve as Chair to be confirmed by the full Council.

The LWG serves in an advisory capacity to the Council by recommending legislative priorities and advising on strategies to advance or oppose legislation consistent with LWG charter and the adopted state legislative agenda. The LWG charter serves as the primary document describing the purpose, responsibilities, membership and operating procedures of the LWG. The charter shall describe the purpose and elements of the state legislative agenda and the process by which Council positions on legislation is determined. The charter will be reviewed at least every two years along with the appointment of the LWG members and updated if advisable or necessary. It may be updated more often as determined by the full Council.

This advisory role allows the LWG to provide timely guidance between Council meetings. The LWG's recommendations are implemented within the authority granted by the full Council through the adopted state legislative agenda. Any additions or substantive changes to the adopted priorities to the legislative agenda require approval of the full Council.

When acting in their official role, councilmember advocacy should be in support of the City's adopted state legislative agenda.

Attachment 2

COUNCIL'S LEGISLATIVE WORK GROUP
DRAFT Charter (October 5, 2026)

PURPOSE

Every year, the Washington State Legislature considers legislation that affects municipalities, including the City of Kirkland. To ensure Kirkland's unique perspective and priorities are represented throughout the legislative process, the City invests in coordinated legislative advocacy that includes contracted lobbyists, bill tracking software, councilmember and staff participation, engagement with stakeholder organizations, and ongoing relationships with each of Kirkland's nine state legislators representing the City's three legislative districts.

The Legislative Work Group (LWG) serves as the Council's advisory committee on state legislative affairs. Working in partnership with City staff and the City's contract lobbyists, the LWG advises the full Council on legislative priorities, advocacy strategies, and emerging issues related to the Council's adopted State Legislative Agenda.

The purpose of the LWG is to help the City respond effectively to the fast-paced nature of the legislative process by developing recommendations for Council consideration, facilitating timely legislative advocacy consistent with the Council's adopted legislative agenda, and keeping the full Council informed of legislative developments throughout the session.

RELATIONSHIP TO THE FULL COUNCIL

The LWG serves in an advisory capacity to the full Council. Legislative policy and priorities are established through adoption of the City's annual State Legislative Agenda by the full Council.

Once adopted, the state legislative agenda authorizes the LWG to advise on advocacy strategies and provide guidance to staff and Council regarding legislation that falls within the adopted priorities. The LWG does not establish legislative policy independent of the full Council. Matters outside the adopted legislative agenda, or substantive changes to the legislative agenda, require approval by the full Council.

THE STATE LEGISLATIVE AGENDA

The City's annual State Legislative Agenda is the primary policy document guiding the Legislative Work Group's activities. The agenda identifies the City's legislative priorities and provides direction for the City's advocacy efforts during the legislative session.

Because legislative opportunities often arise between regularly scheduled Council meetings, the adopted legislative agenda authorizes the LWG and City staff to respond quickly to legislation that aligns with the Council's adopted priorities. This approach allows the City to remain responsive throughout the legislative session while ensuring legislative advocacy remains consistent with Council direction. As new opportunities arise, the legislative agenda may be modified by the full Council.

The legislative agenda is organized into three sections:

- **General Principles** represent the City's values and policy direction as established through adopted plans, ordinances, and resolutions. These principles guide the City's support for legislation that advances Council-adopted policy objectives.
- **Legislative Priorities** identify the City's highest legislative priorities for the upcoming session and guide the development of specific advocacy strategies and legislative proposals.
- **Further Monitoring of Other Policy Organizations** identifies organizations whose legislative priorities frequently align with previous or current Council goals or with policies reflected in the City's adopted plans. Inclusion on this list does not imply automatic support of an organization's legislative agenda. Rather, the list serves as a tool for identifying opportunities where the Council may choose to dedicate additional advocacy resources if legislative priorities align. Organizations may be added to or removed from this list only through action by the full Council.

LEGISLATIVE WORK GROUP ROLES AND RESPONSIBILITIES

Working in partnership with City staff and the City's contract lobbyists, the Legislative Work Group advises the full Council on legislative priorities, advocacy strategies, and emerging issues related to the Council's adopted State Legislative Agenda.

During the fall, the LWG works with staff to identify emerging policy issues, review legislative opportunities, and develop recommendations for the annual State Legislative Agenda for consideration by the full Council. Throughout the legislative session, the LWG reviews recommendations from the staff Legislative Review Team (LRT), discusses legislative developments, advises on advocacy strategies consistent with the adopted legislative agenda, and identifies emerging issues that may require additional Council direction.

Because legislative advocacy frequently occurs between Council meetings and often requires timely responses, members of the LWG are expected to take an active role in the City's legislative advocacy efforts during the legislative session. This includes participating in meetings with legislators, providing testimony when appropriate, engaging with stakeholder organizations, and coordinating closely with City staff and the City's contract lobbyists. While all councilmembers are encouraged to build relationships with legislators and participate in the legislative process, members of the LWG are expected to serve as the Council's primary participants in these activities in support of the Council's adopted legislative agenda.

Organized, in-person advocacy events at the State Capital, like the Association of Washington Cities (AWC) City Action Days, is one of the City's primary events for coordinated advocacy during the legislative session. Attendance and participation at AWC Action Days or other similar event the City chooses to participate in is expected for members of the LWG when possible. Other councilmembers are encouraged, but

not expected, to attend. To maximize the City's advocacy efforts, the Government Affairs Manager will work with the LWG to coordinate legislative meetings, policy briefings, and other advocacy activities that may extend beyond the formal AWC conference schedule. Advocacy by the LWG and councilmembers at such organized events should be focused on the City's adopted Legislative Agenda.

BILL REVIEW AND COUNCIL POSITIONS

The LWG recommends positions on legislation to the full Council based on reviews conducted by the LRT. The LRT consists of designated department representatives who review legislation within their areas of expertise and provide recommendations for consideration by the LWG. The LWG reviews those recommendations before bringing them to the full Council to be approved or amended during each Council meeting throughout the legislative session.

Unless a councilmember proposes an amendment, the LWG's recommended positions are approved by the Council. Any councilmember who disagrees with a recommended position may request that the City's position be changed to "Monitor" with a brief explanation. A request to change a position to "Monitor" is not subject to debate, although councilmembers may ask questions of staff regarding the recommendation. A councilmember may withdraw the request at any time if the concern has been resolved. If not withdrawn, the City's position remains "Monitor" until the applicable house-of-origin cutoff, when additional information regarding the bill is typically available and the Council may reconsider the City's position.

Additionally, individual councilmembers retain the right to support or oppose legislation in their personal capacity, including by contacting legislators or providing testimony, provided it is clear they are not speaking on behalf of the City Council and such activity does not occur during City-organized advocacy events. Councilmembers who take a position that differs from the Council's adopted positions are asked to notify the Government Affairs Manager. Councilmembers may also request additional information from the City Manager or Government Affairs Manager regarding any recommended legislative position at any time after publication of the Council packet materials.

MEMBERSHIP

The Legislative Work Group consists of three councilmembers appointed through the Council's biennial board and committee appointment process for two-year terms. The Mayor and Deputy Mayor may designate one member to serve as Chair to be confirmed by the full Council.

The LWG is supported primarily by the City Manager, Government Affairs Manager, other City staff as appropriate, and the City's contract lobbyist(s). Each City department designates representatives to serve on the Legislative Review Team (LRT). Members of the LRT review legislation, provide technical analysis, and develop recommended positions on legislation for consideration by the LWG.

MEETING CADENCE

The Legislative Work Group generally meets monthly during the fall to prepare for the upcoming legislative session and develop recommendations for the annual State Legislative Agenda. Once the legislative session begins, the LWG meets weekly, typically on Friday afternoons, and may convene additional meetings as necessary to respond to legislative deadlines or emerging issues. Following adjournment of the legislative session, meetings are generally suspended until preparations begin for the next legislative cycle.

DRAFT

Council Meeting: 10/20/2026
Agenda: Other Items of Business
Item #: 8. h. (4)

CITY OF KIRKLAND
PLANNING AND BUILDING
123 Fifth Avenue, Kirkland, WA 98033
425-587-3000

MEMORANDUM

To: Kurt Triplett, City Manager

From: Adam Weinstein, AICP, Director of Planning and Building
Allison Zike, AICP, Deputy Director of Planning and Building
Scott Guter, AICP, Senior Planner

Date: September 21, 2026

Subject: **Adoption of Zoning Code Amendments to Facilitate Affordable Housing on Property Owned by Faith-based Organizations – File No. CAM26-00037**

RECOMMENDATION:

Staff recommends that City Council adopts Ordinance O-4950 amending Chapters 5 and 112 of the Kirkland Zoning Code (KZC) to facilitate affordable housing development on property owned by faith-based organizations. By approving the consent calendar, the Council is adopting the ordinance.

EXECUTIVE SUMMARY:

- State law requires cities to provide development bonuses on faith-owned land to support affordable housing, but it leaves the details of such regulations to local jurisdictions. This work is part of the City's 2026-2028 Planning Work Program.
- The Planning Commission (PC) recommended Zoning Code amendments that:
    - Apply affordable housing thresholds (minimum number of units and affordability levels) for eligibility that meets the State requirement and alternative affordability-level exchange ratios;
    - Provide alternative development standards for projects providing greater affordability components (than standard City requirements) on faith-owned sites (including height bonuses, lot coverage flexibility, and required yard adjustments);
    - Allow by-right approval, and exempt projects from design review;
    - Allow projects to deviate from by-right alternative standards through administratively-approved minor deviations or Council-approved development agreements;
    - Show explicit support for owner-occupied affordable housing; and
    - Allow properties purchased from a faith-based organization to continue using the bonus standards.
- Upon adoption of Ordinance O-4950, staff will begin implementation and, in partnership with A Regional Coalition for Housing (ARCH), will launch a development assistance

program to support faith-based organizations interested in developing affordable housing.

BACKGROUND:

State law requires the City of Kirkland to adopt regulations that facilitate affordable housing development by providing development bonuses on property owned by faith-based organizations. The statute provides broad direction but does not prescribe a specific regulatory approach.

Adopting regulations to expand housing opportunities for properties owned by faith-based organizations is a task on the adopted City's 2026-2028 Planning Work Program and it is scheduled to be completed in 2026.

On May 5, 2026, staff briefed Council on this project with regard to state law requirements, best practices, and examples from nearby jurisdictions.[1] Council directed staff to prepare zoning standards to enable affordable housing development on faith-owned properties via an administratively-approved (i.e., staff-approved) process, rather than through a process that would require Council approval for individual projects.

On May 14, 2026, the Planning Commission (PC), following Council's guidance, advised staff to develop draft standards by adapting existing zoning regulations, providing specific development bonuses, and maintaining simple and objective processes.[2] Commissioners supported using tools such as height limits, setbacks, and transitions to guide building capacity rather than relying solely on density. The Commission endorsed approaches such as modest increases to development standards in lower density areas and additional flexibility in relation to development features such as mixed uses and open space preservation.

On August 5, 2026, staff briefed Council on the proposed KZC amendments ahead of a PC public hearing.[3] Councilmembers expressed broad support for the proposed amendments. Council generally favored applying affordable housing set aside exchange ratios as part of the base bonus and supported the concept (and upper limits) of the height bonuses.

Councilmembers appreciated the code's simplicity, alignment with underlying zoning, and responsiveness to stakeholder input, especially from affordable housing developers. Council encouraged continued engagement with both developers and faith-based property owners. At the same Council meeting, in comments to Council, the Housing Development Consortium expressed support for the proposed administrative minor departure process but requested an option for more significant deviations. Staff incorporated a development agreement option into the proposed amendments ahead of the PC public hearing.

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[1] May 5, 2026 Council Meeting Business Agenda Item 9.c Staff Memorandum: www.kirklandwa.gov/files/sharedassets/public/v/1/city-council/agenda-documents/2026/may-5-2026/9c_business.pdf

[2] May 14, 2026 Planning Commission Study Session Agenda Item 5.a Staff Memorandum: https://kirklandwa.primegov.com/Portal/Meeting?meetingTemplateId=8094

[3] August 5, 2026 Council Meeting Business Agenda Item 9.c. Staff Memorandum: https://www.kirklandwa.gov/files/sharedassets/public/v/1/city-council/agenda-documents/2026/august-5-2026/9c_business.pdf

DISCUSSION/ANALYSIS:

Summary of Proposed Zoning Code Amendments
Kirkland has 64 faith-owned parcels held by about 37 organizations. Many of these properties are located in low-density zones or contain critical areas. The proposed code amendments and development assistance program presented to City Council on August 5 reflect these conditions, provided tailored alternative standards that offer reasonable development capacity and flexibility for adding affordable housing on sites where new construction must work around existing buildings and environmental constraints. The amendments also aim to expand opportunities for affordable housing on faith-owned properties while providing predictable standards and support for organizations that may have limited development experience. The code amendments:

- Apply medium- and high-density zoning allowances when projects meet State minimum affordable-housing thresholds.
- Include affordable housing set-aside exchange ratios to improve project feasibility.
- Offer an administrative approval process and exempt projects from design review.
- Allow additional building height to support viable infill development.
- Provide flexible lot coverage standards, including for retained or rebuilt faith-based facilities.
- Include tailored yard and setback adjustments to accommodate constrained sites and support retention of faith-based uses.

Public Hearing and Planning Commission Recommendation
On August 27, 2026, the PC held a public hearing on these proposed amendments. During public testimony, both St. John's Episcopal Church and Habitat for Humanity voiced strong support for the proposed amendments, highlighting the vital role of faith-owned land in creating new housing. Habitat for Humanity urged the City to make the code more explicit so it clearly applies not only to affordable rental housing, but also to affordable homeownership opportunities. Staff incorporated this request into the proposed amendments. Habitat for Humanity also requested that the bonus allowances remain usable even when a faith-based organization sells its property to a developer for the purpose of building affordable housing. Staff also incorporated this request into the proposed amendments. See Attachment 1 for written testimony received for the public hearing, which consists of only one letter, submitted by the Housing Development Consortium.

After the hearing, the Commission unanimously approved the staff recommendation, along with amendments instructing staff to clarify in the code that owner-occupied affordable housing is allowed and the code should allow for land transfers to affordable housing developers.

Revised Code Amendment Summary
Staff revised the following sections of the proposed zoning code since staff's Council briefing on August 5.

- <u>Approval Process (KZC 112.20.1)</u> – Staff revised this section to resolve inconsistencies between the approval procedure outlined in KZC 112.20.1 and the administrative approval process proposed for Housing on Faith-Based Property.
- <u>Purpose and Intent (KZC 112.20.7.a)</u> – Per the PC recommendation, staff revised this section to state more explicitly that it supports owner-occupied affordable housing.

- Land Acquired from Faith-Based Organizations (KZC 112.20.7.b) – Per the PC recommendation, staff added a provision to ensure land purchased from a faith-based organization would still qualify to use these bonus standards.
- Exchange Ratios (KZC 112.20.7.d) – City staff and ARCH finalized adjustments to affordable housing exchange ratios. Rental studio and one-bedroom units are limited from using some Area Median Income (AMI) exchange levels due to, currently, small rent differentials between affordable and market-rate units and lowered the owner-occupied unit ratios for 90% and 100% AMI to create balanced equivalencies and to avoid excessively high ratios relative to the standard base – 80% AMI requirements.
- Alternative Dimensions Standards – Lot Coverage (KZC 112.20.7.h(2)) – Staff updated this provision so that when a faith-based organization sells property, any remaining or rebuilt faith-based facility on that land can still use the lot-coverage flexibility, even if the property has been subdivided.
- Alternative Dimensions Standards – Added Height Bonus (KZC 112.20.7.h(3)) – Per Council feedback received at the August 5 meeting staff amended this provision clarifying eligibility criteria for additional height bonuses.
- Alternative Dimensions Standards – Additional Required Yards with Added Height Bonus (KZC 112.20.7.h(4) – Staff refined these additional required yard standards, applying them only to property lines that abut specific zones.
- Minor Deviations (KZC 112.20.7.j) – Staff refined language in this provision to ensure deviations cannot increase building height beyond allowed limits.
- Development Agreement (KZC 112.20.7.k) – Per public comments received at the August 5 meeting, staff created a development agreement option for added flexibility beyond the Planning and Building Director's deviation-granting authority.

Proposed Development Assistance
To support faith-based organizations navigating development, the amendments are paired with a development assistance program. ARCH's Special Projects Manager will provide early guidance, technical assistance, and coordination with external resources. In addition, the City intends to offer free pre-submittal conferences, dedicated project staffing, and expedited permit review for qualifying projects. The proposed ordinance contains a section clearly authorizing the fee schedule to be updated to provide a free pre-submittal conference for this type of development.

Code Amendment Process and Summary
Pursuant to KZC 160.60 and KZC 135.25, the City may amend the text of the Zoning Code only if it finds that:

1. The proposed amendment is consistent with the applicable provisions of the Comprehensive Plan;
2. The proposed amendment bears a substantial relation to public health, safety, or welfare;
3. The proposed amendment is in the best interest of the residents of Kirkland; and
4. When applicable, the proposed amendment is consistent with the Shoreline Management Act and the City's adopted shoreline master program.

The proposed Zoning Code amendments are consistent with the Comprehensive Plan because they would enable a wider variety of affordable housing options within residential zones. This increased number of affordable housing options would directly benefit the health, safety, and welfare of Kirkland residents by improving access to affordable housing.

State Environmental Policy Act (SEPA)
A SEPA Addendum to the City of Kirkland 2035 Comprehensive Plan Update and Totem Lake Planned Action Ordinance Final Environmental Impact Statement (EIS), the NE 85th Street Station Area Planned Action Final Supplemental EIS, and the 2044 Comprehensive Plan Update Final Supplemental EIS was issued on July 29, 2026. Records of the SEPA Addendum are contained in the official files in the Planning and Building Department. The SEPA Addendum compares the difference in impacts between the existing and revised Zoning Code amendments and concludes that the proposed amendments would not result in new adverse impacts beyond those identified in the previous environmental review documents.

NEXT STEPS:

Following adoption of Ordinance O-4950, staff will work on its implementation and launch a development assistance program in partnership with ARCH to provide supportive services to faith-based organizations interested in adding affordable housing on their property.

ATTACHMENTS:

Attachment 1 – Written Public Comment Received August 27, 2026
Ordinance O-4950, Relating to Amending Chapters 5 and 112 of the City of Kirkland Zoning to Facilitate Affordable Housing Development on Property Owned or Controlled by Faith-Based Organizations

HOUSING DEVELOPMENT consortium

EASTSIDE AFFORDABLE HOUSING COALITION

August 27, 2026

Kirkland Planning Commission
123 5th Ave
Kirkland, WA 98033

Subject: Affordable Housing on Faith-Owned Land Code Amendment

Dear Kirkland Planning Commission:

This letter is sent on behalf of the Housing Development Consortium ("HDC"). We appreciate the opportunity to comment on the "**Housing on Faith-Owned Land**" item from your August 27, 2026 Planning Commission packet.

I first wanted to thank staff for their hard work and early engagement around the "housing on faith-owned land" code amendment. This policy is a win-win for faith-communities and the City of Kirkland. Faith organizations can use their land to improve their financial standing while contributing to mission-aligned community goals. It's also a good chance for the city to expand affordable housing opportunities. **We support the initial proposal from staff and the proactive engagement that staff did with the affordable housing community**, including HDC and other groups like the Eastside Affordable Housing Coalition.

This policy is worthwhile only if it can be feasibly used by faith-communities in Kirkland—otherwise the state-mandated benefit will remain out of reach. We thank staff for setting a solid foundation for success which includes

- Flexible and clear design and development standards
- Increased development capacity in exchange for affordability—with a chance to get bonus height for deeper affordability
- By-right approval, design review exemption, and administrative review for departure requests
    - Almost every project requires departures. Thank you for allowing administrative departure for minor deviations (>10% of underlying code) and for Development Agreements at Council for projects that exceed the minor deviation threshold.

We would additionally suggest:

- **Ensure that the code is abundantly clear and explicit about allowing affordable homeownership on faith-owned land.** Many of the relevant parcels in Kirkland are smaller and may be best suited to affordable homeownership development vs. larger affordable rental projects.

Housing Development Consortium of Seattle-King County
1326 5th Avenue, Suite 230, Seattle, WA 98101
206.682.9541 | www.housingconsortium.org

- In cases where a religious community decides to sell their land to an affordable developer instead of retaining the land, **please ensure that the code benefits can be transferred to the affordable developer as long as affordability requirements are delivered.** This is especially relevant for homeownership projects where the homes are owned by the future tenants. In these cases, affordability is maintained through deed restriction, covenant, or other legally binding agreement.

Faith-communities are not development experts. **We support the staff proposal to pair this code with other development assistance including expedited permitting review, pre-submittal conferences, and staff support.** Future work will also be needed to educate faith communities about this tool and build capacity. It takes knowledge, money, and time for faith communities to even consider development and to go through a discernment process. **Please ensure this next phase of capacity-building work is planned with the final code.**

We look forward to finding ways to support the success of this proposal and future actions to build relationships and capacity with local faith communities.

Sincerely,
Housing Development Consortium

ORDINANCE O-4950

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO AMENDING CHAPTERS 5 AND 112 OF THE CITY OF KIRKLAND ZONING CODE TO FACILITATE AFFORDABLE HOUSING DEVELOPMENT ON PROPERTY OWNED OR CONTROLLED BY FAITH-BASED ORGANIZATIONS.

WHEREAS, state law, RCW 35A.63.300, requires Washington cities planning under the Growth Management Act (GMA), chapter 36.70A RCW, to adopt regulations that allow increased density bonuses for long-term, income restricted affordable housing development on property owned or controlled by faith-based organizations; and

WHEREAS, state law requires that at least 50 percent of the residential units must be reserved for households earning at or below 80 percent of the Area Median Income (AMI), or 20 percent of the units reserved for households earning at or below 50 percent of the AMI; and

WHEREAS, City of Kirkland staff worked with staff from A Regional Coalition for Housing (ARCH), which is a partnership between King County and East King County cities that works to preserve and create affordable housing for low- and moderate-income households, to prepare these amendments and to put in place programs and procedures to provide assistance to all parties involved in affordable housing development on property owned by faith-based organizations; and

WHEREAS, the City Council received a briefing on this project on May 5, 2026, and Council provided feedback for staff to take to the Planning Commission for review and comment; and

WHEREAS, the Planning Commission reviewed this project on May 14, 2026, and following Council's guidance, advised staff to develop standards that would provide specific development bonuses to encourage development of affordable housing, yet maintain simple and objective processes; and

WHEREAS, on August 5, 2026, the City Council was briefed again on this issue, and Council expressed support for staff's engagement with stakeholders, such as developers and faith-based property owners, and also expressed support for staff's work to draft regulations that are simple and fair and can be administratively approved in most cases; and

WHEREAS, Council acknowledges that projects providing above-average amounts of affordable housing on faith-based lands will be a complex undertaking for applicants, and in alignment with supportive Comprehensive Plan policies, program support at the staff level is warranted and can include, but is not limited to, free pre-submittal meetings and expedited permit review; and

WHEREAS, the Planning Commission held an open record public hearing on May 14, 2026, which was attended by stakeholders such as a local church and Habitat for Humanity, both of whom provided verbal comments, after which the PC considered the record and the public comments, and then voted to unanimously approve the staff-recommended code amendments, with some modifications to address issues raised during public comment; and

WHEREAS, review was conducted under the State Environmental Policy Act (SEPA) and a SEPA Addendum (File No. SEP26-00038) was issued that concludes that the proposed amendments would not result in new adverse impacts beyond those identified in previous environmental review documents applicable to this project; and

WHEREAS, the City Council has considered the recommendations of staff and the Planning Commission and has determined that it is in the best interests of current and future residents of Kirkland to adopt the provisions listed below to achieve compliance with state law and to encourage the development of affordable housing in the city.

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

Section 1. A new section entitled "Faith-based organization" is hereby created, to be added to Chapter 5.10 of the Kirkland Zoning Code (KZC) and codified as KZC 5.10.299.7, which shall read as follows:

5.10.299.7 Faith-based organization.
The federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property, which has the same meaning as "religious organization" as defined in RCW 35A.63.300, now or as hereafter amended.

Section 2. KZC 112.20, and the corresponding portions of Ordinance No. 4905 § 8 (Ex. H) (2025), is amended as follows with the new text shown in underline, deletions shown in ~~strikethrough~~, and the intentional omission of unchanged sections or parts of tables indicated with three asterisks (* * *); all other provisions of these sections remain unchanged and in full force, and these provisions for identifying changes apply throughout this ordinance:

112.20 Basic Affordable Housing Incentives

1. Approval Process. Unless otherwise specified in this section, ~~The~~ the City will use the underlying permit process to review and decide upon an application utilizing the affordable housing incentives identified in this section.

* * *

7. Housing on Faith-Based Property.

a. Purpose and Intent. This section is intended to increase affordable housing by enabling residential development on property owned or controlled by faith-based organizations and by offering flexible development standards to support such projects. It aims to maximize the development opportunities of limited residential land, encourage production of income restricted housing both for renter-occupied and owner-occupied affordable housing, and allow faith-based organizations to provide community-supporting uses. Developments using this section should strive to balance the public benefits in providing affordable housing, supporting neighborhood compatibility, and upholding fair housing principles while applying the incentives offered in this section.

b. Land Acquired from Faith-Based Organizations. Residential development located on real property acquired from a faith-based organization by another person for the purpose of providing affordable housing shall be considered equivalent to development located on property owned or controlled by a faith-based organization. Such development is eligible to use all alternative standards, incentives, and provisions contained in this section, provided it meets the applicable affordable housing requirements set forth in this chapter 112.

c. Residential development, including new construction, rehabilitation, conversion, or alteration, located on real property owned or controlled by a faith-based organization is

an allowed use. Such development is eligible for the alternative standards of this section, provided that the following affordable housing set aside is included:

1) At least 50 percent of housing units are reserved for, or occupied exclusively by, households with incomes at or below 80 percent of AMI; or

2) At least 20 percent of the housing units are set aside for, or occupied exclusively by, households with incomes at or below 50 percent of AMI.

d. As an alternative to the affordable housing set aside described in subsections c(1) and c(2) a residential development may provide affordable housing units at the equivalency ratios shown below. Studio units are not eligible to use the 60 percent AMI or 70 percent AMI exchange ratios, and one-bedroom units are not eligible to use the 70 percent AMI exchange ratio.

Renter-Occupied: Exchange Ratio (50% AMI: Equivalent AMI Unit)	
≤30% AMI	2:1
≤40% AMI	1.5:1
≤60% AMI	1:1.3
≤70% AMI	1:1.7

Owner-Occupied: Exchange Ratio (80% AMI: Equivalent AMI Unit)	
≤90% AMI	1:1.2
≤100% AMI	1:1.4

When calculating the number of affordable units required for any of the alternate affordability levels, any fraction of a unit shall be rounded up to the next whole number.

e. All residential developments that meet the requirements of this section are exempt from design review and from the design regulations of Chapter 92 KZC and are subject only to building permit review.

f. All residential developments that meet the requirements of this section are exempt from the applicable density, minimum lot size, and floor area ratio standards of the underlying zone.

g. Residential developments that meet the requirements of this section may include the following additional uses as part of the development:

1) Faith-Based Facilities;
2) Community Facilities;
3) Day-Care Center;
4) Day-Care Operation; and/or
5) Ancillary Office Uses.

h. The dimension standards included in the following Alternative Dimensions Table will apply to all residential developments that meet the requirements of this section.

Alternative Dimensions Table

Zone	Use	Required Yards			Maximum Lot Coverage	Maximum Height of Structure
		Front	Side	Rear		
Low Density Zones	Detached, Attached or Stacked Dwelling Units and other uses identified in section 5.g.	10ft. (Zero with front entry porch)	5ft. (Zero if attached)	10ft. (Zero if attached)	70%	35ft. above ABE
Medium Density Zones					80%	40ft. above ABE
All other zones		Same as the underlying zone for Faith-Based Facility uses, but never more than 10 ft.			Same as the underlying zone for Faith-Based Facility uses	An additional 15ft above the maximum height of structures for Faith-Based Facility uses.

1) A front required yard may be reduced to zero feet when a front entry porch is provided, so long as the porch complies with all of the following design standards:

   i) The porch must be open on at least three sides.
   ii) The porch must have a minimum depth of 5 feet measured perpendicular from the building façade to which it is attached.
   iii) The finished floor elevation of the ground floor entry porch may be no more than 4 feet above finished grade.
   iv) Upper story porches are permitted, provided that they meet the design standards of i. and ii. and no upper story porch projects into the required yard farther than the ground floor porch, excluding steps leading to the ground floor porch.
   v) The roof form of the uppermost porch must be compatible with the roof form of the building to which it is attached.

2) On a subject property providing affordable housing under this section of 112.20, the building footprint of the primary structures associated with an existing, retained, or rebuilt Faith-Based Facility are exempt from lot coverage requirements.

3) A residential development is eligible for an added height bonus if it provides affordable housing set aside at least five percent above the minimum required in subsections b and c. Additional affordable units may be provided at the required affordability levels in subsection b or the equivalent ratios in subsection c. These units may be located anywhere within the development.

Eligible developments in this subsection may reach the following maximum building heights:

i) Up to 50 feet in low density zones
ii) Up to 60 feet in medium density zones
iii) Up to 25 feet above the maximum height otherwise permitted for Faith Based Facility uses in all other zones

4) For developments utilizing the height bonus described in subsection h(3), the following additional yard requirements apply only to a structure abutting a property line shared with a low density or medium density zone:

i) Low density zones: Required yards along property lines abutting low density zones must be increased by one foot for every two feet of building height above 35 feet.
ii) Medium density zones: Required yards along property lines abutting medium density zones must be increased by one foot for every two feet of building height above 40 feet.
iii) All other zones: No increase in required yards is applied along property lines abutting any other zone.

5) For Stacked Dwelling Units, see KZC 115.120 for rooftop appurtenance requirements and KZC 115.122 for rooftop amenities and rooftop common room requirements.

i. The development standards stated in the following Alternative Development Standards Table will apply to all residential developments that meet the requirements of this section.

Alternative Development Standards Table

<table>
<tr><th>Zone</th><th>Landscape Category (Chapter 95 KZC)</th><th>Sign Category (Chapter 100 KZC)</th><th>Required Parking</th></tr>
<tr><td>Low Density</td><td rowspan="3">D</td><td rowspan="2">B</td><td rowspan="3">See KZC 105.22</td></tr>
<tr><td>Medium Density</td></tr>
<tr><td>All other zones</td><td>Same as the underlying zone for Faith-Based Facility uses</td></tr>
</table>

j. The residential development authorized by this chapter must not discriminate against any person who qualifies as a member of an income eligible household on the basis of race, creed, color, national origin, sex, veteran or military status, sexual orientation, or mental or physical disability; or otherwise act in violation of the federal Fair Housing Amendments Act of 1988 (42 U.S.C. Section 3601 *et seq.*).

k. The Planning and Building Director may approve minor deviations of up to 10 percent from the Alternative Dimensions and Development Standards for residential development when strict compliance with this section is not feasible due to the configuration of existing site improvements. Any approved deviation must enhance visual interest, maintain overall design quality, and not result in adverse impacts to neighboring properties. The Director may grant such deviation when it is the minimum

necessary to address the identified site constraint, does not exceed a 10 percent deviation from the development standard, and remains consistent with the purpose and intent of this section. The Director is not authorized to approve any deviation that would result in additional building height beyond what is allowed in subsection h(3).

l. An applicant may enter into a development agreement approved by the City Council pursuant to Chapter 36.70B RCW to allow alternative standards for residential development beyond those the Planning and Building Director may approve under subsection k. The City Council may approve such alternative standards if it finds and concludes in the development agreement that the resulting project would provide an overall commensurate, or greater, community benefit, than what would be required to utilize the incentives of this section.

Section 3. The Director of Finance and Administration may modify the fee schedule authorized in KMC 5.74.070 to reduce or eliminate the fee for a pre-submittal meeting for the development of housing on faith-owned lands authorized by Section 2 of this ordinance.

Section 4. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

Section 5. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2026.

Signed in authentication thereof this _____ day of _____, 2026.

_____
Kelli Curtis, Mayor

Attest:

_____
Anastasiya Warhol, City Clerk

Approved as to Form:

_____
Darcey Eilers, City Attorney

PUBLICATION SUMMARY
OF ORDINANCE NO. O-4950

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO AMENDING CHAPTERS 5 AND 112 THE CITY OF KIRKLAND ZONING CODE TO FACILITATE AFFORDABLE HOUSING DEVELOPOMENT ON PROPERTY OWNED BY FAITH-BASED ORGANIZATIONS.

SECTION 1. Adds a new definition for “Faith-Based Organization” to Chapter 5.10 of the Kirkland Zoning Code (KZC).

SECTION 2. Amends KZC Section 112.20 related to basic affordable housing incentives.

SECTION 3. Allows the Planning and Building Director to modify the fee schedule authorized in KMC 5.74.070 related to pre-submittal meetings for the development of housing on faith-owned lands.

SECTION 4. Provides a severability clause for the ordinance.

SECTION 5. Authorizes publication of the ordinance by summary and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the _____ day of _____, 2026.

I certify that the foregoing is a summary of Ordinance O-4950 approved by the Kirkland City Council for summary publication.

_____
Anastasiya Warhol, City Clerk

Council Meeting: 10/20/2026
Agenda: Other Items of Business
Item #: 8. h. (5)

CITY OF KIRKLAND
FINANCE AND ADMINISTRATION
123 Fifth Avenue, Kirkland, WA 98033
425-587-3000

MEMORANDUM

To: Kurt Triplett, City Manager

From: Michael Olson, Director of Finance and Administration
Emilee Ferguson, Deputy City Clerk

Date: October 20, 2026

Subject: **Acknowledgment of Design Review Boardmember Resignation**

RECOMMENDATION:

Staff recommends that the City Council acknowledges receipt of Boardmember Amy Tarce's resignation from the Kirkland Design Review Board (DRB) effective October 01, 2026. Staff also recommends authorizing the distribution of a Letter of Recognition, thanking them for their service. By approving the consent calendar, the Council will authorize these actions.

EXECUTIVE SUMMARY:

- Design Review Boardmember Amy Tarce has resigned, effective October 01, 2026.
- Staff recommends Council acknowledges the receipt of the member's resignation and authorizes the distribution of a Letter of Recognition.
- There is no pre-designated alternate for the DRB position.

BACKGROUND:

Boardmember Tarce has served on the Design Review Board since June 2021 and submitted their resignation letter on September 24, 2026. A copy of the resignation letter is included as Attachment 1.

DISCUSSION/ANALYSIS:

This DRB vacancy will be included in the 2027 Boards and Commissions Annual recruitment.

NEXT STEPS:

Upon acknowledgement and authorization, staff will distribute to the resigning member a Letter of Recognition, a copy of which is included as Attachment 2.

ATTACHMENTS:

Attachment 1 – Boardmember Tarce's Resignation Letter

Attachment 2 – Recognition Letter for Boardmember Tarce

Attachment 1

From: Amy Tarce
To: City Clerk
Cc: Mayor@kirklandwa.gov
Subject: Resignation from Design Review Board
Date: Thursday, September 24, 2026 6:25:01 PM

CAUTION/EXTERNAL: This email originated from outside the City Of Kirkland. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Clerk's Office,

I am writing to inform you of my resignation from the City of Kirkland Design Review Board, starting October 1, 2026.

It has been a privilege to serve for almost 2 terms and I am very proud of what the Design Review Board has contributed in advancing the City's vision for a walkable, sustainable and beautiful city in the Pacific Northwest. Sadly, with the Washington State legislative changes that have limited local voices in determining the values and priorities of our communities, I no longer see a role to play in helping Kirkland preserve its high quality design of urban projects.

I hope there will be other opportunities in the future for me to contribute to building a better Kirkland for the next generation. Until then, I am grateful to the City Council for recognizing the contribution of the Design Review Board and its commitment to inclusivity and diversity in selecting the members for the city's boards and commissions.

Wishing Kirkland a bright future,

Amy Tarce

[DATE]

Amy Tarce
[ADDRESS]
[ADDRESS]

Dear Amy Tarce,
On behalf of the City of Kirkland, thank you for your dedicated service on the Design Review Board. Your willingness to serve reflects a strong commitment to the community and to the civic process itself.

Kirkland is known not only for its natural environment, scenic beauty, but also for its engaged residents and commitment to thoughtful local governance. That reputation is strengthened by volunteers like you who choose to step forward and serve.

Board and commission members play an important role in shaping the future of the City. Your service helped bring community voices into important conversations and provided valuable perspective on matters that impact Kirkland residents every day. We are grateful for the time and care you shared through your service.

Sincerely,

Kirkland City Council

Kelli Curtis
Mayor

Council Meeting: 10/20/2026
Agenda: Other Items of Business
Item #: 8. h. (6)

CITY OF KIRKLAND
CITY MANAGER'S OFFICE
123 Fifth Avenue, Kirkland, WA 98033
425-587-3000

MEMORANDUM

To: Kurt Triplett, City Manager

From: Tracey Dunlap, Deputy City Manager
Juliana da Cruz, Management Analyst

Date: October 12, 2026

Subject: **Update #2 on Actions Identified by Resolution R-5729, Preparing the City for Safe and Legal Responses to Federal Civil Immigration Enforcement Operations**

RECOMMENDATION:

Staff recommends that the City Council accepts a second update on actions identified by Resolution R-5729, related to preparing the City for safe and legal responses to federal civil immigration enforcement operations. By approving the consent calendar the Council is accepting the update.

EXECUTIVE SUMMARY:

- Community partners report widespread fear and anxiety related to uncertainty about federal civil immigration enforcement.
- In April 2026, Council approved Resolution R-5729 with the intent to ensure the City is prepared to respond in safe and legal ways to civil immigration enforcement. The resolution outlines a number of areas for research and action.
- The City is progressing on the items outlined by Resolution R-5729 and responding to community concerns through investments in human services grant funding and community education.
- Staff recommends that Council reviews the attached Report Card identifying progress on the actions identified in Resolution R-5729.
- In addition to the actions identified by Resolution R-5729, staff continues to track emerging issues and impacts.
- Council previously planned to receive a presentation on Update #2 on Resolution R-5729 at the October 6, 2026 Council meeting. The Council ran out of time to receive and discuss the report, so it is added to the October 20 consent calendar.
- No Council action is requested at this meeting. Staff will return separately with any items requiring Council direction or funding decisions.

BACKGROUND:

Background on Resolution R-5729

In 2025, the federal administration substantially increased the number of U.S. Immigration and Customs Enforcement (ICE) agents and U.S. Customs and Border Protection (CBP) agents and began unprecedented civil immigration enforcement actions nationwide. Beginning in December 2025, ICE launched "Operation Metro Surge," a major civil immigration enforcement initiative, by sending thousands of ICE agents to Minnesota, particularly in Minneapolis and St. Paul. The bulk of the operation lasted through February 2026, resulting in thousands of arrests, significant community protests, clashes between ICE agents and Minnesota residents, and several fatal shootings by ICE agents. Operation Metro Surge created profound civic disruption and significant economic impact to local businesses. To proactively prepare the City for the potential of similar federal civil immigration operations in Kirkland, the City Manager convened an interdepartmental team to identify actions the City should take to protect the safety and constitutional rights of those who live, work, or visit in Kirkland while also complying with state and federal law. The Federal Impacts Team (FIT) was convened to track and address legislation and initiatives, consisting of City staff with knowledge and expertise in specific topics. At the April 21, 2026 City Council meeting, the Council approved Resolution R-5729, directing the City Manager to assign the outlined tasks to the Federal Impacts Team for implementation. For more background information on this topic, please refer to the Council packet from April 21, 2026.[1]

At the July 21, 2026 Council meeting, the Council received its first update on the actions outlined in Resolution R-5729. Some councilmembers requested further information regarding the status and detail of the actions in the report. Council directed staff to meet with councilmembers individually to better understand Council's interests in the Resolution R-5729 Report Card. In August and September, staff met with interested councilmembers. Accordingly, the updated report prioritizes sharing information and updates that educate the public about the City's capabilities and constraints in responding to federal actions.

Federal Immigration Enforcement Activity in Kirkland

To provide the Council and the community with context, staff attempted to collect data regarding federal immigration enforcement activity in Kirkland. Under past administrations, federal immigration enforcement officers would often provide the Kirkland Police Department notice when operating inside a City. Under the current administration that is rarely done. Without official notice, due to the nature of immigration enforcement activity, it is difficult to precisely quantify the scope of enforcement incidents in Kirkland. Much of the available information is anecdotal and is difficult to confirm. Staff identified two sources of data to provide context to Council on the scale of enforcement activity in Kirkland: reports from community groups and calls for service received by NORCOM.

From October 2025 to August 2026, community organizations documented 192 reports of federal immigration activity in Bellevue, Issaquah, Kirkland, Bothell, Newcastle, and Sammamish. Community groups state that, of these reports, 82 involved confirmed detainments. Staff were unable to determine how many of these reports were specific to Kirkland. Assuming that these incidents were spread proportionately by population across these cities, Kirkland would represent 23% of these incidents, or 44 reports and 19 detainments. In contrast, NORCOM reported 4 calls for service related to federal immigration enforcement

[1] https://www.kirklandwa.gov/files/sharedassets/public/v/1/city-council/agenda-documents/2026/april-21-2026/9e_business.pdf

officers in Kirkland in 2026. Kirkland Police are aware of two confirmed civil federal immigration arrests in Kirkland in 2026.

Anecdotally, staff are also aware of other reports of federal civil immigration activity that were ultimately determined to be mistaken or misidentified law enforcement. For example, a report circulated on social media regarding an immigration enforcement arrest at Fred Meyer. In fact, this arrest was not federal civil immigration enforcement but was an arrest by the Kirkland Police by the PROACT unit. The misidentification of law enforcement creates confusion and anxiety for community members. As a result, Kirkland Police are taking action to clearly identify Kirkland officers. KPD purchased patches that identify officers as "Kirkland Police" (instead of just “Police”) and are deploying them now.

The federal government’s approach to civil immigration enforcement has been constantly evolving, creating further uncertainty in the community. Community groups report observing a new pattern of federal immigration enforcement activity. Instead of broad enforcement actions or “sweeps,” reports note that individuals are increasingly being detained from their vehicles in ones and twos. Regardless of the actual number of detainments and their specific locations, the uncertainty has generated intense anxiety and fear in the community. This community sentiment is detailed in the Consolidated Community Concerns in Attachment 5 and summarized below.

Community Concerns Regarding Federal Immigration Enforcement in Kirkland

Community-based organizations are rapidly adapting and responding to the needs of their community, even as they grapple with funding cuts, diminished capacity, and federal policy changes. City staff from the DEIB, Economic Development, and Human Services workgroups regularly engage with community-based organizations, non-profit, civic, and faith-based organizations. These staff utilize their existing relationships with community partners to share information and receive feedback about emerging issues. With Attachment 5 (Consolidated Community Concerns), staff intend to share with Council the themes and feedback from the community regarding federal impacts. Simultaneously, staff strive to protect the privacy of these groups by consolidating and anonymously summarizing the feedback into themes.

Overall, staff heard from community partners and community-based organizations that fear and anxiety is widespread among impacted communities. Individuals are less likely to access preventative care and resources. Community-based organizations and service providers worry about the long-term impact that deferred care will have on these communities and are trying to conduct more one-on-one, culturally specific outreach and programming to connect with impacted individuals. Simultaneously, community-based organizations are capacity constrained by federal funding cuts. Organizations report increasing competition for remaining federal, state, and local grant funding. Organizations have had to prioritize and cut programs and lay off staff. This creates an additional burden during a high-needs time. Additionally, economic factors exacerbate program constraints. The increased cost of living constrains organizations’ reach and further creates uncertainty for impacted communities. The demand for rent, food, and utility assistance continues to grow, even as organizations’ funding and buying power diminishes.

The City is responding to these community concerns by supporting the community-based organizations with grant funding. This is exemplified by the City’s Rapid Response funding. In 2025, the City learned via the Human Services Commission about the impacts of federal funding and policy changes on immigrant, refugee, and asylum-seeking communities. The City Council authorized additional one-time funding that was awarded to six Kirkland-serving agencies, amounting to $100,000 in 2025 and $100,995 in 2026. In addition, the Council will respond to the growing community need through 2027-2028 Human Service grant funding. The

Human Services Commission recommended three funding options for Council consideration. The total 2027-28 human services grant recommendation includes three potential funding levels, totaling $3,034,419 per year and $6,068,838 per biennium. The City Manager will make funding recommendations as part of the preliminary budget for Council consideration at the end of October.

Additionally, the City is working on community education to alleviate the impacted community's uncertainty. For example, the City is partnering with the Lake Washington School District to host trainings for the immigrant community and Kirkland residents. The Kirkland Police Department is also creating educational materials about the roles, responsibilities, and protocols of the Kirkland Police Department and taking actions to help the public differentiate local police officers from federal immigration officers.

Lastly, the City continues to respond to community concerns by progressing on the actions outlined by Resolution R-5729.

DISCUSSION/ANALYSIS:

Progress on Resolution R-5729

Since the first Council update on July 21,[2] staff made significant progress on actions identified by R-5729. The report card narrative included as Attachment 1 illustrates the City's progress to date and includes more detailed next steps and timelines on the actions identified by R-5729. An overview of Quarter 3 progress is included below:

- 1D. Training all City staff regarding information privacy and access to City facilities by federal officials for the purpose of civil immigration enforcement. Staff training will include notification protocols for immigration enforcement activity observed by City employees in the course of their duties.
    - *As of October 6, 2026, 746 staff have completed the mandatory Know Your Rights & Responsibilities Training, representing approximately 98% of staff. Plans are in place for training remaining staff as they are available, with the goal of completing training all existing staff by fall 2026.*
    - *This action is substantially complete, but the training will be incorporated into onboarding for all new employees on an ongoing basis.*
- 1E. Directing the Information Technology Department to coordinate with departments to ensure that any department deploying camera systems for community and staff safety, including Police, Public Works, Parks, and the Municipal Court, are in compliance with the City's security and data sharing policies and state law and to conduct internal audits or oversee any third-party reviews of systems, as deemed necessary by the IT Director. The City's current data sharing policies shall be presented to the Council for review and potential updates.
    - *The IT department reviewed City policies regarding video, security, and data sharing. These policies pertain to routine security video, body-worn camera footage, school zone traffic data, traffic camera and traffic camera footage. IT found no vulnerabilities with these policies.*

[2] https://www.kirklandwa.gov/files/sharedassets/public/v/1/city-council/agenda-documents/2026/july-21-2026/9e_business.pdf

  - *In addition to existing City security, video footage, and other media policies, the IT department reviewed City contracts with third parties that allow for data sharing agreements.*
  - *IT developed a Draft Data Sharing and Security Policy to ensure security controls are in place to prevent data exfiltration, mitigate impacts of exfiltrated data or unauthorized disclosure, and protect the confidentiality of Kirkland's data assets. The policy is under final review by the City Manager for inclusion in the Administrative Policy Manual. The policy and agreement are Attachments 3 and 4 in this packet.*
- 2A. Coordinating regular meetings between FIT representatives, immigrant community leaders and stakeholders such as community-based organizations, the Lake Washington School District, EvergreenHealth, Northwest University, the Chamber of Commerce, the Kirkland Downtown Association, other non-profit and civic organizations, and faith-based organizations.
  - *Staff synthesized feedback from community-based organizations, businesses and community members in the Attachment 5, "Consolidated Community Concerns." Staff will continue to meet with community members and organizations to understand their evolving needs and challenges, ensuring that a check-in on emerging issues related to Federal policy and actions is included on the agenda for regularly scheduled meetings.*
- 2E. Directing the FIT and the CMO to facilitate and provide education and information to local businesses, non-profits, and institutions seeking guidance on implementing workplace protocols that provide legal protection for customers and employees without obstructing legal actions of federal officers.
  - *Staff have identified a reputable trainer and training for businesses, nonprofits, and institutions. Staff are working to schedule these trainings in Q4, which will also be recorded and shared with the business, nonprofit, and institution community.*
- 3A. Propose legislation for Council for a one-year moratorium on permits for new or expanded detention centers until a comprehensive zoning review of land use regulations is complete and codes updated.
  - *The exploration of a moratorium culminated in targeted code amendments, which represent a more permanent solution than a moratorium. On September 1, Council adopted Ordinance O-4947, titled Relating to Zoning and Land Use and Amending the Kirkland Zoning Code to Prohibit Civil Detention Centers as an Authorized Land Use, as Addressed in File No. CAM26-00426.*
- 3B. Proposing legislation for Council consideration creating a process to provide potential financial relief from fees, fines and penalties related to City business that may be accrued by individuals, families, or businesses impacted by federal immigration actions.
  - *The table in Attachment 6 describes the fees and fines administered by the City and the conditions by which they may be waived. Towing fees are not included in the table because they are fees charged by a third party, not by the City. KPD is collaborating with community groups to develop a vehicle release process to mitigate the need for towing if an individual is detained and the vehicle must be moved.*
  - *Council may consider directing the City Manager to explore additional waivers of these fines and fees.*

- 3F. Evaluating actions the City may legally take to protect safe public access to ballot drop boxes, prohibit barriers, prevent voter intimidation, and ensure free and fair elections in the City.
    - *At the October 6, 2026 Council meeting, the Council will hear an overview of state law protecting elections and consider potential actions that the City may take to support free and fair elections in Kirkland.*
- 4D. Producing publicly available materials about the roles, responsibilities, and protocols of the Kirkland Police Department, resources to help the public identify and differentiate police officers from federal immigration officers, and a Frequently Asked Questions (FAQ) resource, and information in other languages.
    - *The Kirkland Police Department released a new City website[3] with information about KPD's response to federal civil immigration enforcement, frequently asked questions, and more information about KPD's response plans.*
    - *Staff will continue to promote this information in language in online and print media.*
- Emerging Item 2026.4.A. Premature termination of the Emergency Housing Voucher Program
    - *Since the October 6 Council meeting, subsequent changes have occurred and this update provides new information. Please refer to the October 6, 2026 packet for background information.[4]*
    - *On October 5, 2026, staff received an update from KCHA regarding the federal legislation authorizing the conversion of eligible Emergency Housing Vouchers (EHVs) to Tenant Protection Vouchers (TPVs) to maintain funding through December 2026, with future TPV funding being processed as renewals and contingent on appropriations. KCHA is currently in the process of converting those eligible households. Of the 13 households affected in Kirkland, staff are in contact with 7 households. Of the 7 households, 6 households may be eligible for a TPV. For the one household not eligible for the TPV or other public housing opportunities (due to immigration status), the current estimate for voucher assistance is approximately $12,500 annually, or $25,000 over two years. Prior to HUD's announcement on October 5th, staff estimated a cost of $318,192 for two years to support all seven affected Kirkland households.*
    - *While this conversion provides a path forward for current voucher holders, long-term federal funding for the initial 2030 timeline remains uncertain and will depend on future congressional appropriations.*
    - *An additional 50 households are ineligible for a TPV because they left housing prior to 09/30/2026 after receiving notice of their voucher ending. Staff are working with KCHA to determine the number of Kirkland households.*
    - *The City Manager is developing options for Council consideration to bridge the gap for Kirkland residents affected by the end of this program.*

Attachment 2 is a condensed spreadsheet summarizing the report card progress (based on a much more detailed spreadsheet used by staff to manage the process). FIT plans to track and report progress to Council quarterly using these formats.

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[3] https://www.kirklandwa.gov/Government/Departments/Police-Department/Community-Resources/Protecting-Immigrants-and-Refugees-in-Kirkland

[4] https://www.kirklandwa.gov/files/sharedassets/public/v/1/city-council/agenda-documents/2026/october-6-2026/9c_business.pdf

As the Federal Impacts Team completes the policy review phase of Resolution R-5729, FIT meetings will shift to be scenario-based tabletop exercises. As staff, community members, and Council identify potential scenarios of concern, the Federal Impacts Team will review the City's response to each scenario under various conditions. The purpose of this effort is to identify and resolve policy questions and procedural gaps before the situation occurs. In addition, FIT will continue to track emerging federal issues and coordinate an interdepartmental response.

NEXT STEPS:

By approving the consent calendar, the City Council will accept the update on actions identified by Resolution R-5729, related to preparing the City for safe and legal responses to federal civil immigration enforcement operations.

ATTACHMENTS:

Attachment 1 – Resolution R-5729 Report Card
Attachment 2 – Condensed Status Report of R-5729 Report Card
Attachment 3 – Data Sharing Security Policy
Attachment 4 – Data Sharing Agreement
Attachment 5 – Consolidated Community Concerns
Attachment 6 – Fines and Fees Table

Resolution R-5729 Report Card

On April 21, 2026, the Kirkland City Council passed Resolution R-5729, preparing the City for safe and legal responses to federal civil immigration enforcement operations in the City. The resolution outlined specific actions for the City Manager and staff. This document reports on the status of the actions outlined by Sections 1-4 of the resolution.

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Many actions identified by Resolution R-5729 require substantial research, outreach, and process. These subtasks are reflected in the table for each subsection of the Resolution. The status of these subtasks is also noted in the chart. A key identifying the meaning of each status term is below.

Status Key:

Term	**Meaning**
Pending	Progress on this action is dependent on the completion of another action. This action will proceed as soon as the catalyzing action is complete.
In Progress	Work is underway on this action. It is not yet complete.
Established and ongoing	Initial meetings, review, or process is complete. The action requires continual review or maintenance.

Attached	The Council will review or act on the item during the October 6 Council meeting, so the relevant materials are attached to the Council packet.
Complete	The task is a one-time action and is complete.

Section 1. Internal policy review, training, and legislative action

The City Manager is directed to continue and expedite internal policy review, training, preparation, and legislative actions related to federal civil immigration enforcement activity.

1A. Establish interdepartmental work group (FIT) to maintain proper operational response protocols.

The City established the Federal Impacts Team (FIT). FIT is composed of the following representatives:

Organizing Team

- Tracey Dunlap (City Manager's Office)
- Jim Lopez (City Manager's Office)
- Darcey Eilers (City Attorney's Office)
- Mike St. Jean (Police)
- Pat LeDoux (Fire)
- Adam Weinstein (Planning & Building)
- Julie Underwood (Public Works)
- Lynn Zwaagstra (Parks & Community Services)
- Michael Olson (Finance)
- Erin Warner (Human Resources)
- Smitha Krishnan (Information Technology)
- Heather Kelly (Emergency Management)
- Juliana da Cruz (City Manager's Office)

Contributing Team

Many staff are involved in tracking, communicating, researching and providing feedback on FIT-related items. These staff may be interacting directly with affected community members or providing research to the Organizing Team.

- Andreana Campbell (City Manager's Office - Government Affairs)
- Erika Mascorro (City Manager's Office)
- Daniel Lazo (City Manager's Office - DEIB)
- Antoinette Smith (Parks & Community Services - Human Services)
- Jen Boone (Parks & Community Services - Human Services)
- Becky Gilley (Parks & Community Services - Human Services)
- Christian Lash (City Manager's Office – Economic Development)
- Jen Davis Hayes (City Manager's Office – Economic Development)
- Ryan Gompertz (City Attorney's Office)
- Chuck Saunders (IT)
- Nathan Swanson (IT)

FIT reports to the City Manager.

Meeting Cadence and Process

FIT topics are a standing item on monthly Director's Meetings. Additional meetings will convene as needed on a situational basis as issues arise. FIT will continuously monitor Kirkland for federal immigration enforcement activity and will proactively plan for emergency scenarios. The monthly FIT meetings will be organized as tabletop exercises for various scenarios, such as federal civil immigration enforcement officers' unexpected presence in at a Kirkland Parks event, intimidation at the ballot box, or excessive use of force by a federal civil immigration officer. The tabletop exercises will be used to develop or clarify internal policies and procedures for responding to federal activity.

Contributing staff will elevate concerns, scenarios, or input through their managers or to the Management Analyst in the City Manager's Office to add to the FIT Directors agenda. The Contributing Team will regularly brief the FIT team of emerging concerns or themes from the community.

Actions:

1A Subtasks	Status
1. Establish interdepartmental workgroup.	**Complete**
2. Convene group regularly	**Established & Ongoing**

Timeline:

Established and ongoing.

1B. Reviewing and/or revising internal policies and procedures related to immigration enforcement to ensure safeguards are in effect to protect community members and comply with Washington State law and the U.S. Constitution.

The City's internal policies related to immigration enforcement include APM 7-11: Employee Responsibilities When Responding to Federal Immigration Officials, Kirkland Police Policy Manuals, and Kirkland Police Training Bulletins. The City Attorney reviewed these policies and procedures to ensure that they are compliant with the Keep Washington Working Act and ensure that City staff do not obstruct federal officers. In addition, the City Attorney reviewed the policies and procedures to ensure that in the event any immigration enforcement agency is requesting personal information about individuals, the City Attorney's Office will review the request and authorize the release of the information, if required by law. The City's procedures ensure that the City does not collect citizenship or immigration status information from community members.

Minor clarifications to policies were completed, such as an update to KPD policy 804.5, regarding processing requests for public records and policy 413.7, regarding the Kirkland Police Department's process for responding to requests for information (Public Records). Currently, KPD informs the City Attorney's Office whenever a public records request involves immigration enforcement. A minor edit was made to ensure that the policy reflects what happens in practice. These policy edits are also reflected in FIT Report item 4E.

The City Attorney completed her review of these policies and procedures and found them to be compliant to the state law and the U.S. Constitution.

Actions:

1B Subtasks	Status
1. City Attorney review of internal policies for compliance	**Complete**
2. Update internal policies according to latest guidance.	**Complete**

Timeline:

Complete.

1C. Conducting regular reviews of these policies due to the rapidly changing environment and conditions related to civil immigration enforcement at the federal level.

The City's internal policies related to immigration enforcement include APM 7-11, Kirkland Police Department Policy Manual, and Kirkland Police Department Training Bulletins. Staff will review these policies regularly, when:

- Policies will be reviewed whenever legislative changes occur that would impact the policies.
- Policies will be reviewed anytime there is enforcement action involving City staff.

Since the last FIT report, no new legislative changes or enforcement action involving City staff has occurred, so no additional reviews have been planned.

Actions:

1C Subtasks	Status
1. Establish cadence of regular policy review	**Established and ongoing**
2. Monitor for legislative changes that would impact internal policies.	**Established and ongoing**
3. Review internal policies when legislative changes occur.	**Established and ongoing**
4. Review internal policies if/when enforcement action occurs involving City staff.	**Established and ongoing**

Timeline:

Established and policies will be reviewed when legislative changes occur and if/when enforcement action occurs involving City staff.

1D. Training all City staff regarding information privacy and access to City facilities by federal officials for the purpose of civil immigration enforcement. Staff training will include notification protocols for immigration enforcement activity observed by City employees in the course of their duties.

Human Resources, DEIB, and CAO co-hosted 4 trainings for City staff in 2025 and 2026.

The City hosted a "Know Your Rights" session for staff on their rights and responsibilities as individuals complying with immigration officials. This training was the same curriculum taught to community members and was not specific to staff responsibilities as an employee of the City of Kirkland. 30 employees registered to attend this training in January 2026.

In addition, three of these trainings were “Know Your Responsibilities and Rights” trainings for City staff on how to interact with federal law enforcement and officers in a City facility or in the field. Approximately 120 staff registered to attend one of these trainings. This is an estimate because attendance was not taken at the trainings. This represents approximately 16% of full-time staff.

To formalize staff training, the City Attorney recorded a “Know Your Responsibilities and Rights” training. This training is mandatory for all City employees and has been deployed through the Learning Management System for office staff and through workgroup meetings for field staff.

Update since July 21 FIT Report:

All employees were directed to complete the training by fall 2026. As of October 6, 2026, 746 staff, or 98% of all City staff have completed the training. This does not include staff who are out on FMLA/PFML, L&I, or ADA leave.

Human Resources will continue to send reminder emails to staff who have not completed the training. Plans are in place to ensure that all remaining staff receive the training.

Actions:

1D Subtasks	Status
1. Host "Know Your Responsibilities and Rights" training sessions to instruct staff on how to interact with federal law enforcement and officers if officers came to a City facility or City space	**Complete**
2. Host a “Know Your Rights” training to train staff on their rights as individual community members when interacting with various federal law enforcement officials and officers	**Complete**
3. Make recording of “Know Your Responsibilities and Rights” training available to all staff for ongoing use	**Complete**
4. Incorporate the video into staff onboarding and annual training via the HR Learning Center Module.	**Complete**

Timeline:

Staff training is substantially complete. Staff will continue to require this training for staff during onboarding.

1E. Directing the Information Technology Department to coordinate with departments to ensure that any department deploying camera systems for community and staff safety, including Police, Public Works, Parks, and the Municipal Court, are in compliance with the City's security and data sharing policies and state law and to conduct internal audits or oversee any third-party reviews of systems, as deemed necessary by the IT Director. The City's current data sharing policies shall be presented to the Council for review and potential updates.

Update since July 21 FIT Report:

The IT department reviewed City policies regarding video, security, and data sharing. The existing policies include the Routine Security Video Retention Policy, which defines the City of Kirkland retention policy for routine security video collected by security cameras in general areas within City facilities.

Police Policy 426 outlines the guidelines for the use of body-worn cameras by officers in performance of their duties. The policy broadly outlines the requirements of body-worn camera media system requirements. The Washington Secretary of State sets the records retention schedules for law enforcement agencies[1], including the retention of video footage from body-worn cameras. The Kirkland Police department complies with this retention schedule to the letter of the law. Other security footage and media, such as drone footage is stored through Axon (Evidence.com) and is subject to these same retention requirements.

School zone traffic camera data can only be used for traffic enforcement. The City cannot and does not share the data with outside agencies. The City does report data to the Washington Traffic Safety Commission as required by RCW 46.63.220.

Traffic camera footage is governed by an internal policy which states that the City retains recordings at major intersections for 3 days. This footage is captured only at the highest volume intersections in the City, not all signalized intersections. Public Works may make this data available to KPD upon request or to the public with a public records request. Per City administrative policy, any public records request pertaining to immigration enforcement will first be reviewed by the City Attorney's Office. Direct recordings or links to traffic camera recordings are not provided to any external parties.

[1] https://www.sos.wa.gov/sites/default/files/2026-06/law-enforcement-records-retention-schedule.PDF

In addition to existing City security, video footage, and other media policies, the IT department reviewed City contracts with third parties that allow for data sharing agreements. These agreements range from mandatory sharing of data with the Equal Employment Opportunity Commission, to voluntary information, such as enrollment data with Delta Dental or client information in the King County Regional Homelessness Authority.

In total, this review of internal policy and existing data sharing agreements did not reveal major vulnerabilities with the City's data sharing process. However, the City desires to further clarify the City's policy regarding data sharing and ensure that all future data sharing agreements are robust and compliant with state law and industry best practice. After reviewing neighboring jurisdictions' policies and industry best practices, IT developed a Draft Data Sharing and Security Policy to ensure security controls are in place to prevent data exfiltration, mitigate impacts of exfiltrated data or unauthorized disclosure, and protect the confidentiality of Kirkland's data assets. The policy directs staff to utilize a robust City template data sharing agreement when receiving or sharing data with an external entity. This policy and agreement will ensure that the City maintains control over City data.

The policy and agreement are attached to the Council packet.

Actions:

1E Subtasks	Status
1. Collect relevant department policies regarding data sharing and security for this footage.	**Complete**
2. IT review of collected documentation for gaps or discrepancies with industry security standards such as CJI and PCI.	**Complete**
3. Outline a new policy on data sharing.	**Complete**
4. Research neighboring jurisdictions' policies.	**Complete**
5. IT will present the policy to Council for review and feedback.	**Attached**

Timeline:

The City will formally adopt and implement the data sharing policy following the Council report, and this item will be marked as complete.

Section 2. Continue and enhance education and outreach

The City Manager is directed to continue and enhance education and outreach regarding federal civil immigration enforcement in collaboration with stakeholders, businesses, non-profits, institutions, and residents.

2A. Coordinating regular meetings between FIT representatives, immigrant community leaders and stakeholders such as community-based organizations, the Lake Washington School District, EvergreenHealth, Northwest University, the Chamber of Commerce, the Kirkland Downtown Association, other non-profit and civic organizations, and faith-based organizations.

Update since July 21 FIT Report:

Community based organizations are rapidly adapting and responding to the needs of their community, even as they grapple with funding cuts, diminished capacity, and federal policy changes. City staff from the DEIB, Economic Development, and Human Services workgroups regularly engage with community-based organizations, non-profit, civic, and faith-based organizations. These staff utilize their existing relationships with community partners to share information and receive feedback about emerging issues. Where appropriate, this feedback is facilitated through a regular meeting schedule, collaborative meetings with various jurisdictions and nonprofit partners, subregional collaboration meetings, or individual calls. In every event, staff strive to be good partners without burdening these organizations with additional work during this critical time. With the attached report titled "Consolidated Community Concerns," staff intend to share with Council the themes and feedback from the community regarding federal impacts. Simultaneously, staff strive to protect the privacy of these groups by consolidating and anonymously summarizing the feedback into themes.

Thematically, staff heard from community partners and community-based organizations that fear and anxiety is widespread among impacted communities. Individuals are less likely to access preventative care and resources. Community-based organizations and service providers worry about the long-term impact that deferred care will have on these communities and are trying to conduct more one-on-one, culturally specific outreach and programming to connect with impacted individuals. Simultaneously, community-based organizations are capacity constrained by federal funding cuts. Organizations report increasing competition for remaining federal, state, and local grant funding. Organizations have had to prioritize and cut programs and lay off staff. This creates an additional burden

during a high-needs time. Additionally, economic factors exacerbate program constraints. The increased cost of living constrains organizations' reach and further creates uncertainty for impacted communities. The demand for rent, food, and utility assistance continues to grow, even as organizations' funding and buying power diminishes.

The City is responding to these community concerns through education and by supporting the community-based organizations with grant funding. This is exemplified by the City's Rapid Response funding. In 2025, the City learned via the Human Services Commission about the impacts of federal funding and policy changes on immigrant, refugee, and asylum-seeking communities. The City Council authorized additional one-time funding that was awarded to six Kirkland-serving agencies, amounting to $100,000 in 2025 and $100,995 in 2026. In addition, the Council will respond to the growing community need through 2027-2028 Human Service grant funding. The Human Services Commission recommended three funding options for Council consideration. The total 2027-28 human services grant recommendation includes three potential funding levels, totaling $3,034,419 per year and $6,068,838 per biennium. The City Manager will make funding recommendations as part of the preliminary budget for Council consideration.

Additionally, the City is working on community education to alleviate the impacted community's uncertainty and fear. The City is partnering with the Lake Washington School District to host trainings for the immigrant community and Kirkland residents. The Kirkland Police Department is creating educational materials about the roles, responsibilities, and protocols of the Kirkland Police Department and help the public differentiate police officers from federal immigration officers.

Staff will continue to meet with community members and organizations to understand their evolving needs and challenges, ensuring that a check-in on emerging issues related to federal policy and actions is included on the agenda for regularly scheduled meetings. As the City continues to develop resources and response plans, staff will share these resources with community-based organizations.

Actions:

2A Subtasks	Status
1. Identify or establish regular meetings with community-based organizations.	**Established and ongoing**
2. Share updated immigration resources with community-based organizations and check in on outstanding needs.	**In progress**

Timeline:

Staff will continue to stay in communication with community-based groups and other organizations and will share resources as they become available.

2B. Directing the City Manager's Office (CMO) to partner with regional intergovernmental networks of local city leaders and county and state elected officials to leverage local resources and align response plans should immigration enforcement by federal agents create dangerous and unsafe conditions in the local community. These collaborations should leverage local, regional, and state efforts to support the safety and security of the immigrant community and all other residents and businesses.

City staff participate in regular regional meetings to share resources and align response plans. For example, at a recent Governor's Coordination call, another jurisdiction presented on their law enforcement policies and procedures regarding federal immigration enforcement response. Staff determined that Kirkland's response is substantially in alignment with this jurisdiction's response. Kirkland continues to partner to share resources and ideas with city peers.

In addition to working with regional, local, and state partners, staff continue to monitor federal legislation through the City's federal lobbyist. Staff collaborate with regional partners when federal impacts are identified. For example, in the summer of 2026, the Office of Management and Budget (OMB) proposed a rule change amending 2 CFR Part 200, which would create significant uncertainty for federal grant recipients. In collaboration with federal lobbyists and other jurisdictions, the City of Kirkland submitted a comment letter to OMB.

Update since July 21 FIT Report:

OMB's proposed revisions to the government-wide federal grant rules remain proposed and have not taken effect. If finalized, the rule would require senior appointee review before discretionary grants are awarded and would allow agencies, where permitted by law, to suspend or terminate awards that no longer advance program goals, agency priorities, or the "national interest."

Congress has temporarily blocked the rule through the recently enacted continuing resolution. Section 157 prohibits OMB from issuing or finalizing the rule, or a substantially similar rule, through December 11, 2026. The restriction reflects bipartisan concern: Republican Senate Appropriations Chair Susan Collins called for key provisions to be withdrawn, and the CR containing the prohibition passed the Senate 90–6 and the House 370–48. This is a temporary delay rather than a permanent rejection; absent further congressional action, OMB could resume the rulemaking after the CR expires. The issue could resurface during post-election negotiations over full-year FY2027 appropriations, when Congress may consider whether to extend the prohibition, make it permanent, or allow it to lapse.

The City and the City's federal lobbyist, CFM Advocates, will continue to monitor for emerging issues.

Actions:

2B Subtasks	Status
1. Establish or identify regular meetings to align with local leaders on response plans.	**Established and ongoing**
2. Maintain relationships with state leaders to stay connected on coordinated response.	**Established and ongoing**
3. Monitor federal legislation and coordinate with regional partners when impacts are identified.	**Established and ongoing**

Timeline:

Established and ongoing.

2C. Directing the FIT and the CMO to coordinate with the Offices of the Governor and Attorney General to request guidance around coordination and alignment of response protocols and identify resource allocations in the event of organized ICE operations in Kirkland and northeast King County.

Intergovernmental coordination is essential to preparing Kirkland for potential organized immigration activity. Staff have identified regular collaboration meetings to stay informed of emerging issues and to partner with the state on response plans. These meetings include the Governor's Coordination call with the Attorneys General Office and regional partners. FIT members continue to participate in regional meetings of their peers and funnel this information to the full FIT meetings.

Actions:

2C Subtasks	Status
1. Identify or establish regional meetings with the Office of the Governor and Attorney General regarding interagency cooperation surrounding immigration activity in the area.	**Established and ongoing**

Timeline:

Established and ongoing.

2D. Directing the FIT to establish "know your rights" information and education programs that can be shared within immigrant communities and all residents of Kirkland.

The City partnered with Lake Washington School District to host trainings for the immigrant community and Kirkland residents. There were two types of trainings offered: Know Your Rights and Family Safety Planning.

Know Your Rights: Trainings that help the community understand their rights when interacting with various federal law enforcement officials and officers. These trainings typically have an immigration lawyer present to assist with legal questions. In 2025, the City and LWSD hosted the following Know Your Rights trainings in various languages:

- Kamiakin Middle School – English/Spanish/Portuguese
- Videira Church – English/Portuguese
- Juanita High School – English/Spanish/Portuguese
- Redmond Middle School – English/Spanish
- Juanita High School – partnership with LWSD and Africans on the Eastside – English

Family Safety Planning: Community resource sessions to assist parents complete a document for each of their children to help plan for the care of their child(ren) (with or without status) in the event that a parent is unable to care for their child, particularly if the parent is detained or deported. These sessions have lawyers and a notary public present to complete the forms – these sessions are offered in various languages through in person interpretation services. In 2026, the City and LWSD hosted the following Family Safety Planning sessions:

- Juanita High School
- Keller Elementary

City of Kirkland funding provided equitable access to this training through professional interpretation, translated materials, and a welcoming and confidential environment. The presence of professional interpreters ensured meaningful participation across multiple language groups and reduced reliance on children to translate sensitive information.

72 individuals participated, including 24 children who participated alongside their caregivers.

Two more Family Safety Planning sessions are planned for 2026 when the school year resumes.

Actions:

2D Subtasks	Status
1. Host 5 “Know Your Rights” trainings for community members	**Complete**
2. Host 4 “Family Safety Planning” trainings	**In progress**

Timeline:

Two additional Family Planning Sessions will be scheduled for 2026.

2E. Directing the FIT and the CMO to facilitate and provide education and information to local businesses, non-profits, and institutions seeking guidance on implementing workplace protocols that provide legal protection for customers and employees without obstructing legal actions of federal officers.

Immigration activity can impact local businesses, non-profits, and institutions. To address this uncertainty, the City will develop training and resources so that organizations understand their rights and responsibilities. These trainings may be in person or online.

Update since July 21 FIT Report:

Staff have identified an immigration lawyer to provide Know Your Rights training for business owners and have scheduled a training session for late October 2026. The training will be recorded and available to businesses on an ongoing basis.

Actions:

2E Subtasks	Status
1. Identify the training scope and relevant resources	**Complete**
2. Identify a reputable trainer to deliver business and nonprofit training	**Complete**
3. Schedule trainings for external organizations	**Complete**
4. Share training video with business community	**In Progress**

Timeline:

Training is scheduled for fall 2026 and recordings will be made available as a business resource on an ongoing basis.

Section 3. Develop legislation and administrative actions related to federal immigration operations.

3A. Propose legislation for Council for a 1-year moratorium on permits for new or expanded detention centers until a comprehensive zoning review of land use regulations is complete and codes updated.

At the July 21, 2026 City Council meeting, staff presented on potential City action on a 1-year moratorium on permits for new or expanded detention centers. Staff determined that a moratorium would not achieve the City's objectives in prohibiting federally-owned or federally-operated detention facilities because the City does not have authority to regulate the federal government's activities in siting a detention facility in such a manner.

In addition, staff explained that private detention facilities are not an allowed use in the KZC and thus are already considered a prohibited use. In contrast, federally-owned or federally-operated detention facilities would technically be considered an allowed use in many zones authorizing a "government facility" as defined in the KZC, but such facilities would be difficult to develop in Kirkland due to State and National Environmental Policy Act regulations, high land/property values, and the lack of available land and properties potentially suitable for such purposes. As previously noted, however, the city is extremely limited in its ability to regulate or restrict the federal government in any efforts the federal government makes in siting a detention facility. The City Council decided not to pursue a moratorium at that time and, instead, directed staff to pursue targeted KZC amendments that would strongly express Kirkland's opposition to the development of civil detention centers.

Update since July 21 FIT Report:

After the July 21, 2026 Council Meeting, staff immediately began outreach to the local immigrant community to explain why the City did not pursue a moratorium and to gain feedback on code amendment options. Staff provided the proposed draft code amendments to community members on August 13, 2026, with a clear statement that the City does not support federal civil detention facilities in Kirkland but also with the important caveat that the federal government has the ability to disregard our local laws and preferences. Staff also began language translation of the code amendments as requested by Eastside for All and for the Council public hearing scheduled for September 1, 2026.

At the September 1, 2026 Council meeting approved Ordinance O-4947, amending Section 5.10.335 of the Kirkland Zoning Code. This change clarifies that civil detention facilities

where persons are detained in custody for any reason other than one related to a criminal offense (unless such a civil detention facility is considered an essential public facility under WAC 365-196-550) are not an allowable use of a "government facility" under the zoning code.

Actions:

3A Subtasks	Status
1. Research the necessity and feasibility of legislation proposing a moratorium on permits for detention centers.	**Complete**
2. Update the Council on research findings.	**Complete**
3. Enact targeted code amendments	**Complete**

Timeline:

Complete.

3B. Proposing legislation for Council consideration creating a process to provide potential financial relief from fees, fines and penalties related to City business that may be accrued by individuals, families, or businesses impacted by federal immigration actions.

Update since July 21 FIT Report:

The City has a limited ability to waive fees, fines, and penalties due to the payer's hardship. The Kirkland Municipal Code outlines the fees associated with business license fees, cemetery administration, utility fees, special events, development permits, animal license, and alarm fees. Some of these fees may be waived or reduced according to the Kirkland Municipal Code. The attached table describes the fees and fines administered by the City and the conditions by which they may be waived.

Council may consider directing the City Manager to explore additional waivers of these fines and fees.

Towing fines and fees are notably absent from the attached table. This is because the City is not the entity that charges towing fines. However, towing fees may be issued by the third-party tow company that responds to a request to impound or tow a vehicle. Kirkland Police Department and DEIB staff are working with community partners to develop contingency plans to prevent a detained person from accumulating tow fees from third-party tow companies.

Court-related fines and fees are not included in the attached table. The Washington State Supreme Court *Blazina* decision requires courts to consider a defendant's ability to pay before imposing discretionary fines, fees, costs, and restitution. Therefore, a further waiver of court-related fines and fees is not needed.

Relatedly, the Kirkland Cares Low Income Support Program supports low-income residents with rebates or discounts on City-owned utilities, business licenses, pet licenses, and vehicle license fees. Demand for the program continues to grow.

Actions:

3B Subtasks	Status
1. Develop a list of fees and fines that the City has the authority to waive.	**Attached**
2. Present this list to Council for consideration of which, if any, the City should waive for individuals seeking relief.	**Attached**
3. Develop an intake form or application process by which an individual can request relief from fines if impacted by federal immigration actions.	**Pending**

Timeline:

Pending Council feedback, staff will develop procedures for fine and fee waiver for individuals who have experienced hardship from federal immigration enforcement activities.

3C. Evaluating whether the City may prohibit civil immigration enforcement activities at city-controlled buildings or on other fixed-properties, unless required by federal law. The focus should apply to City parks and open spaces, City-owned and City-controlled parking lots, vacant lots, buildings, or garages and provide that these areas shall not be used for staging areas to assemble, mobilize and deploy vehicles, equipment, materials, related personnel, processing locations, or operations for the purpose of carrying out civil immigration enforcement activities. If the evaluation concludes the City may legally take such action, the City Manager shall propose legislation for Council consideration.

The City Attorney's Office will research the permissibility of a prohibition on civil immigration enforcement activities at City-controlled buildings. If this prohibition is

permissible, staff will draft legislation for Council consideration. If this prohibition is not permissible, staff will provide a confidential memo to Council outlining these findings.

Actions:

3C Subtasks	Status
1. Legal research on permissibility of such prohibition.	**In progress**
2. Draft legislation prohibiting civil immigration enforcement activities.	**Pending**
3. Present the legislation for Council consideration.	**Pending**

Timeline

The City Attorney's Office is conducting legal research and will provide an overview of Council's restraints and abilities to prohibit civil immigration enforcement activities at City-controlled buildings by the end of 2026.

3D. Implementing a citywide policy that, absent a judicial warrant or other non-immigration-related mutual aid investigation in which the Kirkland Police are working with federal law enforcement partners, federal agents conducting civil immigration enforcement are not allowed access to non-public areas within City-owned facilities.

APM 7-11: Employee Responsibilities When Responding to Federal Immigration Officials requires employees to obtain advance permission from both the City Manager and the City Attorney, or their designees, before disclosing any personal information to a federal immigration official or allowing a federal immigration official to enter or search any City-owned facility or records owned or retained by the City. City employees must obtain such permission regardless of whether the federal immigration official presents an administrative warrant, judicial warrant, or no warrant at all. As such, federal agents may not enter non-public areas within City-owned facilities absent City Manager and City Attorney permission, which is contingent on a judicial warrant or other non-immigration-related mutual aid investigation. This policy is incorporated in all staff training materials.

Actions:

3D Subtasks	Status
1. Review existing internal policies to determine if an update is needed.	**Complete**
2. Include this policy in training staff training materials.	**Complete**

Timeline:

Complete.

3E. Clearly marking all non-public areas of City facilities and posting with signs to prohibit access to unauthorized individuals.

Staff updated signage in City Hall to clearly mark non-public areas. However, a full assessment of all City facilities is necessary to identify potential gaps. When gaps are identified, signage will be ordered and installed.

Actions:

3E Subtasks	Status
1. Audit City facilities for appropriate signage (Approximately 25 buildings).	**In progress**
2. Develop a sign order based on audit findings.	**Pending**
3. Deploy updated signage.	**Pending**

Timeline:

Staff will audit City facilities for signage by the end of 2026. Staff will address inadequate signage thereafter.

3F. Evaluating actions the City may legally take to protect safe public access to ballot drop boxes, prohibit barriers, prevent voter intimidation, and ensure free and fair elections in the City.

The City Attorney's Office will research the permissibility of actions that a city may take to protect free and fair elections.

Update since July 21 FIT Report:

The City Attorney's Office completed legal research into the possibility and restrictions of City action to protect elections. The City Attorney's Office will provide an overview of current state election protections at the October 6, 2026, Council meeting. Staff will also present options for Council action at the October 6, 2026, Council meeting.

Actions:

3F Subtasks	Status
1. Research legal actions to protect access to ballot drop boxes and ensure fair elections.	**Complete**
2. Draft potential actions and legislation.	**In progress**
3. Present potential actions for Council consideration.	**In progress**

Timeline:

Council will consider action at the October 6, 2026, Council meeting.

Section 4: Constitutional policing, compliance with state law, and community education

4A. Ensuring the Kirkland Police Department continues to fully comply with the Keep Washington Working Act and does not engage in civil immigration enforcement.

The City Attorney's review of internal policies, including Policy 411, confirmed Kirkland Police compliance with the Keep Washington Working Act. A clarifying training bulletin was issued to incorporate additional information from Resolution R-5729 and provide officers with a refresher on TRN2026-004 (on handling ICE warrants and immigration status considerations). This training bulletin provides examples to differentiate criminal warrants from administrative warrants, reminds officers of the relevant state laws and policy policies, and provides guidance for KPD response to reports involving Federal Immigration Activity.

The review of police policies corresponded with Kirkland Police's application for grant funding under ESHB 2015. The Washington State Criminal Justice Training Center (CJTC) is administering this grant to eligible local and tribal law enforcement agencies seeking funding to support hiring, retaining, and training personnel. To be eligible for the grant, law enforcement agencies must adhere to law enforcement agency training and policy requirements. At the February 27, 2026 City Council Retreat[2], KPD provided an update on the department's ability to meet the established requirements and identified updates, expansions, or additions to existing policies to meet the conditions of the grant application.

As part of its ESHB 2015 grant application, KPD completed a comprehensive review using the Washington State Criminal Justice Training Commission's Keep Washington Working Policy Assessment Tool. The review compared each requirement in the Attorney General's model policy with KPD policies, procedures, training, forms, and supporting records. Many requirements were already addressed in existing policy; where needed, language, procedures, or training materials were clarified or expanded. KPD reviewed and updated all applicable forms to ensure consistency with the Keep Washington Working requirements. KPD also verified the required supporting documentation, including forms,

[2] https://www.kirklandwa.gov/files/sharedassets/public/v/1/city-council/agenda-documents/2026/february-27-2026-retreat/5b_engrossed-substitute-house-bill-eshb-2015.pdf

disclosure and audit records, training materials and rosters, contractual assurances, and public-facing policy information.

The review confirmed KPD's compliance with requirements addressing civil immigration enforcement, information collection and disclosure, persons in custody, consular notification, federal immigration requests, U and T visas, training, auditing, and public communication. KPD also issued a clarifying training bulletin incorporating Resolution R-5729 and reinforcing TRN2026-004, including guidance on distinguishing criminal judicial warrants from civil administrative warrants and responding to reports involving federal immigration activity.

Policies Reviewed

Policy	Subject
413.1.1	Required definitions
413.3	Prohibition on civil immigration enforcement and related assistance
413.4	Collection and use of immigration and citizenship information
413.5	Advisements and consular notification
413.6	Information requests, disclosures, and release dates
413.7	Immigration authority access to persons in custody
413.8	Equal treatment, visitation, and visitor information
413.9	Verification of judicial warrants and custody transfers
413.10	Agreements, joint activities, database access, and language services
413.11	U and T visa confidentiality and processing
413.12	Compliance monitoring and audits
413.14	Keep Washington Working and U and T visa training
202.5.1 & 202.10	Officer and School Resource Officer training and records
802.3.2 & 804.8	Disclosure logging and record retention
341.9	Public access to policies and community participation

Not every policy required an amendment; some already met the applicable requirements and were verified through the assessment process. Since the February 27, 2026, meeting, KPD completed the remaining work to qualify and applied for the grant on August 4, 2026. The City is awaiting the outcome of the grant application. As part of the grant process, CJTC will review Kirkland's submission and will flag any policy deficiencies for correction.

Actions:

4A Subtasks	**Status**
1. City Attorney review of Policy 411	**Complete**

2. Finalization of training bulletin	**Complete**
3. Maintain compliance	**Established & Ongoing**

Timeline:

Established and ongoing.

4B. Ensuring the Kirkland Police Department does not obstruct lawful actions by federal immigration officers.

Existing City policies, including Policy 411, require that officers do not obstruct lawful actions by federal immigration officers.

Actions:

4B Subtasks	**Status**
1. City Attorney review of Policy 411	**Complete**
2. Finalization of training bulletin	**Complete**
3. Maintain compliance	**Established & Ongoing**

Timeline:

Established and ongoing.

4C. Directing the Kirkland Police Department to develop response plans for potential unlawful action by federal law enforcement officers. The guidance should include information about protocols for responding to 911 reports from the public regarding suspected illegal interactions between federal officers and members of the public. This guidance should include but is not limited to: clear protocols for attempting to verify law enforcement personnel who are not displaying official credentials; creating appropriate documentation including the activation of body worn cameras as outlined in existing policy; protocols for securing scenes when safe to do so; protocols for securing witness statements; and guidance for officers about responding to conflicts involving Kirkland community members and federal law enforcement.

This task requires a significant amount of policy and protocol documentation for Kirkland Police. Kirkland Police has reviewed several existing policies and updated training bulletins in response to this resolution. The scope of these policies and bulletins overlap across

various subtasks. In total the relevant policies and procedures that have been reviewed as part of this Resolution are:

- Policy 308: Officer Response to Calls
- Policy 400: Patrol Function
- Policy 411: Consular Notification and Immigration Policy
- Policy 437: Body-Worn Cameras
- Policy 600: Investigation and Prosecution
- Training Bulletin TRN2026-008: Updated Response to ICE Activity in Kirkland

These policies were reviewed for compliance with state law and the federal constitution and for consistency with department procedures. No changes were identified to the existing policies. The Training Bulletin was released as a reminder to officers.

These policies are available online here:
www.kirklandwa.gov/Government/Departments/Police-Department

Actions:

4C Subtasks	Status
1. Develop or update protocols for responding to 911 reports from the public regarding suspected illegal interactions with federal officers.	**Complete**
2. Develop or update protocol for verifying law enforcement personnel who are not displaying official credentials	**Complete**
3. Develop or update documentation for the activation of body worn cameras	**Complete**
4. Develop or update protocols on securing scenes of illegal civil enforcement activity	**Complete**
5. Develop or update protocols for securing witness statements	**Complete**
6. Develop guidance for officers responding to conflicts between Kirkland community members and federal law enforcement	**Complete**

Timeline:

Complete.

4D. Producing publicly available materials about the roles, responsibilities, and protocols of the Kirkland Police Department, resources to help the public identify and differentiate police officers from federal immigration officers, and a Frequently Asked Questions (FAQ) resource, and information in other languages.

The Kirkland Police Department has completed substantial work to review their policies and protocols related to this resolution. Kirkland Police will update their webpage and online resources to ensure that the public has transparent access to this information.

Update since July 21 FIT Report:

This resource is available to the public online: Kirklandwa.gov/Government/Departments/Police-Department/Community-Resources/Protecting-Immigrants-and-Refugees-in-Kirkland

This webpage can be accessed in multiple languages via Google Translate. In addition, staff are using this webpage to create translated print materials for the community.

In addition, the next edition of the Kirklander includes an article outlining three things to know about Kirkland Police and immigration enforcement.

Actions:

4D Subtasks	Status
1. Update the Kirkland Police website to provide public information on: • Helping the public understand the responsibilities and protocols of Kirkland Police • Helping the public differentiate police officers from federal immigration officers • Frequently Asked Questions resource	**Complete**
2. Provide translation resources to ensure this information is available in multiple languages.	**In Progress**
3. Promote the information via social media.	**Pending**
4. Share the information with community-based organizations and partners.	**Pending**

Timeline:

The City's webpages regarding federal impacts and federal immigration enforcement activity were updated in September 2026. Staff will continue to work on created translated print materials and sharing updates with the community.

4E. Ensuring requests for records by federal immigration officials are routed to the City Attorney's Office for review to determine whether Kirkland is legally obligated to release the report or information.

APM 7-11: Employee Responsibilities When Responding to Federal Immigration Officials requires employees to obtain advance permission from both the City Manager and the City Attorney, or their designees, before allowing a federal immigration official to search any records owned or retained by the City. City employees must obtain such permission regardless of whether the federal immigration official presents an administrative warrant, judicial warrant, or no warrant at all. This policy sufficiently requires City staff (except Police and Court staff) to route public records requests to the City Attorney's Office.

Update since July 21 FIT Report:

The exception to APM 7-11 is that it does not include Police and Court staff. To close this exception and require that police also route public records requests to the City Attorney's Office, an update was required to policy 804.5 and 413.7, regarding the Kirkland Police Department's process for responding to requests for information (Public Records). Currently, KPD informs the City Attorney's Office whenever a public records request involves immigration enforcement. Updating these policies ensured that the policy matches the current procedure and complies with the intent of Action 4E.

Court staff are not subject to the Administrative Policy Manual and remain exempt from this requirement. Court staff do not collect information regarding a person's immigration status.

Actions:

4E Subtasks	Status
1. Review existing public records requests process	**Complete**
2. Update Policy 413.7	**Complete**

Timeline:

Complete.

Emerging Issues

In addition to the actions identified by Resolution R-5729, the City is monitoring emerging issues from the federal administration that may impact the Kirkland community and City operations. Since April 2026, staff are tracking the following issues and actions:

Date Identified	Subtask #	Topic	Action	Estimated completion date
7/1/2026	2026.1.A	OMB Rule Change (OMB 2 CFR200)	Director review of impacts of potential rule change	7/8/2026
7/1/2026	2026.1.B	OMB Rule Change (OMB 2 CFR200)	Draft and submit comment letter	7/13/2026
7/1/2026	2026.2.A	Injunction for DEI/Gender-related grant funding	Monitor preliminary injunction from City of Seattle, Shoreline challenging executive actions restricting DEI and gender-related grants	Ongoing
8/26/26	2026.3.A	King County v. Turner case	Monitor outcome of case	Ongoing
9/23/26	2026.4.A	Premature termination of the Emergency Housing Voucher Program	The City Manager is developing options for Council consideration to bridge the housing assistance gaps for the Kirkland households that are losing access to these vouchers.	Fall 2026

Staff will continue to update this tracker as issues arise.

Summary Table

An abbreviated table summarizing progress on the overall categories in Resolution R-5729 is included below.

Subtask	Task description	Status	Estimated Completion
Policy Review & Training			
1A	Consolidating interdepartmental efforts under an expanded Federal Impacts Team (FIT)	Established & Ongoing	N/A
1B	Reviewing and/or revising internal policies and procedures	Established & Ongoing	N/A
1C	Conduct regular reviews of these policies	Established & Ongoing	N/A
1D	Training all City staff regarding information privacy and access to City facilities	Complete	N/A
1E	IT review of camera system compliance with security and data sharing policies and state law	Complete	Complete
Education and outreach			
2A	Establish regular meetings with community-based organizations	Established & Ongoing	N/A
2B	Partner with regional intergovernmental networks of local city leaders and county and state elected officials	Established & Ongoing	N/A
2C	Coordinate with the Offices of the Governor and Attorney General	Established & Ongoing	N/A
2D	Establish "know your rights" information and education programs	In progress	Q4 2026
2E	Provide education to local businesses, non-profits, and institutions	In progress	Q4 2026
Legislative & Administrative Actions			

3A	Consider implementing a one-year moratorium on acceptance of permits for new or expanded detention centers	Complete	Complete
3B	Propose legislation for Council to consider potential financial relief from fines, fees, and penalties	Pending	Q1 2027
3C	Evaluate if the City may prohibit civil immigration enforcement at city-controlled buildings	In progress	Q4 2026
3D	Implement a citywide policy that absent a judicial warrant, federal agents are not allowed in non-public areas of City-owned facilities	Complete	Complete
3E	Clearly mark all non-public areas of City facilities to prohibit access to unauthorized individuals	In progress	Q2 2027
3F	Evaluate actions the City may legally take to protect free and fair elections in the City	Complete	Complete
Constitutional Policing			
4A	Ensure compliance with Keep Washington Working Act	Complete	Complete
4B	Ensuring the Kirkland Police Department does not obstruct lawful actions by federal immigration officers	Complete	Complete
4C	Develop response plans for potential unlawful action by federal law enforcement officers	Complete	Complete
4D	Produce publicly available materials about the roles, responsibilities, and protocols of the Kirkland Police Department	In progress	Q4 2026
4E	Ensure requests for records by federal immigration officials are routed to the City Attorney's Office for review	Complete	Complete

R-5729 Report Card Spreadsheet

Attachment 2

Action	Section	Letter	Subtask	Task description	Status	Estimated Completion	Primary Driver	Support Depart
Policy Review & Training								
Policy Review & Training	1	A	1	Establish interdepartmental workgroup	Complete	Complete	CMO	
Policy Review & Training	1	A	2	Convene group regularly	Established & Ongoing	Ongoing	CMO	
Policy Review & Training	1	B	1	City Attorney review of internal policies for compliance	Complete	Complete	CAO	
Policy Review & Training	1	B	2	Update internal policies according to the latest guidance	Complete	Complete	CAO	
Policy Review & Training	1	C	1	Establish cadence of regular policy review	Established & Ongoing	Ongoing	CAO	
Policy Review & Training	1	C	2	Monitor for legislative changes that would impact internal policies.	Established & Ongoing	Ongoing	CMO	CAO
Policy Review & Training	1	C	3	Review internal policies when legislative changes occur.	Established & Ongoing	Ongoing	CAO	
Policy Review & Training	1	C	4	Review internal policies if/when enforcement action occurs involving City staff.	Established & Ongoing	Ongoing	CAO	
Policy Review & Training	1	D	1	Host "Know Your Responsibilities and Rights" training sessions to instruct staff on how to interact with federal law enforcement and officers if officers came to a City facility or City space	Complete	Complete	CAO	CMO
Policy Review & Training	1	D	2	Host a a "Know Your Rights" training. The focus of this training is to help staff understand their rights as individual community members when interacting with various federal law enforcement officials and officers	Complete	Complete	CMO	CAO
Policy Review & Training	1	D	3	Make recording of "Know Your Responsibilities and Rights" training available to all staff for ongoing use.	Complete	Complete	CAO	HR
Policy Review & Training	1	D	4	Incorporate the video into staff onboarding and annual training via the HR Learning Center Module.	Complete	Complete	HR	
Policy Review & Training	1	E	1	Collect relevant department policies regarding data sharing and security for this footage.	Complete	Complete	IT	
Policy Review & Training	1	E	2	IT reviews collected documentation for gaps or discrepancies with industry security standards such as CJI and PCI.	Complete	Complete	IT	
Policy Review & Training	1	E	3	Outline a new policy on data sharing	Complete	Complete	IT	
Policy Review & Training	1	E	4	Research neighboring jurisdictions' policies	Complete	Complete	IT	
Policy Review & Training	1	E	5	IT will present the data security policy to Council for review and feedback.	Complete	Complete	IT	
Policy Review & Training	1	E	6	IT presents the data sharing agreement to Council for review and feedback.	Pending	10/6/2026	IT	
Education and outreach								
Education and outreach	2	A	1	Identify or establish regular meetings with community-based organizations	Established & Ongoing	Ongoing	CMO	
Education and outreach	2	A	2	Share updated immigration resources with community-based organizations and check in on outstanding needs.	In progress	Q4 2026	CMO	
Education and outreach	2	B	1	Establish or identify regular meetings to align with local leaders on response plans.	Established & Ongoing	Ongoing	CMO	
Education and outreach	2	B	2	Maintain relationships with state leaders to stay connected on coordinated response.	Established & Ongoing	Ongoing	CMO	
Education and outreach	2	B	3	Monitor federal legislation and coordinate with regional partners when impacts are identified	Established & Ongoing	Ongoing	CMO	
Education and outreach	2	C	1	cooperation surrounding immigration activity in the area	Established & Ongoing	Ongoing	CMO	KPD
Education and outreach	2	D	1	Host 5 "Know Your Rights" trainings for community members	Complete	Complete	CMO	
Education and outreach	2	D	2	Host 4 "Family Safety Planning" trainings	In progress	Q4 2026	CMO	
Education and outreach	2	E	1	Identify the training scope and relevant resources	Complete	Complete	CMO	
Education and outreach	2	E	2	Identify a reputable trainer to deliver business and nonprofit training	Complete	Complete	CMO	
Education and outreach	2	E	3	Schedule trainings for external organizations	Complete	Complete	CMO	
Education and outreach	2	E	3	Share training video with business Community	In progress	Q4 2026	CMO	
Legislative & Administrative Actions								
Legislative & Administrative Actions	3	A	1	Research the necessity and feasibility of legislation proposing a moratorium on permits for detention centers.	Complete	Complete	PB	
Legislative & Administrative Actions	3	A	2	Update the Council on research findings.	Complete	Complete	PB	
Legislative & Administrative Actions	3	A	3	Draft targeted code amendments	Complete	Complete	PB	
Legislative & Administrative Actions	3	A	4	Collect community feedback on targeted code amendments	Complete	Complete	PB	
Legislative & Administrative Actions	3	A	5	Council Public Hearing of the targeted code amendments.	Complete	Complete	PB	
Legislative & Administrative Actions	3	A	6	Council consideration of the targeted code amendments	Complete	Complete	PB	
Legislative & Administrative Actions	3	B	1	Develop a list of fees and fines that the City has the authority to waive	Complete	Complete	Finance	
Legislative & Administrative Actions	3	B	2	Present this list to Council for consideration of which, if any, the City should waive for individuals seeking relief.	Complete	10/6/2026	Finance	
Legislative & Administrative Actions	3	B	3	Develop an intake form or application process by which an individual can request relief from fines if impacted by	Pending	Q1 2027	Finance	
Legislative & Administrative Actions	3	C	1	Legal research on permissibility of such prohibition	In progress	Q4 2026	CAO	
Legislative & Administrative Actions	3	C	2	Draft legislation prohibiting civil immigration enforcement activities	Pending	Q4 2026	CAO	
Legislative & Administrative Actions	3	C	3	Present the legislation for Council consideration	Pending	Q4 2026	CAO	
Legislative & Administrative Actions	3	D	1	Review existing internal policies to determine if an update is needed	Complete	Complete	CAO	
Legislative & Administrative Actions	3	D	2	Include this policy in training staff training materials	Complete	Complete	CAO	HR
Legislative & Administrative Actions	3	E	1	Audit City facilities for appropriate signage (Approximately 25 buildings)	In progress	Q4 2026	PW	
Legislative & Administrative Actions	3	E	2	Develop a sign order based on audit findings	Pending	Q1 2027	PW	
Legislative & Administrative Actions	3	E	3	Deploy updated signage	Pending	Q2 2027	PW	
Legislative & Administrative Actions	3	F	1	Research legal actions to protect access to ballot drop boxes and ensure fair elections	Complete	Complete	CAO	
Legislative & Administrative Actions	3	F	2	Draft potential actions and legislation	Complete	10/6/2026	CAO	
Legislative & Administrative Actions	3	F	3	Present potential actions for Council consideration	Complete	10/6/2026	CAO	
Constitutional Policing								
Constitutional Policing	4	A	1	City Attorney review of Policy 411	Complete	Complete	CAO	KPD
Constitutional Policing	4	A	2	Finalization of training bulletin	Complete	Complete	KPD	CAO
Constitutional Policing	4	A	3	Maintain compliance	Ongoing	Complete	KPD	
Constitutional Policing	4	B	1	City Attorney review of Policy 411	Complete	Complete	CAO	KPD
Constitutional Policing	4	B	2	Finalization of training bulletin	Complete	Complete	KPD	
Constitutional Policing	4	B	3	Maintain compliance	Established & Ongoing	Ongoing	KPD	
Constitutional Policing	4	C	1	federal officers.	Complete	Complete	KPD	CAO
Constitutional Policing	4	C	2	Develop or update protocol for verifying law enforcement personnel who are not displaying official credentials	Complete	Complete	KPD	CAO
Constitutional Policing	4	C	3	Develop or update documentation for the activation of body worn cameras	Complete	Complete	KPD	CAO
Constitutional Policing	4	C	4	Develop or update protocols on securing scenes of illegal civil enforcement activity	Complete	Complete	KPD	CAO
Constitutional Policing	4	C	5	Develop or update protocols for securing witness statements	Complete	Complete	KPD	CAO

Constitutional Policing	4	C	6	Develop guidance for officers responding to conflicts between Kirkland community members and federal law enforcement	Complete	Complete	KPD	CAO
Constitutional Policing	4	D	1	Helping the public understand the responsibilities and protocols of Kirkland Police	Complete	Complete	KPD	
Constitutional Policing	4	D	2	Provide translation resources to ensure this information is available in multiple languages	In progress	Q4 2026	KPD	
Constitutional Policing	4	D	3	Promote the information via social media	Pending	Q4 2026	KPD	
Constitutional Policing	4	D	4	Share the information with community-based organizations and partners	Pending	Q4 2026	KPD	
Constitutional Policing	4	E	1	Review existing public records requests process	Complete	Complete	CAO	FA/ KPD
Constitutional Policing	4	E	2	Develop process for routing records requests to City Attorney	Complete	Complete	CAO	FA/ KPD
Constitutional Policing	4	E	3	Document the process in a policy.	Complete	Complete	CAO	FA/ KPD
Emerging Issues								
Emerging Issues	2026	1	A	Director review of impacts of OMB rule change to how federal grants and financial assistance are awarded (OMB 2 CFR200)	Complete	Complete	CMO	
Emerging Issues	2026	1	B	City to submit comment letter (due 7/13) on OMB Rule change 2 CFR200.	Complete	Complete	CMO	
Emerging Issues	2026	2	A	Funding through Federal Agency Grants Preliminary Injunction: City of Shoreline V Department of Transportation // City of Seattle v Donald Trump	Monitoring	Ongoing	CAO	CMO
Emerging Issues	2026	3	A	King County v. Turner case, barring the Trump administration from requiring local governments to adopt anti-DEI, anti-immigrant, and anti-LGBTQ policies to receive federal grants	Monitoring	Ongoing	CAO	PCS
Emerging Issues	2026	4	A	Premature termination of the Emergency Housing Voucher Program	In progress	Q4 2026	PCS	CMO

Data Sharing Security Policy

Chapter 7
Policy 7-XX
Effective Date: XXX, 2026

PURPOSE:
The purpose of this policy is to ensure security controls are in place to prevent data exfiltration, mitigate impacts of exfiltrated data or unauthorized disclosure, and protect the confidentiality, integrity and availability of the City of Kirkland's data assets. This policy governs the use of the City's Data Sharing Agreement (DSA) by City staff.

GOAL:
To ensure safe and secure data sharing practices for all city staff, with adherence to City of Kirkland Resolution R-5729, while maintaining compliance with Chapter 40.14 RCW (Preservation and Destruction of Public Records) and RCW 42.56.420– (Public Records Act Security Exemption).

SCOPE:
The policy applies to all staff who own, access, process, transmit, or support technology assets and City Data. The policy applies to all City Data assets in any form (electronic, printed, website, voice record, email, database, etc.) or location (City facilities, personal residences, off-site, laptops, mobile devices, cloud platforms, etc.). "Data" and "information" are equivalent for this policy. The policy also applies to the use of third-party or personal devices, if used to store City Data assets while working for or on behalf of the City.

DEFINITIONS:
City Data. Any information created, collected, or maintained by the City, including structured and unstructured datasets.

Staff. Refers to paid City of Kirkland staff of all classifications, City volunteers, Board and Commission members, and Councilmembers

Sensitive City Data. includes any data requiring heightened security or restricted access. The City uses WaTech SEC-08-01-S categories for data classification.

Data Asset Owner. The Department or Department Director responsible for the City Data asset was generated, stored, processed, or transmitted to conduct the Department's business. The Data Asset Owner is responsible for enabling, tracking, and enforcing compliance with the City's Data Sharing Agreement if City Data is shared externally unless the data is:

- Category 1 publicly available data obtainable through a public-records request; or
- Protected by a contract or other agreement containing provisions consistent with the City of Kirkland Data Sharing Agreement.

Any agreement allowing City Data to be shared, including the City of Kirkland Data Sharing Agreement, should be reviewed and approved by the City Attorney's Office.
Data Custodian. Staff responsible for the technical control of data, including security, privacy, availability, configuration, accuracy, backup and restore, audit trail, and compliance.

Data Classification. City Data uses the following WaTech SEC-08-01-S categories:

- Category 1 – Public Information

- Category 2 – Sensitive Information
- Category 3 – Confidential Information
- Category 4 – Confidential Information Requiring Special Handling

Safeguards must be commensurate with the highest classification present in a dataset or data store.

POLICY:
Following are the expectations of Data Asset Owners and Data Custodians:

A. Data Asset Owners
1. Understand regulatory requirements and classify data in accordance with the WaTech SEC-08-01-S categories.
2. Authorize and audit access to data assets for authorized uses only.
3. Define retention, business continuity, and disaster recovery requirements and communicate them to Data Custodians.
4. Ensure that the minimum amount of Personally Identifiable Information (PII) is collected, stored, processed and transmitted to deliver City services.
5. Ensure enforcement of the City's Data Sharing Agreement if City Data is shared with a third party (e.g., private company or individual, other government or non-profit entity, etc.).

B. Data Custodians
1. Implement and document appropriate technical controls and configurations, including access and authorization controls.
2. Maintain availability, integrity, backups and restores.
3. Configure encryption for data at rest, in transit, and (where feasible) in use.
4. Use strong access controls, encryption, monitoring, vulnerability management, and timely patching.
5. Implement administrative, physical, and technical safeguards appropriate to the data classification.
6. Maintain audit logs, monitoring, and alerting.
7. Ensure environment separation (production vs. non-production) and apply required controls for a secure and stable production environment.
8. Support incident response and coordinate with the IT Department and City Attorney's Office as needed.
9. Implement procedures for retention and secure destruction.

PROCEDURE:
The following requirements must be met prior to handling the City's Data Assets:

1. Access to City Data assets must be approved by the Data Asset Owner after verifying the identity of the recipient for authorized purposes only.
2. Data Asset Owners must require a Non-Disclosure Agreement (NDA) to be signed by third parties if required as part of a contractual agreement with the City.
1. Data Asset Owners must require a Data Sharing Agreement (DSA) to be signed before sharing or publishing data with any third party (e.g., private company or individual, other government or non-profit entity, etc.).
3. Data Asset Owners will maintain copies of compliance agreements and provide them upon request.
4. Data Asset Owners will consult the City Clerk's Office and applicable RCWs for retention requirements (RCW 40.14 and RCW 42.56.420).

2. All staff will complete required security awareness training and any additional training required to handle sensitive data as required by HR or their department (HIPAA, PCI, CJI).

REFERENCES:

- WaTech SEC-08-01-S
- RCW 40.14 – Preservation and Destruction of Public Records
- RCW 42.56.420(4) – Exemptions related to information security
- HIPAA 45 CFR Part 164 Subpart C (if applicable)
- CJIS Security Policy (if applicable)
- PCI DSS (if applicable)
- NIST CSF and NIST SP 800-53 (as applicable to City systems)
- City of Kirkland – Resolution R-5729

Form Rev. 7/2026

CITY OF KIRKLAND
DATA SHARING AGREEMENT

This agreement is made between the City of Kirkland, Washington (hereinafter the "City") and _____ (hereinafter the "Recipient"), whose address is _____. In consideration of the mutual benefits and conditions set forth below, the parties agree as follows:

I. PURPOSE

The purpose of this Agreement is to provide access to City Data for lawful and authorized purposes only, ensuring adherence to Washington State law, federal law, the City's Data Sharing Security Policy, and Applicable laws and industry frameworks National Institute of Standards and Technology (NIST) and International Information System Security Certification Consortium (ISO). The Agreement defines the Recipient's rights and obligations and the limited purposes for which the Recipient may use or have access to this information.

Data sharing under this agreement will be limited to the purposes described in Attachment 1, Scope of Data Sharing.

II. DURATION

The Agreement is for a period of one year, commencing upon acceptance of this Agreement. The City reserves the right to, at the City's option, extend the Agreement for up to _____ additional years.

III. DEFINITIONS

"**City Data**" includes any communication or information created, collected, or maintained by the City in any format, including its metadata.

"**Personal Data or Personally Identifiable Information (PII)**" includes information that can be used to distinguish or trace an individual's identity, either alone or when combined with other information that is linked or linkable to a specific individual.[1]

"**Confidential Information**" is information that is exempt from disclosure to the public or unauthorized persons under Federal or State laws. Confidential information includes, but is not limited to, personal information and/or individually identifiable health information. The City uses WaTech SEC-08-01-S categories for data classification.

"**Sensitive Information**" includes any data requiring heightened security or restricted access. The City uses WaTech SEC-08-01-S categories for data classification.

"**Authorized Purpose**" is the specific purpose or purposes as described in Attachment 1, Scope of Data Sharing.

[1] Definition from NIST SP 1800-27B

"**Authorized Representative**" is the individual with signatory authority to enter into a legally binding agreement on behalf of the Recipient.

"**Authorized User**" is the individual or individuals authorized by the Recipient to receive, maintain, examine, and/or analyze the City Data. This may include subcontractors, third parties, or other authorized users and Recipient shall ensure that each Authorized User complies with the terms of this Agreement.

"**Breach**" is the disclosure or acquisition of City Data to a person other than an Authorized User and/or for a use other than an Authorized Purpose.

IV. DATA CLASSIFICATION

City Data uses the following WaTech SEC-08-01-S categories:

a. Category 1 – Public Information
b. Category 2 – Sensitive Information
c. Category 3 – Confidential Information
d. Category 4 – Confidential Information Requiring Special Handling

Safeguards must be commensurate with the highest classification present in a dataset or data store

V. USE AND HANDLING OF CITY DATA

A. Data shared under this Agreement shall not be used by the Recipient's Authorized Users for any use outside of the Authorized Purpose, and the Recipient will not share, publish, sublicense, resell or disclose to third parties or public unless otherwise set forth in this Agreement or as required by law.
B. The City will deliver Personal Data in a de-identified form only, in which all Personally Identifiable Information (PII), including direct and indirect identifiers, have been removed or obscured.
C. The City will provide all data "as-is" without warranties of accuracy, completeness, or fitness for Authorized Purpose.
D. The Recipient will exercise reasonable care to protect Confidential Information and Sensitive Information from being used in a manner other than the Authorized Purpose or by people other than Authorized Users. The Recipient will only disclose Confidential Information and/or Sensitive Information to Authorized Users to the extent necessary to accomplish the Authorized Purpose.
E. The City will deliver City Data to the Recipient in a secure manner using mutually agreed upon formats and transfer methods.
F. The Recipient shall maintain security, confidentiality, and integrity of City Data throughout transmission, processing and storage.
G. The Recipient shall implement administrative, physical, and technical safeguards appropriate for the classification of City Data. Safeguards must include access controls, encryption, monitoring, and timely patching. No data shared under this Agreement will be transferred to a portable or laptop or portable storage device, unless approved by the City in writing.

H. The Recipient will notify the City of any requests for information shared under this Agreement within 2 business days.

V. NOTICES

All notices under this Agreement, requests and approvals shall be in writing. Notices may include but not limited to:

A. Receipt or sending of City Data
B. Information regarding a Breach impacting the City Data
C. Request for information shared under this Agreement.

VI. BREACH NOTIFICATION

The Recipient must notify the City within two (2) business days upon discovering any unauthorized access, use, or disclosure of City Data shared under this Agreement. Notification shall include nature, timeline, impacted data, and mitigation measures. TheRecipient is responsible for implementing reasonable measures to restore the security of the information compromised to prevent further acquisition, use or disclosure.

VI. INDEMNIFICATION

The Recipient agrees to release, defend, indemnify, and hold harmless the City from any and all claims, losses, harm, costs, liabilities, damages and expenses (including attorney's fees) of any nature whatsoever, or allegations thereof, arising directly or indirectly out of the Recipient's use, transmission or disclosure of the Information.

VIII. TERMS OF AGREEMENT

This Agreement may only be modified through a written amendment executed by both parties. Any modifications to the content of Attachment 1, Scope of Data Sharing, will require a written amendment to the Agreement.

IX. TERMINATION

The City may terminate this Agreement with 10 calendar days' notice. Upon termination, Recipient agrees to destroy all copies of City Data and remove access to all Authorized Users.

X. GOVERNING LAW AND VENUE

This Agreement shall be interpreted in accordance with the laws of the State of Washington. The Superior Court of King County, Washington, shall have exclusive jurisdiction and venue over any legal action arising under this Agreement, unless RCW 36.01.050 applies to the action.

XI. EFFECTIVE DATE

This Agreement shall be deemed effective on the last date signed below.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the dates written below:

RECIPIENT:	CITY OF KIRKLAND:
Signature: _____	Signature: _____
Printed Name:	Printed Name: (Type City Staff Name)
Title: _____	Title: _____
Date: _____	Date: _____

Attachment 1, Scope of Data Sharing.

The Scope of Data Sharing incorporates the terms and requirements of the Data Sharing Agreement by reference.

The following are to be completed by the Recipient:

A. Description of records, data, and information being requested:

B. How will the Recipient use this data?

C. Frequency of Update (e.g. one-time request, quarterly request for updated data, etc.)

D. Contact information for notices:

a. City of Kirkland
   i. Name:
   ii. Email:
   iii. Phone Number:

b. Recipient Name
   i. Contact Name:
   ii. Email:
   iii. Phone Number:

Consolidated Community Concerns

Executive Summary:

- Fear is widespread among impacted communities
- Community members are less likely to access preventative resources due to fear of federal immigration enforcement
- The need among the impacted community is growing because of economic factors and federal policy changes
- Community-based organizations are expending more resources to support impacted communities yet are capacity constrained by federal funding cuts, increased competition for remaining funding, and inflationary pressures
- The City is responding to community concerns through Rapid Response grant funding and through 2027-2028 human services grant funding
- The City is partnering to provide educational programs for the immigrant community. The City is also producing materials to educate the community on distinguishing the role of Kirkland police from the role of federal immigration enforcement.

Purpose of City Engagement:

The City wants people to be and feel safe in Kirkland. The City is constrained and is unable to obstruct federal activity. The goal of the community engagement is to act on the community requests that the City is legally allowed to do within available resources.

Approach

Community based organizations are rapidly adapting and responding to the needs of their community, even as they grapple with funding cuts, diminished capacity, and federal policy changes. Many of the organizations' staff and volunteers are themselves part of the community impacted by federal policy changes. With this report, staff intend to share with Council the themes and feedback from the community regarding federal impacts. Simultaneously, staff strive to protect the privacy of these groups by consolidating and anonymously summarizing the feedback into themes. The feedback below is intended to be a high-level topical summary of the most common or pressing concerns shared by community groups with staff. Quotes, feedback, and examples will not be ascribed to individual groups, but a list of the organizations polled for this effort is included at the bottom of this document, in alphabetical order.

This feedback was collected in two methods: through human service grant application questions and through established relationships between City staff and community-based organizations. There is overlap between the themes collected in these two methods. Where overlap occurs, the theme is duplicated in this document.

City Response to Community Concerns

The City is responding to these community concerns by supporting community-based organizations with grant funding. This is exemplified by the City's Rapid Response funding. In 2025, the City learned via the Human Services Commission about the impacts of federal funding and policy changes on immigrant, refugee, and asylum-seeking communities. The City Council authorized additional one-time funding that was awarded to six Kirkland-serving agencies, amounting to $100,000 in 2025 and $100,995 in 2026. In addition, the Council will respond to the growing community need through 2027-2028 Human Service grant funding. The Human Services Commission recommended three funding options for Council consideration. The total 2027-28 human services grant recommendation is $3,034,419 per year and $6,068,838 per biennium. Council will consider these recommendations as part of the 2027-2028 budget process.

Additionally, the City is working on community education to alleviate the impacted community's uncertainty. Staff are partnering with the Lake Washington School District to host trainings for the immigrant community and Kirkland residents. The Kirkland Police Department is creating educational materials about the roles, responsibilities, and protocols of the Kirkland Police Department and help the public differentiate police officers from federal immigration officers.

Human Services Grant Response Feedback:

Human Services grants are an opportunity to collect feedback from a wide variety of community-based organizations serving Kirkland. During the 2026 grant process, approximately 80 organizations responded to the following prompt: Please describe how changes at the federal, state, and local levels (such as policy shifts, funding adjustments, or regulatory changes) have affected your organization's operations, services, or the communities you serve.

This feedback is consolidated and anonymized below.

Federal Immigration Enforcement Activity

- **Fear and Safety**
  - Impacted communities are less likely to seek services
    - Lower school attendance for students – increased isolation
    - Less likely to access healthcare, preventative care
      - Concern that this will result in a bulge in emergency room needs
    - Staff serving clients also feel the impacts of this stress and anxiety
  - More mental health support is needed in response to this anxiety

    - Public outreach is more difficult
        - Organizations are focusing on private engagement, culturally specific and inclusive programming
        - Connection with clients is more complicated and time intensive because it involves building trust, planning for safety, and traveling to meet clients
    - Access to public spaces feels unsafe
    - Data
        - Harder to gather demographic data in programs
        - Concern about federal government or third-parties accessing data
    - When family members are detained, there can be financial penalties, fines, and fees (example: towing fees and inability to have the car released to a family member)
    - Concern about ICE offices being used as detention centers.
    - The business advocacy organizations polled was not aware of current issues regarding immigration enforcement or requests for assistance. However, some pop-up vendors such as food cart, pop-up tent, or food truck operators have noted that they are reluctant to operate in open public spaces out of a fear of being detained.
- **Legal Support**
    - Increasing need for immigration legal assistance overwhelms current providers
    - Policy changes threaten the status of more people
    - Increasing violations of rights- unlawful detentions
    - Access to IDs and legal documents is a challenge – due to immigration status and gender identity
    - Distrust of legal systems and providers
        - A number of legal scams are taking advantage of immigrants seeking aid
            - This has further increased the anxiety in the community

Loss of Federal Funding

- Increased competition for remaining funding
- Program closures
    - Staff layoffs due to funding cuts
        - Unable to meet program demand
        - Staff are also often part of impacted community – adds anxiety and burden
- Housing:
    - Reduced availability of affordable housing

        - Increased competition for housing and limited resources
    - Reduced shelter capacity
    - Higher acuity-individuals entering shelters due to decline in access to behavioral and mental health resources
- Food Access
    - Unmet need for food assistance
    - SNAP/Medicaid changes have increased food insecurity
    - Food costs are increasing
    - Operating costs at food banks are increasing
    - State budget cuts also reducing food assistance

Federal Policy Changes

- Housing
    - Lost housing vouchers due to changes in public benefit programs have threatened housing stability for mixed status families
        - Added pressure on housing programs
    - Accessing supportive housing is more challenging for people with complex mental health issues
- Healthcare
    - Policy changes have reduced immigrant access to health insurance – Medicare/Medicaid changes are impactful
        - Lack of access to insurance for prevention services means it is likely that people will come to emergency rooms with more severe needs.
- Fear in the 2SLGBTQAI+ community, particularly in legislation against the livelihood and access to gender-affirming care for the transgender and non-binary communities

Economic Environment

- Housing affordability continues to be an issue
    - High demand for rent assistance with limited funding
- Affordability – of housing, food, utilities, etc remains a pressing concern.

<u>Feedback from Established Relationships between City Staff and Community:</u>

City staff have established relationships with community-based organizations providing direct service in Kirkland and the greater Eastside. These relationships and communication channels inform the Federal Impacts Team and the City's responsive action to federal impacts. For example, in spring of 2025, Kirkland's human services

commission and staff heard from local nonprofit organizations about the severe impacts that federal immigration policy changes are having on immigrant, refugee, undocumented, and asylum-seeking community members. In response, the City established a Rapid Response Fund to help meet urgent and emerging human services needs resulting from recent federal policy changes in 2025 and 2026.

The relationships between community-based organizations (including nonprofit, educational, business and healthcare partners) and City staff (including Economic Development, DEIB, and Human Services programs) provides ongoing input and collaboration. This input is consolidated and anonymized below.

Federal Immigration Enforcement Activity

- **Enforcement Activity**
  - From Oct 2025 to Aug 10, 2026, community organizations documented 192 incidents (reports that community organizations responded to) and 80+ confirmed detainments in Bellevue, Issaquah, Kirkland, Bothell, Newcastle and Sammamish. Majority of these incidents were in their cars.
  - When family members are detained, there can be financial penalties, fines, and fees (example: towing fees and inability to have the car released to a family member)
- **Fear and Safety**
  - Impacted communities are less likely to seek services
    - Less likely to access healthcare, preventative care
      - Concern that this will result in a bulge in emergency room needs
    - Staff serving clients also feel the impacts of this stress and anxiety
  - Concern about ICE offices being used as detention centers.
  - Access to public spaces feels unsafe
  - The business advocacy organizations polled was not aware of current issues regarding immigration enforcement or requests for assistance. However, some pop-up vendors such as food cart, pop-up tent, or food truck operators have noted that they are reluctant to operate in open public spaces out of a fear of being detained.
- **Legal Support**
  - Increasing need for immigration legal assistance overwhelms current providers
  - Distrust of legal systems and providers
    - A number of legal scams are taking advantage of immigrants seeking aid

- This has further increased the anxiety in the community

Organizations who have contributed input

- 4Tomorrow
- Africans on the Eastside
- Americans 4 Equality
- Archdiocesan Housing Authority
- Asian Counseling and Referral Services
- Assistance League of the Eastside
- Athlete for Kids
- BigHug
- Boys & Girls Club of King County
- Bridge Disability Services
- Bridge of Promise
- Cascade Bicycle Club
- Catholic Community Services of King County
- Centro Cultural Mexicano
- Chines Information and Service center
- Communities in Schools of Greater King County
- Congolese integration Network
- Consejo Counseling and Referral Service
- Domestic Abuse Women's Network
- Domestic violence Survivors
- Eastside for All
- Eastside Legal Assistance program
- Eastside Pathways
- Eat Happy Now
- Essentials First
- EvergreenHealth
- Friends of Youth
- Global Perinatal Services
- Greater Kirkland Chamber of Commerce
- Harborview Medical Center
- HealthPoint
- HERO House NW
- Hire Heroes USA
- Hopelink
- Hospitality House
- Housing Connector
- IKRON of Greater Seattle
- Imagine Housing
- Immigrant Women's Community Center
- Indian American Community Services
- Indivisible Eastside
- Jewish Family Services
- KidVantage
- Kin On Healthcare center
- Kindering Center
- King County Bar Association
- King County Promotores Network
- King County Sexual Assault Resource Center
- Kirkland Downtown Association
- Kubana
- Laje Washington Schools Foundation
- Latino Civic Alliance
- LGBTQ+ Center
- LifeWire
- MAPS-Muslim Community Resource Center
- Mary's Place
- NAMI Eastside
- Northshore Senior Center
- Northwest Education center
- Northwest's Child
- Northwest University
- Open Doors to Multicultural Families

- Overlake Christian Church
- Porchlight
- Pride Across the Bridge
- Project Access Northwest
- Project Be Free
- Rehoboth Community Development Center
- Renewal Food Bank
- RoboCodo
- Sewa International, Inc
- Solid Ground Washington
- Sound Generations
- The Circle
- The More We Love
- The Sophia Way
- The YMCA of Graeter Seattle
- Therapeutic Health Services
- Ubumwe Women Association Services
- Urban Artworks
- Voices of Tomorrow
- Washington Poison Control Center
- Washington Telangana Association
- Woman to Woman Reentry
- Youth Eastside Services
- YWCA Seattle| King| Snohomish

Attachment 6

Table of Fines and Fees that the City May Waive or Reduce

Fees	Fee types	Code Defining fees	Code Allowing Waiver	Conditions of waiver
Business License Fees	Late renewal fee Late application fee Under-Reporting of Annual Gross Receipts Under-Reporting of Employees	KMC 7.02.190	KMC 7.02.190(f)	Late payment or under-reporting was the result of excusable neglect or extreme hardship
Cemetery Administration	Burial plots fees Cremated remains fees Other service fees and charges	KMC 3.92.030	APM 6-05 Cemetery	Director authorized to waive or reduce fees in accordance with KMC 3.92.010
Utility fees	Delinquency charges (10% of delinquent amount)	KMC 15.20.020	KMC 15.20.020	The late payment was the result of excusable neglect or extreme hardship
Recreation Programs	Activity fees		N/A	Recreation Scholarship funds offset costs for low income individuals
Rentals	Rental fee for picnic shelters, athletic fields		N/A	No current waiver in place
Special Events - Permitted	Late fees and fines	KMC 19.24	KMC 19.24.190	Documentation and request to Director
Development Permits	Building, land use, and other development service fees	KMC 21.74	N/A -- but KMC 21.74.015 allows "adjusting fees to match the scope of the project"	N/A
Animal Licenses	Late fee on pet license applications	KMC 8.09.130(i)	N/A	Waived by the animal control authority due to unique circumstances. The animal control authority shall adopt administrative criteria for granting late fee waivers. Late fees shall be set by resolution of the city council as part of the biennial budget process
Alarm Fees	False Alarm Fee Alarm Registration Fees	KMC 21.35A.060	KMC 21.35A.070	Persons over the age of sixty-two that reside within alarmed premises where no business activities are conducted are exempt from the fees imposed by this chapter.

Council Meeting: 10/20/2026
Agenda: Other Items of Business
Item #: 8. h. (7)

CITY OF KIRKLAND
PLANNING AND BUILDING
123 Fifth Avenue, Kirkland, WA 98033
425-587-3000

MEMORANDUM

To: Kurt Triplett, City Manager

From: Adam Weinstein, AICP, Director of Planning and Building
Allison Zike, AICP, Deputy Director of Planning and Building
Stacy MacGregor, Senior Planner

Date: October 20, 2026

Subject: **Update on 2025-2026 State Legislative Updates Relevant to the Planning and Building Department**

RECOMMENDATION:

Staff recommends that Council receives an update on State legislation from the 2025-2026 legislative session relevant to the Planning and Building Department that may impact the Kirkland Municipal Code (KMC) and Kirkland Zoning Code (KZC). This item was moved from business to the consent agenda due to the expected length of the October 20 Council meeting. Proposed ordinances or code changes resulting from these state legislative requirements will be brought forward individually to Council for discussion at future meetings. By approving the consent agenda, the Council is receiving the update.

EXECUTIVE SUMMARY:

- No action by Council is required at this time.
- The Washington State Legislature passed several bills in 2025 and 2026 that may impact the City of Kirkland broadly and are under the Planning and Building Department's purview.
- Some new legislation has already been assigned to the 2026-2028 Planning Work Program (PWP) as individual implementation items. Other legislation relevant to the Planning and Building Department that is not yet on the current PWP is addressed in this memorandum.
- This legislation falls into four broad categories:
    1) Information-only items.
    2) Items that are information-only at this time because implementation deadlines are delayed;
    3) Mandated code updates/process changes without policy considerations; and
    4) Mandated code updates/process changes with policy considerations.
- Staff is providing the adopted legislation and proposed implementation approach to the City Council in advance of presenting specific code amendment language for consideration on those items where changes are required or recommended.

BACKGROUND:

Recent State Legislation
The Washington State Legislature has adopted several laws in the past two legislative sessions that affect Kirkland's government regulations and operations as they relate to the work of the Planning and Building Department. Some legislation has already been added to the 2026-2028 PWP as individual projects, where staff was tracking the subject legislation closely and the work to implement is expected to be significant (e.g., HB 1491 – the Transit-Oriented Development legislation (the "TOD Bill")). This memorandum discusses thirteen laws that are relevant to the Planning and Building Department that are not already specifically included in the PWP because they are either minor in nature and/or they passed after the 2026-2028 PWP was formulated.

These thirteen laws fall into four broad categories:

1. The first category includes laws that are presented as informational only; these are generally applicable to limited and specific situations and represent options the City may consider at some point in the future, but no action is needed at this time.
2. The second group comprises laws that are mandated but for which implementation is delayed; there is no clear purpose to pursue early implementation, and/or it may be prudent to hold implementation until further State guidance is provided or in some cases until other agencies (e.g., King County) adopt related codes.
3. The third category includes laws resulting in mandated code revisions without policy considerations (i.e., the resulting changes have a low level of impact on existing policy/practice).
4. The fourth category comprises laws with mandated adoption that have policies and impacts that warrant discussion and direction (where the City may have options in how to implement the legislation).

The Planning Commission received a briefing on this legislation on October 8, 2026. The Planning Commission's recommendations regarding bills within its purview are conveyed in this report.

This evaluation has been conducted under Planning and Building Department File No. CAM26-00080. Note that this is not a comprehensive list of 2025 and 2026 State legislation impacting the City. In addition to laws already added to the 2026-2028 Planning Work Program as individual projects, other laws may be addressed by other departments or are not relevant to municipal operations.

DISCUSSION/ANALYSIS:

A summary of each of the thirteen relevant laws, organized into the categories described above, is provided below, including a brief overview of the impacts, the action needed by the City, and the effective date of the legislation. Attachment 1 is a table that summarizes each law and includes a link to the adopted legislation.

GROUP 1: LEGISLATION PRESENTED FOR INFORMATIONAL PURPOSES

1. HB 2451: Tax Increment Financing (TIF)

State Law
TIF is a public financing method used by local governments to promote economic development by capturing the increase in property tax revenues generated from new development within a designated area, known as a Tax Increment Area, and using those funds to finance improvements in that area. This law amends the process to establish a TIF district and expands what public improvements can be included within the increment area. Fire, life, and public safety facilities and equipment are added to the list of public improvements that can be financed by a TIF. Government-facility renovation is added as an allowed TIF-financed public improvement; previously only construction and relocation were allowed. Cities are allowed up to two TIFs at a time and can amend a TIF under certain conditions.

Impact on Kirkland
Kirkland has already established a TIF. Council designated the NE 85th Street Station Area TIF ("Station Area TIF") in 2023. If Kirkland were to amend the eligible public improvements already identified in the Station Area TIF, they could include fire, life and public safety improvements and government-facility renovation. Up to two TIFs are allowed per jurisdiction; if Kirkland were to establish a second TIF or following expiration of the Station Area TIF, the process and administration of the new TIF would be governed by the revised state law.

Policy Consideration
None at this time.

City Action
This is presented as information-only. No legislative amendments are required. Legislation would be required only if the City wanted to consider adopting a future TIF or broadening the designated project types for the existing Station Area TIF.

Timing / Effective Date
June 2, 2026

2. SB 6027: Affordable Housing Funding

State Law
This bill modifies a 2015 rule to expand how cities and counties can spend an optional 0.1% sales and use tax for affordable housing. In Kirkland, this special sales tax for affordable housing has been collected since 2020; in 2025 and 2026, it was provided to A Regional Coalition for Housing (ARCH) to build more affordable housing. The bill allows cities that are independently collecting the affordable housing sales tax to pool these tax revenues with other jurisdictions to issue larger bonds.

Additionally, the law amends how the tax funds can be spent. It now allows up to 40% of the funds to go towards operating, maintaining, and rehabilitating existing affordable housing, rental assistance and other support services; only new construction was allowed to be funded in the previous law. The remaining 60% of the money collected must go towards the hard capital costs of constructing, acquiring, or rehabbing housing units or acquiring land for affordable housing.

Impact on Kirkland
This legislation expands future options for collecting and spending the sales and use tax for affordable housing.

Policy Consideration
None at this time.

City Action
None at this time. This is presented as information-only. Enacting how the funds are spent or pooling resources with other cities does not require legislative amendments.

Timing / Effective Date
June 11, 2026

3. **HB 1974: Establishing land banking authorities.**

State Law
Authorizes the establishment of a land bank by a city to find, acquire, and hold land tax-exempt while preparing it for affordable housing development. Additionally, a city may acquire tax foreclosed property and bypass the highest-bidder process and transfer the land to the land bank. Rules are established around the operation and administration of a land bank.

Impact on Kirkland
The City may opt to establish a land bank in the future.

Policy Consideration
None. This legislation can be adopted in the future if desired.

City Action
No action now. The legislation is permissive and does not require the City to establish a land bank.

Timing / Effective Date
Optional program with no current sunset clause.

4. **HB 1687: Concerning social housing public development authorities.**

State Law
Cities are allowed to form public corporations called Public Development Authorities (PDAs) to perform any lawful public purpose. This law clarifies that one of those lawful purposes includes the planning, construction, or operation of social housing PDAs. Social housing is publicly owned, subsidized, and cross-subsidized rental housing for households of any income level.

Impact on Kirkland
The City does not have its own City-established PDA.

Policy Consideration
None. The City participates primarily with ARCH for investment in affordable housing projects within the City and region.

City Action
No action now. The legislation is permissive and does not require the City to establish a PDA or social housing program. In 2021, Council authorized the Community Roots Housing PDA to pursue projects in Kirkland, but this was not a City-established PDA.

Timing / Effective Date
Optional program with no current sunset clause.

5. **HB 1302: Concerning utility connection charge waivers.**

State Law
State law previously allowed a city to create a program to waive or delay utility connection charges for certain individuals and properties (generally vulnerable populations). This rule expands the program to include waiving utility connection charges for organizations that utilize their property for industrial symbiosis projects. Industrial symbiosis is a system where one company's waste becomes another company's raw material or energy source.

Impact on Kirkland
The City has not established a fee waiver program related to utility connection charges. Establishment of such a program would require reimbursing the waived connection charges through the general fund, grants, or other designated revenue sources. In addition, staff are not aware of industrial symbiosis plants operating in Kirkland at this time.

Policy Consideration
None. The legislation does not require the City to establish a utility connection fee waiver program. The City may consider a program in the future.

City Action
This is an informational item requiring no action at this time.

Timing / Effective Date
Optional program with no current sunset clause.

GROUP 2: LEGISLATION WITH DELAYED IMPLEMENTATION

6. **SB 5156: Concerning elevator standards in smaller apartment buildings.**

State Law
Current minimum elevator size must accommodate an ambulance stretcher. This code update will allow wheelchair-sized elevators in certain multifamily buildings (up to six stories tall containing a maximum of 24 residential units). These are building sizes that may not traditionally have been built with an elevator. Smaller elevators are 15-20% less expensive to install and, when installed, would increase accessibility to enable aging in place and ADA compliance. Smaller-footprint elevator rules will be integrated into the 2027 technical building code updates.

Impact on Kirkland
Smaller size elevators will cost less to construct than the current elevator standard and building accessibility will increase compared to buildings without elevators.

Policy Consideration
None.

City Action
This is an informational item requiring no action at this time. The 2027 technical building code update will need to be adopted by ordinance, as is the City's standard practice.

Timing / Effective Date
The law will be implemented at the adoption of the 2027 technical building code updates.

7. **HB 1576: Concerning the designation of historic landmarks by cities.**

State Law
The statute prohibits historical landmark designation of properties less than forty years old and requires a property owner's consent when the property is between 40-125 years old. Properties in a historical overlay and properties greater than 125 years old are exempt from this law.

Impact on Kirkland
The KZC already complies with the requirement for property owner consent for designation. As KZC 75.65 is currently written, it also requires a property owner's consent to designate a residential property as a historical landmark when the building is greater than 125 years old. However, the City has adopted King County's historical preservation code by reference and King County is in the process of updating this code. The result of the County update could allow the designation of residences older than 125 years without the property owner's consent. If King County adopts such a change, the City may choose to implement code amendments to mirror King County's code or continue its existing local practice.

Policy Consideration
Requiring owner consent is considered a less effective way of protecting historical resources. If King County does not put the policy in place, the City can consider if it wants to continue to require property-owner consent for buildings more than 125 years old or amend the code to not require property owner consent for landmark designation of these older properties (i.e., a party other than a property owner can apply to designate a property as historic, and that application could potentially be granted without the property owner's consent).

City Action
This is a mandated code update but does not require any action at this time because the City is already compliant with the legislation. If King County adopts code that does not require property owner consent to designate a property greater than 125 years old, the City may decide to amend the KMC.

Timing / Effective Date
HB 1576 is in effect.

8. **HB 1183: Concerning passive house and affordable housing allowances**

State Law
The intent of this law is to increase the housing supply. It facilitates retrofits of existing buildings to accommodate residential uses and passive house development by providing flexible zoning regulations in regard to height, setbacks, and floor area. Certain types of residential projects may be exempt from certain design standards or off-street parking requirements. Local governments may not establish specific size minimums for affordable units.

Impact on Kirkland
The City already has affordable housing bonuses including height, setback, and density bonuses. The KZC may need to be modified to incorporate the specific rules stated in the law. Affordable housing unit size minimums will need to be updated. The City is already a leader in passive house standards, having adopted some of these required standards in 2013 under Green Code 2.0. Revisions to Chapter 115 KZC and definitions in Chapter 5 will be needed. The Department of Commerce is developing guidance for cities to implement HB 1183. The Department of Commerce fact sheet on this legislation is included as Attachment 2.

Policy Consideration
None at this time. This is an obligation to implement state law.

City Action
This is a mandated code update. Staff recommends delaying implementation until closer to the mandated effective date because the requirements may be amended or impacted by other legislation prior to 2030; for example, some parking requirements in HB 1183 are no longer consistent with other state mandates (e.g., parking standards already adopted locally for implementation of SB 5184). Recommendation is to include this as an item in the 2028-2030 PWP workplan when it is established.

Timing / Effective Date
June 30, 2030

GROUP 3: MANDATED LEGISLATION WITHOUT POLICY CONSIDERATIONS

9. **HB 2632: Modernizing terminology when referring to individuals who are not citizens or nationals of the United States.**

State Law
This law requires that the term “noncitizen” be used when referring to an individual who is not a citizen or national of the United States instead of the term “alien” in all state and local government documents enacted after July 1, 2026. The law also urges local governments to revise all existing documents to replace the term “alien” with “noncitizen.”

Impact on Kirkland
Furthers Kirkland’s goals of being a safe, inclusive, and welcoming city. Staff identified one location in the KMC with a reference to the term “alien” that could be amended.

Policy Consideration
Using the term “noncitizen” moving forward is an obligation of state law. Removing the term “alien” from existing locations in the KMC would be an option to demonstrate the City’s commitment to eliminating exclusionary language.

City Action
The KMC code update to replace the term “alien” is included in the 2026 minor code amendments project scheduled for Council adoption on November 4, 2026.

Timing / Effective Date
July 1, 2026

10. HB 2418: Concerning permit review processes.

State Law
The State updated and tightened the definitions of project permit, determination of completeness, expedited review, and permit review deadlines. The designation of a permit-responsible official and single point of contact is required. Expedited review of affordable housing units is encouraged. Twenty percent of a land use permit fee must be refunded if the applicable review timeframe is not met.

Impact on Kirkland
Codifying the new refund of permit fees is needed. Kirkland code already satisfies the single-point of contact and permit-responsible official requirements. The definitions in the KZC do not need updates. Zoning code amendments are needed to enact the required fee structure.

Policy Consideration
None. This is an obligation to implement state law.

City Action
Staff is assigned to draft code amendments.

Timing / Effective Date
June 11, 2026

GROUP 4: MANDATED LEGISLATION WITH POLICY CONSIDERATIONS

11. HB 2239: Providing Washingtonians and their loved ones with location choices for interment of remains.

State Law
Family burial grounds (FBGs) are for the permanent internment and/or inurnment of human remains on private property.[1] Conceived for rural properties but applicable statewide, the rules contained in the statute are regarding ownership, site location, disclosure during sale, disinterment, and disallowing charging fees for use of an FBG among others. FBGs do not receive tax exempt status. Setbacks from property lines, rights-of-way, critical areas, wells, and easements would limit what locations would be eligible for an FBG. No more than ten percent of a lot's area may be devoted to a FBG. Disclosure of a FBG is generally required for property transfers on real estate Form 17: Seller's Disclosure Statement. FBGs are registered with the State Department of Archaeology and Historic Preservation and do not require a local jurisdiction's review. Local governments can adopt an ordinance to regulate FBGs, which could require review of legislated development standards for compliance and could create a more comprehensive disclosure that the State mandates. Local governments can also adopt an ordinance to prohibit FBGs.

Impact on Kirkland
FBGs in Kirkland would provide an alternative means for internment that is currently limited within city limits to the Kirkland Municipal Cemetery. The cemetery currently has new plot availability that is limited only to cremation placements and infants. Without an ordinance regulating or prohibiting FBGs, the statute as written would allow FBGs within the city but does not require local review for compliance with legislated setbacks or area. The requirement to

[1] Scattering of cremated remains is not regulated or included in this statue.

disclose the existence of an FBG during a real estate transaction via a Real Estate Seller Disclosure Statement would not cover all instances of property transfer. Prohibiting FBGs would not change the status quo in Kirkland and would prevent the development encumbrances (and other issues) a FBG could create.

Policy Consideration
This is a new option for siting FBGs on private property and is currently not addressed at all in the KZC. Instituting new regulations to define how FBGs could occur in the City or prohibiting them would require adoption of an ordinance and supporting code amendments. Options include:

- No action, which would implement state law. State law does not require local review of setbacks and does not ensure disclosure of the existence of a FBG;
- Allowing and regulating FBGs could mitigate limited cemetery space, meet the end-of-life practices of some religions, allow for review of setbacks and lot area for compliance; and could require a note on the title of properties with FBGs;
- Prohibiting FBGs in the city.

City Action
Both staff and the Planning Commission recommend prohibiting Family Burial Grounds. Staff will draft corresponding code amendments as part of the 2027 minor code amendment process and return to City Council at a future date for formal consideration and action.

Timing / Effective Date
January 1, 2027

12. SB 5509: Concerning the siting of childcare centers.

State Law
Requires the siting of childcare centers (more than 12 students) in all non-industrial zones to be an outright permitted use. Allows siting in industrial zones through a conditional use process.

Impact on Kirkland
In Kirkland, “Daycare centers” are currently an outright permitted use[2] in only eleven of 97 commercial and residential zones and one industrial zone. Enacting this legislation will permit childcare centers with a minimal approval process in all non-industrial zones. Pickup and drop-off areas and other design/operational features can continue to be designated as “reasonable restrictions.” Family childcare homes are currently allowed, pursuant to State licensing authority, in all residential zones. “Daycare centers” currently include adult daycare centers; the code amendment could necessitate creating a new use of “adult daycare centers.” This new use could (1) continue to be located and approved as daycare centers currently are; (2) be regulated differently; (3) be an outright permitted use in all zones as childcare centers will be; or (4) be included in the definition/use of nursing homes.

Policy Considerations

- Whether mini-daycare uses (with less than 12 students) should also become outright permitted uses;

[2] “Outright permitted use” means the use is allowed without a need for special review or approvals. Requiring a hearing examiner decision (process IIA) or design review to approve a childcare center would not be considered an “outright permitted use.” In the KZC, childcare centers predominately require design review in most commercial zones and require a process IIA or are not permitted in most residential zones.

- If and where adult daycares should be allowed and with what level of review; and
- Whether/how childcare centers should be allowed in industrial zones.

City Action
This is a mandated code update. Staff is assigned to draft code amendments as part of the 2026 Legislative Updates task on the Planning Work Program. KZC use tables in all 97 residential and commercial zones need to be updated. Childcare centers need to be separated from schools in the use tables and childcare centers need to be allowed as an outright permitted use in all residential, commercial, and mixed-use zones; current reasonable restrictions may be maintained. Reasonable restrictions relate to fencing requirements, loading restrictions, housing for staff, and parking to minimize impacts to neighbors. The definition of childcare center needs to be updated to align with state law. Code updates are needed to correct a citation for childcare centers co-locating near cannabis uses, to not inadvertently disallow adult daycares, to allow mini-daycares and mini-schools as outright permitted uses, and to retain a review process for other schools.

Staff recommends:
- Allowing mini-daycares as an outright permitted use in all zones where childcare centers will now be allowed;
- Allowing adult daycares in the same zones and with the same review process as childcare centers currently have; and
- Making no change to where and how childcare centers are allowed in industrial zones.

The Planning Commission concurred with staff's recommendation.

Timing / Effective Date
July 27, 2027

13. SB 6026: Concerning residential development in commercial and mixed-use zones.

State Law
This law establishes that residential uses cannot be prohibited in areas zoned for commercial or mixed-use development. Ground floor commercial uses as a condition of permitting residential housing cannot be required in more than 40 percent of the total acreage zoned commercial or mixed-use or in any publicly subsidized affordable housing project. Exemptions to required residential uses applicable to Kirkland include: station areas, TIF areas, and where the allowed height is 85 feet or greater. Growth and development assumptions required under the Growth Management Act (GMA) do not have to be updated until the next comprehensive plan update. State law requires the City to develop an administrative waiver process to disallow or reduce ground floor commercial with review based on:
- The merits of the project,
- The number of dwelling units that would result in eliminating or reducing ground floor commercial, and
- Any other factors.

Impact on Kirkland
Residential use will need to be allowed in at least the following zones: PO, CBD 5A, RH 1B, TL 3C-D, TL 9A, and TL10A. There is one Station Area Zone (the Commercial Mixed-Use zone at the center of the district, nearest to the I-405/NE 85th Street interchange) that does not currently

allow residential use but is exempt from the requirements in this law because the zone is also in a TIF district.

Less than 40% of Kirkland's total acreage zoned commercial or mixed-use requires ground floor commercial uses, which means changes regarding ground floor commercial uses will not be required. This law may increase land available for residential uses, decrease built commercial and mixed-use projects, and decrease ground-floor commercial development. An administrative process for applicants to request a reduction or waiver from required ground-floor retail or commercial requirements must be developed. Guidance from the Department of Commerce to implement SB 6026 is included as Attachment 3.

Policy Considerations
An administrative waiver process to exempt or reduce required ground-floor commercial requirements will take into account the following policy considerations:

- What is the inherent value in eliminating or reducing ground-floor commercial uses in a particular project?
- In addition to how much housing is added, what other details should be evaluated in considering reducing ground-floor commercial uses?
- Is there a particular decision process the Council would like applied to the waiver?

Additionally, Council may want to consider whether to allow residential in the one Station Area zone that is exempt for the mandatory residential allowance as part of these code amendments.

City Action
Staff is assigned to draft code amendments as part of the 2026 Legislative Updates task on the Planning Work Program. Staff will evaluate options for a waiver process, and will present options to the Planning Commission and City Council for consideration. The Planning Commission noted interest in exploring housing options for the Commercial Mixed-Use zone.

Timing / Effective Date
Dec 11, 2027

CONCLUSION
This memorandum provides the background on recently adopted state legislation as staff transitions into the code drafting phase for those items where city legislation is required or recommended, specifically the noncitizen terminology (recommended, and included in the 2026 Miscellaneous Code Amendments scheduled for Council consideration on November 4, 2026); Family Burial Grounds (recommended); Childcare Siting (required); and requirements for residential uses in commercial and mixed-use zones (required). Staff will utilize the Planning Commission's feedback to prepare initial draft code amendments, and the Council will have a full opportunity to discuss implementation priorities and provide policy direction when proposed ordinances are presented for consideration.

NEXT STEPS:

1. Staff will draft code amendments to comply with the state legislation recommended for near-term implementation and will coordinate with affected City departments and the City Attorney.
2. Staff will return to the Planning Commission and Council for review/adoption/additional direction as appropriate.

ATTACHMENTS:

Attachment 1 – Summary Table of Covered Legislation
Attachment 2 – HB 1183 Fact Sheet (draft)
Attachment 3 – Ground Floor Uses Fact Sheet

Attachment 1

Bill No.	Bill No.	Bill No.	Bill No.	Bill No.	Bill No.
LEGISLATION PRESENTED FOR INFORMATIONAL PURPOSES					
HB 2451	RCW 39.114.010-.050	2026	6/3/2026	TAX INCREMENT FINANCING: Makes changes to the process to establish a TIF and what qualifies as public improvements.	Informational only; no required or recommended amendments.
SB 6027	RCW 82.14.530	2026	6/11/2026	AFFORDABLE HOUSING FUNDING: Expands the allowable uses for certain local sales and use tax revenues collected for affordable housing and related services. Makes changes to the requirements and eligible uses of funding in the Affordable Housing for All Account.	Informational only; no required or recommended amendments.
HB 1974	Ch. 35.108 RCW	2026	1/26/2026	LAND BANKING AUTHORITIES: Allows a city or county to authorize a public corporation, housing authority, or nonprofit organization to establish a land bank-holding property tax-exempt while preparing it for affordable housing. City may purchase tax foreclosed property and transfer it to a land bank.	Informational only; no required or recommended amendments.
HB 1687	RCW 35.83.010-.050	2026	6/11/2026	SOCIAL HOUSING AUTHORITIES: Authorizes the state or a local government to assist a social housing public development authority in the planning, construction, or operation of housing projects.	Informational only; no required or recommended amendments.
HB 1302	RCW 35.92.385	2026	6/11/2026	UTILITY CONNECTION CHARGES: Authorizes municipalizes to adopt programs to waive utility connection charges for properties owed by organizations that utilize the property for industrial symbiosis.	Informational only regarding utility connection waivers; no required or recommended amendments.
LEGISLATION WITH DELAYED IMPLEMENTATION					
SB 5156	RCW 19.27.630	signed	effective 2030+	ELEVATORS IN SMALLER APARTMENTS: Directs the state Building Code Council to consider elevator safety standards and adopt standards for smaller elevators in certain apartment buildings	Early adoption if desired.
HB 1576	RCW 35A.21.450	2025	7/27/2026	DESIGNATIONS OF HISTORICAL LANDMARKS: Prohibits cities from designating a property as a historic landmark without owner consent, with certain exceptions. Exempts a city's actions to comply with these restrictions from review under the State Environmental Policy Act.	Potential policy issue regarding properties over 125 years old. Delay until King County updates their histoical preservation code.
HB 1183	RCW 36.70A.810-.815 RCW 36.70A.819	2025	6/30/2030	PASSIVE HOUSE AND AFFORDABLE HOUISNG ALLOWANCES: Requires cities and counties planning under the Growth Management Act to modify setback, height limit, and gross floor area requirements for specified development types. Modifies offstreet parking and affordable housing unit size requirements. Incentivizes affordable and sustainable building practices, limits parking requirements	Required KZC amendments to facilitate affordable and passive housing development; implementation can be delayed until 2030.
MANDATED LEGISLATION WITHOUT POLICY CONSIDERATIONS					
HB 2632	RCW 1.20.130	signed	6/11/2026	NONCITIZEN TERMINOLOGY: Replaces certain references to the term "alien" with the term "noncitizen." Requires all official state and local government documents to use the term "noncitizen" when referring to an individual who is not a citizen or national of the United States, unless use of the term "alien" is required to comply with federal law or funding requirements	Included in 2026 minor code amendments going before Council on Novemeber 4, 2026. Requires minor language updates to remove the word “alien” from Chapter 3.18 KMC.
HB 2418	RCW 36.70B.070-.080	2026	6/11/2026	PERMIT REVIEW (Among other things) requires local governments to designate a single point-of-contact for each application and a permit-responsible official authorized to make final administrative decisions on residential project permit applications; clarifies completeness, modifies the clock for local project review to require a refund of a portion of fees if timelines aren't met seems new, requires a "permit designated official" who is also the SEPA official, designate a single point of contact.	Kirkland code is largely compliant on most of these requirments. A few zoning and municipal code amendments, primarily to establish fee refunds, are needed.
MANDATED LEGISLATION WITH POLICY CONSIDERATIONS					
HB 2239	Ch. 68.74 RCW	2026	6/11/26	FAMILY BURIAL GROUNDS: Allows family burial grounds on family-owned land. Cities and counties are authorized to enact ordinances regulating or prohibiting the establishment of family burial grounds or the extension of existing family burial grounds and to give power to local planning commissions to pass upon and make recommendations to local legislative bodies concerning the establishment or extension of family burial grounds.	Allows the city to regulate or prohibit family graveyards on personal property; several policy/implementation questions. Need to adopt an ordinance.
SB 5509	RCW 35A.21.460	2025	7/27/2027	SITING OF CHILDCARE CENTERS: Requires child care centers be allowed as outright permitted uses in all zones except industrial. Can require a conditional use permit to allow in Industrial zones.	Required zoning amendments for childcare centers; several policy/implementation questions.
SB 6026	RCW 36.70A.816	2026	12/11/2027	RESIDENTIAL DEVELOMENT IN COMMERCIAL ZONES: By-right residential development in areas zoned for commercial or mixed-use. Ground floor commercial and mixed use not allowed to be required in more than 40% of total acreage. Not required in subsidized affordable housing projects. Exempt are station areas, , areas 85'+, industrial, CAO/~shoreline, if there already is a waiver process. Waiver process must be established. No growth or development assumptions need to be updated until next comp plan after 1-1-31. Exemptions: TIFs, station areas, 85+'height, industrial zones.	Required zoning code amendments to allow residential in all mixed -use and commercial zones and limit required ground floor commercial. Several policy/implementation questions.

Washington State Department of Commerce

GROWTH MANAGEMENT SERVICES

Updating building codes and development regulations pursuant to HB 1183

Background

HB 1183 (Chapter 139, Laws of 2025) updated the Growth Management Act (Chapter 36.70A RCW), adding requirements for fully-planning cities and counties permitting certain types of buildings. The intent of this legislation is to incentivize affordable and sustainable building practices and development regulation reform.

This factsheet provides guidance for implementing key requirements of HB 1183 as codified in RCW 36.70A.810-.815 and .819. Additional requirements related to off-street parking regulations are provided in (link forthcoming).

New requirements for local governments

HB 1183 mandates that local governments planning under RCW 36.70A.040 make certain allowances for:

- residential retrofits of existing buildings,
- passive houses,
- roof-mounted solar energy panels,
- residential projects that use modular or mass timber construction, and
- affordable housing.

These statutes specifically define multiple terms, which are provided in the respective sections of this fact sheet.

Retrofits of existing buildings for residential use (RCW 36.70A.810)

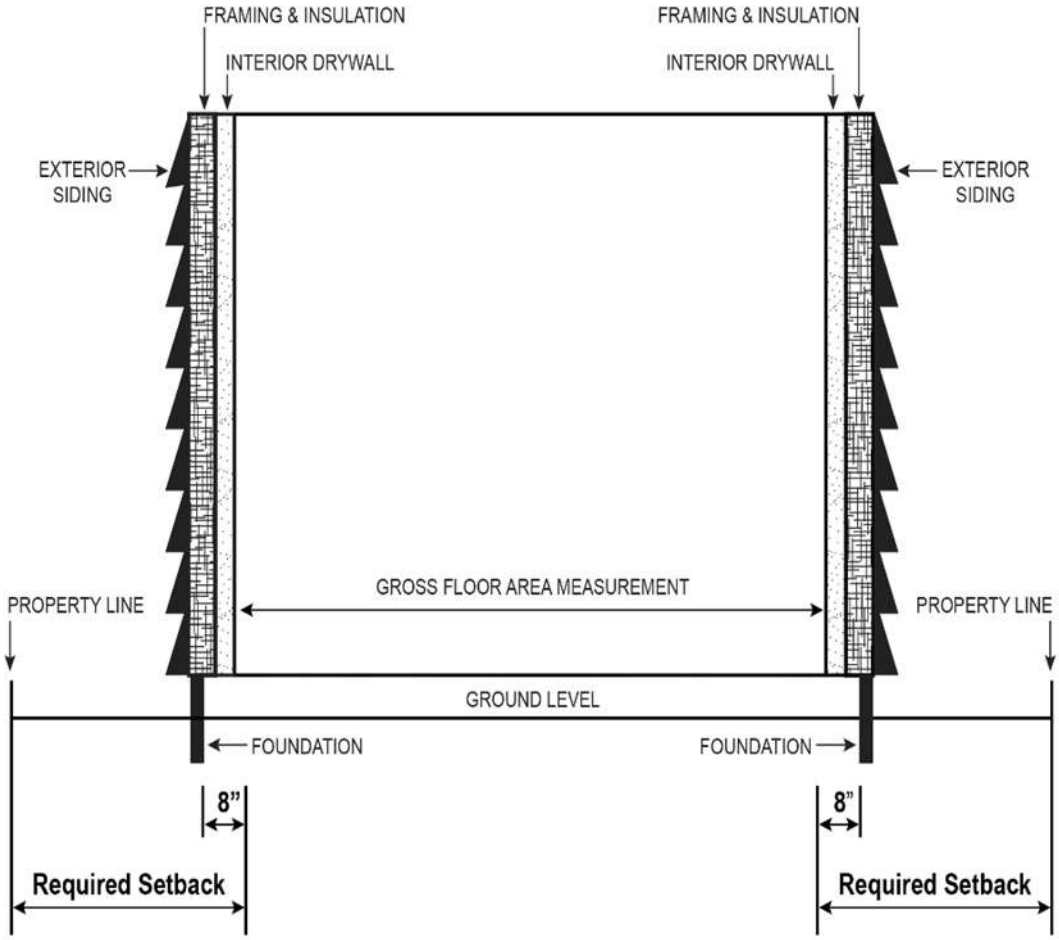


Image: *The image illustrates the exterior wall assembly allowances required for retrofit construction projects designed for residential use; these requirements are also described in the text below.*

For construction projects that retrofit existing buildings for residential use, local governments must allow for:

- the portion of exterior wall assemblies that includes insulation to project up to an additional 8 inches into required setbacks on all sides (this includes existing nonconforming buildings);
- the building to exceed the maximum allowable roof height by eight inches to accommodate additional insulation; and
- gross floor area to be measured from the interior face of the exterior walls, which includes drywall, as typically depicted on the architectural floor plans.

These requirements refer to locally adopted setbacks and roof heights, and limitations on gross floor area. However, local governments may still maintain a separation of at least 36 inches between residential dwelling units.

These new requirements do not prohibit a city or county from applying state building code provisions when reviewing residential projects that would extend into existing setbacks. For example, the International Existing Building Code applies to retrofits of residential buildings that existed prior to adoption of current building codes. Local governments should also consider building code provisions governing wall openings, egress, exterior walls (WAC 51-50-075), or fire resistant construction (WAC 51-51-032) that may be applicable. In addition, provisions of the International Fire Code (WAC 51-54A), such as those related to access for firefighters or automatic sprinkler systems, may be necessary to maintain fire safety.

Accommodation for passive house certification requirements (RCW 36.70A.812)

For buildings meeting passive house requirements, local governments must make the same allowances for exterior wall assemblies, maximum roof heights, and gross floor area measurements as described in the previous section for residential retrofits. These allowances must apply to both new construction and retrofits of buildings meeting criteria for certification by Phius or the International Passive House Institute.

As with building retrofits in the previous section, these new requirements do not prohibit a city or county from applying state building code provisions or from maintaining a separation of at least 36 inches between residential units.

Definition

HB 1183 includes the following definition(s) that apply to this section:

- "Passive house requirements" means the criteria for certification as a passive house by Phius or the international Passive House Institute.

Accommodating roof-mounted solar energy panels (RCW 36.70A.813)

Cities and counties must allow a building to exceed their adopted maximum allowable roof height limits by up to 48 inches to accommodate a roof-mounted solar energy panel. The city or county may still apply state building code provisions to address issues such as potential impacts of high winds, snow, reflections or glare.

Image: *This photograph demonstrates an example of a solar panel that extends beyond a roof line of a home.*

Solar energy panels can sometimes provide a cover, or roof, for an area intended for human occupation, such as a deck or roof garden. However, as defined in this statute, local governments need only provide additional height for roof-mounted solar panels that are used as an energy source. Local governments should clarify in their development regulations that solar energy panels allowed under RCW 36.70A.813 may not be used as a cover or roof for human occupation.

Note: The 2027 update of the International Building Codes is expected to explicitly exclude solar energy panels less than 7.5 feet tall from the definition of building height in its chapter on Special Construction.

Definitions

HB 1183 includes the following definition(s) that apply to this section:

"Solar energy panel" means a panel device or system or combination of panel devices or systems that relies on direct sunlight as an energy source, including a panel device or system or combination of panel devices or systems that collects sunlight for use in:

- The heating or cooling of a structure or building;
- The heating or pumping of water;
- Industrial, commercial, or agricultural processes; or
- The generation of electricity.

Balancing energy efficiency and view protection:

RCW 36.70A.810, **.812** and **.813** require local governments to allow buildings to exceed maximum allowable roof heights for additional insulation or roof-mounted solar energy panels, including in areas where building heights have been limited to protect views. To comply with these requirements, local governments may need to amend existing code provisions on building heights.

When permitting buildings in shorelines of the state (**RCW 90.58.030**(g)), local governments must also apply their shoreline master program (SMP) regulations. **RCW 90.58.320** requires SMPs to prohibit buildings over 35 feet “that will obstruct the view of a substantial number of residences on areas adjoining such shorelines” unless “overriding considerations of the public interest will be served.” To clarify any potential conflicts between a SMP and RCW 36.70A.813, local governments may consider amending their SMP to exempt rooftop solar panels as “appurtenances” under **WAC 173-27-040**(1)(g) (see **Mason County’s height definition**). Local governments should work with their attorneys to address these potential code changes.

Façade modulation and upper-level setbacks on residential projects (RCW 36.70A.815)

A jurisdiction's code or design guidelines may not require façade modulation or upper-level setbacks as a condition of permitting the following types of residential projects:

- Affordable housing (defined in RCW 36.70A.030(5));
- New construction or retrofits meeting passive house certification requirements;
- Conversion of existing buildings to include housing;
- Modular construction; and/or
- Mass timber construction.

Definitions

HB 1183 includes the following definition(s) that apply to this section:

- "Façade modulation" means a change in building plane, either a recess or a projection, that changes the shape of the exterior massing of the building.
- "Mass timber construction" means a building with structural components primarily made of mass timber products as defined in RCW 19.27.570.
- "Modular construction" means a multistory residential or commercial building constructed of standardized components produced off-site, which are transported and assembled at a final location.
- "Passive house requirements" means the criteria for certification as a passive house by Phius or the international Passive House Institute.
- "Upper-level setback" means a required distance between the lot line and the building façade applied only to portions of the building above a specified height.

Some jurisdictions have adopted façade modulation or upper-level setbacks in their design review standards or zoning codes. Such provisions can help offset the visual impact of larger buildings and reduce shadows that block solar access. For example, Enumclaw Municipal Code Chapter 18.06 included such provisions in conjunction with increasing allowed building heights in its downtown to better accommodate multifamily housing.

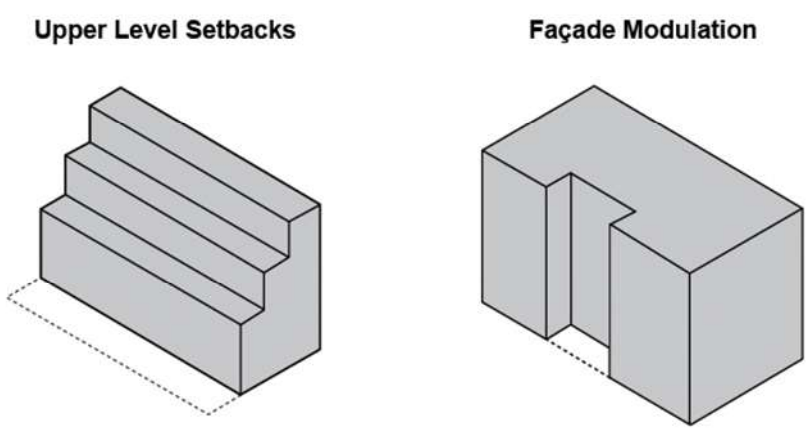


Image: *The image on the left illustrates upper-level setbacks with three stories extending above the street, with the exterior walls of some of the two upper stories set further back from the property line than the exterior walls of the lower stories. The image on the left illustrates the concept of a façade modulation, with a small recess in the center of a rectangular building.*

Image: *This photo of a Seattle building demonstrates both upper-level setbacks, with the upper stories set further back from the property line than the lower story, and façade modulation, with several recesses and projections that change the exterior massing of the building.*

To comply with this statute, jurisdictions may need to adopt exceptions to façade modulation and upper-level setback requirements for the types of residential projects identified in RCW 36.70A.815. Please refer to the following link as a code example adopting this approach: Olympia Municipal Code Chapter 18.06.100(B).

Affordable housing unit size (RCW 36.70A.819)

Cities and counties may not require affordable housing units for low-income or very low-income households (defined in RCW 36.70A.030(26 & 50) to exceed the following sizes:

- 400 square feet for a studio unit
- 550 square feet for a one-bedroom unit
- 750 square feet for a two-bedroom unit
- 1,000 square feet for a three-bedroom unit.

This limitation on unit size requirements applies regardless of the unit mix and size of the project.

If the average unit size in a mixed-income project is smaller than these size requirements, the affordable housing units must be allowed to be a comparable size as the market rate units. For example, if a housing project contains four one-bedroom units of affordable housing and six one-bedroom units of market-rate housing, and the average size of all ten units is 500 square feet, the jurisdiction must allow the four affordable units to be the same size as the six market-rate units.

These maximum limits on housing unit size do not apply to low-income housing developed under an affordable housing incentive program as provided in RCW 36.70A.540.

Co-living housing, which provides individually rented units with living and sleeping space plus shared kitchen facilities, must also meet the provisions of RCW 36.70A.535.

Exceptions to Limitations on City Design Standards (RCW 35.21.990(d) and RCW 35A.21.440(d))

In 2023 the state legislature limited city regulations for commercial and mixed-use zoning districts (RCW 35.21.990 and RCW 35A.21.440). Subsection (d) of each statute requires design standards, including setbacks, lot coverage, and floor area ratio requirements, for an existing residential building to be the same as those for all residential development within that zoning district.

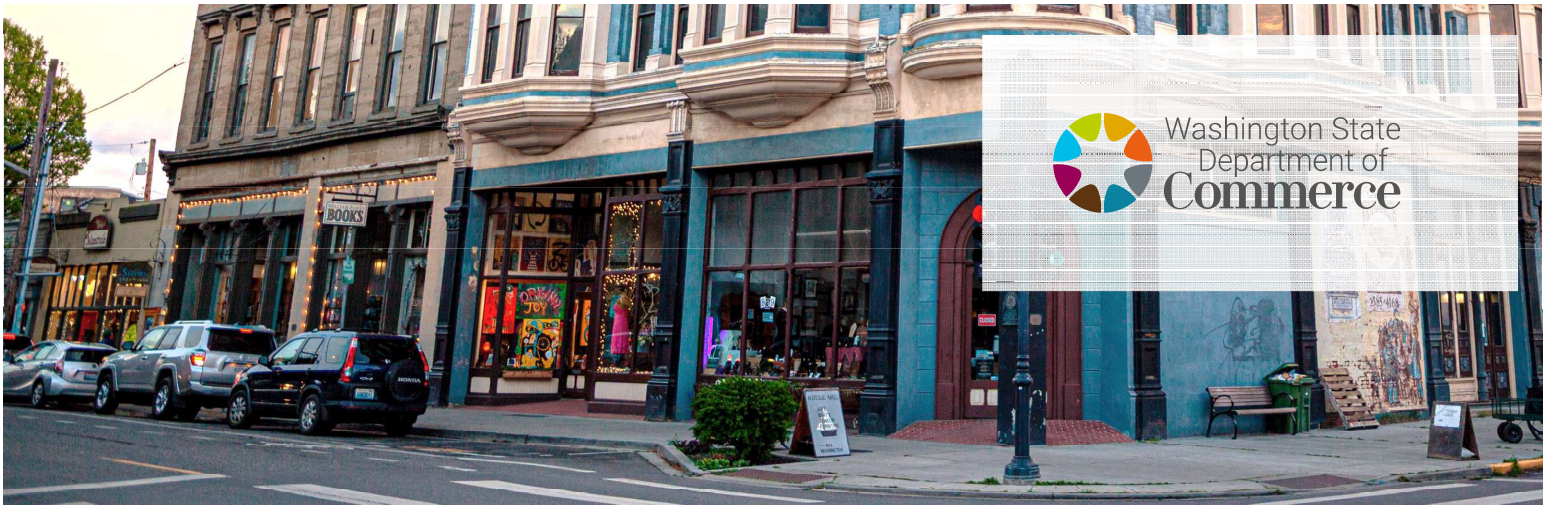
HB 1183 makes an exception to these limitations for meeting the provisions of RCW 36.70A.810 and .812.

Deadlines for Local Governments

Statute	Section of HB 1183	Deadline
Retrofits of Existing Buildings for Residential Use (RCW 36.70A.810) **Accommodation for Passive House Certification Requirements** (RCW 36.70A.812) Accommodating Roof-Mounted Solar Energy Panels (RCW 36.70A.813) **Façade modulation and upper-level setbacks on residential projects** (RCW 36.70A.815) Affordable housing unit size (RCW 36.70A.819)	Sections 1, 2, 5, 6, & 9	Whichever comes sooner after July 27, 2025: • 6 months after next periodic update required under RCW 36.70A.130 OR • Date of next implementation progress report required by RCW 36.70A.130(9)
RCW 35.21.990(d) & RCW 35A.21.440(d) - ensuring design standard guidelines do not conflict with RCW 36.70A.810 & 36.70A.812.	Sections 3 & 4	June 30, 2026

Other resources

- Energy Division – Washington State Department of Commerce
- Mass Timber – American Wood Council
- Solar Energy – Department of Energy
- Washington State Building Code Council



Residential development in commercial and mixed-use zones

This document provides information on Washington state's Senate Bill 6026 (2026) regarding residential uses in commercial and mixed-use zones.

Overview of requirements

Cities with a population over 30,000 and urban counties[1] **must allow residential uses in areas zoned for commercial or mixed-use development.**

Ground floor commercial or retail uses may not be required as a condition of permitting[2] residential development in more than 40% of the total acreage of these zones.

A city or county may not depart from the development regulations and design guidelines related to the location, siting, orientation, or architectural design features of residential or mixed-use development.

Local governments may not require **publicly-subsidized affordable housing projects** to provide ground floor commercial uses.

Effective Dec. 11, 2027, this law is preemptive and will supersede, preempt and invalidate any conflicting local regulations. This means that as of this date, regulations that conflict with this requirement are unenforceable.

[1] The affected counties are: Benton, Clark, King, Kitsap, Pierce, Snohomish, Spokane, Thurston and Whatcom counties. (RCW 43.160.020)
[2] Building permit, conditional use permit, special use permit

Agency contact

Lilith Vespier, AICP
INFILL HOUSING MANAGER

Local Government Division
Lilith.Vespier@Commerce.wa.gov
Phone: 509-606-3530

Leveraging existing infrastructure for more housing opportunities.

GROWTH MANAGEMENT SERVICES

Invest. Build. Serve.

What impacted communities must do

By Dec. 11, 2027, communities impacted by this bill must allow residential uses in all commercial and mixed-use zones. Additionally, communities may not require ground floor commercial or retail in 40% of the total area zoned for commercial use or mixed use. To achieve the requirements of the bill, the following steps are recommended:

1. Review commercial and mixed-use zones, calculate total acres (TA)
2. Determine which areas are excluded:[3]
    a. Areas[4] located in an industrial zone, including zones with an employment overlay prohibiting all residential uses, as of June 11, 2026.
    b. Areas within 3,200 feet of an active oil or gas refinery.
    c. Areas where development would require the demolition of a structure designated as a historic landmark through a local preservation ordinance
    d. Areas located outside the urban growth area (UGA) or within a UGA that is not contiguous with a city subject to the provisions of this bill.
    e. Areas where residential uses are prohibited due to compatibility with military or aviation uses.[5]
    f. Areas subject to a tax increment financing district under RCW 39.114, as of June 11, 2026.
    g. Areas adjacent to a shoreline environment where all multifamily residential or mixed-use development is prohibited by a shoreline master program.
    h. Areas located in a critical area buffer or critical area.[6, 7]
3. Determine if and where residential uses are not allowed and allow residential uses.
4. Determine where ground floor uses or retail are required as a condition of permitting development of residential housing or a condition use permit or special use permit. From this area, the following may be excluded:[8]
    a. Station areas
    b. Areas where building heights may be 85’ (outright or through an incentive)
    c. Areas within an industrial zone area
    d. Areas listed in (1)(b)-(g) above

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3 SB 6026, (laws of 2026) Section 2 (1)(b)
4 Any portion of a lot
5 RCW 36.70.547 and RCW 36.70A.530
6 Except for critical aquifer recharge areas where a single-family detached house is an allowed use provided that any requirements to maintain aquifer recharge are met.
7 Where permissible under existing law, critical areas and their buffers may be included when calculating the allowable density on a given lot
8 SB 6020 (laws of 2026), Section

5. Select not more than 40% of the area, based on the total area of commercial and mixed-use zones acreage where ground floor and retail will not be required.

6. If not already addressed in in code, add the following provisions:

    a. An allowance for publicly subsidized affordable housing[9] projects to be exempt from any requirement to provide mixed-use or ground floor commercial or retail as a condition of permitting development of residential housing or a conditional use permit or special use permit.

    b. An allowance for publicly subsidized affordable housing projects to be exempt from any development regulations or design guidelines not in code, related to the location, siting, orientation, or architectural design features of residential or mixed-use development in areas zoned for commercial use or mixed-use.

    c. An administrative process to request a reduction or waiver, see below for more details, from the ground-floor commercial or retail use requirements, including for publicly subsidized affordable housing.[10] The criteria, timeline, and application process should be clearly defined and must include consideration the following:

        - The merits of the project, and
        - The increase in the number of dwelling units that would result from the reduction or waiver, and
        - May include consideration of other factors.

7. Adopt consistent provisions by Dec. 11, 2027.

Exclusions

Nothing in the law requires a jurisdiction to:

a) Issue a building permit if other federal, state, and local regulations for a building permit are not met.

b) Update their growth and development assumptions required under the GMA, until the 2034 - 38 periodic update required under RCW 36.70A.130.

c) Limit their ability to work with developers, businesses, community groups, and building owners to ensure adequate access to grocery stores in a community including, but not limited to, allowing commercial use of ground floor building spaces for this purpose.

d) Invalidate or withdraw a development permit[11] that was issued under regulations that impose ground floor commercial or mixed-use requirements. If a lot subject to a development permit issued under such regulations within 18 months of June 11, 2026 is sold more than 18 months after June 11, 2026, the purchaser must be allowed to file a new development permit application.

e) Impose minimum density requirements within a commercial or mixed-use zone.

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9 "Publicly subsidized affordable housing" means any housing that receives or otherwise qualifies for an exemption from real and personal property taxes under RCW 84.36.560.
10 SB6026 Section 2 (3)
11 However, an applicant may withdraw an existing permit application and submit a new permit application after the jurisdiction adopts or amends regulations consistent with this bill.

Applicable cities

This bill applies to cities with a population of over 30,000 people, in select counties. As of July of 2026, this includes:

Benton County: cities of Kennewick and Richland

Clark County: city of Vancouver

King County: cities of Auburn, Bellevue, Bothell, Burien, Des Moines, Federal Way, Issaquah, Kent, Kirkland, Redmond, Renton, SeaTac, Seattle

Kitsap County: city of Bremerton

Pierce County: cities of Lakewood, Puyallup, Tacoma, University Place

Snohomish County: cities of Edmonds, Everett, Lake Stevens, Lynnwood, Marysville

Spokane County: cities of Spokane, Spokane Valley

Thurston County: cities of Lacey, Olympia

Whatcom County: city of Bellingham

Council Meeting: 10/20/2026
Agenda: Other Items of Business
Item #: 8. h. (8)

CITY OF KIRKLAND
HUMAN RESOURCES
123 Fifth Avenue, Kirkland, WA 98033
425-587-3000

MEMORANDUM

To: Kurt Triplett, City Manager

From: Lauren Knox, Labor and Employee Relations Manager

Date: September 23, 2026

Subject: **Ratification of the Kirkland Police Guild – Commissioned Staff 2026-2028 Collective Bargaining Agreement**

RECOMMENDATION:

Staff recommends that the City Council ratifies and approves the 2026-2028 Collective Bargaining Agreement (CBA) between the City of Kirkland and the Kirkland Police Guild – Commissioned Staff (Guild).

By approving the Consent Calendar, the Council will be ratifying and approving the 2026-2028 CBA with the Guild as reflected in Attachment 2, thereby granting authority to the City Manager to execute and implement the agreement in the same or a substantially similar version if minor corrections become necessary.

EXECUTIVE SUMMARY:

- Staff recommends that Council ratifies and approves the 2026-2028 CBA between the City of Kirkland and the Kirkland Police Guild - Commissioned Staff (Guild).
- The Agreement provides wage increases based on the CPI-W for approximately 100 Commissioned Police Officers, Corporals, and Sergeants; includes a market adjustment in 2026; includes increases to longevity pay for Guild employees to align more closely with comparable jurisdictions; adds a retiree medical benefit for Guild employees; and incorporates additional, more minor adjustments to language and/or compensation.

BACKGROUND:

The Kirkland Police Guild – Commissioned Staff (Guild) represents the City's approximately 100 commissioned Police Officers, Corporals, and Sergeants. This primarily includes Patrol Officers, who are first responders to 911 calls for service and critical incidents in the city of Kirkland. In addition to Patrol Officers, the Guild also represents Detectives, including those assigned to Family Violence, Pro-Act Detectives, Neighborhood Resource Officers, Community Resource Officers, Training Officers, and K-9 Officers. These Officers provide holistic, pro-active, and comprehensive law enforcement and community safety services to Kirkland residents, businesses, and visitors.

The City's current CBA with the Guild expired on December 31, 2025. The City and the Guild have been in negotiations for a successor agreement since September 2025. The parties reached a tentative agreement on August 21, 2026, and the Guild membership voted to ratify the agreement on October 1, 2026. Key terms of the 2026-2028 CBA as ratified by the Guild are presented in brief below.

DISCUSSION/ANALYSIS:

The complete proposed agreement as revised from the current CBA is provided as Attachment 1. This version shows substantive differences from the current 2023-2025 CBA in legislative change format, with additions underlined and deletions in strikethrough. Attachment 2 provides a "clean" version of the 2026-2028 agreement with all changes incorporated.

The costs to implement this 2026-2028 agreement are within the amount adopted in the 2025-2026 biennial budget, and the cost for 2027 and 2028 will be included in the 2027-2028 biennial budget.

The following are some of the highlights of the proposed CBA:

- Three-year agreement (January 1, 2026, to December 31, 2028).
- Percentage-based wage increases reflective of the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for Seattle-Tacoma-Bellevue, June-to-June index:
    - 2026 – 2.7% plus a 1.3% market adjustment to ensure competitive market position for Police Officer recruiting.
    - 2027 – 3.8%
    - 2028 – CPI-W with a minimum increase of 1% and a maximum increase of 5%.
- Language to allow the City to explore part-time Police Officer positions in the contract term. This could be a recruiting or retention tool as underlying staffing in the Police Department approaches full staffing.
- Providing compensation and expectations for Detective Sergeants who receive calls while off-duty.
- Adding a 2% premium for Officers serving as Patrol Tactics instructors. Patrol Tactics Instructors deliver the State-mandated 24-hour in-service Patrol Tactics course to all commissioned Kirkland Police Officers annually.
- Adding a $150/month Bilingual Incentive Pay.
- Allowing for virtual witness interviews in administrative investigations. This allows for quicker and less costly completion of investigations in appropriate cases.
- Longevity compensation increased by 0.5% for employees with 10-14 and 15-19 years of service, and by 1% for employees with 20-24 and 25+ years of service.
- Addition of a vacation accrual tier of 220 hours/year for employees with 25+ years of service.
- Adding a $50/month City contribution and $100/month employee contribution to a Retiree Medical Trust.

- Increase in sick leave cashout upon retirement from $12,000 to $13,500.
- A one-time signing bonus of $300 to employees' Retiree Medical Trust accounts.
- Clarification or documentation of existing practices:
    - Defining the terms "base rate" and "regular rate" as used in the CBA.
    - Incorporating existing memoranda of understanding regarding Extra-Duty Employment, July 4 Staffing and Compensation, Seniority, IFIT Compensation, Working Out on Duty, and Holiday Observance.
    - Clarifying titling for Corporals by removing the Senior Corporal title.
    - Clarifying that Education Incentive pay begins upon receipt of appropriate documentation.
    - Updating out-of-date references and dates.

Staff is pleased to recommend to City Council the ratification and adoption of the 2026-2028 CBA with the Guild as reflected in Attachment 2 or in a substantially similar version if minor corrections become necessary.

NEXT STEPS:

Once Council ratifies and adopts the 2026-2028 CBA with the Guild, it will be routed for execution by the parties.

ATTACHMENTS:

Attachment 1 – Legislative Changes of Proposed 2026-2028 Collective Bargaining Agreement between the City of Kirkland and the Guild
Attachment 2 – Final Proposed 2026-2028 Collective Bargaining Agreement between the City of Kirkland and the Guild

Attachment 1

2026~~3~~ – 2028~~5~~
Agreement

By and Between

CITY OF KIRKLAND

and

KIRKLAND POLICE GUILD
COMMISSIONED STAFF

2026~~3~~ – 2028~~5~~
Agreement
By and Between
City of Kirkland
and
Kirkland Police Guild
Commissioned Staff

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2026~~3~~ – 2028~~5~~
Agreement
By and Between
City of Kirkland
and
Kirkland Police Guild
Commissioned Staff

PREAMBLE

THIS AGREEMENT is made by and between the CITY OF KIRKLAND, WASHINGTON, (hereinafter referred to as the "Employer"), and the Kirkland Police Guild (hereinafter referred to as the "Guild").

The purpose of the Employer and the Guild in entering into this Agreement is to set forth their entire agreement with regard to wages, hours, and working conditions so as to promote uninterrupted public service, efficient operations, and harmonious relations, giving full recognition to the rights and responsibilities of the Employer and the Employees.

ARTICLE 1 – DEFINITIONS

As used herein, the following terms shall be defined as follows:

"Bargaining Unit" shall include all full-time commissioned Police Officers, Corporals, and Sergeants within the City of Kirkland Police Department. Should the City wish to create part-time Police Officer position(s) during the contract term, the parties agree to reopen this Agreement for the sole purpose of negotiating the decision and effects of adding part-time Police Officers to the bargaining unit.

"Base Rate" shall mean an employee's standard, straight-time rate of pay, excluding all premiums, bonuses, incentives, allowances, and other add-to-pays.

"Employee" shall mean regular, full-time employees in the bargaining unit (as defined in Article 3 and Article 5) covered by this agreement.

"Employer" shall mean the City of Kirkland, Washington.

"Health Care Provider's Statement" shall mean a written statement from a professional health care provider certifying an illness or injury, the date an Employee is anticipated as able to return to full duty or a recommendation of modified duty with reasonable accommodation, and the Employee's ability to perform the required duties.

"Immediate family" shall be defined as persons related by blood, marriage, or legal adoption in the degree of relationship of grandparent, parent, spouse~~wife, husband~~, sibling~~brother, sister~~,

child, grandchild, domestic partner (as defined by Employer Policy), and other persons with the approval of the City Manager or designee. This definition only applies to Immediate Family where the definition of Immediate Family is not contained in the statute. Statutory definitions of Immediate Family are used where appropriate (i.e. FMLA and PFML).

"On-Call" status shall mean an employee who is assigned on-call status and has an individual duty to respond to duty.

"Regular Rate" as used in this contract means the employee's regular rate of pay plus any specialty pay, assignment pay, differential pay, education pay, longevity pay, and any other remuneration for employment provided in the contract for which the employee is eligible.

"Special Assignment" is defined as those specific job assignments, requiring specialized training, knowledge, skill, or expertise, as identified in Article 7.4.

"Standby" shall mean an employee specifically approved by command staff to be ready reserve for a specific period of time and is on compensable time, prepared and available to be assigned for immediate service as needed.

"Temporary Assignment" is defined as any other assignment besides Special Assignment and Auxiliary Duties.

ARTICLE 2 – RECOGNITION

2.1 RECOGNITION

The employer recognizes the Guild as the sole and exclusive bargaining representative for all commissioned employees below the rank of Lieutenant for the purpose of representation and collective bargaining with regard to matters pertaining to wages, hours, and conditions of employment.

2.2 NEW CLASSIFICATIONS

If new classifications are established by the Employer and added to the bargaining unit, if the duties of existing classifications are substantially changed, or if an employee is appointed to a position substantially different than the employee's classification, a proposed wage scale shall be assigned thereto, and the Employer shall forward the new or changed class and proposed wage to the Guild for review. The contract will then be subject to reopening for the sole purpose of negotiating a wage for the class, and only if so requested by the Guild. If the parties cannot agree to the pay range after negotiations and mediation, the matter shall be submitted to binding arbitration. The interest arbitrator shall establish a fair and equitable pay scale for the new or changed classification using interest arbitration statutory processes.

2.3 CONTRACT PROPOSALS

The Employer recognizes and agrees to discuss contract proposals with the members of the Guild's Executive Board or their designated representative(s) only. The Guild recognizes the City as the representative of the people of the City of Kirkland and agrees to negotiate only

with the City through the negotiating agent or agents officially designated by the City Manager to act on its behalf.

The Guild will promptly notify the Human Resource Director and the Chief of Police in writing of their designated representative(s).

ARTICLE 3 – GUILD SECURITY

3.1 MEMBERSHIP

The Employer recognizes that members of the Kirkland Police Department may, at their discretion, become members of the Guild. The Guild accepts its responsibility to fairly represent all employees in the bargaining unit regardless of membership status.

3.2 DUES DEDUCTION

The Employer, when authorized and directed by a member of the Guild in writing upon an authorization form provided by the employer to do so, shall deduct Guild dues from the wages of an employee.

3.2.1 Payroll Deduction – Upon written voluntary authorization from an employee within the bargaining unit, the Employer shall deduct from the wages of that employee the sum certified as assessments and monthly dues of the Guild and shall forward such sum to the Guild. Should any employee not have any monies due to them, or the amount of such monies is not sufficient to satisfy the assessments, no deduction shall be made for that employee for that month.

3.2.2 An authorization for payroll deduction may be canceled upon written notice to the Employer and the Guild before the 15th day of the month in which the cancellation is to become effective, subject to the provisions of this article.

3.2.3 The Guild shall indemnify, defend, and hold the Employer harmless against claims made and against any suit instituted against the Employer on account of any check-off of dues for the Guild. The Guild shall refund to the employer any amounts paid to it in error on account of the check-off provision upon presentation of proper evidence thereof.

3.3 BARGAINING UNIT ROSTER

The Employer shall provide the Guild with a roster of employees covered by this Agreement on a monthly basis.

The Guild agrees to supply both the Chief and Human Resources with a current list of Guild officers. The Employer will recognize the officers as soon as the list is received, in writing, by the Department and Human Resources.

3.4 NONDISCRIMINATION – GUILD ACTIVITY

Neither party shall discriminate against any employee or applicant for employment because of

membership in or non-membership in or activity on behalf of the Guild.

ARTICLE 4 – GUILD/EMPLOYER RELATIONS

4.1 GUILD ACCESS

The Guild's authorized staff representatives shall have access to the Employer's premises where employees covered by this Agreement are working for the purpose of investigating grievances and contract compliance, after notifying the Employer. Access for other purposes shall not be unreasonably denied by the Employer. Such visits shall not interfere with or disturb employees in the performance of their work during working hours.

4.2 FACILITY USE

Guild meetings may be scheduled and held on City premises. The Chief's approval pursuant to this Section shall not be unreasonably withheld.

4.3 STEWARDS

The Executive Board of the Guild, or other designee, represents the members as stewards.

4.4 ORIENTATION

During the new employee orientation process, the Employer will notify the employee of Article 3.1 and Guild contact information.

4.5 BULLETIN BOARDS

The City shall permit the reasonable and lawful use of bulletin boards by the Guild for the posting of notices relating to official Guild business.

4.6 CONTRACT DISTRIBUTION

The Guild will provide access to a copy of this Agreement to each new and current employee in the unit.

4.7 NEGOTIATIONS RELEASE TIME

The Employer shall endeavor to allow a minimum of three (3) members of the Guild's negotiation committee to attend negotiation sessions during on-duty time, provided however, that operational necessities shall remain the priority and not more than two of the on-duty members shall be from any single division or workgroup, without prior authorization of the Chief or designee. Such members shall be designated by the Guild at least one (1) week in advance, where possible, and may include individuals assigned to other than day shift if the Employer determines that staffing on that shift is adequate, without the necessity of overtime (such individuals shall be considered to be transferred to day shift for the day on which the negotiation session is held).

4.8 GRIEVANCE RELEASE TIME

Prior to any proposed investigation of a grievance requiring any substantial use of on- duty time, stewards or officers shall provide notice to the Chief or designee.

4.9 GUILD BUSINESS

The Chief or designee shall endeavor to allow Guild Officials time off while conducting official "duty to represent" guild business on behalf of employees in the bargaining unit, including grievance resolution and arbitration, provided that:

4.9.1 They notify the Employer at least forty-eight (48) hours prior to the time off, unless such notice is not reasonably possible;

4.9.2 The Employer is able to properly staff the employees' job duties during the time off; and

4.9.3 The wage cost to the Employer is no greater than the cost that would have been incurred had the Guild Official not taken time off (i.e., no overtime expenditures).

ARTICLE 5 – EMPLOYMENT

5.1 PROBATIONARY PERIODS

New Employee /Promoted Employee Probationary Period

5.1.1 Probationary period for new officers will be completed 12 months after assignment to solo patrol status in order to allow sufficient time to evaluate the new Officer.

5.1.2 Lateral Candidates, who do not attend the 720 hour Academy, will serve a probationary period that will be completed 12 months after assignment to solo patrol status in order to allow sufficient time to evaluate the new Officer.

5.1.3 Employees promoted to Police Corporal or Police Sergeant will serve a probationary period of 12 months.

5.1.4 When any probationary employee misses more than 30 workdays~~30 days in a row~~, including modified duty time, their~~his or her~~ probationary period shall be extended the same number of workdays missed~~he or she was absent~~ unless expressly waived by the Chief of Police.

5.2 TYPES OF EMPLOYMENT

The employment positions of this bargaining unit are covered by and subject to Civil Service regulations. Regular position appointments are described therein. The establishment and appointment to other types of employment would require agreement by the Employer, Guild and Civil Service Commission.

5.3 CONTRACTORS

Not applicable to this unit.

5.4 STUDENTS/INTERNS/VOLUNTEERS

Student, volunteers and Internship programs may be created by the Employer provided such programs do not involve bargaining unit work. In the event the Employer seeks to have volunteers conduct bargaining unit work, it will provide notice to the Guild and

negotiate any such change.

5.5 EXTRA~~OFF-~~DUTY EMPLOYMENT

The Memorandum of Understanding between the parties regarding Extra-Duty Employment is incorporated herein by reference.~~Off-Duty Employment is work-conditioned on the actual or potential use of law enforcement powers by off-duty bargaining unit members. Currently, Off-Duty Employment is managed by the Guild and paid by private entities. The Employer and Guild agree to meet and discuss during times agreeable to both parties during this 2023-2025 contract whether the Employer may assume any responsibilities for managing Off-Duty Employment.~~

ARTICLE 6 – HOURS OF WORK AND OVERTIME

6.1 WORKDAY/WORKWEEK

6.1.1 For the term of this agreement (2026~~3~~-2028~~5~~), these provisions as outlined in Article 6 shall apply.

6.1.2 For purposes of the shift assignment language in this Article, operational need shall be defined as relationship issues, personality conflicts, and other like issues, and active auxiliary duties in SRT, Firearms, DT.

6.1.3 Any employee reassigned to a different shift due to auxiliary duties shall receive equal to one and one-half percent (1.5%) of their base salary paid only for the duration of the time spent in the different bid position.

6.1.4 Additionally, operational need extends to reassignments for employee performance, provided that such reassignments shall be for grievable just cause, provided further that any such reassignments shall be considered for progressive discipline purposes to be the equivalent of a written reprimand.

6.1.5 There shall be a total of three (3) shifts: Days, Swings, and Nights. The work week for all patrol officers shall be four (4) consecutive ten (10) hour days, followed by three (3) consecutive days off except for the week during which patrol officers transition to their new shift, which could see some officers working seven (7) or more consecutive days over two (2) Work Periods. All time worked in excess of the normal or regularly assigned work week shall be compensated in accordance with Article 6.5.

Shift	Hours	Monday – Thursday	Thursday – Sunday
Day Shift:	0630 to 1630	A Squad	B Squad
Swing Shift:	1500 to 0100	C Squad	D Squad
Night Shift:	2100 to 0700	E Squad	F Squad

Minimum Staffing for leave time and overtime considerations shall not fall below 18

patrol staff (includes Sergeants and Corporals) during any 24-~~-~~hour period.

During the term of this contract, based on operational needs, management reserves the right to change:

1. The minimum staffing per 24-~~-~~hour period, which will not be less than the minimum of 18.
2. The staffing allocation per squad (minimum plus one) and staffing assignments, including the allocation of Sergeants and Corporals within each squad.

The parties understand that the established minimum staffing level shall be used both for purposes of granting (or denying) leave requests and invoking overtime or backfill to provide staffing to cover the stated minimum, provided that for purposes of leave requests there is a "plus one" that recognizes a buffer to accommodate non-discretionary leave.

6.1.6 ~~Effective February, 2016, t~~The work hours for Patrol shall be the equivalent of 2080 hours on an annualized basis. For purposes of complying with the Fair Labor Standards Act, as authorized by the 7(k) exemption, the work period shall be twenty-eight (28) days ("Work Period"), scheduled in seven (7) day increments, Thursday through Wednesday. The Employer shall publish and make available the actual dates of the FLSA twenty-eight (28) day cycles for the term of this agreement.

6.1.7 Traffic Officers shall work four (4) consecutive ten (10) hour shifts with three (3) consecutive days off. The Traffic Officer duties may be adjusted to meet operational needs within their normal shift time. The Traffic Officer start times may be adjusted by four (4) hours (earlier or later) which cannot affect their days off.

6.1.8 Detectives shall work four (4) consecutive ten (10) hour shifts with three (3) consecutive days off. The Detective Sergeant position will be four (4) consecutive ten (10) hour shifts with three (3) consecutive days off. Corporals ~~or Senior Corporals~~ shall work staggered shifts.

The schedule of four (4) consecutive ten (10) hour shifts with three (3) consecutive days off may only be changed for training (other than in-service) or conference of more than one workweek in duration. Changes for other purposes are subject to the provision of Article 6.1.12.

6.1.9 The schedule for the School Resource Officer (SRO) shall be either five (5) consecutive days per week, eight (8) hours per day, with not less than two (2) consecutive days off, or four (4) consecutive days per week, ten (10) hours per day, with not less than three (3) consecutive days off. -The total hours worked shall not exceed forty (40) hours unless expressly pre-approved by the Unit Supervisor or Command Staff. The starting and ending time may be staggered by

a maximum of four (4) hours to meet operational needs or if requested by the employee and approved by the Supervisor. Employees in the Unit may be scheduled to work with other divisions in the event of operational or staffing needs. Employee Volunteers will be assigned to the Unit, provided the employer retains the right to assign employees where no volunteers are forthcoming, provided further that if a non-volunteer is utilized the normal rules from this article concerning schedule changes and overtime shall apply.

6.1.10_____The Neighborhood Resource Officers (NRO), Training Officers, Training Sergeant, and Community Service Unit (CSU) Sergeant shall work either a four (4) days per week, ten (10) hours a day work week, or a five (5) days per week, eight (8) hours per day work week; with the standard work schedule being 4-10's with three consecutive days off. The starting and ending time may be staggered by a maximum of four (4) hours to meet operational needs or if requested by the employee and approved by the Supervisor.

6.1.11__The working hours for Traffic and Detectives shall be equivalent to 40 hours a week or an annualized basis of 2080 hours. The working hours for Patrol shall be equivalent to 40 hours a work week~~period~~ on an annualized basis of 2080 hours, and all briefing and other preparatory time shall be included in the regular work shift.

6.1.12__Employees shall be provided at least fourteen (14) calendar days notice prior to a change in their regular shift, unless mutually agreed to waive by the employee, Guild and Employer. For purposes of complying with Article 7(k) of Fair Labor Standards Act, the Patrol Division work period shall be twenty-eight (28) days and the Detective Division, Training Unit and Traffic Unit seven (7) days (Monday through Sunday).

6.1.13_The Pro Act Detectives~~Officers~~ will work a 4/10 schedule, with ten (10) consecutive hours per workday. The parties agree that the weekly work schedule will be flexible, in order to address crime trend and assignments in a timely manner and not bound by Article 6.1.12 This flexibility will allow starting times to vary by a maximum of four (4) hours (earlier or later) to meet operational needs or if requested by the employee and approved by the supervisor. There will not be less than three (3)~~two (2)~~ consecutive days off each work week, without resulting in overtime.

6.1.14_Officers may request a maximum of a four hour adjustment in their normal shift start time, with the approval of the Unit supervisor on days that are either preceding or following their normally scheduled shift with the shift ending the same number of hours later. These requests may be used in order to accommodate training and/or known court conflicts. Approved leave will not be cancelled to accommodate the adjustment request. The Employer may deny or revoke the adjustment to maintain minimum staffing levels in accordance with Article 6.1.5.

In addition, those Officers who are assigned to graveyard shift may be relieved from duty the shift preceding the training without loss of time and with command staff approval when the following criteria are met:

- The Officer is~~Must be~~ attending either mandatory department training and/or instructing for department in-service or representing the department in an official capacity; and.
    - Training/Instruction date falls between two shifts; and.
    - Training/Instruction starts before 1000 hours.
- The Officer has been subpoenaed to appear or testify in Superior Court or Inquest proceedings; and
    - Such appearance/testimony date falls between two shifts or the day immediately following a graveyard shift (i.e. the Officer's first regular day off); and
    - Appearance/testimony starts before 1000 hours; and
    - The Officer must make reasonable efforts to schedule court appearances at times that do not trigger this provision when feasible.

All efforts will be made by the Unit supervisor and the Training Unit to minimize these occurrences and to continue to utilize shift adjustments when possible.

The schedule modifications contemplated under this Section are still subject to the fourteen-day notice provisions of Section 6.1.12.

6.1.15 The schedule for newly created assignments, and other assignments not described above, shall be established by the City, notice provided to the Guild, and bargained upon request.

6.2 PATROL SQUAD BIDDING

6.2.1 Squad Bidding. Uniform patrol personnel will be afforded the opportunity to bid for their preferred squad (A, B, C, D, E, F) in uniform patrol based upon their classification seniority. Probationary personnel are exempted and excluded from the bid process, except that probationary personnel who are projected to be off probation prior to the new schedule starting may participate in the shift bid.

6.2.2 Employees to be assigned to patrol will bid annually for their preferred squad by classification based upon seniority and through submittal of a bid sheet. Personnel on leave who do not make themselves available may submit their bid sheet electronically. Should the employee fail to respond prior to the deadline, they shall sacrifice their place in the bid process.

6.2.3 Once employees have submitted their bids for their preferred squad, the department may balance personnel within each shift (days, swing, or night shifts).

6.2.4 Once the bid has been finalized and posted, if an opening occurs on a shift prior to the beginning of the new schedule starting because of a promotion, transfer or other vacancy, management will utilize the existing bid sheets to fill this vacancy; provided, employees may decline the new shift assignment and maintain their original shift that resulted from the finalized and posted shift bid. Once the new schedule starts, any vacancy or rebalancing of the squads will be done in accordance with 6.2.6.

6.2.5 The Department will utilize a twelve (12) and/or fourteen (14) week rotation of the work week (days off) for the patrol division ~~beginning February 2016~~. Some Officers may potentially work seven (7) consecutive days during the week that straddles the end of one rotation and the start of the next one. However, because those seven (7) days occur over two distinct twenty-eight (28) day work periods, no overtime will need to be paid for hours worked during that week resulting from the transition from one squad to another. In the event overtime nonetheless does occur during this transition week for reasons other than the transition from one squad to another, overtime would be paid.

6.2.6 The Department may move an officer during the year based upon shift imbalances created by reduced staffing levels due to extended absence (i.e. - FMLA, L&I, Administrative Leave, Employee Resignation) or other like causes. In making such changes, the Department will determine which squad an employee will be removed from. The Department will request volunteers and make remaining assignments by utilizing the least senior officer(s) from the designated squad. Any deviations from seniority for such rebalancing is subject to the "operational needs" language in this Article.

6.2.7 Probationary employees shall not be allowed to draw a squad, except as allowed by 6.2.1 and will be assigned to allow for the development of police skills during the probationary period.

6.2.8 Employees reassigned, outside the bid process, to the patrol division from other organizational units shall be assigned where the personnel needs of the department dictate. Squad assignments will be subject to the Department's discretion to reassign (at any time) for operational need. Before any reassignment is made, the Department will notify the involved employee and the Guild with an explanation in writing for such reassignment.

Any reassignments will be made in accordance with Article 6.1.12 and give consideration to seniority.

6.3 POWER SHIFTS

In administering hours of duty, the Employer will maintain existing shift arrangements except as follows:

6.3.1 The City may add a "power shift" or other special shift arrangement to include such hours as the Chief of Police directs; including shifts consisting of 8, 10, or 12 hours.

6.3.2 Such "power shift" or other special shift arrangement shall be staffed initially by (employee) volunteers.

6.3.3 If a sufficient number of qualified (employee) volunteers fail to come forward, shifts will be staffed by the Chief of Police using criteria that meets the reasonable operating needs of the employer, taking into consideration the seniority of affected

employees where practical.

Power shift assignments will be for a minimum of twelve (12) months and may be extended with the concurrence of the assigned officer to meet the operational needs of the department. Officers will not be required to complete more than one power shift assignment in any forty-eight (48) month period.

6.3.4 Additionally, the Chief of Police may temporarily adjust the existing shifts if personnel shortages or an unanticipated event is deemed to hamper the effectiveness of the police department. Once the department is re-staffed or the event is over, the department will return to the existing shifts.

6.4 REST/MEAL BREAKS

For employees on eight (8) and ten (10) hour shifts, a workday shall include at least a thirty (30) minute lunch break. For employees on twelve (12) hour shifts, a workday shall include at least two (2) thirty (30) minute lunch breaks.

6.5 OVERTIME

All work, which has been specifically pre-approved by supervisory personnel, performed in excess of the normal work day or on a day off shall constitute overtime and shall be paid for at one and one-half times the employee's straight time hourly rate, unless such work is caused by change of shift, as set forth in Article 6.1 above. For officers working either eight (8) or ten (10) hour shifts, the hourly rate shall be determined by dividing the annual straight time hourly rate by 2080. For officers working twelve (12) hour shifts, the hourly rate shall be determined by dividing the annual straight time hourly rate, by 2190 hours. To the basic hourly rates, certain additional payments (per the FLSA) are included to calculate an employee's regular rate for overtime purposes. All overtime shall be compensated for in increments of fifteen (15) minutes with the major portion of fifteen (15) minutes being paid as fifteen (15) minutes.

<u>Overtime – Minimum Call-Back, Court Appearances, and Breathalyzer Hearings</u>

In the event that overtime which has been specifically pre-approved by supervisory personnel is not an extension at the beginning or end of a normal shift, the employee shall be paid at the rate of one and one-half times his regular hourly rate commencing at the time work is actually being performed or as is otherwise required by the FLSA, with a minimum of three hours. Court hearings, as well as breathalyzer hearings will be considered, upon notification, as specifically pre-approved by supervisory personnel. It is mandatory for an employee to respond to work if so directed by supervisory personnel.

PIO Cadre: If a PIO Cadre member is asked to perform PIO tasks from home, he or she shall receive overtime compensation or comp time at the overtime rate for actual time worked in fifteen (15) minute increments, with a fifteen minute minimum (e.g. PIO Cadre member will be paid fifteen minutes at the overtime rate if the actual time worked is seven minutes). However, if the actual time worked exceeds sixty (60) minutes in total or if the PIO Cadre member responds to the station to perform the requested tasks, the three (3) hour minimum call-back pay or comp time provisions will apply (e.g., if the actual time worked for all press releases from home that day totals more than sixty minutes, the PIO Cadre member will be paid three

hours at the overtime rate).

Detective Sergeant Off Duty Calls: Detective supervisors are often required to handle work-related phone calls while off duty. Although these calls typically do not require returning to work, they can disrupt personal time. To compensate for this disruption:

A. Detective supervisors will receive overtime pay or compensatory time at the overtime rate for the time spent on these calls.
B. Compensation will be calculated in fifteen (15) minute increments, with a minimum of fifteen (15) minutes paid per call.
    i. *Example: If a call lasts 7 minutes, the supervisor will be compensated for 15 minutes at the overtime rate.*
C. In addition to time spent on calls, detective supervisors will receive up to thirty (30) minutes of overtime or compensatory time at the overtime rate per day for time spent waiting for return phone calls.
~~A.~~ If the total time spent on calls or waiting exceeds sixty (60) minutes in a day, or if the detective supervisor is required to report to the station, the three (3) hour minimum call-back pay, or compensatory time provision will apply.

6.6 COMPENSATORY TIME

6.6.1 Generally, overtime shall be paid rather than compensatory time granted. Overtime shall be compensated or compensatory time awarded at the rate of one and one-half (1½) times the employee's regular rate of pay or in the case of ~~C~~call–back a minimum of three (3) hours of overtime or compensatory time shall be granted. Compensatory time shall be awarded by mutual agreement between the employee and the supervisor at the time of authorizing the overtime.

Should an employee be ordered / "mandatoried" to work overtime, the employee may make an election within the pay period for either compensatory time to be awarded or for the overtime to be paid.

An employee may only accrue compensatory time up to a maximum balance of eighty (80)~~60~~ hours.

6.6.2 Compensatory time, accrued in lieu of cash compensation for overtime hours worked, shall be paid out on an annual basis, on the first pay day following ~~November~~ December 1st, for all hours earned through November~~October~~ 30th~~1st~~.

6.7 LEAVE CONSIDERATIONS

6.7.1 Employee leave will not be granted on July 4th (Patrol and Traffic, all shifts) & December 31st (Patrol swing shift & Patrol night shift). For the July 4 holiday, non-essential personnel who would normally be required to take the holiday off are allowed to volunteer for posted overtime, as authorized by the Chief or designee. When non-essential personnel volunteer for overtime on the July 4 holiday, pay and other conditions shall be as described in Article 11.5.1. ~~However, o~~On the years in which July 4th falls on a Thursday, which is an overlap day under the current schedule as outlined in Article 6.1.5 of the CBA, the following procedures apply: If the City is having a 4th of

July parade and/or fireworks show, overtime will be posted for one week for the parade and the fireworks show by the first Monday in June. At the end of this posting, any openings will be filled by on-duty personnel working at their normal holiday pay rate. Once it is determined how many on-duty personnel will be needed to fill these openings, personnel may request leave time which will be granted by seniority. Those on-duty employees who are assigned to work the parade and/or fireworks show may continue to work the rest of their shift or request leave time when the assignment ends if staffing allows. Leave will not be approved that would lower overall staffing below 2 + 10 across all shifts, not at the squad level. If the City is not having a 4th of July organized celebration, personnel may request leave time which will be granted by seniority across shifts, not at the squad level. Leave will not be approved that would lower overall staffing for any shift below 2 + 10. On the years in which December 31st falls on a Thursday, which is an overlap day under the current schedule as outlined in Article 6.1.5 of the CBA, personnel may request leave time which will be granted by seniority across shifts, not at the squad level. Leave will not be approved that would lower overall staffing for any shift below 2 + 10.

6.7.2 The Department reserves the right to deny all personal leave for emergent situations including but not limited to such things as Presidential visits, major sporting events, political/social events likely to cause civic unrest, local special events likely to attract large crowds and like reasons.

6.7.3 The Department reserves the right to deny all personal leave with 14 days' notice for In-Service training or other similar department functions.

6.7.4 The Department reserves the right to deny all leave requests that will result in the relevant shift going below minimum plus one staffing.

6.8 DISPUTE RESOLUTION

The parties commit to participate in labor management meetings as requested or at least quarterly, to discuss issues with the schedule (other labor management topics, as needed).

ARTICLE 7 – EMPLOYMENT PRACTICES

7.1 NONDISCRIMINATION

The Guild and the Employer agree to provide equal opportunity as to the provisions of this Agreement to all their members and employees. Neither the Employer nor the Guild shall discriminate against any person on the basis of such person's race, sex, marital status, color, creed or religion, national origin, age, veteran status, sexual orientation or the presence of any sensory, mental or physical disability, unless based upon a bona fide occupational qualification.

Wherever words denoting a specific gender are used in this Agreement, they are intended and shall be construed so as to apply equally to all genders.

Employees may challenge practices or actions that they allege violate the provisions of this

Article through the Employer's Nondiscrimination Policy and procedures, and/or using those remedies available through applicable law. Alleged violations of this Article will not be the subject of grievances under Article 19 of this Agreement.

7.2 JOB POSTING

When any position becomes vacant, the Employer will make every reasonable effort to fill it as soon as possible.

7.3 PROMOTIONS

Corporal/~~Senior Corporal~~ Classification:

The following are the requirements to be eligible for promotions within the bargaining unit:

7.3.1 To be eligible for promotion to Corporal, candidates shall have a minimum of three (3) years full time police experience as a commissioned police officer with two (2) years of service in the City of Kirkland.

7.3.2 Corporals shall advance to Step 2 of the Corporal salary range upon successful completion of the probationary period and completion of two years of service in grade as a Corporal in Kirkland.~~To be eligible for a Sr. Corporal classification, the candidate shall have two (2) years of service in grade as a Corporal in Kirkland.~~

7.3.3 During the term of the agreement management will maintain a minimum total of twelve (12) Corporals.

Sergeant:

~~7.3.3~~7.3.4 To be eligible for promotion to Sergeant, candidates shall have a minimum of five (5) years full time experience as a commissioned police officer with four (4) years of service in Kirkland.

~~7.3.4~~7.3.5 Candidates for promotional vacancies within the Guild shall come from an adequately sized pool of eligible candidates from the bargaining unit. An "adequately sized pool" shall be defined as two candidates who meet the qualifications as defined by Section 7.3.1 and 7.3.3

~~7.3.5 During the term of the agreement management will maintain a minimum total of twelve (12) Corporal and Senior Corporals.~~

7.4 SPECIAL ASSIGNMENTS

7.4.1 Special Assignment is defined as a primary job assignment, requiring specialized training, knowledge, skill, or expertise. These include Detective, Canine Officer, Traffic, ProAct, PTO, Training Unit, and Community Services Unit.

7.4.2 Auxiliary Duties are those duties performed in addition to patrol duty or specialty duty. Employees are assigned an auxiliary duty after applying for the position and being selected through a competitive testing process. If no employee applies for the

position the Chief may appoint an employee to the position for a period of no greater than two (2) years. The exception to the competitive testing process is for three auxiliary positions within Patrol Tactics. These positions will automatically be filled by the two Training Officers (staffing dependent) and the Training Sergeant, and they will remain Patrol Tactics Instructors for the duration of their time in the Training Unit. Upon rotating out of the Training Unit, they will no longer be part of Patrol Tactics but are welcome to test for the next available position. Auxiliary duties may have a minimum and maximum time commitment. Employees assigned to auxiliary duties may be required to provide regular training in their area of expertise or assist patrol with their expertise.

7.4.2.1 Among other duties, auxiliary duties include firearms instructors, defensive tactics instructors, SWAT members (includes SRT and HNT), EVOC instructors, Patrol Tactics, and less lethal instructors. Employees assigned to firearms, defensive tactics, SWAT (including SRT and HNT), EVOC, Patrol Tactics, and less lethal shall receive a two percent (2%) premium added to the monthly rate of pay of the employee's current classification. An employee shall be eligible to receive compensation for only one auxiliary duty assignment. An employee cannot serve concurrently in more than one auxiliary duty assignment receiving a premium except those assigned to Patrol Tactics or those on SWAT and firearms, SWAT and defensive tactics or SWAT and less lethal.

7.4.2.2 ~~7.4.2.2~~ Bilingual Incentive Pay: The City recognizes the benefits of having members who are bilingual to serve as interpreters when necessary. For 2026, employees certified by the Department to provide translator services shall be paid a stipend of seventy-five dollars ($75) per pay period ($150 per month). For each year thereafter, the stipend will be increased by any increase in the June-to-June Seattle Tacoma Bellevue CPI-W. The Employer reserves the right to establish the number of employees eligible for certification. The City and the Guild agree to meet and confer regarding the eligible languages, selection, and certification criteria for the bilingual incentive. The City will pay for all costs of one test for each employee. A certified employee reserves the right to opt out of providing translator services by giving a two-week written notice to the Employer, which would result in the discontinuation of the stipend.

All other assignments which are not Special Assignment or Auxiliary Duty are considered Temporary Assignments.

7.4.3 Employees in a Special assignment shall remain for five (5) years unless the employee's job performance does not meet requirements or the employee requests a transfer or a Special assignment position is eliminated. Employees completing their five (5) year Special assignment may be considered for additional one (1) year extensions based on the operational needs of the department. A notification of a Special assignment opening shall include a minimum time duration for the position. Employees selected for Special Assignment positions will be subject to the department rotation policy without additional incentive pay, unless specifically bargained during future contract negotiations. Rotation or removal for non-disciplinary reasons from a Special, Auxiliary, or Temporary Assignment position is not subject to the grievance procedure.

Additionally, the Detective Unit, PRO-ACT Unit, and Traffic Unit shall include long term "anchor" position(s). Such positions as authorized shall be for a period of ten (10) years, with potential extensions as above. To be eligible for such position, an employee must have served or be serving a tour with the Employer as a detective, ProAct detective~~officer~~, or traffic officer, having completed a period of at least three (3) consecutive years and having served in good standing. Towards the completion of the ten (10) year time period, incumbents in these positions are allowed to retest for the anchor position prior to the expiration of the ten (10) year time period.

7.4.4 Appointment to a Special, Auxiliary, or Temporary Assignment position will be based on a combination of any or all of the following: résumé; written and/or oral examinations; past work performance. Any Special, Auxiliary, or Temporary Assignment eligibility list shall not exceed twelve (12) months.

7.4.5 In the event a non-voluntary assignment is made to a Special, Auxiliary, or Temporary Assignment position in order to meet operational needs, the assignment will be for a maximum of twelve (12) months and may be extended with the concurrence of the assigned officer.

7.4.6 Police management will make the assignments and provide fourteen (14) calendar days' notice except in the cases of emergencies and promotions.

7.5 PERSONNEL FILES

Personnel Files – The City Human Resources Division will retain the permanent personnel file. The Police Department shall maintain only one working personnel file for each employee.

Supervisory notes – This does not preclude a supervisor from maintaining notes regarding an employee's performance for purposes of formulating evaluation and performance appraisal or the department from maintaining separate computerized records relating to training, promotion, assignment, or similar data.

Information related to medical, psychological, background check information and grievance records shall be maintained in separate files.

Employees shall have access to their personnel file with reasonable frequency. Upon request, access shall be provided within a maximum of four (4) working days. Conditions of hiring, termination, change in status, shift, evaluations, commendations and disciplinary actions shall be in writing with a copy to the Employee prior to placement in their personnel file.

Upon receiving a request for all or part of a personnel file from any third party, the affected employee shall be notified of the request, and the information shall not be released for a period of three (3) business days from the time of said notification, except as part of an investigation being conducted by another law enforcement agency, the disclosure of which is necessary for effective law enforcement. Upon service of a court order or subpoena properly recorded and signed by a judge or magistrate demanding immediate release or as otherwise required by law, the employee shall be notified of the request and release will be made as required by law or as

above. The City Attorney will advise the department in all matters pertaining to the release of information contained in a personnel file.

Employees shall have the right to provide a written response to any written evaluations or disciplinary actions to be included in the personnel file, which, together with the action, will be retained with the action in the personnel file.

Personnel Records Retention:

By law, personnel records for any peace officer must be retained for the duration of the officer's employment and a minimum of ten (10) years thereafter. Such records include all misconduct and equal employment opportunity complaints, progressive discipline imposed including written reprimands, supervisor coaching, suspensions, involuntary transfers, other disciplinary appeals and litigation records, and any other records needed to comply with the requirements set forth in RCW 43.101.135.

Unless required by State law or CJTC disciplinary process, records older than five (5) years that are retained in an employee's department personnel file may not be admissible in any proceedings between the Employer and the Guild concerning disciplinary action unless such records indicate a pattern of similar types of behavior, complaints, and/or discipline. If an employee has a pattern of similar types of behavior, complaints, and/or discipline, the records may be available to be used against the employee for an additional two (2) year period. The parties retain the right to introduce evidence regarding prior discipline of other employees for the purpose of establishing the consistency or non-consistency of discipline imposed in a case subject to a disciplinary appeal.

7.6 EVALUATIONS

The purpose of evaluation is to help an employee to be successful in performance and to understand the standards and goals of their position and their department. The evaluation will assess and focus on the employee's accomplishment of their job functions and the goals and standards of the position. Where the employee does not meet the above, a plan for correction, training or support should be developed with the employee.

Evaluation may occur in two forms:

7.6.1 All regular employees should be formally evaluated in writing by their immediate supervisor and/or department head or designee during the probationary or trial service period and at least annually (at date of hire or a common date) thereafter.

7.6.2 Additionally, evaluation of job performance may occur at any time and on an ongoing basis. Evaluation may occur in various ways and may include coaching, counseling or written assessment.

The evaluation process shall also include a review of the current job description.

Evaluation shall not, by itself, constitute disciplinary action – disciplinary action must be specifically identified as such, in writing, consistent with Article 7.8.

Employees will be given a copy of the evaluation. Employees will be required to sign the evaluation, acknowledging its receipt. Evaluations are not grievable, however, employees may elect to provide a written response to the evaluation, which will be retained with the evaluation in the employee's personnel file.

7.7 BILL OF RIGHTS

All employees within the bargaining unit shall be entitled to the protection of what shall hereafter be termed as the "Police Officers Bill of Rights." The wide-ranging powers and duties given to the department and its members involve them in all manner of contacts and relationships with the public. Of these contacts come many questions concerning the actions of members of the force. These questions often require an immediate investigation by superior officers designated by the Chief of Police. In an effort to ensure that these investigations are conducted in a manner, which is conducive to good order and discipline, the following guidelines are promulgated:

7.7.1 Employees shall be informed in writing, of the nature of the investigation, the right to request Guild representation, and whether they are a witness or a subject of the investigation, before any interview of the employee commences. In investigations other than criminal, this will include the name, address, and other information necessary to reasonably apprise them of the allegations of such complaint.

An employee who is identified as a subject of the investigation, shall be advised in writing a minimum of forty-eight (48) hours prior to the time of the interview, if the interviewer either knows or reasonably should know that the questioning concerns a matter that could lead to criminal charges or misconduct that could be grounds for termination. Employees who are given a forty-eight (48) hour notification may waive that delay by signing a written waiver form, provided that the employee either has Guild representation or waives the right to such representation in writing.

7.7.2 Any interview of an employee shall be at a reasonable hour, preferably when the employee is on duty unless the exigencies of the investigation dictate otherwise. Where practicable, interviews shall be scheduled for the daytime.

7.7.3 The interview, which shall not violate the employee's constitutional rights, shall take place in person with the subject of the investigation present at the Kirkland Police Station facility~~, except where impractical~~. Witness interviews may occur either in person at the Kirkland Police Station facility or virtually via appropriate media platform where the officer is present at the Kirkland Police Station, or at a location mutually agreeable to the Guild and the Employer. The employee shall be afforded the opportunity and facilities to contact and consult privately with an attorney of the employee's own choosing and/or a representative of the Guild. Said attorney and/or representative of the Guild may be present during the interview but shall not participate in the interview except to counsel the employee, provided that the Guild representative or attorney may participate to the extent permitted by law.

7.7.4 The questioning shall not be overly long, and the employee shall be entitled to

such reasonable intermissions as they shall request for personal necessities, meals, telephone calls, and rest periods.

7.7.5 The employee shall not be subjected to any offensive language, nor shall they be threatened with dismissal, transfer, or other disciplinary punishment as a guise to attempt to obtain their resignation, nor shall they be intimidated in any other manner. No promises or rewards shall be made as an inducement to answer questions.

7.7.6 It shall be unlawful for the City to require any employee covered by this agreement to take or be subjected to any polygraph or any polygraph type of examination as the condition of continued or continuous employment or to avoid any threatened disciplinary action.

7.7.7 At the employee's request, the interview shall be audio recorded ~~on tape~~. One copy shall be provided to the Guild representative or employee. There shall be no "off-the record" questions. The Employer shall notify the Guild and the Employee within seven (7) calendar days after the Chief of Police has determined an investigation has been completed. In cases where the contemplated discipline is an oral or written reprimand, the investigation shall be provided to the Guild President and Employee upon request. In cases where the contemplated discipline is any discipline above a written reprimand within seven (7) calendar days of the notification of completion of the investigation, and no later than three (3) calendar days prior to a pre- disciplinary hearing, the employee shall be advised of the results of the investigation and the recommended disposition and shall be furnished a complete copy of the investigation report, provided that the Employer is not required to release statements made by persons requesting confidentiality where the request was initiated by such persons and provided further that such confidential statements may not be relied upon to form the basis of discipline. All interviews shall be limited in scope to activities, circumstances, events, conduct or actions which pertain to the incident which is the subject of the investigation. Nothing in this section shall prohibit the Employer from questioning the employee about information which is developed during the course of the interview.

7.7.8 Use of Deadly Force Situations: When an employee, whether on or off duty, uses deadly force which results in the injury or death of a person, or discharges a firearm in which no injury occurs, the employee shall not be required to make a written or recorded statement for twenty-four (24) hours after the incident except that immediately following the incident the employee shall verbally report to a superior a brief summary of the incident and any information necessary to secure evidence, identify witnesses, or apprehend suspects. The affected employee may waive the requirement to wait twenty-four (24) hours. The department and the Guild shall mutually agree on designated peer support counselors.

7.7.9 Medical or Psychological Examinations: When there is probable cause to believe that an employee is medically or psychologically unfit to perform his/her duties, the employer may require the employee to undergo a medical or psychological examination in accordance with current standards established by the Washington Association of Sheriffs and Police Chiefs, the International Association of Chiefs of Police, the

Americans with Disabilities Act, and other applicable State or Federal laws. Consultations with the City's Employee Assistance Program are not considered medical or psychological examinations.

7.8 DISCIPLINE/CORRECTIVE ACTION

No employee shall, by reason of his employment, be deprived of any rights or freedoms, which are afforded to other citizens of the United States by the State and Federal Constitutions and Washington law.

No employee shall be compelled by the City to give self-incriminating information, either verbal or written, during any criminal investigation when such investigation involves allegations against the employee nor in any internal investigation which could lead to a criminal charge against the employee. Any refusal by an employee to give self-incriminating information under these conditions will not result in the employee's termination, suspension, reprimand, transfer, or any other form of disciplinary action by the City.

The Employer agrees to act in good faith in the discipline, dismissal or demotion of any regular employee and any such discipline, dismissal or demotion shall be made only for just cause.

The parties recognize that just cause requires progressive discipline. Progressive discipline may include:

- oral reprimands, which will be documented;
- written reprimands;
- disciplinary transfer;
- suspension with or without pay;
- demotion; or
- discharge.

The intent of progressive discipline is to assist the employee with performance improvement or to correct misconduct. Progressive discipline shall not apply where the offense requires more serious discipline in the first instance. Both the sequencing and the steps of progressive discipline are determined on a case-by-case basis, given the nature of the problem.

All disciplinary actions shall be clearly identified as such in writing. The employee will be requested to sign the disciplinary action. The employee's signature thereon shall not be construed as admission of guilt or concurrence with the discipline. Employees shall have the right to provide a written response to any written disciplinary action to be included in the personnel file, which, together with the action, will be retained in the personnel file, for so long as the disciplinary action is retained.

A copy of all disciplinary notices shall be provided to the employee before such material is placed in their personnel file. Employees disciplined or discharged shall be entitled to utilize the grievance procedure. If, as a result of the grievance procedure utilization, just cause is not shown, personnel records shall be cleared of reference to the incident, which gave rise to the grievance.

The Employer will notify the Guild in writing within three (3) working days after any notice of discharge. The failure to provide such notice shall not affect such discharge but will extend the period within which the affected employee may file a grievance.

The Employer recognizes the right of an employee who reasonably believes that an investigatory interview with a supervisor may result in discipline to request the presence of a Guild and/or legal representative at such an interview. Upon request, the employee shall be afforded a Guild representative. The Employer will delay the interview for a reasonable period of time in order to allow a Guild representative an opportunity to attend. If a Guild representative is not available or delay is not reasonable, the employee may request the presence of a bargaining unit witness. (Weingarten rights)

Employees shall also have a right to a notice and a determination meeting prior to any disciplinary action (except oral and written reprimands). The Employer must provide a notice and statement in writing to the employee identifying the performance violations or misconduct alleged, a copy of the investigative file as per Article 7.7.7, and a finding of fact and the reasons for the proposed action. The employee shall be given an opportunity to respond to the charges in a meeting with the Employer, and shall have the right to Guild representation during that meeting, upon request. (Loudermill rights)

The Employer shall endeavor to correct employee errors or misjudgments in private, with appropriate Guild representation if requested by the employee.

Discipline shall be subject to the grievance procedure in this Agreement as to whether or not such action as to any post-probationary employee was for just cause.

ARTICLE 8 – SENIORITY

8.1 DEFINITIONS

Seniority shall be established upon appointment to a regular full-time budgeted position within the bargaining unit.

Bargaining Unit Seniority: the total length of continuous calendar-based service with the Employer and in the bargaining unit.

Employer Seniority: the total length of continuous calendar-based service with the Employer.

Classification Seniority: the total length of continuous calendar-based service within a position and employment type represented by the bargaining unit. Classification seniority shall include all time at a higher ranked classification, for which the employee does not have continuing job rights.

Consistent with Article 14.5, the Employer shall adjust the employee's anniversary date to reflect any period of unpaid leave of thirty (30) continuous days or more. Seniority shall continue to accrue and the employee's anniversary date shall not be adjusted for periods of legally protected leave, such as FMLA, L&I or military leave adjusted for periods of up to six

(6) months (or as otherwise required by USERRA).

8.2 APPLICATION OF SENIORITY

In the event of reassignment, transfer, layoff, or recall, seniority shall be the determining factor where employees are equally qualified to do the job.

Seniority shall be applied in the following manner:

8.2.1 Postings / promotions

In regard to job postings, promotion and reassignment, "qualifications" and/or "ability" will be the primary consideration, with seniority determinative where employees are equally qualified. Qualifications will include the minimum qualifications of education, training and experience as set forth in the job description, as well as the job performance, ability, employment record and contribution to the needs of the department. Specialty positions shall be filled in accordance with Article 7.4.3.

8.2.2 Layoffs

Total classification seniority shall determine who is to be laid off within the selected classification (affected group). The least senior regular employee(s) within the classification shall be the affected employee(s). In the event of two employees having the same classification seniority, bargaining unit seniority shall be determinative. In the event of two employees having the same bargaining unit seniority, Employer seniority shall be determinative.

8.2.3 Bumping

An employee shall be allowed to bump less senior employees (by bargaining unit seniority) within their department in lower classifications, in accordance with Article 8.12.2, provided that the employee is "competent" and has the ability to adequately perform the essential functions of the job assignment.

8.2.4 Recall

Seniority shall be determinative in the identification of which employee is to be recalled, when there is more than one on the recall list who is qualified and/or have previously performed a position.

8.3 LOSS OF SENIORITY

8.3.1 An employee will lose seniority rights by and/or upon:

~~8.3.1~~ 8.3.1.1 Resignation, except as provided in Section 8.3.2.

~~8.3.2~~ 8.3.1.2 Discharge.

~~8.3.3~~ 8.3.1.3 Retirement.

~~8.3.4~~ 8.3.1.4 Layoff / Recall list of more than fourteen (14) consecutive months, consistent with Article 8.14.

~~8.3.5~~ 8.3.1.5 Medical Reinstatement / Recall list of more than twenty-four (24) consecutive months, consistent with Article 8.14.

~~8.3.6~~ 8.3.1.6Failure to respond to an offer of recall to former or comparable employment.

8.3.2 Employees who are re-employed following the loss of their seniority, shall be deemed a newly-hired employee for all purposes under this Agreement, except:

8.3.2.1 I~~i~~f an employee is recalled consistent with Article 8.14 and the time-lines therein, they shall regain the seniority that they had as of their last date of employment.

8.3.2.2 If an employee resigns but is reinstated to the Department according to Civil Service Rules within twelve (12) months of their last day of employment, they shall retain the seniority that they had as of their last date of employment.

8.3.3 For purposes of section 8.3.2, a re-employed employee will:

8.3.3.1 Retain their pre-existing personnel/badge number.

8.3.3.2 Return at the same salary level as their last date of employment with the Department for purposes of "hire-in" rates under Article 9.2.

8.3.3.3 Retain years of employment service based on their total length of service with the department for purposes of longevity pay, under Article 9.4, and vacation accrual, under Article 12.1, but no service credit or leaves shall accrue during the period of time they were not employed by the City of Kirkland.

8.3.3.4 Will be considered upon hire to have completed the one-year period for accruing sick leave hours under Article 13.1.1 and will have their unused sick leave bank reinstated and available for immediate use, except for any hours previously cashed out or in excess of the maximum in Article 13.1.1. Any employee previously provided a cash out under Article 13.2.3 will not be entitled to another cash out conversion, except for the difference, if any, in the amount originally cashed out and the maximum amount to be cashed out under the CBA at the time of the employee's second separation.

8.3.3.5 If reinstated under 8.3.2.2, return to the department at the officer rank, unless they resigned as a supervisor in good standing, in which case the Chief has the right but not the obligation to reinstate the employee as a supervisor if there is a supervisor vacancy at the same rank and no active eligibility list for the position.

8.4 LAYOFFS

A layoff is identified as the anticipated and on-going or prolonged reduction in the number of full-time equivalent (FTE) positions within the department or within a job classification covered by this Agreement. A reduction in force in classification may occur for reasons of lack of funds, lack of work, efficiency or reorganization. Reductions in force are identified by classification within the department.

8.5 NOTICE

The Guild shall be notified of all proposed layoffs and of positions to which laid off

employees may be eligible to bump through the attachment of a current seniority list.

Employees affected / being laid off shall be given written notice of such layoff thirty (30) calendar days prior to the layoff if possible. In no event shall written notice of layoff be less than fourteen (14) calendar days. If the Employer does not provide fourteen (14) calendar days written notice, the employer shall compensate the employee at his or her normal rate of pay for the time between the last day of work and fourteen (14) calendar from the date the employee receives the notice of layoff, in addition to any other compensation due the employee.

The employee shall inform the Employer within five (5) working days of the receipt of the notice of layoff of their intention to exercise bumping rights. When all bumping rights have been acted upon, or when someone has chosen not to act on their bumping right, the employee least senior or the employee choosing not to bump shall be the person laid off. Only one thirty (30) day notice of layoff is required, irrespective of the number of bumps.

An employee desiring to exercise bumping rights must do so by delivering written notice to the Employer within five (5) working days of receipt of notice of layoff. The written notice must state the proposed position to be bumped.

8.6 MEETING WITH GUILD

The Guild shall also be notified in writing of any reduction in hours proposed by the Employer, including the purpose, scope, and duration of the proposed reduction.

Upon the Guild's request, the Employer and the Guild shall meet promptly during the first two (2) weeks of the notice period identified in Article 8.5 to discuss the reasons and the time-lines for the layoff and to review any suggestions concerning possible alternatives to layoff. Guild concerns shall be considered by the Employer prior to implementation of any reduction in hours. This procedure shall not preclude the Employer from providing notice to employees or requesting volunteers to take leaves of absence without pay, provided the Employer notifies the Guild of the proposed request.

8.7 AFFECTED GROUP

The following procedure shall apply to any layoff:

8.7.1 Affected employees

The Employer shall first determine by job classification the number of employees or FTEs to be affected by the layoff. The employee(s) holding such FTEs, which are subject to layoff, shall be the "affected employee(s)."

The least senior employee within the affected job classification shall be selected for layoff, consistent with Article 8.2.2.

In cases where seniority within a job classification is equal, bargaining unit seniority will be the determining factor. In the event this is also equal, Employer seniority will control. If all of the seniorities are equal, then Management shall make the final decision based on performance and job skills.

8.7.2 Volunteers
Simultaneous with implementing the provisions of the layoff procedure, the Employer may first seek, by a five (5) working day posting process, volunteers for layoff or voluntary resignation from among those employees who work within the same job classification as the affected employees. If there are more volunteers than affected employees, volunteers will be chosen by bargaining unit seniority. Employees who volunteer for layoff may opt for recall rights as described in this article at the time of layoff.

If there are no or insufficient volunteers within the affected job classification, the remaining affected employees who have received notice must choose promptly (within five (5) full working days of receipt of the Notice) among the layoff options set forth in Article 8.12.

8.7.3 Probationary Employees
If the number of volunteers is not sufficient to meet the announced number of necessary layoffs, and if the affected employee is an initial probationary employee, then that employee shall be laid off and is ineligible to select among layoff options.

8.8 VACANT POSITIONS
Positions will be filled in accordance with Article 8.2 and other sections of this Article.

Within the bargaining unit and the department, affected employees and employees on the recall list shall be given first opportunity for vacant bargaining unit comparable positions prior to outside hiring by the Employer, consistent with Article 8.12.1.

8.9 SENIORITY LIST
The Employer shall update the seniority list and provide it to the Guild monthly, consistent with Article 3.3. If a layoff is announced, a current ranked seniority list including job classifications, names, job locations, and FTE or hours per week shall be provided to the Guild and posted in the affected department.

8.10 ORDER OF LAYOFF
The least senior employee (by classification seniority) within the affected job classification shall be selected for layoff. No regular employee shall be laid off while another employee in the same classification within the department is employed on a probationary basis.

8.11 COMPARABLE EMPLOYMENT
For purposes of this Article, “comparable employment,” “comparable position” or vacancy shall be defined to include a position which has the same salary pay range and ~~the~~ educational and experience qualifications.

8.12 LAYOFF OPTIONS
Affected employees who have completed their probationary period shall have the following options:

8.12.1 Assume a Vacant Position

On a bargaining unit seniority basis, to assume a vacant position of equal or lesser rank, in accordance with Article 7.4.3.

8.12.2 Bump
Consistent with Article 8.2.3, laid off employees, including bumped employees, shall be allowed to bump less senior employees (by bargaining unit seniority) within their department in lower classifications.

An employee who has bumped shall move to the highest step of the new range that does not exceed their current salary.

If there is no employee in the next lower classification who is less senior than the person scheduled for layoff, that person may look progressively to the next lower classification for such bumping rights.

The employee who is bumped by the affected employee shall have the same rights under this Article.

8.12.3 Recall
If the affected employee elects not to take a vacant position or elects not to bump, then that employee will be placed on the recall list and will be eligible for recall under Article 8.14.

Nothing contained in this layoff section shall be construed to require the Employer to modify its position and classification structure in order to accommodate bumping or other re-employment rights.

Employees bumping to another position shall retain their old anniversary date for purposes of step increases. Persons recalled to the same salary range shall be placed in their former step and time in step.

8.13 REDUCTION HOURS/FTE
An employee will not be subject to an involuntary reduction in their FTE (i.e. less than full-time) absent notice and negotiation of the matter with the Guild. If the reduction results in hours less than their budgeted FTE, it will be considered a layoff and the affected employee shall have either the right to bump or go onto the recall list.

8.14 RECALL
Any reference to recall rights and recall lists pertains to both those employees who are laid off or on medical reinstatement, as below:

An employee who has been laid off shall be entitled to recall rights for a period of fourteen (14) months from the effective date of their layoff.

An employee who is placed on the medical reinstatement list shall be entitled to recall rights for a period of twenty-four (24) months from the employee's last date of employment. Recall under this provision requires that the individual has been certified as fit for duty or fit for duty

with reasonable accommodation by a medical health care provider statement. The department may, at its own expense, request a second opinion by another health care provider(s) or panel. Should the employee be certified as fit for duty, that employee shall then be considered as laid-off and the provisions of Article 8.16 shall apply. Should that certification occur during the last six (6) months of the twenty- four (24) month period, that employee shall be entitled to recall for a period of six (6) months from the date of that certification.

Employees recalled after the initial fourteen (14) month period shall be subject to the background check process.

If a vacancy occurs in a position, employees on the recall list shall be notified of such vacancies at the employee's address on file with the Human Resources Department. The vacancy will be filled, in accordance with seniority, among current employees and those on the recall list. If employees on the recall list elect not to accept an offer to return to work in the former or a comparable position or fail to respond within seven (7) consecutive days of the offer of recall, they shall be considered to have terminated or abandoned their right to re-employment and relinquished all recall rights. If employees on the recall list elect not to accept an offer of a non-comparable position, they may retain their recall rights for the balance of their recall period.

As long as any employee remains on the recall list, the Employer shall not newly employ by hiring persons into the affected bargaining unit classification(s), within their department, until all qualified employees holding recall rights to that affected classification have been offered recall.

8.15 VACATION & LEAVE CASH OUTS/PAY

Upon separation of employment, an Employee shall be paid for all unused, earned vacation leave, holiday leave and compensatory time, to the extent of established maximums. Sick leave balances at the date of layoff shall be restored upon re-~~-~~employment with the Employer from the recall list. No sick leave shall accrue during the period of time on the recall list / layoff.

8.16 UNEMPLOYMENT CLAIMS

If laid off employees apply for unemployment compensation benefits, the Employer will not contest the claim and will confirm that the employee was laid off.

ARTICLE 9 – WAGES

9.1 WAGE SCHEDULE

The monthly rates of pay (base wage) for each job title is reflected in the Police - Commissioned salary schedule. The Specialty and Premium pays are percentage increases that refer back to the salary schedules and are additive to the monthly base rate of pay.

9.1.1 Wage Adjustments

9.1.1.1 Effective January 1, 2026~~3~~, the monthly rate of Base Pay shall be increased by a two and seven tenths percent (2.7%)~~seven percent 7.0%~~ wage

adjustment An additional one and three tenths percent (1.3%)~~3.5%~~ market adjustment will be applied January 1st, 2026~~3~~.

9.1.1.2 Effective January 1, 2027~~4~~, the monthly rate of Base Pay shall be increased by a three and eight tenths percent (3.8%)~~three and one half percent (3.5%)~~ wage adjustment. ~~An additional one and one half percent (1.5%) market adjustment will be applied January 1st, 2024.~~

9.1.1.3 Effective January 1, 2028~~5~~, the monthly rate of Base Pay shall be increased by 100% of the 2027~~4~~ June CPI-W index for Seattle, Tacoma, Bellevue with a minimum increase of one percent (1%) and a maximum increase of five ~~four~~ percent (5~~4~~%)

Wages shall be retroactive to January 1, 2026. All employees active and working on the date the agreement is signed by all parties shall be eligible for retroactive amounts. Any such retroactive payments will be paid no later than the next paycheck following ninety (90) days from the effective date of this agreement.

~~In addition to the above increases, a one time increase of 2% to the base monthly rate will be applied to the Junior Corporal and Senior Corporal position effective January 1st, 2023.~~

9.1.2 Salary Schedules for each year of the CBA are provided in Appendix E.

9.1.3 An accreditation premium of 1% (one percent) will be added to the monthly rate of pay of the employee's current classification and shall be paid monthly for the duration of the contract.

9.2 HIRE-IN RATES

Starting Police Officer positions will be broken down into two categories:

9.2.1 Category I: Officers with prior experience. Prior experience is termed two or more complete years of work as a police officer in a police agency and the successful completion of the Washington State Basic Law Enforcement Academy or other acceptable and qualified academy certified by the Washington State Criminal Justice~~Law Enforcement~~ Training Commission. Officers who qualify for this position shall receive starting salary from the wage schedule as follows:

Complete Years Prior Experience	Starting Salary Level
2 years	Patrol Officer Step 3~~olice Officer IV~~
3 years	Patrol Officer Step 4~~olice Officer IV~~
4 or more years	Patrol Officer Step 5~~olice Officer III~~

9.2.2 Category II: Any starting officer who does not have prior experience. Officers in Category II shall receive starting Patrol Officer Step 1~~police officer~~ pay for one year before moving into Step 2~~the fourth class police officer position~~.

9.3 SPECIALTY PAY

9.3.1 K-9 Unit/Dog handler Classification: To compensate for time committed to "at home care" and all other functions related to the care and maintenance of a K-9 unit, the handler shall be compensated as follows:

9.3.1.1 The handler will receive 4% (four percent) premium pay added to the monthly rate of pay of the employee's current classification.

9.3.1.2 In addition, during duty days, one (1) hour of work time each day is dedicated to the care and maintenance of the K-9 dog which has been determined to be reasonable number of hours for the weekly care of the K- 9 dog.

9.3.2 Police Training Officers (PTO) will receive one (1) hour of overtime in addition to regular hours worked for each day that the PTO is engaged in training an officer.

9.3.3 Detectives, including assigned supervisors, shall receive a 5% (five percent) premium added to the monthly rate of pay of the employee's current classification. Detectives assigned to IFIT shall receive one (1) hour of overtime for each day they perform any substantive IFIT duties, including IFIT training. ~~All increases are retroactive and effective January 1, 2023.~~

9.3.3.1 For purposes of this subsection, "assigned to IFIT" means those detectives who are included on IFIT Command's approved IFIT roster as Investigators, Lead Investigators, and/or Supervisors, having met the requirements of IFIT and any applicable statutory and administrative rules. Detectives not assigned to IFIT who are called out to assist with basic investigative tasks, such as canvassing or scene security, are not eligible for IFIT specialty pay but remain eligible for any normal overtime compensation as required by the CBA.
9.3.3.2 The Chief of Police or their designee maintains the ability to approve compensation for other detectives not listed on the IFIT roster based on exigent circumstances and the significance of a detective's assigned role.
~~9.3.3~~ 9.3.3.3 For purposes of this subsection, "substantive IFIT duties" includes those tasks and responsibilities as assigned by an IFIT supervisor and/or commander directly related to an IFIT investigation and/or training.

9.3.4 Traffic Officers including assigned supervisors, shall receive a 4% (four percent) premium added to the monthly rate of pay of the employee's current classification. This premium includes a requirement for Traffic Officers to be on a rotational on-call schedule, provided that the schedule must be set for a minimum of five officer rotation which includes any assigned Corporal and no traffic officer shall be on-call more often than they would be if the traffic unit was fully staffed with five officers/Corporal.

9.3.5 ProAct Detectives~~Officers~~ including assigned supervisors, shall receive a 3% (three percent) premium added to the monthly rate of pay of the employee's current classification.

9.3.6 Training Unit Officers, including assigned supervisors, shall receive a 2% (two percent) premium added to the monthly rate of pay of the employee's current classification.

9.3.7 Community Service Unit Officers, including assigned supervisors shall receive a 2% (two percent) premium added to the monthly rate of pay of the employee's current classification.

9.4 LONGEVITY

9.4.1 Employees shall receive, in addition to their monthly base wage, the following longevity pay added to the monthly rate of pay of the employee's current classification, based upon their years of service for the Kirkland Police Department:

Years of Service*	Monthly Premium
5-9 years	2.5%
10-14 years	4.5~~0~~%
15-19 years	6.5~~0~~%
20-24 years	9~~8~~.0%
25 years or more	10~~9~~.0%

-Officers hired as Lateral Officers will receive credit for years of service as commissioned Police Officers towards their longevity years of service calculation

~~One-Time lateral credit – Effective January 1st, 2023, current members of the bargaining unit that were hired as laterals will have their years of service adjusted by the number of years of service they had as commissioned Police Officers prior to their hiring at the Kirkland Police Department. The Guild and the City will approve the list of officers eligible for the credit. The adjustment will take effect January 1st, 2023 and will not be retroactive prior to that date.~~

9.5 OUT-OF-CLASS PAY

An Officer assigned to the position of Acting Sergeant shall be paid 5% (five percent) premium pay for hours served in excess of two or more consecutive shifts. A Corporal assigned to the position of Acting Sergeant shall be paid 5% (five percent) premium pay for hours served in excess of eight (8) or more consecutive shifts. If the duration of the assignment is unknown at the onset, a Corporal will receive out-of-class pay after the consecutive shifts have been surpassed retroactive to the first day of the assignment. ~~The Senior Corporal will not be eligible for out-of-class pay for filling in as the acting Sergeant.~~

9.6 EDUCATION INCENTIVE

Employees with an AA degree and higher from an accredited institution will be eligible for an educational/performance incentive, as set forth below:

Education / Performance Premium

AA Degree (or 60 semester or 90 quarter college credits)	2%
BA/BS Degree	4.0%
Graduate Degree	4.5%

It is the employee's responsibility to have their diploma or transcripts provided from an accredited institution to the department time-keeper in order to be eligible for the Incentive. Education Incentive pay will begin the pay period following the Employer's receipt of appropriate documentation from the employee. For all new employees in the bargaining unit, the Employer shall, in writing, advise new employees of this education incentive, advise them of the acceptable form of documentation needed, and advise them that it is the employee's responsibility to provide appropriate documentation before they can receive the incentive pay. The Education Incentive shall be added to the monthly rate of pay of the employee's current classification.

9.7 PHYSICAL FITNESS INCENTIVE

Employees shall be eligible for physical fitness incentives as provided in Appendix A.

9.7.1: The Memorandum of Understanding between the parties regarding Working Out on Duty is incorporated herein by reference.

9.8 SHIFT DIFFERENTIAL

A premium of one percent (1%) will be added to the monthly rate of pay for employees who are assigned to the patrol night shift.

9.9 STRIP SEARCHES

The Employer acknowledges that strip searches are duties typically performed by corrections officers. In rare occurrences when no corrections officer is available, employees may be asked or required to perform strip searches of City of Kirkland jail inmates. Employees will receive training on conducting strip searches prior to being requested or required to perform a strip search. The Employer must seek volunteers from available fully-commissioned employees before requiring an employee to perform a strip search. As compensation for strip searches, an employee will receive one (1) hour of incentive pay (defined as time and a half) in addition to his or her regular hours worked for each strip search of an inmate, defined as someone needing to be booked or already booked into the City's jail. This section does not apply in patrol and/or investigations cases when a fully-commissioned officer would normally be expected to perform the search (e.g., upon getting a warrant for a strip search as part of an investigation). If the strip search requires a call-out, the Officer will be compensated according to Article 10.2, Call-Back Pay.

ARTICLE 10 – OTHER COMPENSATION

10.1 STANDBY PAY

Employees specifically pre-approved by command personnel to be ready reserve for a specific period of time shall be paid at the overtime rate for actual time worked. Standby shall not be subject to a three-hour minimum. Detectives who are assigned on-call status shall be provided a city take-home vehicle for each day so assigned. Detectives' compensation for standby assignment for the year is factored in-to the premium paid to the detectives as outlined in Article 9.3.

10.2 CALL-BACK PAY

All employees will respond to call-outs unless extenuating circumstances such as illness or other incapacitation prevent the employee from responding.

Full-time employees who are called back to work after leaving the job site shall receive a minimum of three (3) hours' pay at the overtime rate. When an employee is called out between shifts, the time worked between shifts shall be paid at the rate of one and one- half (1½) times the regular rate.

10.3 MILEAGE REIMBURSEMENT

All bargaining unit employees who are required to use their own vehicles for Employer business shall be reimbursed at the mileage rate set by the current policy for all miles driven on such business.

10.4 CLOTHING AND EQUIPMENT

10.4.1 The Employer shall continue to provide necessary uniforms and equipment. Detectives shall be provided an annual allowance for clothing of not less than three hundred dollars ($300) every six months. Clothing allowance shall be reflected as taxable income.

10.4.2 The Employer shall provide for the cleaning of uniforms/required work wear for employees. ~~The provisions for the cleaning of street clothing and/or clothing provided under Article 9 Section 1, excluding uniforms, shall be taxable to the employee in accordance with IRS rules.~~

10.4.3 In addition, the Employer agrees to replace or repair equipment or clothing belonging to the employee, which is damaged in the line of duty. Equipment or clothing shall be construed to mean items owned by the employee, which are required to perform their duties. To be considered for repair or replacement, equipment or clothing damaged in the line of duty must be submitted to the shift supervisor no later than the end of the Officer's next regular duty day, along with a written report and any documentation to support the cost of the damaged item.

ARTICLE 11 – HOLIDAYS

11.1 HOLIDAYS

Regular employees shall be granted the following holidays and other such days as the City Council may establish, without a reduction in pay:~~; non-regular employees shall receive the~~

~~following holidays without pay:~~

Holiday	Observed
New Year's Day	January 1
Martin Luther King Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19th
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Day after Thanksgiving
Christmas Day	December 25
Two (2) Floating Holidays	At employee's choice

11.2 HOLIDAY ELIGIBILITY AND HOLIDAY BANK~~and Holiday Bank~~

~~**11.2**~~ An employee must be employed for six (6) consecutive months in order to be eligible for their floating holiday. In selecting the Floating Holiday, the employee's choice will be granted, provided that prior approval is given by the immediate supervisor or a member of Command Staff. The Floating Holiday must be taken during the calendar year, or entitlement to the day will be forfeited.

Within thirty (30) days of ratification of this contract, all commissioned employees will have their annual holiday time pro-rated for any holiday time already used and all remaining holiday time will be loaded into the employee's Holiday Bank. Effective January 1st, 2024, all commissioned employees will have their holiday time front loaded in the first pay period of each calendar year. For a separating employee, any remaining floating holiday hours will be cashed out at the employee's regular rate of pay at separation. Any remaining holidays in the calendar year that occur after the employee's separation date will be deducted from the employee's holiday hours bank. If this results in a negative holiday hours balance (e.g., the employee has cashed out or used more hours than the holidays that have occurred in the year), they will have those hours deducted from their final paycheck at their regular hourly rate at the time of separation.

New employees will have their holiday time front loaded on a pro-rated basis with credit given for Holidays that occur after their start date. New employees will have their Floating Holiday hours added after six (6) months of employment.

Employees assigned to a four (4) day per week, ten (10) hours per day schedule will be given a bank of one hundred thirty (130) hours. Employees assigned to a five (5) day per week, eight (8) hours per day schedule will be given a bank of one hundred four (104) hours.

- SRO's will have either 130 or 104 hours of holiday leave depending on the work schedule they chose to work in September of the prior year (either 5-8's or 4-10's)
- K9 Officers will have 104 hours of holiday leave based on a 5-8 schedule.

11.3 HOLIDAY OBSERVANCE

~~**11.3**~~ Employees will observe the Holiday on the day the City observes the respective Holiday. Provided however, Patrol personnel will follow Article 11.1 and the holiday may be used on a regularly scheduled work day mutually agreeable to the employee and the employer. Patrol personnel and the K9 Officer who are authorized to take the holiday off may use either vacation, holiday, or compensatory leave banks.

All non-essential employees are required to take the holiday off on the city observed day, unless otherwise outlined in this contract. Employees required to take the day off must~~can~~ utilize Holiday bank hours or Compensatory Time bank hours. Any non-essential employee who has exhausted their holiday hours and personal holiday hours will be allowed to utilize their vacation bank. Any personnel who begin the year on patrol and/or K9 and later transition to a non-essential position (including modified duty, medical leave, or FMLA) may continue for the remainder of the year to utilize their vacation, holiday, or compensatory leave banks on holidays.

11.4 HOLIDAY ON DAY OFF When the Holiday falls upon the employee's day off, the Holiday may be used on a regularly scheduled workday mutually agreeable to the employee and the Employer.

11.5 HOLIDAY COMPENSATION

Employees who are assigned to work on the Holidays in Article 11.1 designated as the "Actual" date, (excluding Floating Holidays) shall be eligible for overtime compensation at one and one-half (1 ½) times the employee's hourly rate for the number of hours actually worked on the specified holiday. Employees who are called in to work on the Holiday (otherwise not regularly scheduled or required to work) shall be eligible for overtime compensation at two (2) times the employees' hourly rate for the number of hours worked on the specified holiday. Any non-patrol employee called in to work on the Holiday shall have their holiday hours returned to their holiday bank and used in accordance with Section 11.3.

11.5.1 *Holiday Compensation on the 4th of July*

Employees who sign up or are called in to work on the 4th of July (otherwise not regularly scheduled or required to work) shall be eligible for overtime compensation at two (2) times the employee's hourly rate for the number of hours worked on the 4th of July.

When a non-essential employee signs up or is called in to work on the 4th of July (otherwise not regularly scheduled or required to work) during their normal work hours, they will be paid two (2) times their hourly rate for the number of hours worked on the 4th of July and utilize holiday leave or comp time for the remainder of their workday.

When a non-essential employee signs up or is called in to work on the 4th of July (otherwise not regularly scheduled or required to work) outside of their normal work hours, they will utilize holiday leave or comp time for their normal hours and then be paid two (2) times their hourly rate for the number of hours worked on the 4th of July.

All 4th of July overtime that is scheduled by sign up must be pre-approved by the Chief of

Police or their designee.

11.6 HOLIDAY CASH OUT~~Holiday Cash Out~~

All commissioned employees are eligible to cash out their Holiday bank at the end of the calendar year. Holiday hours will be paid out on an annual basis, on the first pay day following January 1st, for all hours remaining in the Holiday bank on December 31st of the prior year. No holiday hours will rollover to the following year. Hours cashed out will be at the employee's regular rate of pay as of December 1st, of the calendar year in which the Holiday hours were received.

ARTICLE 12 – VACATION

12.1 VACATION ACCRUAL

Each regular full-time employee shall accrue vacation leave at the rate of 1/12 of annual vacation per month of service, based on the following schedule:

Years of Employment	Annual Vacation (Working Hours)
1st year of employment	104 hours
2 – 3 – 4 years	114 hours
5 – 6 – 7 years	138 hours
8 – 9 – 10 years	146 hours
11 – 12 – 13 years	154 hours
14 – 15 – 16 years	170 hours
17 – 18 – 19 years	186 hours
20-21-22-23-24~~th year and beyond~~	202 hours
25 years and beyond	220 hours

**-Officers hired as Lateral Officers will receive credit for years of service as commissioned Police Officers towards their vacation accrual level

~~One-Time lateral credit- Effective January 1st, 2023, current members of the bargaining unit that were hired as laterals will have their years of service adjusted by the number of years of service they had as commissioned Police Officers prior to their hiring at the Kirkland Police Department. The Guild and the City will approve the list of officers eligible for the credit. The adjustment will take effect January 1st, 2023 and will not be retroactive prior to that date.~~

12.1.1 Vacation leave cannot be accrued during any leave without pay, but such leave shall not be considered an interruption of consecutive years of employment for the purpose of determining entitlement to additional vacation days under the foregoing schedule.

Vacation leave shall not be accumulated in excess of three hundred (300) hours.

Employees are encouraged to utilize Vacation for appropriate time off and manage

vacation requests throughout the year. Any vacation leave accrued in excess of the maximums shall be forfeited and shall not form the basis for any additional compensation. Upon termination of employment for any reason, no payment for vacation accumulation shall exceed two hundred forty (240) hours.

Earned vacation leave may be taken at any time during a period of illness after expiration of sick leave. Taking leave without pay in any month shall result in pro-ration of vacation accruals for that month, calculated upon actual hours worked as a percentage of the total hours of the pay period.

12.2 VACATION UPON TERMINATION

Upon separation of employment, an Employee shall be paid for all unused, earned vacation leave, up to established maximums.

In no case will an employee be paid for accrued vacation upon separation if he/she has been employed by the City for less than twelve consecutive months.

ARTICLE 13 – SICK LEAVE

13.1 SICK LEAVE ACCRUAL

For LEOFF II Members of the Bargaining Unit:

13.1.1 After completion of the one year period, an employee's sick leave pay shall accrue at the rate of ten (10) hours of leave for each full calendar month of the employee's service in that classification. Any such leave accrued in any year shall be accumulative for succeeding years to a maximum of 1010 hours.

13.2 SICK LEAVE USAGE

Sick leave shall be available to employees after they have worked for a minimum of thirty (30) consecutive calendar days after the most recent date of hire.

13.2.1 Consistent with the confidentiality provisions of the Americans with Disabilities Act, and upon good cause, a health care provider's statement may be required.

13.2.2 Upon appointment as a police officer, an employee shall be credited with 96 hours of sick leave. If an employee terminates before the unearned sick leave hours used are repaid, the unearned sick leave time taken will be deducted from the final paycheck.

13.2.3 Conversion of Accrued Sick Leave cash out to Retiree Medical Trust~~Account~~: Upon retirement from City service, or as a result of a medical condition disqualifying from service, or after reaching age 50 and leaving City service, or upon death of an employee, the employer shall make contributions into the PORAC Retiree Medical Trust~~a qualifying trust or Retiree Medical Account~~, in an amount equal to fifty percent (50%) of the cash value of employee's accrued sick leave balance at the time of

retirement (accrued sick leave hours x regular rate of pay x 50%) and shall not exceed thirteen thousand five hundred dollars ($13,500)~~Twelve Thousand Dollars ($12,000)~~. The PORAC Retiree Medical Trust ~~trust~~ fund will be established in accordance with applicable ~~federal and state~~ laws, and the City shall contribute the monies on a pre-tax basis. ~~The monies contributed to the trust fund shall only be used for retiree insurance premiums or as otherwise provided by law.~~

13.2.4 Effective January 1, 2027, ~~T~~the City wi~~ll als~~o contribute a monthl~~y biannu~~al pre-tax amount of $50 per m~~onth~~300 for each individual member to the PORAC Retiree Medic~~al Trust~~ Account. In addition, each individual member will contribute a monthly pre-tax amount of $100 per month to the PORAC Retiree Medical Trust. The City's payment to the PORAC Retiree Medical Trust is in addition to the HRA (VEBA contributions mentioned in Appendix D. The details of this section are outlined in the PORAC Retiree Medical Trust Memorandum of Understanding attached to this Agreement.

One-Time Signing Bonus: As soon as administratively practicable upon initial set up of the PORAC Retiree Medical Trust, the City will contribute a one-time signing bonus amount of three hundred dollars ($300) for each individual member to the PORAC Retiree Medical Trust.

For the purpose of this Article, retirement shall be defined as either normal service retirement or voluntary termination in good standing after twenty (20) years of continuous service with the Kirkland Police Department.

13.3 SHARED LEAVE

The Employer may permit an employee to receive vacation or compensatory time consistent with the current Shared Leave policy.

13.4 COORDINATION – WORKERS' COMPENSATION

Workers' Compensation Supplement (LEOFF II). The City will provide a disability leave supplement for LEOFF II employees injured in the line of duty when such injury is directly related to the inherent dangers associated with employment in law enforcement. The supplement shall go into effect when an employee becomes eligible for State workers' compensation benefits and shall equal the difference between the State workers' compensation monthly payment and the employee's base monthly salary. This pay supplement shall continue as long as the employee is off work and receiving workers' compensation benefits.

In no event, shall the combination of Workers' Compensation, long term disability benefit, and this Workers' Compensation supplement exceed one hundred percent (100%) of the employee's regular salary.

While the Workers' Comp Supplement is governed by rules established and administered by DRS, employees are advised of the following current DRS practices, which are subject to change by DRS:

During the first 48 hours of disability leave, the wages are reported as L & I (60%) and Sick

Leave (40%). For the next six months, disability time is reported as L & I (60%), Sick Leave (20%) and Supplementary Disability (20%) as per RCW 41.04.510. The remaining disability time is reported as L & I (60%), Sick Leave (40%). Once accrued leave has been exhausted, the employee's obligation to turn Worker's Compensation checks over to the City shall cease and the City's obligation of salary to the employee shall be discontinued until the employee is released by the treating physician as fit for duty.

Time-loss payment from L & I are not subject to federal income or Social Security taxes. The Department of Retirement Systems considers 80% (L & I payment and supplemental disability) of your time not reportable hours for service credits. Employees have the option to request the reestablishment of these service credits by submitting a written request to DRS.

13.5 FAMILY MEMBER

Sick leave may be utilized as above for illness in the immediate family requiring the employee's attendance.

Immediate Family shall mean persons related by blood, marriage, or legal adoption in the degree of relationship of grandparent, parent, wife, husband, brother, sister, child, grandchild, or domestic partner (as defined by Employer Policy) and other persons with the approval of the City Manager or designee.

ARTICLE 14 – LEAVES OF ABSENCE

14.1 IN GENERAL

Leave of absence requests shall not be unreasonably denied. All leaves are to be requested in writing as far in advance as possible.

As appropriate for the type of leave requested, paid leave accruals will be exhausted~~utilized~~ prior to unpaid leave, unless otherwise provided for in this Agreement. This section does not apply to leaves of absence for military duty.

Leave does not accrue nor may it be used until the first day of the pay period in which it is earned (no "negative" leave use during the period in which it is earned).

14.2 JURY DUTY/COURT

An employee who is required to serve on Jury duty shall be authorized leave with pay, less any amount received from the court for such service, up to two (2) weeks.

14.3 MILITARY LEAVE

All regular employees shall be allowed military leave as required by RCW 38.40.060 and as interpreted by the Court. This provides for twenty one (21) working days of military leave per year (October 1 through September 30).

14.4 BEREAVEMENT

Employees shall be entitled to four (4) days Bereavement Leave without loss of compensation upon the death of a member of the Employee's immediate family. For the purposes of this

contract, immediate family shall be defined as stipulated in Article 13.5. All Bereavement Leave must be communicated through the Chain of Command to ensure applicability and make sure staffing concerns are addressed. Additional time off as may be required for travel or other circumstances may be granted if approved in advance by the employer. Such additional time shall be deducted from an accrued leave of the employee's choice.

14.5 MAINTENANCE OF SENIORITY

The Employer shall adjust the employee's anniversary date to reflect any period of unpaid leave of thirty (30) continuous days or more. Seniority shall continue to accrue and the employee's anniversary date shall not be adjusted for periods of legally protected leave, such as FMLA or military leave.

14.6 LEAVE WITHOUT PAY

Unpaid Leave of Absence shall be governed by existing City policies.

14.7 FAMILY LEAVE FMLA

Family Medical leave will be allowed consistent with State and Federal law and with existing City policies.

Under the terms of the Family and Medical Leave Act of 1993 (FMLA) and the state law, upon the completion of one (1) year of employment, any employee who has worked at least 1250 hours during the prior twelve (12) months shall be entitled to up to twelve (12) weeks of leave per rolling year for the birth, adoption or placement of a foster child; to care for a spouse or immediate family member with a serious health condition; or when the employee is unable to work due to a serious health condition. For purposes of this Article, the definition of "immediate family" will be found in Article 13.5.

The Employer shall maintain the employee's health benefits during this leave. If the employee fails to return from leave for any reason other than the medical condition initially qualifying for the FMLA absence, the Employer may recover from the employee the insurance premiums paid during any period of unpaid leave.

If a leave qualifies under both federal and state law, the leave shall run concurrently. Ordinarily, the employee must provide thirty (30) days written advance notice to the Employer when the leave is foreseeable. The employee should report qualifying events as soon as known and practicable.

The combination of FMLA and other types of leave(s) is not precluded and, in fact, leave utilizations are to be concurrent, with the intent that appropriate paid accruals are to be utilized first, consistent with other Articles of this Agreement. The Employee may elect to retain up to forty (40) hours of sick leave and up to forty (40) hours of vacation (prorated by their FTE) for use upon return to work, consistent with the process identified in the personnel policy. Upon the employee's election, any accrued comp time may be utilized prior to any period of unpaid leave.

14.8 MATERNITY LEAVE

Consistent with WAC 162-30-020, the Employer will grant a leave of absence for a period of

temporary disability because of pregnancy or childbirth. This may be in addition to the leave entitlements of FMLA.

This leave provides female employees with the right to a leave of absence equivalent to the disability phase of pregnancy and childbirth. There is no eligibility requirement, however the Employer has no obligation to pay for health insurance benefits while on this leave (unless utilized concurrent with FMLA).

Leave for temporary disability due to pregnancy or childbirth will be medically verifiable. There is no limit to the length of the disability phase, except for the right for medical verification and the right of second opinion at the employer's expense. At the end of the disability leave, the employee is entitled to return to the same job or a similar job of at least the same pay. Employees must use their accrued vacation and sick leave, if any, during the leave period and, at their election, any accrued comp time, consistent with the retention provision as provided in Article 14.7. Once this paid leave is exhausted, the employee's leave may be switched over to unpaid leave.

14.9 INCLEMENT WEATHER

Employee rights and responsibilities during severe weather and emergency or disaster conditions are covered by the current Inclement Weather Policy of the Employer. The goal shall be to continue to provide essential Employer services, consistent with public and employee safety and emergency operations priorities. Law enforcement is critical to these essential services and the expectation is that employees will report to duty as scheduled.

14.10 PAID FAMILY MEDICAL LEAVE

Eligible employees are covered by Washington's Family and Medical Leave Program, Title 50A RCW. Eligibility for leave and benefits, which began January 1, 2020, is established by Washington law and is therefore independent of this Agreement. Premiums for benefits are established by law. Both the Employer and Employees will be responsible for the statutory premium amounts assigned to them under RCW 50A.10.030. Employees will pay their portion of the premiums through payroll deduction.

ARTICLE 15 – HEALTH & WELFARE

15.1 MAINTENANCE OF BENEFITS

Medical Insurance - The Employer will offer a self-insured High Deductible Health Plan (HDHP) administered with coverages illustrated in Appendix C. The Employer will also offer a fully-insured HMO option through Kaiser Permanente (or its equivalent). During the duration of this agreement the Employer shall make every effort to maintain substantially equivalent benefits.

The Guild shall take part in and have an appointed representative on the Whole Health Committee. The purpose of the Committee is to monitor and evaluate the benefits costs and the plan designs.

The Committee representative shall have no authority to negotiate on behalf of the Guild any

changes to be scheduled or content of benefit plans. The Employer shall continue with collective bargaining obligations with the Guild, as currently exist under law for any such changes.

Participation in benefits shall be consistent with Article 15.2 of this Agreement.

15.2 HEALTH AND LIFE INSURANCE

Medical Insurance - The Employer shall pay each month one hundred percent (100%) of the premium necessary for the purchase of Employee coverage and one hundred percent (100%) of the premium necessary for the purchase of dependent coverage under the City of Kirkland self-insured HDHP Plan or Kaiser Permanente (or its equivalent) for each Employee of the bargaining unit.

Dental and Vision - The Employer shall pay each month one hundred percent (100%) of the premium necessary for the purchase of Employee coverage and one hundred percent (100%) of the premium necessary for the purchase of dependent coverage under Washington Dental Services (or its equivalent) or Willamette Dental (or its equivalent) and Vision Service Plan (or its equivalent).

Life Insurance - the Employer shall pay each month one hundred percent (100%) of the premium necessary for the purchase of Employee term life insurance coverage that has a policy value of two (2) times the annual base rate of pay of the Employee, up to a guaranteed issue amount of $250,000 subject to any restrictions outlined in the policy. The Employee is responsible for any taxes associated with this benefit.

15.2.1 The City agrees to continue payment of the City portion of the premium for the spouse and eligible dependents medical and dental premiums for a period of twelve (12) calendar months following the death of an active Police Officer whose death is the direct result of injuries incurred in the line of duty. In the event the surviving spouse remarries within that twelve (12) month period, the City payment of premiums shall cease with payment of the premium for the month in which the marriage occurs. The parties agree this provision shall specifically not apply to presumptive illnesses, which cause the death of the officer.

15.3 FLEXIBLE SPENDING ACCOUNT – FSA

The Employer participates in a special program under the provisions of IRS Section 125. Employees may voluntarily elect to participate in the reimbursement program to pay medical or dependent care expenses with pre-tax dollars. The Employer makes no contribution, makes no assurance of ongoing participation, and assumes no liability for claims or benefits. The City and the Union agree to reevaluate this benefit pending Cadillac Tax liability in the future.

Contributions to the flexible spending account can be made by the employee as a payroll deduction subject to the rules and limitations contained within the Internal Revenue Code.

15.4 RETIREE MEDICAL

Upon retirement from the City, LEOFF II bargaining unit members (Members) who have been employed with the City of Kirkland for five or more consecutive years prior to retirement may

participate in the City's self-insured HDHP plan at the rate established by the City for retirees or the City's Kaiser Permanente retiree plan at the retiree rate or HMO retiree plan at the retiree's own expense. Such participation is available only if the Member has met the retirement eligibility requirements for LEOFF II. Members may elect coverage for their eligible spouse/domestic partner and any eligible dependents. Coverage under this program ends when the Member becomes eligible for Medicare or chooses to be covered by another employer.

15.5 RETIREMENT

Pensions for employees and contributions to pension funds will be governed by applicable Washington State Statutes in relation thereto in existence during the contract period.

15.6 HEALTH REIMBURSEMENT ACCOUNT – HRA (VEBA)

The Employer will make contributions to a HRA (VEBA) in the amount of $1200 per year for employee only coverage or $2400 per year for family coverage if the employee enrolls in the City of Kirkland HDHP. These contributions are in addition to those in Article 13.2.3 and neither contribution requires participation in wellness activities. Contributions to the HRA (VEBA) will be made by the Employer (as outlined in Appendix D) and are subject to the rules and limitations contained within the Internal Revenue Code.

15.7 EMPLOYEE HEALTH CENTER

The Employer will contract with a vendor of their choosing to open and operate an On/Near-Site Health Center. The Health Center will be open to employees and their dependents who are covered under the Employer's Medical Plan. Services provided at the Health Center, per the contract with the vendor, will be at no cost to the employee. The Employer has full discretion to negotiate with the vendor on services provided, hours of operation, staffing, covered prescriptions, location, and all other stipulations in the contract with the vendor. The Employer reserves the right to terminate the contract with the vendor and discontinue offering this benefit to employees and their dependents at any time. If, during the term of the Agreement such termination should take place, either party may re-open Article 15 for bargaining.

15.8 PROFESSIONAL HEALTH SERVICES

The Employer will contract with a vendor of their choosing to provide Professional Health Services. The Professional Health Services vendor will be open to Employees, their spouses/domestic partners and children who are covered under the Employer's First Choice HDHP. Services provided by Professional Health Services, per the contact with the vendor, will be at no cost to the employee. The Employer has full discretion to negotiate with the vendor on services provided and all other stipulations in the contract with the vendor. The Employer reserves the right to terminate the contract with the vendor and discontinue offering this benefit to Employees and their dependents at any time.

ARTICLE 16 – TRAINING

16.1 TRAINING

Upon fourteen (14) days advance notice by the employer, an employee's shift may be modified for one or more weeks to four (4) ten (10) hour days or four (4) twelve (12) hour

days for in-service training, with a preference for a 4-10 training schedule. Overtime shall be compensated for in-service training when hours exceed the employee's regular scheduled workweek.

An employee attending full day or longer training courses shall be paid for their normal shift. Attendance at optional special training classes outside scheduled training hours shall not be compensated for unless specifically pre-approved by command staff.

Probationary employees who are in training may be transferred to their next duty assignment in accordance with Section 6.1.

16.2 TRAINING REIMBURSEMENT

Compensation associated with training or representation of the Employer on official business shall be consistent with the current policy and the Fair Labor Standards Act (FLSA) and WAC 296-128-500. Reimbursement of associated costs shall be consistent with City Policy.

ARTICLE 17 – LABOR/MANAGEMENT COMMITTEES

17.1 PURPOSE AND COMPOSITION OF COMMITTEES

The Executive Employee Relations Committee shall meet as needed at the request of either party. Meetings will be scheduled on mutually agreeable dates and times.

17.2 COMPENSATION

All meeting time spent by members of the joint Labor-Management Committee will be considered time worked if during duty hours and will be paid at the appropriate regular rate of pay.

ARTICLE 18 – HEALTH & SAFETY

18.1 SAFE WORKPLACE

The Employer is responsible for maintaining a safe and healthful workplace. The Employer shall comply with all federal, state, and local laws applicable to the safety and health of its employees.

Recognizing that danger is an inherent aspect of law enforcement work, Employees who have a reasonable basis for believing the assignment would constitute a danger to their health and safety, should report the concern. The employee shall immediately contact a supervisor who shall make a final determination with regard to safety. No directive shall be delayed pending such determination.

All on-the-job injuries, no matter how slight, must be reported. Employees must immediately notify their supervisor if they are unable to work because of a work-related injury or illness.

18.1.1 FIREARMS

No police officer shall be required to work without a firearm unless mutually agreed to the

contrary.

18.2 HEALTH & SAFETY PLAN
The Employer shall develop and follow written policies and procedures to deal with on--the-job safety and shall have effective safety and accident prevention plans in conformance with state (WAC 296-800) and federal laws.

18.3 DRUG FREE WORKPLACE
The City and the Guild agree to abide by the City of Kirkland Police Department Substance Abuse Policy that is attached as Appendix B.

18.4 WORKPLACE VIOLENCE
The employer is committed to employee health and safety. Workplace violence, including threats of violence by or against a City employee, will not be tolerated and should be immediately reported whether or not physical injury occurs, except those in the course and performance of law enforcement duties.

ARTICLE 19 – GRIEVANCE PROCEDURE

19.1 GRIEVANCE DEFINED
A grievance means a claim or dispute by a grieved employee, group of grieved employees, or the Guild Executive Board with respect to the interpretation or application of the provisions of this agreement.

19.1.1 Reference to days in this Article shall refer to calendar days.

19.2 GRIEVANCE PROCEDURE
Notification: In the event that an employee believes that the City is operating in violation of this agreement, the employee may notify his immediate supervisor.

19.2.1 Filing Formal Grievance: Within fourteen (14) days after the employee first becomes aware or reasonably should have become aware of the violation, a written grievance shall be submitted to the Lieutenant. This notification must be signed by the employee and must state the issue, section of the agreement violated, facts giving rise to the grievance, and the remedy sought. This notification will be forwarded through the chain of command and will be designated as receipted, based on the date stamp of the authority designated at the appropriate step of the grievance.

19.2.2 It is agreed that taking a matter to a hearing before the Civil Service Commission constitutes an election of remedies and a waiver of any duty arising under this agreement to enter into binding arbitration. Similarly, upon the subsequent filing of an action as described above, a grievance, previously filed, shall be deemed withdrawn.

19.2.3 Step 1: The Lieutenant shall respond in writing within fourteen (14) days. If the action taken by the Lieutenant corrects the alleged violation to the satisfaction of the presenting party, the grievance shall be deemed resolved. In the event the presenting party(s) do not feel the

alleged violation has been corrected to their satisfaction, the presenting party(s) shall proceed to Step 2 within seven (7) days.

19.2.4 Step 2: The Deputy Chief shall respond in writing within fourteen (14) days of receipt and date stamp of the grievance. If the action taken by the Deputy Chief corrects the alleged violation to the satisfaction of the presenting party, the grievance shall be deemed resolved. In the event the presenting party(s) does not feel the alleged violation has been corrected to their satisfaction, the presenting party(s) shall proceed to Step 3 within seven (7) days.

19.2.5 Step 3: Upon receiving a written grievance from an employee or the Guild, the Chief of Police shall attempt to resolve the grievance within fourteen (14) days. If the Chief of Police is unable to resolve the grievance to the satisfaction of the presenting party(s), the grievance, together with all other pertinent materials, shall be presented to the City Manager, and the presenting party shall be notified in writing. In the event the presenting party(s) does not feel the alleged violation has been corrected to their satisfaction, notice may be given and the grievance shall proceed to Step 4 within seven (7) days.
~~(7) days.~~

19.2.6 Step 4: Upon receiving a written grievance, the City Manager or designee shall attempt to resolve it within thirty (30) days. If the grievance is not resolved by the City Manager or designee, the presenting party(s) will be notified in writing. In the event the Guild does not feel the alleged violation has been corrected to their satisfaction the grievance may, within thirty (30) calendar days, be referred to arbitration by the Guild.

19.2.7 Binding Arbitration: For grievances related to employee discipline the parties shall request PERC to assign an arbitrator in accordance with RCW 41.56.070 within fourteen days following the Guild's request for the discipline to be reviewed. For all other arbitration if agreement cannot be reached as to an arbitrator for the matter within fourteen (14) days of notice of the desire to proceed, the parties shall jointly request the American Arbitration Association to provide a panel of eleven (11) arbitrators from which the parties may select one. Within thirty (30) days after receipt of the panel of arbitrators, the representatives of the Employer and the Guild shall alternately eliminate the name of one person from the list until only one name remains. The person whose name was not eliminated shall be the arbitrator. The party requesting arbitration shall have thirty (30) days to contact the arbitrator to obtain dates for the hearing. It shall be the function of the arbitrator to hold a hearing at which the parties may submit their cases concerning the grievance. The arbitrator shall render their decision based on the interpretation and application of the provisions of this agreement within thirty (30) days after such hearing. The decision shall not add to, modify, or delete any provision of the agreement; and it shall be final and binding upon both parties to the grievance provided the decision does not involve action by the Employer, which is beyond its jurisdiction.

The expenses of the arbitration hearing shall be borne equally by the Employer and the Kirkland Police Guild. Each party shall be completely responsible for all costs of preparing and presenting its own case, including compensating its own representatives and witnesses. If either party desires a record of the proceedings, it shall solely bear the cost of producing such a record. The time limits in this Article may be extended by mutual agreement of the parties.

19.3 GUILD/EMPLOYER GRIEVANCE

Either the Guild or the Employer may initiate a grievance.

The Employer may not grieve the acts of individual employees, but rather, only orchestrated acts or actions of authorized representatives believed to be in conflict with this Agreement. An Employer grievance will not be subject to Arbitration and may only go to mediation upon mutual agreement.

The Guild may initiate a Grievance at Step 2 anytime that it involves a group of employees from different workgroups. Such grievances may be referred to mediation services by mutual agreement prior to Arbitration.

19.4 SCHEDULE OF MEETINGS

Consistent with Article 4.8, grievance investigations and meetings on duty time shall be subject to prior notice and approval. If authorization cannot be immediately granted, the Employer will arrange to allow investigation of the grievance at the earliest possible time.

ARTICLE 20 – NO STRIKE / NO LOCKOUT

20.1 NO STRIKE / NO LOCKOUT

It is understood and agreed that the services performed by City employees included in this Agreement are essential to the public health, safety, and welfare. Therefore, the employees agree that there shall be no strikes, slowdowns, or stoppage of work, or any interference with the efficient operation of the Police Department. Violation of this article shall subject the employee to disciplinary action or discharge.

The Employer shall not lockout any employee during the life of this Agreement.

ARTICLE 21 – MANAGEMENT RIGHTS AND RESPONSIBILITIES

21.1 MANAGEMENT RIGHTS AND RESPONSIBILITIES

Any and all rights concerned with management and operation of the Department are exclusively that of the Employer unless otherwise provided by the terms of this agreement. The Employer has the authority to adopt rules for the operation of the department, provided such rules are not in conflict with the provisions of this Agreement or with applicable law. The Employer has the right, among other actions, to discipline or discharge for cause, to assign duties customarily performed by police officers, to determine the required number of personnel, to determine new work methods, to contract for goods and services, and to perform all of the functions not otherwise expressly limited by this Agreement or other applicable law.

Nothing in this agreement is intended to, nor shall be deemed to be in conflict with RCW 41.12 (Civil Service for City Police), and the Kirkland Civil Service Commission Rules and Regulations. Nothing herein shall be construed to be a waiver of the Guild's right to engage in collective bargaining or to affect the enforceability of any provisions of this contract.

21.2 INSURANCE
Consistent with existing Kirkland Municipal Code provisions, the City shall secure and maintain with responsible insurers such false arrest, malicious prosecution and liability insurance as is customarily maintained by public bodies with respect to the operation of police departments, all to the extent that such insurance can be secured and maintained at reasonable costs. The coverage to be so provided shall, to the extent available, be substantially equal to such coverage provided by the City immediately prior to the effective date of this agreement.

Such insurance shall include coverage for punitive damage awards made against an officer resulting from conduct found to be within his or her scope of duty or, the City may self-insure. Should a damage award result from conduct found to be outside the officer's scope of duty, including but not limited to punitive damages, the City and its insurer will not be responsible for payment of that award. Each allegation or cause of action for conduct complained of will be analyzed separately in determining whether the conduct was within or outside the officer's scope of duty for the purposes of this Article. A determination by the City Manager that conduct was outside of the officer's scope of duties is final but may be reviewed only by an action in King County Superior Court.

ARTICLE 22 – GENERAL PROVISIONS

22.1 SAVINGS CLAUSE
If any provision of this agreement shall be held invalid by operation of law, or any tribunal of competent jurisdiction, or if compliance or enforcement of any provision should be restrained by such tribunal pending final determination as to its validity, the remainder of this agreement shall not be invalid and will remain in full force and effect. Provided that should either party so request, the parties shall enter into immediate collective bargaining negotiations for the purpose of arriving at a mutually satisfactory replacement of such invalid provision.

ARTICLE 23 – ENTIRE AGREEMENT

23.1 DURATION CLAUSE
Except as otherwise stated herein, this agreement shall become effective on signature by both parties but not earlier than January 1, 2026~~3~~ through December 31, 2028~~5~~. In the event negotiations for a new agreement have not been completed by the termination date of this agreement, the provisions contained in this agreement shall remain in effect until the conclusion of the negotiations for a new agreement.

23.2 ENTIRE AGREEMENT
This agreement expressed herein in writing constitutes the entire agreement between the parties and there shall be no amendments, except in writing and with the agreement of both parties.

SIGNATURES

Dated this _____ day of _____, 2026~~3~~

CITY OF KIRKLAND;

By:_____
Kurt Triplett, City Manager

KIRKLAND POLICE GUILD;

By:_____
Brian Frankeberger, President

As Negotiated:

By:_____
Lauren Knox~~Truc Dever~~, Interim Human Resources Director

Approved as to Form:

By:_____
Darcey Eilers, ~~Assistant~~ City Attorney

Appendix "A"
to the
AGREEMENT
by and between
City of Kirkland
and
The Kirkland Police Guild
(Representing the Law Enforcement Commissioned Employees)

PHYSICAL FITNESS INCENTIVE PROGRAM

This Appendix is supplemental to the AGREEMENT by and between the CITY OF KIRKLAND, WASHINGTON, hereinafter referred to as the "Employer", and the Kirkland Police Guild - Commissioned, hereinafter referred to as "Guild."

A.1 A mutual goal of the Employer and the Guild is to encourage good physical fitness. The parties agree that an acceptable level of physical fitness is an essential function of the job of a Police Officer. The purpose of this program is to promote the physical capability of the commissioned members of the Kirkland Police Department and to enhance the members' general physical fitness level.

A.2 Pursuant to Article 9.7 of the Collective Bargaining Agreement between the parties, the information contained in this appendix shall serve as the rules and regulations of a physical fitness program and the procedures by which the program shall be administered.

A.3 Both parties agree that participation in the physical fitness program is voluntary. The Employer and the Guild encourage participation in the fitness program by members. Training, exercising, and general conditioning in preparation to take the physical fitness test shall be on an individual and voluntary basis without compensation. The Employer agrees to offer the physical fitness test twice per year in 2026, 2027, and 2028~~2023, 2024, and 2025~~, once in the spring and once in the fall of each year. The test will be conducted during work hours and the testing dates will be published to the members by January 31 of each year. This on-duty status during the testing process shall protect members against loss of pay for time off work due to any injury sustained while participating in the fitness test. Members who wish to participate in the fitness test shall be required to sign the general liability waiver set forth in A.8.

A.4 The fitness test shall be comprised of three core components—push-ups, sit-ups, and 1.5 mile run. This "Cooper" test is modified for age/gender and is set forth in Section A.7 of this Appendix. The components are generally designed to measure aerobic/cardiovascular endurance, and upper/lower body muscular strength. A member

must satisfy the standards of each test component in order to qualify for the monetary incentive; i.e., failing one component of the test constitutes overall failure. A member shall be allowed one opportunity to pass the various fitness test components during the test.

A.5 The cycle year for the physical fitness incentive program is December 1st – November 30th.

A.6 ~~In 2007, the fitness test was offered once in the fall. Members who successfully passed the fitness test received an incentive pay of $550 as a lump-sum payment on the November 23rd paycheck. In January, 2008, the $550 converted to a physical fitness incentive equal to one (1%) percent of the monthly rate of base pay for remainder of the cycle year. After that time, the~~ The test will be offered twice each cycle year and it is the individual employee's responsibility to be trained and available for one of the scheduled opportunities. Individual tests will not be arranged. In this manner, a commissioned employee would have two opportunities (spring and fall) to successfully pass the test, which would ensure the 1% fitness incentive for the following cycle year. An employee who fails to pass either test shall be eligible to receive the 1% up until November 30th. He/she may take the test the following year, but upon passing, the 1% incentive pay shall be effective at the commencement of the next cycle year, December 1st.

A.7 **Physical Fitness Test Description**

The physical fitness test shall be comprised of the following components. The results of these tests shall be made available to the Employer.

Employee Age:	**20 – 29**	**30 – 39**	**40 – 49**	**50 – 59**
1.5 mile run				
Male	12:51	13:36	14:29	15:26
Female	15:26	15:57	16:58	17:54
Push-ups (1 minute)				
Male	29	24	18	13
Female	15	11	9	5
Female (modified)	23	19	13	12

- The body should be straight and the hands about shoulder width apart
- The body should remain rigid throughout the down phase; with the chest coming to within 3 inches of the floor. (The tester can place a foam block on the floor beneath the participant's chest)
- From the down phase, the participant must return to the up position with the arms straight
- The participant is only permitted to rest in the up position
- The total number of push-ups which the participant performs in 1 minute are counted

- Females may choose to use the modified push-up (knees on ground with feet up in the air)

Sit-ups (1 minute)				
Male	38	35	29	24
Female	32	25	20	14

- The participant lies on the back with the knees flexed at a right angle. The hands, with fingers interlocked, are placed at the back of the neck.
- A partner sits on the participant's insteps with his/her hands placed behind the subject's calf muscles to keep the heels in contact with the floor
- The participant sits up to touch the knees with the elbows
- Without pause, the participant returns to the starting position just long enough for his/her head (not just shoulder blades) to touch the mat and immediately sits up again

A.8 Physical Fitness Test General Liability Waiver Form

City of Kirkland

Kirkland Police Department—Fitness Ability Test

I hereby acknowledge that the format of the City of Kirkland Fitness Ability Test has been explained to me and I understand that the purpose of this test is to measure my fitness ability in my current position as a commissioned Police Officer for the City of Kirkland.

I also acknowledge that participation in the Fitness Ability Test is totally voluntary and, while I may be permitted to participate in the test on compensable duty time, I am under no compulsion or directive to do so.

I certify that to the best of my knowledge, I am fit to undertake the activities involved in the test and have no physical impairment or medical condition which would preclude my completion of the test. I have had the opportunity to consult my personal physician and have done so or chosen not to. I understand that the tests are strenuous and hold the potential for serious injury or death. I understand that I may stop the test at any time and that the persons administering the test may discontinue it at any time they have a reasonable basis for belief that continuation of the test could be detrimental to my health. Discontinuance may prevent successfully passing the test, consistent with Section A.4.

I assume full and complete responsibility for undertaking the test and I hereby release the City of Kirkland, its officers, employees, and agents from any responsibility or liability for any loss or damage arising from the bodily injury relating to my participation in the test, except for any loss or damage arising solely from the negligence of the City of Kirkland, its officers, employees, or agents.

_____
Name (print)

_____
Signature

_____
Date

Appendix "B"
to the
AGREEMENT
by and between
City of Kirkland
and
The Kirkland Police Guild
(Representing the Law Enforcement Commissioned Employees)

SUBSTANCE ABUSE POLICY

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POLICIES AND PROCEDURES FOR DRUG/ALCOHOL TESTING AND TREATMENT

These policies and procedures have been agreed to by the parties and shall become a part of the current labor agreement between the City of Kirkland and the Police Guild. All applicable articles of the contract shall apply to these policies and procedures.

A. PURPOSE

The City of Kirkland recognizes that employees are our most valued resource. The goal of this policy is to ensure a substance abuse free workplace providing prevention, training and rehabilitation for employees. In order to protect the health, welfare, and safety of its employees, and the citizens whom they serve, the following policy regarding substance abuse in the work place is adopted.

B. POLICY

1. It is the policy of the City of Kirkland to provide an alcohol and drug-free workplace for its employees.

2. The City's philosophy on substance abuse is to emphasize prevention, training, rehabilitation, and recovery from substance abuse. Counseling and support will be made available through an Employee Assistance Program, and the employees' right to privacy will be respected at all times.

3. It is the responsibility of the City and the Guild to preserve and protect public trust, public safety, and fitness for duty.

4. It is the responsibility of all employees to report for duty and be able to perform their jobs safely and effectively, unimpaired by drugs, alcohol, or any other intoxicating substance.

5. The possession, manufacture, use, distribution, or sale of alcohol, unlawful drugs or drug paraphernalia on City premises or while on duty is prohibited.

C. APPLICABILITY

This policy applies to all bargaining unit employees through the rank of Sergeant.

D. DEFINITIONS

For purposes of this policy, the following terms have the meanings indicated:

1. Alcohol use means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

2. Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of Federal, State, or City drug laws.

3. Counseling means participation in a substance abuse treatment or rehabilitation program provided through the City of Kirkland's Employee Assistance Program (EAP).

4. Criminal drug statute means a criminal law involving the manufacture, distribution, dispensing, use, or possession of any controlled substance.

5. Medical Review Officer (MRO) is a licensed physician selected by joint agreement between the parties to receive positive drug test results from the laboratory, analyze and interpret the results, and report to the employer those results as outlined in Section I of this policy.

6. Prohibited Substances are those substances, whose dissemination is regulated by law, including, but not limited to narcotics, depressants, stimulants, hallucinogens, cannabis, and alcohol. For the purpose of this policy, substances that require a prescription or other written approval from a licensed health care provider or dentist for their use shall also be included when used other than as prescribed. The drugs and/or their metabolites that are included in these categories are as follows:

   a) marijuana
   b) cocaine
   c) opium or opiates
   d) phencyclidine (PCP)
   e) amphetamines
   f) or methamphetamines

7. Reasonable suspicion means facts and circumstances sufficiently strong to lead a reasonable person to suspect that the employee is under the influence of drugs and/or alcohol which is corroborated by a second individual other than the designated Guild representative.

8. Representation mean Employee's right to Guild or legal representation at testing sites and at any subsequent disciplinary action related to implementation of substance abuse procedures.

9. Substance abuse means the use of a substance, including medically authorized drugs other than as prescribed for the user, which impairs job performance or poses a hazard to the safety and welfare of the employee, the public or other employees.

10. Substance Abuse Professional (SAP) is a licensed physician, psychologist, social worker, employee assistance professional, or addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol-related disorders.

11. Unreasonable delay means a delay of the testing procedure for a period of time, as defined by the collection site or laboratory personnel, which would render the test useless or inaccurate.

E. EDUCATION

Pursuant to the provisions of the Drug-Free Workplace Act of 1988, the City will establish an education and training program to assist employees to understand and avoid the perils of drug and alcohol abuse. The City will use this program in an ongoing educational effort to prevent and eliminate drug and alcohol abuse that may affect the workplace.

The City's program will inform employees about:

a) The dangers of drug and alcohol abuse in the workplace;
b) The City's policy of maintaining a drug- and alcohol-free workplace;
c) The availability of drug and alcohol treatment, counseling and rehabilitation programs; and
d) The penalties that may be imposed upon employees for drug and alcohol abuse violations.

As part of its program, the City shall provide educational materials that explain the City's philosophy regarding drug and alcohol use, requirements of applicable regulations, and the City's Substance Abuse policy and procedures. Employees shall be provided with information concerning:

a) The effects of alcohol and drug use on an individual's health, work and personal life;
b) Signs and symptoms of an alcohol or drug problem; and
c) Available methods of intervening when an alcohol or drug problem is suspected, including confrontation and/or referral to management.

In addition to the training above, the City shall provide training to supervisors who may be asked to determine whether reasonable suspicion exists to require an employee to undergo drug and/or alcohol testing. The supervisory training shall include training on alcohol abuse and drug use. This training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol abuse and drug use. Supervisors who have not received the initial training described above will not be asked to determine whether reasonable suspicion exists to initiate drug/alcohol testing. However, these supervisors may request another supervisor who has undergone this training to make the determination

F. EMPLOYEE RIGHTS AND RESPONSIBILITIES

1. The City shall not require an employee to undergo a drug and/or alcohol test unless there is reasonable suspicion to indicate the employee is under the influence of a substance which causes the employee to pose a hazard to the safety of the employee, the public, or other employees. However, an

employee may be required to undergo a re-examination drug and/or alcohol test as provided in Section J.2. of this policy.

2. It is the employee's responsibility to report for duty, able to perform his/her job safely and effectively, unimpaired by drugs, alcohol, or any other intoxicating substance.

3. Employees are responsible for:
   a) Obtaining from their health care provider adequate information about the effects of prescription medication on job performance; and
   b) Promptly notifying his/her supervisor of same; OR
   c) Promptly notifying his/her supervisor of the effects on job performance of over-the-counter medication being taken.

4. Employees are prohibited from possessing, manufacturing, using, distributing, or selling alcohol, controlled substances or drug paraphernalia on City premises or while on duty. For purposes of this policy, "on duty" time includes meal and break periods during the work day.

5. Employees are encouraged to request assistance with drug use and/or alcohol abuse problem(s), with the understanding that a voluntary request for assistance will not be used as the basis for disciplinary action. However, a request for assistance shall not be used to exempt employees from job performance requirements.

6. In accordance with the Drug-Free Workplace Act of 1988, an employee who is convicted of a violation of a criminal drug statute shall notify the City's Human Resources Director no later than 5 days after such conviction. For purposes of this policy, a criminal drug statute means a criminal law involving the manufacture, distribution, dispensation, use, or possession of any controlled substance.

7. Employees have the right to challenge the results of any tests and any discipline imposed in accordance with the Grievance procedure of their labor contract. Employees who dispute the results of a drug test may have their split sample tested at their cost at another DHHS-certified laboratory. This request must be made within 72 hours of notification of a positive drug test result by the MRO.

8. Employees having knowledge of another employee's condition/behavior that poses a potential threat to the safety of employees and/or the public are to notify their immediate supervisor.

9. Employees who are required to undergo a drug and/or alcohol test will be provided transportation to the collection facility and shall also be offered transportation home by a Department representative. If suspected of being

impaired, the employee will be advised against driving him/herself home or otherwise operating a motor vehicle.

10. Employees may have a Guild representative present at the collection facility. However, the lack of Guild representation shall not cause unreasonable delays in the collection process.

11. Employees shall fully cooperate in the collection process.

G. DETECTION

1. Reasonable Suspicion. Once the steps outlined in the attached "Supervisor's Guidelines" are followed, an employee may be required to undergo a drug and/or alcohol test when reasonable suspicion exists to indicate that the employee is under the influence of a prohibited substance.

2. The decision to conduct a drug and/or alcohol test shall be made by the reporting supervisor and the highest-ranking supervisor on duty. For purposes of this policy, acting officers are considered supervisors. The higher of the two supervisors will make timely notification of the situation to the department head or the department head's management level designee, and the Human Resources Director his/her designee. Refusal to submit to a drug and/or alcohol test authorized by this policy shall be grounds for discipline, up to and including discharge.

3. Searches

   a) The Department has the right to search, without employee consent, City-owned property to which the employee has no reasonable expectation of privacy. These areas may include office space, desks, file cabinets and the like, that several different individuals may use or access. A reasonable expectation of privacy shall exist in personal containers marked and locked inside an Officer's desk drawer.

   b) If the employee's consent to search is first obtained, the Department shall have the right to search (1) City-owned property to which the employee has a reasonable expectation of privacy, and (2) private property belonging to the employee, such as a personal equipment bag, briefcase, or private vehicle. If such consent is given, the employee shall have the right to Guild representation during the search. City-owned areas where the employee has a reasonable expectation of privacy are the employee's personal lockers.

   c) If the Department requests the employee's consent to search, the Department shall first inform the employee that:

(1) The Department has reasonable suspicion to suspect that evidence exists within the area or item to be searched which could be used in disciplinary and/or legal proceedings against the employee; and

(2) The employee has the right to Guild representation during the search if consent is given; and

(3) Refusal to give consent to search will not be considered by the Department to be an admission of guilt or cause for disciplinary or retaliatory action.

d) An employee's refusal to give consent to search shall not preclude the Department from contacting the police authority having jurisdiction to conduct a search according to and in the manner authorized by law.

4. Possession, manufacture, distribution or sale of alcohol, drugs, or drug paraphernalia on City property or during work time is expressly prohibited and may provide a basis for discipline under department rules and regulations, but shall not in and of itself constitute cause for drug and/or alcohol testing under this policy. For purposes of this policy, work time includes meal and break periods or any other time when the employee is on paid status. Alcoholic beverages that are properly stored, unopened, in the trunk of an employee's vehicle will not be considered a violation of this policy. Any illegal drugs and/or drug paraphernalia coming into the City's possession will be turned over to the police authority having jurisdiction.

H. TESTING PROCEDURES

1. Drug and alcohol testing shall be conducted in a manner designed to protect employees, protect the integrity of the testing process, safeguard the validity of test results, and ensure that those results are attributed to the correct employee. The City and Guild agree that if the security of the urine or blood sample is compromised in any way, any positive test shall be invalid and may not be used for any purpose.

2. Employees who are required to undergo a drug and/or alcohol test will be provided transportation to the collection facility and shall also be offered transportation home by a Department representative.

3. Employees may have a Guild representative present at the collection facility. However, the lack of Guild representation shall not unreasonably delay the collection process.

4. Employees required to undergo a drug and/or alcohol test shall cooperate fully in the collection process and complete all required forms and documents. These forms may include a Consent/Release form and an Interview form.

5. Urine samples for drug testing shall be collected at a collection site designated by the City and Guild using the split sample collection method. The split sample is made available if re-testing becomes necessary. Any specimen that tests positive for drugs shall be retained in long-term frozen storage by the laboratory conducting the analysis for a minimum of one year.

6. If medical personnel at the collection site have reason to believe that an adulterated or substituted sample has been provided (or that the employee may alter or substitute the sample), the employee will be required to submit a second sample (or the original sample). This collection shall be under the direct observation of a same gender collection site staff person. The employee will be required to provide the additional or original sample during an observed collection prior to leaving the collection site.

7. An approved chain of custody procedure shall be followed in the administration of all drug tests. Urine samples shall be sealed and initialed by the employee and a witness.

8. Urine samples shall be promptly sent to and tested by a laboratory that is certified to perform drug tests by the Department of Health and Human Services (DHHS). Initial drug screening shall be conducted using an accepted immunoassay method. All positive tests shall be confirmed using the gas chromatography/mass spectrometry (GC/MS) drug testing method. The laboratory shall test for only the substances and within the limits as follows for the initial and confirmation tests, as provided within NIDA standards, unless this section is modified by amended agreements provided for in Section L.3.:

a) Initial Tests

(1) Alcohol	.02 g/210 ml expired air
(2) Marijuana metabolites	50 ng/ml
(3) Cocaine metabolites	300 ng/ml
(4) Opiate metabolites (1)	300 ng/ml
(5) Phencyclidine	25 ng/ml
(6) Amphetamines	1000 ng/ml

(7) If immunoassay is specific for free morphine the initial test level is 25 ng/ml.

b) Confirmatory Test

(1) Alcohol	.02 g/210 ml expired air
(2) Marijuana metabolites	15 ng/ml
(3) Cocaine metabolites	150 ng/ml
(4) Opiates	
(a) Morphine	300 ng/ml

(b) Codeiiene	300 ng/ml
(c) Phencyclidine	25 ng/ml
(d) Amphetamine	500 ng/ml
(e) Methamphetamine	500 ng/ml

9. Alcohol shall be tested by means of Portable Breathalyzer Test (P.B.T.), Breathalyzer machine currently in use (B.A.C.), or future equipment which may supersede the B.A.C. machine. Breathalyzer alcohol tests shall be conducted in private at the collection site designated by the City and the Guild. The testing shall follow the protocols established for criminal investigations, including the requirement of two breath samples within the proper variance. If the use of the P.B.T. device results in alcohol concentration of 0.02 or greater, a separate test utilizing the B.A.C. will be required. If the B.A.C. test indicates an alcohol concentration of 0.02 or greater, a second test shall be performed to confirm the results of the first B.A.C. test at the election of the employee. The confirmatory test shall also use a 0.02 blood alcohol concentration level to measure a positive test. If the Employee refuses to take the second confirmatory test, the first B.A.C. test will be used to determine alcohol concentration.

10. Upon written request by the employee, the City shall make one legible copy of the results of his/her drug and/or alcohol tests available to the employee.

11. All information collected in the process of conducting a drug and/or alcohol test shall be treated as confidential information. These files shall be separate from the personnel file and sealed and maintained in a secure medical file.

12. Employees who refuse or fail to fully cooperate in the collection process may be subject to discipline up to and including discharge. Examples of a failure to fully cooperate include such actions as, refusing to sign the necessary consent/release forms; delaying and/or obstructing the collection process; failing to provide the specimen for testing; and attempting to substitute or adulterate a specimen. The foregoing list is not intended to be an all-inclusive list. City management shall, in all circumstances, have the final right to determine the appropriate level of discipline depending on the specific circumstances, the employee's performance record, and any other pertinent facts.

I. REPORTING OF RESULTS

1. The City shall have a designated Medical Review Officer (MRO) who must be a licensed physician with knowledge of substance abuse disorders and familiar with the characteristics of the laboratory tests (sensitivity, specificity, and predictive value). The role of the MRO will be to review and interpret the positive drug test results.

2. Alcohol Test Results. Laboratory or collection site personnel will report the test results to the City's Human Resources Manager, or his/her designee. The

Human Resources Director will promptly advise the appropriate Department Head of these test results. If the confirmation test meets or exceeds 0.02 g/210 ml expired air, the laboratory or collection site personnel shall report to the Human Resources that the employee tested positive for alcohol. If the test result is below 0.02 g/210 ml expired air, the laboratory or collection site personnel will report to the Human Resources Director that the employee tested negative for alcohol.

3. Drug Test Results. Laboratory personnel will advise the Human Resources Director, or his/her designee directly of all negative drug test results. The Human Resources Director will promptly advise the appropriate Department Head of these test results.

   The laboratory will advise only the MRO of any positive drug test results. The MRO must examine alternate medical explanations for any positive test results. This process shall include an interview with the affected employee and a review of the incident file, employee's medical history and any other relevant biomedical factors. The MRO must review all medical records made available by the tested employee when a confirmed positive test could have resulted from legally prescribed medication. Employees involved in this step of the examination shall make themselves and any relevant records they wish to present available to the MRO within 48 hours after request.

   After reviewing the incident file and interviewing the employee, the MRO shall report to the City's Human Resources Director or his/her designee the name of the employee, and whether a positive test of a prohibited substance has been verified. The Human Resources Director shall promptly notify the appropriate Department Head of the test result.

4. Rehabilitation Program. If the tested employee is referred on to rehabilitation or treatment, the MRO is authorized to communicate specific results to the Substance Abuse Professional (SAP) or counselor overseeing the employee's treatment program.

5. Grievance. The laboratory and/or the MRO will be authorized to release specific test results to the City and the Guild in cases of a grievance and/or a legal challenge.

J. REHABILITATION AND RETURN TO DUTY

1. The City recognizes that substance abuse can be successfully treated, enabling an employee to return to satisfactory job performance. Employees who are concerned about their own drug use and/or alcohol abuse are encouraged to voluntarily seek assistance through the City's EAP. All such voluntary requests for assistance will remain confidential.

2. Any employee who tests positive for a prohibited substance or is otherwise required to submit to a drug and/or alcohol test by this policy shall be

medically evaluated, counseled, and treated for rehabilitation as recommended by the SAP. If the employee is required to participate in such a program, his/her reinstatement or continued employment shall be contingent upon:

a) Successful completion of the program and remaining drug- and/or alcohol-free for its duration; and
b) Passing a return to duty drug and/or alcohol test as recommended by the SAP; and
c) Obtaining a final release for duty by the SAP (the final release for duty may be preceded by a temporary release for duty).

3. Employees who successfully complete a rehabilitation program and are released for duty, in addition to being subject to reasonable suspicion testing at any time, will be subject to follow up testing, which involves unannounced drug and/or alcohol testing at least 6 times during the following 24 months. The SAP will determine the dates for these drug and/or alcohol tests. These test dates will be communicated to the Human Resources Director who will inform the employee of those dates. The appointment for the collection will be made in advance and maintained in a confidential manner by the Human Resources Director until the day of the collection. The Human Resources Director shall provide the supervisor with adequate notice of the test dates. The employee will <u>not</u> be notified until just prior to the testing. The employee may request a Guild representative to accompany him/her to the collection site, provided the sample is collected within two (2) hours following notification.

4. Upon notification of selection for the follow up tests, the employee must proceed directly to the collection site for testing. At this time, the employee will receive an Employee Notification of Scheduled Drug/Alcohol Test letter from the designated contact. The employee will be required to sign this letter and a Consent/Release form. The employee must present photo identification to collection site personnel. The Human Resources Director or his/her designee will retain a copy of all the forms.

5. Refusing to submit to a return to duty or a follow up test will be considered grounds for discharge. If the selected employee fails to report to the collection site within 2 hours of notification of testing, this will also be considered grounds for disciplinary action up to and including discharge.

6. If an employee voluntarily enters a drug/alcohol rehabilitation program, it shall not be considered an offense under this policy. Such employees are, however, still subject to this policy and may be required to undergo a drug and/or alcohol test if reasonable suspicion exists.

7. All appointments with the SAP may be scheduled as vacation or leave without pay with prior approval of the supervisor, Department Head, or management designee. The SAP will contact the Department Head or his/her designee to make a recommendation as to the need for further treatment. Once vacation leave is exhausted, the employee will be placed on leave without pay. The Department Head or his/her management level designee shall maintain confidentiality regarding the reason for the leave.

8. The employee will be responsible for all costs, not covered by insurance, which arise from such treatment.

9. Once an employee has tested positive for substance abuse and the MRO has notified the City, the employee will be placed on leave status (vacation, holiday leave bank, compensatory time or leave without pay). The employee will remain on leave until s/he has a release for duty from the SAP <u>and</u> has passed a return to duty drug and/or alcohol test as recommended by the SAP. The release for duty may be a temporary or final release as described below depending on the circumstances.

10. <u>Temporary Release for Duty</u>. The SAP shall sign a temporary release for duty indicating that the employee can satisfactorily return to regular work assignment and continue treatment on an outpatient basis. The temporary release for duty shall indicate the length of time such release is valid not to exceed 4 months. The employee must present a final release for duty on or before the expiration date of the temporary release. A temporary release shall include follow up testing. The employee must present both the temporary and final release for duty to his/her supervisor.

11. <u>Final Release for Duty</u>. A final release for duty shall be signed by the SAP indicating that the employee has:
    a) Satisfactorily completed treatment and follow up testing; or
    b) Does not require treatment at this time, and the employee may return to regular work assignment without restrictions. Failure to provide a final release for duty to the supervisor may result in disciplinary action up to and including discharge.

12. Once an employee provides the supervisor with the final release for duty the employee shall be returned to his/her regular duty assignment. After three years of no further violation of this policy, the employee's personnel file shall be purged of any reference to the incident, including any disciplinary actions taken, provided, however, records may be retained beyond 3 years when retention is required by applicable law. Should applicable law require retention of records past 3 years, and if allowed by such law, such records shall be sealed and may not be opened without consent of the employee.

13. If an employee tests positive during the 24-month period following rehabilitation on a reasonable suspicion drug or alcohol test, the employee will be subject to discipline, up to and including discharge.

14. If an employee tests positive during the 24-month period following rehabilitation on a random drug or alcohol test, the employee will be placed on leave without pay during the period the SAP makes a decision on the need for further treatment. The employee will remain on leave without pay during any treatment period and until they have provided the employer with a return to duty form signed by the SAP. If such an employee completes the return to duty process and again tests positive on either a reasonable suspicion or random drug or alcohol test, they shall be subject to discharge.

K. RANGE OF CONSEQUENCES

1. Employees who violate this policy will be subject to a range of disciplinary consequences depending upon the severity of the infraction and/or the employee's past performance record. In all cases, the City reserves the right to determine the appropriate disciplinary measures, which may be more or less severe than those included in this guideline. The following list of actions and the related consequences is intended as a guideline only, and further, is not intended to be an all-inclusive list of possible disciplinary consequences.

2. If an employee has an alcohol concentration of 0.02 or greater in any authorized alcohol test, and/or tests positive for drugs and/or their metabolites in any authorized drug test and it is the employee's *first offense*, then s/he shall be referred to the EAP for counseling and/or completion of a substance abuse treatment or rehabilitation program. However, if an employee violates a work rule in conjunction with failing a drug and/or alcohol test, then s/he may be subject to disciplinary action. The City shall have the right to take disciplinary action, up to and including discharge, based on the severity of the incident and/or the employee's past record.

3. Employees will be subject to disciplinary action, up to and including discharge, for any of the following infractions:
   a) Refusal to submit to an authorized drug and/or alcohol test. Refusal to submit to testing means that the employee fails to provide an adequate urine or breath sample for testing without a valid medical explanation after s/he has received notice of the requirement to be tested or engages in conduct that clearly obstructs the testing process. Refusal to submit to testing includes, but is not limited to, refusal to execute any required consent forms, refusal to cooperate regarding the collection of samples, refusal or failure to provide necessary documentation to the MRO when requested, and/or submission or attempted submission of an adulterated or substituted urine sample.

b) Drinking alcoholic beverages or using drugs while on duty, on City property, in City vehicles, or during breaks and/or meal periods during work hours.

c) Unlawful manufacture, distribution, dispensation, possession, concealment or sale of any controlled substance, including an alcoholic beverage, while on duty, on City property, in City vehicles, or during breaks and/or meal periods during work hours.

d) Any criminal drug statute conviction and/or failure to notify the City of such conviction within 5 days.

e) Failure to complete a counseling, treatment, or rehabilitation program as prescribed by the SAP.

f) Testing positive on a return to duty.

g) Any two failures on follow up drug and/or alcohol testing during the 24 month following rehabilitation.

h) Failure to report to a collection site within two (2) hours of notification for return to duty or follow up testing.

i) Second offense – alcohol concentration of 0.02 or greater in any reasonable suspicion authorized alcohol test, and/or testing positive for drugs and/or their metabolites in any authorized reasonable suspicion drug test.

j) Employee's failure to participate in the temporary and/or final releases for duty testing in a timely manner.

4. Although the foregoing infractions will ordinarily result in discharge regardless of the employee's position, the City reserves the right to consider extenuating circumstances and to impose lesser discipline when such action is deemed appropriate.

L. OTHER

1. The City shall pay for initial costs of the substance abuse examination including the expenses of the Medical Review Officer.

2. This policy was initiated at the request of the City and the Employer shall assume sole responsibility for the administration of this policy. The City agrees to indemnify and hold the Guild and its officers harmless from any and all claims of any nature (except those arising from the negligence of the Guild and/or its officers) arising from the Employer's, laboratories', or Medical Review Officer's implementation of this policy.

3. The parties recognize that during the life of this agreement there may be improvements in the technology of testing procedures which provide more accurate testing for on-the-job impairment, or which constitute less invasive procedures for the employees. In that event, the parties will bargain in good faith whether to amend this procedure to include such improvements. If the parties are unable to agree, the issue will be submitted to impasse procedures under RCW 41.56.

4. If any provision of this Agreement shall be held invalid by operation of law, or any Tribunal of competent jurisdiction, or if compliance or enforcement of any provision should be restrained by such Tribunal pending final determination as to its validity, the remainder of this Agreement shall not be held to be invalid, and will remain in full force and effect, and the parties, upon request of one to the other shall initiate immediate negotiations for the purpose of arriving at a mutually satisfactory replacement of such provision.

5. The following attachments shall be a part of this Policy: Supervisor's Guidelines, Report Form, Interview Form, Consent/Release Form.

M. SUPPORTIVE DOCUMENTS:

POLICIES AND PROCEDURES FOR DRUG/ALCOHOL TESTING AND TREATMENT SUPERVISOR'S GUIDELINES

The primary goal of the Substance Abuse Policy is to provide a working and service delivery environment free from the effects of alcohol/drug abuse. The supervisor's role is to identify employees who may be a threat to the safety and welfare of the employee, other employees, and the public by being under the influence of drugs and/or alcohol while on-duty. Such employees *must* be removed from the workplace.

Follow the steps below to ensure that you are proceeding correctly. It is important that proper procedures are followed to preserve the privacy of the individual and to comply with legal and contractual requirements.

1. Contact your appropriate command staff and explain the situation.

2. Your supervisor will:
   a) Advise you of what appropriate action to take regarding your status as the shift supervisor.

b) Notify the Chief of Police and the Human Resources Director (or their designees) in a timely manner, then join you at your location to assist you and corroborate your observations during the interview.

3. Prepare yourself for an interview with the employee by completing the Report Form. Refer to Attachment 1 for descriptions of physical and behavioral signs which may indicate substance abuse.

4. After your supervisor has arrived, advise the employee you wish to interview him/her and provide a private location to conduct the interview.
   a) Be sure to advise the employee that you suspect him/her of being under the influence of a prohibited substance (defined in the policy) and that s/he may have a Guild representative present during the interview.
   b) Do not argue with a belligerent or threatening employee. Advise him/her that his/her cooperation during the interview and testing procedure (if warranted) are direct orders and that continued disruptive behavior, preventing completion of the interview, shall be the same as refusal to submit to testing and shall be cause for discipline (cooperation *does not* mean that any employee must give facts or evidence which may incriminate himself/herself).
   c) Complete the Interview Form with your supervisor.

5. Review the relevant information with your supervisor. If your supervisor decides that the test is required, relieve the employee of duty, with pay, during the course of the exam and MRO review.

6. Have the employee sign a Consent/Release Form.
   a) Read the form to the employee and direct him/her to sign it. Do not alter the form in any way.
   b) Be sure, if the employee has declined Guild representation, that s/he understands that s/he may choose to have a Guild representative accompany him/her to the testing facility.
   c) If the employee refuses to sign the form, advise him/her that this is a direct order and that failure to comply shall be cause for discipline.
   d) Issue a second order for the employee to sign the consent form. If s/he still refuses, relieve the employee of duty, with pay, explain that disciplinary action may follow. You or your supervisor will transport the employee home. (No employee suspected of impairment from alcohol/drug abuse shall be allowed to drive.)

7. Your supervisor shall transport the employee to the testing facility and wait at the testing facility until the testing is completed.

8. When the exam is completed, your supervisor will:
   a) Reconfirm with the employee that s/he has been relieved of duty, with pay, and

b) Advise the employee that s/he will be contacted by the MRO to review the results (if positive), and
c) Advise the employee that s/he will be contacted by the department advising him/her how to return to duty, and
d) Drive or arrange transportation for the employee home. Do not return the employee to a City facility.

9. Once the employee has been sent home, your supervisor will:
   a) Gather copies or originals of the Report Form, Interview Form, Consent/Release Form, and any other written notes or reports and forward them to the Police Chief and Human Resources Manager.

City of Kirkland police Department
Substance abuse Policy
CONSENT/RELEASE FORM

I consent to the collection of urine, a blood and/or expired air sample by _____and its analysis by _____for those drugs, alcohol, and or controlled substances specified in the Collective Bargaining Agreement pursuant to the Substance Abuse Policy agreed to between the City of Kirkland and the Kirkland Police Guild.

The laboratory administering the tests may release the results to the Medical Review Officer (MRO), who shall release his/her conclusions to the employer after review and interpretation. If I test positive, I agree to make any requested records and myself available to the MRO within 48 hours of such request. The information provided to the employer from the MRO shall be limited to whether the tests were confirmed positive or negative, and no other test results will be released, except as provided herein, without my written consent. The laboratory will advise the employer's representative whether the initial alcohol screen is positive or negative.

I understand that I have the right to my complete test results and that the laboratory will preserve the sample for at least one year. If I test positive, I have the right to have the split sample tested at my expense at a second DHHS-certified laboratory of my choice. I understand that I must request such test of the split sample within 72 hours of notification of a positive test result by the MRO.

I understand that the Employer is requiring me to submit to this testing as a condition of my employment and that if I tamper with, alter, substitute, or otherwise obstruct or fail to cooperate with the testing process, I will be subject to disciplinary action up to and including termination.

I further understand that a confirmed positive test will result in actions taken by the employer and for the employee which are consistent with the City's policies and procedures for substance abuse testing and treatment.

I understand that the employer will administer the Policy consistent with federal and state constitutional and statutory requirements. Also, by signing this consent form, I am not waiving the right to challenge any confirmed positive test result and any Employer action based thereon. In order to pursue any challenge related to this test, I will, however, be required to authorize the laboratory and MRO to release to my Employer and the Guild any information relating to the test or test results. Further, I understand that my employer may require that I participate in a treatment or rehabilitation program. If required to do so, I authorize the laboratory and MRO to release any information relating to the test or test results to the Substance Abuse Professional (SAP) or treatment counselor. My signature below indicates my consent for release of this information.

Employee Signature_____Date_____

City of Kirkland police Department
Substance abuse Policy
REPORT FORM

This form must be filled out prior to any drug/alcohol testing. Review Supervisor's Guidelines before completing this form. The information contained on this form is confidential and shall be viewed only by necessary supervisory/managerial employees, the testing facility, MRO, and the employee being interviewed/tested. When this form is completed and signed, make one copy of the form and distribute as follows: Original to Police Chief, Copy attached to consent form.

Employee Name:_____

Speech: _____

Dexterity: _____

Standing: _____

Walking: _____

Judgment: _____

Decision-making: _____

Appearance (eyes, clothing, etc.):_____

Odor: _____

Other: _____

Location where these were observed: _____

Time of observation: _____

Witnesses: _____

Supervisor's Signature_____ Date / Time: _____

City of Kirkland police Department
Substance abuse Policy
INTERVIEW FORM

Name of Employee _____

I understand that I am entitled to Guild representation during this meeting and during any subsequent meetings or at testing facilities. I understand that I am being ordered to answer these questions and that if I refuse to answer these questions, I am subject to discipline up to and including termination. I do or do not (please circle one) want a representative at this time. I understand that I am entitled to Guild representation at any time whether I choose to have one now or not.

Employee signature: _____

1. I (we) have noticed (describe behavior/evidence) _____
   _____
   _____
2. Do you have any explanation?_____
   _____
   _____
   _____
3. Are you using any type of illicit drug or alcohol? _____
   If yes, what?_____
   When did you take it? _____
   Where did you take it? _____
   How much did you take? _____
   Do you have any drugs/alcohol in your possession at work? ____ (if yes, get agreement to confiscate)

Based on the interview and the completed Report Form, I believe the employee should be tested for drugs and/or alcohol.

Dated _____
Supervisor (position)_____ Agree ____ Don't Agree
Witness* (position) _____ Agree ____ Don't Agree

*Witness is an individual other than the designated Guild representative.

City of Kirkland police Department
Substance abuse Policy
Exhibit 1

Listed below are some behavioral descriptions which may guide the supervisor in determining whether an employee is "under the influence" of a prohibited substance. There is no one behavior which is unique to drugs/alcohol. Almost every behavior/sign can also be associated with medical or emotional problems such as high blood pressure, diabetes, thyroid disease, psychiatric disorders, epilepsy, head injury, emotional problems, stress, etc. Even so, a supervisor usually knows the employee's "normal" behavior and must try and distinguish alcohol and/or drug abuse from other problems.

Supervisors should be aware that the following physical, behavioral, or performance symptoms may indicate drug/alcohol abuse:

a) Either very dilated or constricted pupils

b) Hyperactivity

c) Unsteady gait

d) Irritability

e) Slurred speech

f) Anxiousness

g) Wide mood swings

h) Odor of alcohol

i) Overreaction to criticism

j) Staggering

k) Listlessness

l) Illogical speech and thought process

m) Unusual/abnormal behavior

n) Poor judgment

o) Avoiding others/withdrawal

p) Sudden increase in absenteeism

Appendix "C"
to the
Agreement
by and between
City of Kirkland
and
The Kirkland Police Guild
Commissioned Staff
January 1, 2026~~3~~ through December 31, 2028~~5~~

High Deductible Health Plan

This Appendix is supplemental to the AGREEMENT by and between the CITY OF KIRKLAND, WASHINGTON, hereinafter referred to as the "Employer", and the Kirkland Police Guild – Commissioned Staff, hereinafter referred to as the "Guild".

C1.

MEDICAL BENEFITS		
Carrier	Healthcare Management Administrators (HMA)	
General Plan Information	**In-Network**	**Out-of-Network**
HRA Enrollment Contributions Individual	$1,200	
HRA Enrollment Contributions Family	$2,400	
Annual Deductible/Individual	$1,500	$1,500
Annual Deductible/Family	$3,000	$3,000
Office Visit - Primary Provider	80% after deductible	60% after deductible
Office Visit - Specialist	80% after deductible	60% after deductible
Annual Out-of-Pocket Limit/Individual	$2,500	$2,500
Annual Out-of-Pocket Limit/Family	$5,000	$5,000
Deductible & Copays Included in OOP	Yes	Yes
Lifetime Plan Maximum	Unlimited	Unlimited
Routine Preventive Exam	100% (subject to schedule limitations)	60% after deductible (in-network limitations apply)
Diagnostic X-Ray & Lab-Professional	80% after deductible	60% after deductible
Diagnostic X-Ray & Lab-In-patient	80% after deductible	60% after deductible
Diagnostic X-Ray & Lab-Out-patient	80% after deductible	60% after deductible
Inpatient Hospital Services	80% after deductible	60% after deductible
Outpatient Surgery	80% after deductible	60% after deductible
Emergency Room	80% after deductible	80% after deductible
Urgent Care Facility	80% after deductible	60% after deductible
Mental Health Benefits		
Inpatient Care	80% after deductible	60% after deductible
Outpatient Care	80% after deductible	60% after deductible
Retail Prescription Drugs		
Generic	$4 copay	Not covered
Brand Formulary	$15 copay	Not covered
Brand Non-Formulary	$35 copay	Not covered
# of Days Supply	34 days	Not applicable
Mail Order Prescription Drugs		
Generic	$8 copay	Not covered
Brand Formulary	$30 copay	Not covered
Brand Non-Formulary	$70 copay	Not covered
# of Days Supply	90 days	Not applicable

C2. The HDHP was implemented on January 1, 2016 and the coinsurance on most services is 20%. See Appendix C1.

C3. As of January 1st, the deductible and out-of-pocket maximum will reset each plan year.

C4. An employee that elects to waive their medical coverage with the City will receive $100/month that will be added to their paycheck. An employee is eligible for the waiver if and only if their spouse/domestic partner is not an employee of the City, and they have provided the City with proof of other coverage.

C5. As of January 1, 2016, the out-of-pocket maximum for prescription drug carve out plan will be capped at $4,100 for individuals or $8,200 for family. This is separate from and does not count toward the HDHP medical plan deductible or out of pocket maximum.

Appendix "D"
to the
Agreement
by and between
City of Kirkland
and
The Kirkland Police Guild
Commissioned Staff
January 1, 2026~~3~~ through December 31, 2028~~5~~

Health Reimbursement Account – HRA (VEBA)

This Appendix is supplemental to the AGREEMENT by and between the CITY OF KIRKLAND, WASHINGTON, hereinafter referred to as the "Employer", and the Kirkland Police Guild – Commissioned Staff, hereinafter referred to as the "Guild".

D1. Employees who enroll in the HDHP will receive contributions deposited into their HRA (VEBA) in the second payroll in January and the second payroll in July through the duration of the contract. Employees who leave employment prior to July 1st are not eligible for the second contribution.

D2. HRA (VEBA) contributions will be made bi-annually, in the amounts of $600 for individuals or $1,200 for families. The total annual contribution that will be made is $1,200 for individuals or $2,400 for family. For purposes of HRA (VEBA) administration "family" is defined as employee plus one or more individual.

D3. Any employee hired after January 1st who enrolls in the HDHP will receive prorated contribution amounts based on the quarter in which the employee is eligible for benefits. The contribution will be deposited concurrent with the second payroll of the month in which their benefits become effective.

Hire Date	Individual Coverage	Family Coverage
January 1st – March 31st	$600	$1,200
April 1st – June 30th	$300	$600
July 1st – September 30th	$600	$1,200
October 1st – December 31st	$300	$600

D4. An employee and spouse/domestic partner who are both employed by the City cannot enroll in separate family plans.

Effective 1/1/2026
2.7% COLA + 1.3% market adjustment

City of Kirkland
Appendix E
2026 Police Commissioned Salary Table

GROUP /BU	JOB CLASS	Job Title	RATE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
PDCM	5018	Patrol Officer	HOURLY	$ 48.38	$ 52.38	$ 55.33	$ 59.22	$ 63.08
PDCM	5018	Patrol Officer	MONTHLY	$ 8,386.22	$ 9,079.12	$ 9,591.20	$ 10,265.28	$ 10,934.13
PDCM	5018	Patrol Officer	ANNUAL	$ 100,634.68	$ 108,949.38	$ 115,094.44	$ 123,183.33	$ 131,209.53
PDCM	5054	Training/SRO/CRO/NRO Officer	HOURLY	$ 56.44	$ 60.40	$ 64.34		
PDCM	5054	Training/SRO/CRO/NRO Officer	MONTHLY	$ 9,783.03	$ 10,470.58	$ 11,152.81		
PDCM	5054	Training/SRO/CRO/NRO Officer	ANNUAL	$ 117,396.33	$ 125,647.00	$ 133,833.72		
PDCM	5055	ProAct Detective	HOURLY	$ 56.99	$ 61.00	$ 64.97		
PDCM	5055	ProAct Detective	MONTHLY	$ 9,878.94	$ 10,573.24	$ 11,262.15		
PDCM	5055	ProAct Detective	ANNUAL	$ 118,547.27	$ 126,878.83	$ 135,145.82		
PDCM	5051	K-9 Officer	HOURLY	$ 57.55	$ 61.59	$ 65.60		
PDCM	5051	K-9 Officer	MONTHLY	$ 9,974.85	$ 10,675.89	$ 11,371.49		
PDCM	5051	K-9 Officer	ANNUAL	$ 119,698.22	$ 128,110.66	$ 136,457.91		
PDCM	5050	Traffic Officer	HOURLY	$ 57.55	$ 61.59	$ 65.60		
PDCM	5050	Traffic Officer	MONTHLY	$ 9,974.85	$ 10,675.89	$ 11,371.49		
PDCM	5050	Traffic Officer	ANNUAL	$ 119,698.22	$ 128,110.66	$ 136,457.91		
PDCM	5052	Detective	HOURLY	$ 58.10	$ 62.18	$ 66.23		
PDCM	5052	Detective	MONTHLY	$ 10,070.76	$ 10,778.54	$ 11,480.83		
PDCM	5052	Detective	ANNUAL	$ 120,849.16	$ 129,342.50	$ 137,770.01		
PDCM	5053	Family Violence Officer	HOURLY	$ 58.10	$ 62.18	$ 66.23		
PDCM	5053	Family Violence Officer	MONTHLY	$ 10,070.76	$ 10,778.54	$ 11,480.83		
PDCM	5053	Family Violence Officer	ANNUAL	$ 120,849.16	$ 129,342.50	$ 137,770.01		
PDCM	5158	Patrol Corporal	HOURLY	$ 67.56	$ 69.55			
PDCM	5158	Patrol Corporal	MONTHLY	$ 11,711.12	$ 12,056.23			
PDCM	5158	Patrol Corporal	ANNUAL	$ 140,533.41	$ 144,674.74			
PDCM	5154	Training/CSU Corporal	HOURLY	$ 68.91	$ 70.94			
PDCM	5154	Training/CSU Corporal	MONTHLY	$ 11,945.34	$ 12,297.35			
PDCM	5154	Training/CSU Corporal	ANNUAL	$ 143,344.08	$ 147,568.23			
PDCM	5155	ProAct Corporal	HOURLY	$ 69.59	$ 71.64			
PDCM	5155	ProAct Corporal	MONTHLY	$ 12,062.45	$ 12,417.92			
PDCM	5155	ProAct Corporal	ANNUAL	$ 144,749.41	$ 149,014.98			
PDCM	5150	Traffic Corporal	HOURLY	$ 70.26	$ 72.33			
PDCM	5150	Traffic Corporal	MONTHLY	$ 12,179.56	$ 12,538.48			
PDCM	5150	Traffic Corporal	ANNUAL	$ 146,154.75	$ 150,461.73			
PDCM	5152	Detective Corporal	HOURLY	$ 70.94	$ 73.03			
PDCM	5152	Detective Corporal	MONTHLY	$ 12,296.67	$ 12,659.04			
PDCM	5152	Detective Corporal	ANNUAL	$ 147,560.08	$ 151,908.48			
PDCM	5108	Patrol Sergeant	HOURLY	$ 74.13	$ 76.10			
PDCM	5108	Patrol Sergeant	MONTHLY	$ 12,850.54	$ 13,191.50			
PDCM	5108	Patrol Sergeant	ANNUAL	$ 154,206.48	$ 158,297.96			
PDCM	5104	Training/CSU Sergeant	HOURLY	$ 75.62	$ 77.62			
PDCM	5104	Training/CSU Sergeant	MONTHLY	$ 13,107.55	$ 13,455.33			
PDCM	5104	Training/CSU Sergeant	ANNUAL	$ 157,290.61	$ 161,463.92			
PDCM	5105	ProAct Sergeant	HOURLY	$ 76.36	$ 78.38			
PDCM	5105	ProAct Sergeant	MONTHLY	$ 13,236.06	$ 13,587.24			
PDCM	5105	ProAct Sergeant	ANNUAL	$ 158,832.67	$ 163,046.90			
PDCM	5100	Traffic Sergeant	HOURLY	$ 77.10	$ 79.15			
PDCM	5100	Traffic Sergeant	MONTHLY	$ 13,364.56	$ 13,719.16			
PDCM	5100	Traffic Sergeant	ANNUAL	$ 160,374.74	$ 164,629.88			
PDCM	5102	Detective Sergeant	HOURLY	$ 77.84	$ 79.91			
PDCM	5102	Detective Sergeant	MONTHLY	$ 13,493.07	$ 13,851.07			
PDCM	5102	Detective Sergeant	ANNUAL	$ 161,916.80	$ 166,212.86			

Memorandum of Understanding by and between City of Kirkland and The Kirkland Police Guild Commissioned Staff January 1, 2026 through December 31, 2028

PORAC Retiree Medical Trust (RMT)

This Appendix is supplemental to the AGREEMENT by and between the CITY OF KIRKLAND, WASHINGTON, hereinafter referred to as the "Employer", and the Kirkland Police Guild – Commissioned Staff, hereinafter referred to as the "Guild".

A. Participation. The Guild will establish participation in a retiree medical plan administered by the PORAC Retiree Medical Trust, and the cost of establishing the Trust shall be at no cost to the Employer. The Employer is not a party to the Trust, aside from transferring funds, and has no obligations to the management, regulatory compliance or performance of the Trust.

B. Payroll Contributions to the PORAC Retiree Medical Trust. The Employer will comply with rules and policies set by the Trust Office in regard to payment of contributions.

   a. Employer Contributions. Effective January 1, 2027, the Employer will transfer a monthly pre-tax employer contribution of $50.00 per month for each employee in the bargaining unit.

   b. Employee Contributions. Effective January 1, 2027, each Employee in the bargaining unit will make a pre-tax contribution of $100.00 per month to the PORAC Retiree Medical Trust.

   c. Retirement Credit. The contributions shall be included as salary for purposes of calculating retirement benefits, to the extent allowed by law.

   d. Remittance of Employee and Employer Contributions. The contributions discussed in this section shall be paid by ACH transfer or other appropriate method to the Trust's bank account in accordance with the rules set by the Trust Office.

   e. Deadline to Remit Employee and Employer Contributions. The contributions discussed in this Section B shall be remitted to the Trust as required herein no later than 30 days after the payroll payment date.

   f. Late Contributions. If the contributions required under this MOU are paid later than the 90th day after the payroll payment date to which the contributions are related, interest will be charged to the Employer on all contributions at the rate provided by applicable law, for the period starting with the payroll payment date.

C. Reporting and Audit Rules. The Employer hereby acknowledges receipt of the Trust Agreement governing the Trust and will comply with rules set by the Trust Office in regard to reporting and transferring the required contributions set forth above.

a. Demographic Information Report and Updates.

i. Initial Report. Employer shall electronically provide an initial report of demographic information, which shall include: Social Security Number (or unique identifier), first name, last name, gender, address (city, state, zip code), contact information (email address and phone number), birth dates, and hire dates, for all participating employees.

ii. Updates. Employer shall send updates to this information to the Trust Office whenever the Employer has notice of changes to the information and also whenever the Employer has a newly hired employee included in the Regular Contribution Report, or has dropped a terminated employee.

iii. Deadline. The Employer shall send the Demographic Information Report under this Section C.1 within 15 days of the first contribution to the Trust. The Employer shall send updates to this report within 15 days of receipt of the updates to the information included in the Demographic Information Report or within 15 days of including a new employee on the Regular Contribution Report. This Demographic Information Report shall be furnished in the format that the Trust Office requests.

b. Regular Contribution Report. The Employer shall electronically submit to the Trust Office a Regular Contribution Report with each transfer of contributions to the Trust. This Regular Contribution Report shall be sent in the format requested by the Trust, and received by the Trust Office within five (5) days of each receipt of contribution funds. This Regular Contribution Report shall include the data that the Trust Office requests concerning employees and contributions, including at least:

i. Leave funds. Identify the employees receiving a transfer of leave funds to the Trust and the amount received on behalf of each employee; and

ii. Terminations. The reason that an employee was dropped off of the Regular Contributions Report, e.g., involuntary termination, voluntary termination, retirement, resignation, promoted out of the bargaining unit, leave without pay.

c. Failure to Provide Reports. The Employer hereby acknowledges that the Trust may refuse to accept contributions or take other legally permissible actions with respect to the Employer's contributions and the employees' benefits from the Trust if the Employer does not comply with the Trust Office's rules regarding the aforementioned contribution reports.

d. Payroll Audit. The Employer and Guild hereby acknowledge receipt of the Trust Agreement governing the Trust and will cooperate with the Trust in allowing a payroll audit for the purpose of ascertaining if the proper amount of contributions have been made. The Employer and Guild shall timely

cooperate with the Trust Office's audit rules and any requests made or authorized by the Trust's auditor.

D. Exclusive Purpose of Trust. The monies contributed to the Trust shall only be used for retiree health insurance premiums or health care expenses, as allowed by law. There shall be no employee election/option available to take such amount in unrestricted cash.

E. Separate Trust. The purpose of this Trust shall be to provide for retiree health care expense reimbursement benefits. The Trust shall be and remain separate and apart from any Employer health insurance funding program, unless changed by mutual written agreement of the parties.

F. Renewal or Ratification of Memorandum of Understanding. Following the renewal or ratification of this Memorandum of Understanding (MOU), the Employer or Guild shall electronically send the executed MOU to the Trust Office within 14 days of such renewal or ratification. At the same time, the Employer and Guild shall each provide the Trust Office with the name, phone number, and email address of the person(s) that the Trust Office should contact with any questions regarding the Trust.

G. Sick Leave Transfers to Trust. The Employer and the Guild agree that the Employer will make the following mandatory transfers, on a pre-tax basis, to the Trust on behalf of every employee in the Defined Class:

a. Mandatory Accrued Leave Contribution at Retirement. For every employee who is represented by the Guild, the Employer shall, upon the employee's retirement or separation from service as described in Article 13.2.3 of the parties' Collective Bargaining Agreement, irrevocably contribute to the employee's Trust account on a pre-tax basis, an amount equal in value to 100% of the payments that would otherwise be paid to the employee for unused sick leave under the Collective Bargaining Agreement. The employee shall not have the option to receive a cash payout for the value of the accrued sick leave contributed to the Trust in lieu of making contributions to the Trust.

City of Kirkland	Kirkland Police Guild
By: _____	By: _____
Kurt Triplett, City Manager	Brian Frankeberger, President
Date: _____	Date: _____

APPROVED AS TO FORM	LABOR RELATIONS REVIEW
City Attorney	Human Resources Director

Attachment 2

2026 – 2028 Agreement

By and Between

CITY OF KIRKLAND

and

KIRKLAND POLICE GUILD COMMISSIONED STAFF

2026 – 2028
Agreement
By and Between
City of Kirkland
and
Kirkland Police Guild
Commissioned Staff

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2026 – 2028
Agreement
By and Between
City of Kirkland
and
Kirkland Police Guild
Commissioned Staff

PREAMBLE

THIS AGREEMENT is made by and between the CITY OF KIRKLAND, WASHINGTON, (hereinafter referred to as the "Employer"), and the Kirkland Police Guild (hereinafter referred to as the "Guild").

The purpose of the Employer and the Guild in entering into this Agreement is to set forth their entire agreement with regard to wages, hours, and working conditions so as to promote uninterrupted public service, efficient operations, and harmonious relations, giving full recognition to the rights and responsibilities of the Employer and the Employees.

ARTICLE 1 – DEFINITIONS

As used herein, the following terms shall be defined as follows:

"Bargaining Unit" shall include all full-time commissioned Police Officers, Corporals, and Sergeants within the City of Kirkland Police Department. Should the City wish to create part-time Police Officer position(s) during the contract term, the parties agree to reopen this Agreement for the sole purpose of negotiating the decision and effects of adding part-time Police Officers to the bargaining unit.

"Base Rate" shall mean an employee's standard, straight-time rate of pay, excluding all premiums, bonuses, incentives, allowances, and other add-to-pays.

"Employee" shall mean regular, full-time employees in the bargaining unit (as defined in Article 3 and Article 5) covered by this agreement.

"Employer" shall mean the City of Kirkland, Washington.

"Health Care Provider's Statement" shall mean a written statement from a professional health care provider certifying an illness or injury, the date an Employee is anticipated as able to return to full duty or a recommendation of modified duty with reasonable accommodation, and the Employee's ability to perform the required duties.

"Immediate family" shall be defined as persons related by blood, marriage, or legal adoption in the degree of relationship of grandparent, parent, spouse, sibling, child, grandchild, domestic

partner (as defined by Employer Policy), and other persons with the approval of the City Manager or designee. This definition only applies to Immediate Family where the definition of Immediate Family is not contained in the statute. Statutory definitions of Immediate Family are used where appropriate (i.e. FMLA and PFML).

"On-Call" status shall mean an employee who is assigned on-call status and has an individual duty to respond to duty.

"Regular Rate" as used in this contract means the employee's regular rate of pay plus any specialty pay, assignment pay, differential pay, education pay, longevity pay, and any other remuneration for employment provided in the contract for which the employee is eligible.

"Special Assignment" is defined as those specific job assignments, requiring specialized training, knowledge, skill, or expertise, as identified in Article 7.4.

"Standby" shall mean an employee specifically approved by command staff to be ready reserve for a specific period of time and is on compensable time, prepared and available to be assigned for immediate service as needed.

"Temporary Assignment" is defined as any other assignment besides Special Assignment and Auxiliary Duties.

ARTICLE 2 – RECOGNITION

2.1 RECOGNITION

The employer recognizes the Guild as the sole and exclusive bargaining representative for all commissioned employees below the rank of Lieutenant for the purpose of representation and collective bargaining with regard to matters pertaining to wages, hours, and conditions of employment.

2.2 NEW CLASSIFICATIONS

If new classifications are established by the Employer and added to the bargaining unit, if the duties of existing classifications are substantially changed, or if an employee is appointed to a position substantially different than the employee's classification, a proposed wage scale shall be assigned thereto, and the Employer shall forward the new or changed class and proposed wage to the Guild for review. The contract will then be subject to reopening for the sole purpose of negotiating a wage for the class, and only if so requested by the Guild. If the parties cannot agree to the pay range after negotiations and mediation, the matter shall be submitted to binding arbitration. The interest arbitrator shall establish a fair and equitable pay scale for the new or changed classification using interest arbitration statutory processes.

2.3 CONTRACT PROPOSALS

The Employer recognizes and agrees to discuss contract proposals with the members of the Guild's Executive Board or their designated representative(s) only. The Guild recognizes the City as the representative of the people of the City of Kirkland and agrees to negotiate only

with the City through the negotiating agent or agents officially designated by the City Manager to act on its behalf.

The Guild will promptly notify the Human Resource Director and the Chief of Police in writing of their designated representative(s).

ARTICLE 3 – GUILD SECURITY

3.1 MEMBERSHIP

The Employer recognizes that members of the Kirkland Police Department may, at their discretion, become members of the Guild. The Guild accepts its responsibility to fairly represent all employees in the bargaining unit regardless of membership status.

3.2 DUES DEDUCTION

The Employer, when authorized and directed by a member of the Guild in writing upon an authorization form provided by the employer to do so, shall deduct Guild dues from the wages of an employee.

3.2.1 Payroll Deduction – Upon written voluntary authorization from an employee within the bargaining unit, the Employer shall deduct from the wages of that employee the sum certified as assessments and monthly dues of the Guild and shall forward such sum to the Guild. Should any employee not have any monies due to them, or the amount of such monies is not sufficient to satisfy the assessments, no deduction shall be made for that employee for that month.

3.2.2 An authorization for payroll deduction may be canceled upon written notice to the Employer and the Guild before the 15th day of the month in which the cancellation is to become effective, subject to the provisions of this article.

3.2.3 The Guild shall indemnify, defend, and hold the Employer harmless against claims made and against any suit instituted against the Employer on account of any check-off of dues for the Guild. The Guild shall refund to the employer any amounts paid to it in error on account of the check-off provision upon presentation of proper evidence thereof.

3.3 BARGAINING UNIT ROSTER

The Employer shall provide the Guild with a roster of employees covered by this Agreement on a monthly basis.

The Guild agrees to supply both the Chief and Human Resources with a current list of Guild officers. The Employer will recognize the officers as soon as the list is received, in writing, by the Department and Human Resources.

3.4 NONDISCRIMINATION – GUILD ACTIVITY

Neither party shall discriminate against any employee or applicant for employment because of

membership in or non-membership in or activity on behalf of the Guild.

ARTICLE 4 – GUILD/EMPLOYER RELATIONS

4.1 GUILD ACCESS

The Guild's authorized staff representatives shall have access to the Employer's premises where employees covered by this Agreement are working for the purpose of investigating grievances and contract compliance, after notifying the Employer. Access for other purposes shall not be unreasonably denied by the Employer. Such visits shall not interfere with or disturb employees in the performance of their work during working hours.

4.2 FACILITY USE

Guild meetings may be scheduled and held on City premises. The Chief's approval pursuant to this Section shall not be unreasonably withheld.

4.3 STEWARDS

The Executive Board of the Guild, or other designee, represents the members as stewards.

4.4 ORIENTATION

During the new employee orientation process, the Employer will notify the employee of Article 3.1 and Guild contact information.

4.5 BULLETIN BOARDS

The City shall permit the reasonable and lawful use of bulletin boards by the Guild for the posting of notices relating to official Guild business.

4.6 CONTRACT DISTRIBUTION

The Guild will provide access to a copy of this Agreement to each new and current employee in the unit.

4.7 NEGOTIATIONS RELEASE TIME

The Employer shall endeavor to allow a minimum of three (3) members of the Guild's negotiation committee to attend negotiation sessions during on-duty time, provided however, that operational necessities shall remain the priority and not more than two of the on-duty members shall be from any single division or workgroup, without prior authorization of the Chief or designee. Such members shall be designated by the Guild at least one (1) week in advance, where possible, and may include individuals assigned to other than day shift if the Employer determines that staffing on that shift is adequate, without the necessity of overtime (such individuals shall be considered to be transferred to day shift for the day on which the negotiation session is held).

4.8 GRIEVANCE RELEASE TIME

Prior to any proposed investigation of a grievance requiring any substantial use of on- duty time, stewards or officers shall provide notice to the Chief or designee.

4.9 GUILD BUSINESS

The Chief or designee shall endeavor to allow Guild Officials time off while conducting official "duty to represent" guild business on behalf of employees in the bargaining unit, including grievance resolution and arbitration, provided that:

4.9.1 They notify the Employer at least forty-eight (48) hours prior to the time off, unless such notice is not reasonably possible;

4.9.2 The Employer is able to properly staff the employees' job duties during the time off; and

4.9.3 The wage cost to the Employer is no greater than the cost that would have been incurred had the Guild Official not taken time off (i.e., no overtime expenditures).

ARTICLE 5 – EMPLOYMENT

5.1 PROBATIONARY PERIODS

New Employee /Promoted Employee Probationary Period

5.1.1 Probationary period for new officers will be completed 12 months after assignment to solo patrol status in order to allow sufficient time to evaluate the new Officer.

5.1.2 Lateral Candidates, who do not attend the 720 hour Academy, will serve a probationary period that will be completed 12 months after assignment to solo patrol status in order to allow sufficient time to evaluate the new Officer.

5.1.3 Employees promoted to Police Corporal or Police Sergeant will serve a probationary period of 12 months.

5.1.4 When any probationary employee misses more than 30 workdays, including modified duty time, their probationary period shall be extended the same number of workdays missed unless expressly waived by the Chief of Police.

5.2 TYPES OF EMPLOYMENT

The employment positions of this bargaining unit are covered by and subject to Civil Service regulations. Regular position appointments are described therein. The establishment and appointment to other types of employment would require agreement by the Employer, Guild and Civil Service Commission.

5.3 CONTRACTORS

Not applicable to this unit.

5.4 STUDENTS/INTERNS/VOLUNTEERS

Student, volunteers and Internship programs may be created by the Employer provided such programs do not involve bargaining unit work. In the event the Employer seeks to have volunteers conduct bargaining unit work, it will provide notice to the Guild and

negotiate any such change.

5.5 EXTRA-DUTY EMPLOYMENT
The Memorandum of Understanding between the parties regarding Extra-Duty Employment is incorporated herein by reference.

ARTICLE 6 – HOURS OF WORK AND OVERTIME

6.1 WORKDAY/WORKWEEK

6.1.1 For the term of this agreement (2026-2028), these provisions as outlined in Article 6 shall apply.

6.1.2 For purposes of the shift assignment language in this Article, operational need shall be defined as relationship issues, personality conflicts, and other like issues, and active auxiliary duties in SRT, Firearms, DT.

6.1.3 Any employee reassigned to a different shift due to auxiliary duties shall receive equal to one and one-half percent (1.5%) of their base salary paid only for the duration of the time spent in the different bid position.

6.1.4 Additionally, operational need extends to reassignments for employee performance, provided that such reassignments shall be for grievable just cause, provided further that any such reassignments shall be considered for progressive discipline purposes to be the equivalent of a written reprimand.

6.1.5 There shall be a total of three (3) shifts: Days, Swings, and Nights. The work week for all patrol officers shall be four (4) consecutive ten (10) hour days, followed by three (3) consecutive days off except for the week during which patrol officers transition to their new shift, which could see some officers working seven (7) or more consecutive days over two (2) Work Periods. All time worked in excess of the normal or regularly assigned work week shall be compensated in accordance with Article 6.5.

Shift	Hours	Monday – Thursday	Thursday – Sunday
Day Shift:	0630 to 1630	A Squad	B Squad
Swing Shift:	1500 to 0100	C Squad	D Squad
Night Shift:	2100 to 0700	E Squad	F Squad

Minimum Staffing for leave time and overtime considerations shall not fall below 18 patrol staff (includes Sergeants and Corporals) during any 24-hour period.

During the term of this contract, based on operational needs, management reserves the right to change:

1. The minimum staffing per 24-hour period, which will not be less than the minimum of 18.
2. The staffing allocation per squad (minimum plus one) and staffing assignments, including the allocation of Sergeants and Corporals within each squad.

The parties understand that the established minimum staffing level shall be used both for purposes of granting (or denying) leave requests and invoking overtime or backfill to provide staffing to cover the stated minimum, provided that for purposes of leave requests there is a "plus one" that recognizes a buffer to accommodate non-discretionary leave.

6.1.6 The work hours for Patrol shall be the equivalent of 2080 hours on an annualized basis. For purposes of complying with the Fair Labor Standards Act, as authorized by the 7(k) exemption, the work period shall be twenty-eight (28) days ("Work Period"), scheduled in seven (7) day increments, Thursday through Wednesday. The Employer shall publish and make available the actual dates of the FLSA twenty-eight (28) day cycles for the term of this agreement.

6.1.7 Traffic Officers shall work four (4) consecutive ten (10) hour shifts with three (3) consecutive days off. The Traffic Officer duties may be adjusted to meet operational needs within their normal shift time. The Traffic Officer start times may be adjusted by four (4) hours (earlier or later) which cannot affect their days off.

6.1.8 Detectives shall work four (4) consecutive ten (10) hour shifts with three (3) consecutive days off. The Detective Sergeant position will be four (4) consecutive ten (10) hour shifts with three (3) consecutive days off. Corporals shall work staggered shifts.

The schedule of four (4) consecutive ten (10) hour shifts with three (3) consecutive days off may only be changed for training (other than in-service) or conference of more than one workweek in duration. Changes for other purposes are subject to the provision of Article 6.1.12.

6.1.9 The schedule for the School Resource Officer (SRO) shall be either five (5) consecutive days per week, eight (8) hours per day, with not less than two (2) consecutive days off, or four (4) consecutive days per week, ten (10) hours per day, with not less than three (3) consecutive days off. The total hours worked shall not exceed forty (40) hours unless expressly pre-approved by the Unit Supervisor or Command Staff. The starting and ending time may be staggered by a maximum of four (4) hours to meet operational needs or if requested by the employee and approved by the Supervisor. Employees in the Unit may be scheduled to work with other divisions in the event of operational or staffing needs. Employee Volunteers will be assigned to the Unit, provided the employer retains the right to assign employees where no volunteers are forthcoming, provided further that if a non-volunteer is utilized the normal rules from this

article concerning schedule changes and overtime shall apply.

6.1.10 The Neighborhood Resource Officers (NRO), Training Officers, Training Sergeant, and Community Service Unit (CSU) Sergeant shall work either a four (4) days per week, ten (10) hours a day work week, or a five (5) days per week, eight (8) hours per day work week; with the standard work schedule being 4-10's with three consecutive days off. The starting and ending time may be staggered by a maximum of four (4) hours to meet operational needs or if requested by the employee and approved by the Supervisor.

6.1.11 The working hours for Traffic and Detectives shall be equivalent to 40 hours a week or an annualized basis of 2080 hours. The working hours for Patrol shall be equivalent to 40 hours a work week on an annualized basis of 2080 hours, and all briefing and other preparatory time shall be included in the regular work shift.

6.1.12 Employees shall be provided at least fourteen (14) calendar days notice prior to a change in their regular shift, unless mutually agreed to waive by the employee, Guild and Employer. For purposes of complying with Article 7(k) of Fair Labor Standards Act, the Patrol Division work period shall be twenty-eight (28) days and the Detective Division, Training Unit and Traffic Unit seven (7) days (Monday through Sunday).

6.1.13 The Pro Act Detectives will work a 4/10 schedule, with ten (10) consecutive hours per workday. The parties agree that the weekly work schedule will be flexible, in order to address crime trend and assignments in a timely manner and not bound by Article 6.1.12 This flexibility will allow starting times to vary by a maximum of four (4) hours (earlier or later) to meet operational needs or if requested by the employee and approved by the supervisor. There will not be less than three (3) consecutive days off each work week, without resulting in overtime.

6.1.14 Officers may request a maximum of a four hour adjustment in their normal shift start time, with the approval of the Unit supervisor on days that are either preceding or following their normally scheduled shift with the shift ending the same number of hours later. These requests may be used in order to accommodate training and/or known court conflicts. Approved leave will not be cancelled to accommodate the adjustment request. The Employer may deny or revoke the adjustment to maintain minimum staffing levels in accordance with Article 6.1.5.

In addition, those Officers who are assigned to graveyard shift may be relieved from duty the shift preceding the training without loss of time and with command staff approval when the following criteria are met:

- The Officer is attending either mandatory department training and/or instructing for department in-service or representing the department in an official capacity; and
    - Training/Instruction date falls between two shifts; and
    - Training/Instruction starts before 1000 hours.

- The Officer has been subpoenaed to appear or testify in Superior Court or Inquest proceedings; and
    - Such appearance/testimony date falls between two shifts or the day immediately following a graveyard shift (i.e. the Officer's first regular day off); and
    - Appearance/testimony starts before 1000 hours; and
    - The Officer must make reasonable efforts to schedule court appearances at times that do not trigger this provision when feasible.

All efforts will be made by the Unit supervisor and the Training Unit to minimize these occurrences and to continue to utilize shift adjustments when possible.

The schedule modifications contemplated under this Section are still subject to the fourteen-day notice provisions of Section 6.1.12.

6.1.15 The schedule for newly created assignments, and other assignments not described above, shall be established by the City, notice provided to the Guild, and bargained upon request.

6.2 PATROL SQUAD BIDDING

6.2.1 Squad Bidding. Uniform patrol personnel will be afforded the opportunity to bid for their preferred squad (A, B, C, D, E, F) in uniform patrol based upon their classification seniority. Probationary personnel are exempted and excluded from the bid process, except that probationary personnel who are projected to be off probation prior to the new schedule starting may participate in the shift bid.

6.2.2 Employees to be assigned to patrol will bid annually for their preferred squad by classification based upon seniority and through submittal of a bid sheet. Personnel on leave who do not make themselves available may submit their bid sheet electronically. Should the employee fail to respond prior to the deadline, they shall sacrifice their place in the bid process.

6.2.3 Once employees have submitted their bids for their preferred squad, the department may balance personnel within each shift (days, swing, or night shifts).

6.2.4 Once the bid has been finalized and posted, if an opening occurs on a shift prior to the beginning of the new schedule starting because of a promotion, transfer or other vacancy, management will utilize the existing bid sheets to fill this vacancy; provided, employees may decline the new shift assignment and maintain their original shift that resulted from the finalized and posted shift bid. Once the new schedule starts, any vacancy or rebalancing of the squads will be done in accordance with 6.2.6.

6.2.5 The Department will utilize a twelve (12) and/or fourteen (14) week rotation of the work week (days off) for the patrol division . Some Officers may potentially work seven (7) consecutive days during the week that straddles the end of one rotation and the start of the next one. However, because those seven (7) days occur over two distinct

twenty-eight (28) day work periods, no overtime will need to be paid for hours worked during that week resulting from the transition from one squad to another. In the event overtime nonetheless does occur during this transition week for reasons other than the transition from one squad to another, overtime would be paid.

6.2.6 The Department may move an officer during the year based upon shift imbalances created by reduced staffing levels due to extended absence (i.e. - FMLA, L&I, Administrative Leave, Employee Resignation) or other like causes. In making such changes, the Department will determine which squad an employee will be removed from. The Department will request volunteers and make remaining assignments by utilizing the least senior officer(s) from the designated squad. Any deviations from seniority for such rebalancing is subject to the "operational needs" language in this Article.

6.2.7 Probationary employees shall not be allowed to draw a squad, except as allowed by 6.2.1 and will be assigned to allow for the development of police skills during the probationary period.

6.2.8 Employees reassigned, outside the bid process, to the patrol division from other organizational units shall be assigned where the personnel needs of the department dictate. Squad assignments will be subject to the Department's discretion to reassign (at any time) for operational need. Before any reassignment is made, the Department will notify the involved employee and the Guild with an explanation in writing for such reassignment.

Any reassignments will be made in accordance with Article 6.1.12 and give consideration to seniority.

6.3 POWER SHIFTS

In administering hours of duty, the Employer will maintain existing shift arrangements except as follows:

6.3.1 The City may add a "power shift" or other special shift arrangement to include such hours as the Chief of Police directs; including shifts consisting of 8, 10, or 12 hours.

6.3.2 Such "power shift" or other special shift arrangement shall be staffed initially by (employee) volunteers.

6.3.3 If a sufficient number of qualified (employee) volunteers fail to come forward, shifts will be staffed by the Chief of Police using criteria that meets the reasonable operating needs of the employer, taking into consideration the seniority of affected employees where practical.

Power shift assignments will be for a minimum of twelve (12) months and may be extended with the concurrence of the assigned officer to meet the operational needs of the department. Officers will not be required to complete more than one power shift

assignment in any forty-eight (48) month period.

6.3.4 Additionally, the Chief of Police may temporarily adjust the existing shifts if personnel shortages or an unanticipated event is deemed to hamper the effectiveness of the police department. Once the department is re-staffed or the event is over, the department will return to the existing shifts.

6.4 REST/MEAL BREAKS

For employees on eight (8) and ten (10) hour shifts, a workday shall include at least a thirty (30) minute lunch break. For employees on twelve (12) hour shifts, a workday shall include at least two (2) thirty (30) minute lunch breaks.

6.5 OVERTIME

All work, which has been specifically pre-approved by supervisory personnel, performed in excess of the normal work day or on a day off shall constitute overtime and shall be paid for at one and one-half times the employee's straight time hourly rate, unless such work is caused by change of shift, as set forth in Article 6.1 above. For officers working either eight (8) or ten (10) hour shifts, the hourly rate shall be determined by dividing the annual straight time hourly rate by 2080. For officers working twelve (12) hour shifts, the hourly rate shall be determined by dividing the annual straight time hourly rate, by 2190 hours. To the basic hourly rates, certain additional payments (per the FLSA) are included to calculate an employee's regular rate for overtime purposes. All overtime shall be compensated for in increments of fifteen (15) minutes with the major portion of fifteen (15) minutes being paid as fifteen (15) minutes.

<u>Overtime – Minimum Call-Back, Court Appearances, and Breathalyzer Hearings</u>

In the event that overtime which has been specifically pre-approved by supervisory personnel is not an extension at the beginning or end of a normal shift, the employee shall be paid at the rate of one and one-half times his regular hourly rate commencing at the time work is actually being performed or as is otherwise required by the FLSA, with a minimum of three hours. Court hearings, as well as breathalyzer hearings will be considered, upon notification, as specifically pre-approved by supervisory personnel. It is mandatory for an employee to respond to work if so directed by supervisory personnel.

PIO Cadre: If a PIO Cadre member is asked to perform PIO tasks from home, he or she shall receive overtime compensation or comp time at the overtime rate for actual time worked in fifteen (15) minute increments, with a fifteen minute minimum (e.g. PIO Cadre member will be paid fifteen minutes at the overtime rate if the actual time worked is seven minutes). However, if the actual time worked exceeds sixty (60) minutes in total or if the PIO Cadre member responds to the station to perform the requested tasks, the three (3) hour minimum call-back pay or comp time provisions will apply (e.g., if the actual time worked for all press releases from home that day totals more than sixty minutes, the PIO Cadre member will be paid three hours at the overtime rate).

Detective Sergeant Off Duty Calls: Detective supervisors are often required to handle work-related phone calls while off duty. Although these calls typically do not require returning to work, they can disrupt personal time. To compensate for this disruption:

A. Detective supervisors will receive overtime pay or compensatory time at the overtime rate for the time spent on these calls.
B. Compensation will be calculated in fifteen (15) minute increments, with a minimum of fifteen (15) minutes paid per call.
    i. *Example: If a call lasts 7 minutes, the supervisor will be compensated for 15 minutes at the overtime rate.*
C. In addition to time spent on calls, detective supervisors will receive up to thirty (30) minutes of overtime or compensatory time at the overtime rate per day for time spent waiting for return phone calls.
D. If the total time spent on calls or waiting exceeds sixty (60) minutes in a day, or if the detective supervisor is required to report to the station, the three (3) hour minimum call-back pay, or compensatory time provision will apply.

6.6 COMPENSATORY TIME

6.6.1 Generally, overtime shall be paid rather than compensatory time granted. Overtime shall be compensated or compensatory time awarded at the rate of one and one-half (1½) times the employee's regular rate of pay or in the case of callback a minimum of three (3) hours of overtime or compensatory time shall be granted. Compensatory time shall be awarded by mutual agreement between the employee and the supervisor at the time of authorizing the overtime.

Should an employee be ordered / "mandatoried" to work overtime, the employee may make an election within the pay period for either compensatory time to be awarded or for the overtime to be paid.

An employee may only accrue compensatory time up to a maximum balance of eighty (80) hours.

6.6.2 Compensatory time, accrued in lieu of cash compensation for overtime hours worked, shall be paid out on an annual basis, on the first pay day following December 1st, for all hours earned through November 30th.

6.7 LEAVE CONSIDERATIONS

6.7.1 Employee leave will not be granted on July 4th (Patrol and Traffic, all shifts) & December 31st (Patrol swing shift & Patrol night shift). For the July 4 holiday, non-essential personnel who would normally be required to take the holiday off are allowed to volunteer for posted overtime, as authorized by the Chief or designee. When non-essential personnel volunteer for overtime on the July 4 holiday, pay and other conditions shall be as described in Article 11.5.1. On the years in which July 4th falls on a Thursday, which is an overlap day under the current schedule as outlined in Article 6.1.5 of the CBA, the following procedures apply: If the City is having a 4th of July parade and/or fireworks show, overtime will be posted for one week for the parade and the fireworks show by the first Monday in June. At the end of this posting, any openings will be filled by on-duty personnel working at their normal holiday pay rate. Once it is determined how many on-duty personnel will be needed to fill these openings, personnel may request leave time which will be granted by seniority. Those on-duty employees

who are assigned to work the parade and/or fireworks show may continue to work the rest of their shift or request leave time when the assignment ends if staffing allows. Leave will not be approved that would lower overall staffing below 2 + 10 across all shifts, not at the squad level. If the City is not having a 4th of July organized celebration, personnel may request leave time which will be granted by seniority across shifts, not at the squad level. Leave will not be approved that would lower overall staffing for any shift below 2 + 10. On the years in which December 31st falls on a Thursday, which is an overlap day under the current schedule as outlined in Article 6.1.5 of the CBA, personnel may request leave time which will be granted by seniority across shifts, not at the squad level. Leave will not be approved that would lower overall staffing for any shift below 2 + 10.

6.7.2 The Department reserves the right to deny all personal leave for emergent situations including but not limited to such things as Presidential visits, major sporting events, political/social events likely to cause civic unrest, local special events likely to attract large crowds and like reasons.

6.7.3 The Department reserves the right to deny all personal leave with 14 days' notice for In-Service training or other similar department functions.

6.7.4 The Department reserves the right to deny all leave requests that will result in the relevant shift going below minimum plus one staffing.

6.8 DISPUTE RESOLUTION

The parties commit to participate in labor management meetings as requested or at least quarterly, to discuss issues with the schedule (other labor management topics, as needed).

ARTICLE 7 – EMPLOYMENT PRACTICES

7.1 NONDISCRIMINATION

The Guild and the Employer agree to provide equal opportunity as to the provisions of this Agreement to all their members and employees. Neither the Employer nor the Guild shall discriminate against any person on the basis of such person's race, sex, marital status, color, creed or religion, national origin, age, veteran status, sexual orientation or the presence of any sensory, mental or physical disability, unless based upon a bona fide occupational qualification.

Wherever words denoting a specific gender are used in this Agreement, they are intended and shall be construed so as to apply equally to all genders.

Employees may challenge practices or actions that they allege violate the provisions of this Article through the Employer's Nondiscrimination Policy and procedures, and/or using those remedies available through applicable law. Alleged violations of this Article will not be the subject of grievances under Article 19 of this Agreement.

7.2 JOB POSTING

When any position becomes vacant, the Employer will make every reasonable effort to fill it as

soon as possible.

7.3 PROMOTIONS

Corporal Classification:

The following are the requirements to be eligible for promotions within the bargaining unit:

7.3.1 To be eligible for promotion to Corporal, candidates shall have a minimum of three (3) years full time police experience as a commissioned police officer with two (2) years of service in the City of Kirkland.

7.3.2 Corporals shall advance to Step 2 of the Corporal salary range upon successful completion of the probationary period and completion of two years of service in grade as a Corporal in Kirkland.

7.3.3 During the term of the agreement management will maintain a minimum total of twelve (12) Corporals.

Sergeant:

7.3.4 To be eligible for promotion to Sergeant, candidates shall have a minimum of five (5) years full time experience as a commissioned police officer with four (4) years of service in Kirkland.

7.3.5 Candidates for promotional vacancies within the Guild shall come from an adequately sized pool of eligible candidates from the bargaining unit. An "adequately sized pool" shall be defined as two candidates who meet the qualifications as defined by Section 7.3.1 and 7.3.3

7.4 SPECIAL ASSIGNMENTS

7.4.1 Special Assignment is defined as a primary job assignment, requiring specialized training, knowledge, skill, or expertise. These include Detective, Canine Officer, Traffic, ProAct, PTO, Training Unit, and Community Services Unit.

7.4.2 Auxiliary Duties are those duties performed in addition to patrol duty or specialty duty. Employees are assigned an auxiliary duty after applying for the position and being selected through a competitive testing process. If no employee applies for the position the Chief may appoint an employee to the position for a period of no greater than two (2) years. The exception to the competitive testing process is for three auxiliary positions within Patrol Tactics. These positions will automatically be filled by the two Training Officers (staffing dependent) and the Training Sergeant, and they will remain Patrol Tactics Instructors for the duration of their time in the Training Unit. Upon rotating out of the Training Unit, they will no longer be part of Patrol Tactics but are welcome to test for the next available position. Auxiliary duties may have a minimum and maximum time commitment. Employees assigned to auxiliary duties may be required to provide regular training in their area of expertise or assist patrol with

their expertise.

7.4.2.1 Among other duties, auxiliary duties include firearms instructors, defensive tactics instructors, SWAT members (includes SRT and HNT), EVOC instructors, Patrol Tactics, and less lethal instructors. Employees assigned to firearms, defensive tactics, SWAT (including SRT and HNT), EVOC, Patrol Tactics, and less lethal shall receive a two percent (2%) premium added to the monthly rate of pay of the employee's current classification. An employee shall be eligible to receive compensation for only one auxiliary duty assignment. An employee cannot serve concurrently in more than one auxiliary duty assignment receiving a premium except those assigned to Patrol Tactics or those on SWAT and firearms, SWAT and defensive tactics or SWAT and less lethal.

7.4.2.2 Bilingual Incentive Pay: The City recognizes the benefits of having members who are bilingual to serve as interpreters when necessary. For 2026, employees certified by the Department to provide translator services shall be paid a stipend of seventy-five dollars ($75) per pay period ($150 per month). For each year thereafter, the stipend will be increased by any increase in the June-to-June Seattle Tacoma Bellevue CPI-W. The Employer reserves the right to establish the number of employees eligible for certification. The City and the Guild agree to meet and confer regarding the eligible languages, selection, and certification criteria for the bilingual incentive. The City will pay for all costs of one test for each employee. A certified employee reserves the right to opt out of providing translator services by giving a two-week written notice to the Employer, which would result in the discontinuation of the stipend.

All other assignments which are not Special Assignment or Auxiliary Duty are considered Temporary Assignments.

7.4.3 Employees in a Special assignment shall remain for five (5) years unless the employee's job performance does not meet requirements or the employee requests a transfer or a Special assignment position is eliminated. Employees completing their five (5) year Special assignment may be considered for additional one (1) year extensions based on the operational needs of the department. A notification of a Special assignment opening shall include a minimum time duration for the position. Employees selected for Special Assignment positions will be subject to the department rotation policy without additional incentive pay, unless specifically bargained during future contract negotiations. Rotation or removal for non-disciplinary reasons from a Special, Auxiliary, or Temporary Assignment position is not subject to the grievance procedure.

Additionally, the Detective Unit, PRO-ACT Unit, and Traffic Unit shall include long term "anchor" position(s). Such positions as authorized shall be for a period of ten (10) years, with potential extensions as above. To be eligible for such position, an employee must have served or be serving a tour with the Employer as a detective, ProAct detective, or traffic officer, having completed a period of at least three (3) consecutive years and having served in good standing. Towards the completion of the ten (10) year time period, incumbents in these positions are allowed to retest for the anchor position prior to the expiration of the ten (10) year time period.

7.4.4 Appointment to a Special, Auxiliary, or Temporary Assignment position will be based on a combination of any or all of the following: résumé; written and/or oral examinations; past work performance. Any Special, Auxiliary, or Temporary Assignment eligibility list shall not exceed twelve (12) months.

7.4.5 In the event a non-voluntary assignment is made to a Special, Auxiliary, or Temporary Assignment position in order to meet operational needs, the assignment will be for a maximum of twelve (12) months and may be extended with the concurrence of the assigned officer.

7.4.6 Police management will make the assignments and provide fourteen (14) calendar days' notice except in the cases of emergencies and promotions.

7.5 PERSONNEL FILES

Personnel Files – The City Human Resources Division will retain the permanent personnel file. The Police Department shall maintain only one working personnel file for each employee.

Supervisory notes – This does not preclude a supervisor from maintaining notes regarding an employee's performance for purposes of formulating evaluation and performance appraisal or the department from maintaining separate computerized records relating to training, promotion, assignment, or similar data.

Information related to medical, psychological, background check information and grievance records shall be maintained in separate files.

Employees shall have access to their personnel file with reasonable frequency. Upon request, access shall be provided within a maximum of four (4) working days. Conditions of hiring, termination, change in status, shift, evaluations, commendations and disciplinary actions shall be in writing with a copy to the Employee prior to placement in their personnel file.

Upon receiving a request for all or part of a personnel file from any third party, the affected employee shall be notified of the request, and the information shall not be released for a period of three (3) business days from the time of said notification, except as part of an investigation being conducted by another law enforcement agency, the disclosure of which is necessary for effective law enforcement. Upon service of a court order or subpoena properly recorded and signed by a judge or magistrate demanding immediate release or as otherwise required by law, the employee shall be notified of the request and release will be made as required by law or as above. The City Attorney will advise the department in all matters pertaining to the release of information contained in a personnel file.

Employees shall have the right to provide a written response to any written evaluations or disciplinary actions to be included in the personnel file, which, together with the action, will be retained with the action in the personnel file.

Personnel Records Retention:

By law, personnel records for any peace officer must be retained for the duration of the officer's employment and a minimum of ten (10) years thereafter. Such records include all misconduct and equal employment opportunity complaints, progressive discipline imposed including written reprimands, supervisor coaching, suspensions, involuntary transfers, other disciplinary appeals and litigation records, and any other records needed to comply with the requirements set forth in RCW 43.101.135.

Unless required by State law or CJTC disciplinary process, records older than five (5) years that are retained in an employee's department personnel file may not be admissible in any proceedings between the Employer and the Guild concerning disciplinary action unless such records indicate a pattern of similar types of behavior, complaints, and/or discipline. If an employee has a pattern of similar types of behavior, complaints, and/or discipline, the records may be available to be used against the employee for an additional two (2) year period. The parties retain the right to introduce evidence regarding prior discipline of other employees for the purpose of establishing the consistency or non-consistency of discipline imposed in a case subject to a disciplinary appeal.

7.6 EVALUATIONS

The purpose of evaluation is to help an employee to be successful in performance and to understand the standards and goals of their position and their department. The evaluation will assess and focus on the employee's accomplishment of their job functions and the goals and standards of the position. Where the employee does not meet the above, a plan for correction, training or support should be developed with the employee.

Evaluation may occur in two forms:

7.6.1 All regular employees should be formally evaluated in writing by their immediate supervisor and/or department head or designee during the probationary or trial service period and at least annually (at date of hire or a common date) thereafter.

7.6.2 Additionally, evaluation of job performance may occur at any time and on an ongoing basis. Evaluation may occur in various ways and may include coaching, counseling or written assessment.

The evaluation process shall also include a review of the current job description.

Evaluation shall not, by itself, constitute disciplinary action – disciplinary action must be specifically identified as such, in writing, consistent with Article 7.8.

Employees will be given a copy of the evaluation. Employees will be required to sign the evaluation, acknowledging its receipt. Evaluations are not grievable, however, employees may elect to provide a written response to the evaluation, which will be retained with the evaluation in the employee's personnel file.

7.7 BILL OF RIGHTS

All employees within the bargaining unit shall be entitled to the protection of what shall hereafter be termed as the "Police Officers Bill of Rights." The wide-ranging powers and duties given to the department and its members involve them in all manner of contacts and relationships with the public. Of these contacts come many questions concerning the actions of members of the force. These questions often require an immediate investigation by superior officers designated by the Chief of Police. In an effort to ensure that these investigations are conducted in a manner, which is conducive to good order and discipline, the following guidelines are promulgated:

7.7.1 Employees shall be informed in writing, of the nature of the investigation, the right to request Guild representation, and whether they are a witness or a subject of the investigation, before any interview of the employee commences. In investigations other than criminal, this will include the name, address, and other information necessary to reasonably apprise them of the allegations of such complaint.

An employee who is identified as a subject of the investigation, shall be advised in writing a minimum of forty-eight (48) hours prior to the time of the interview, if the interviewer either knows or reasonably should know that the questioning concerns a matter that could lead to criminal charges or misconduct that could be grounds for termination. Employees who are given a forty-eight (48) hour notification may waive that delay by signing a written waiver form, provided that the employee either has Guild representation or waives the right to such representation in writing.

7.7.2 Any interview of an employee shall be at a reasonable hour, preferably when the employee is on duty unless the exigencies of the investigation dictate otherwise. Where practicable, interviews shall be scheduled for the daytime.

7.7.3 The interview, which shall not violate the employee's constitutional rights, shall take place in person with the subject of the investigation present at the Kirkland Police Station facility. Witness interviews may occur either in person at the Kirkland Police Station facility or virtually via appropriate media platform where the officer is present at the Kirkland Police Station, or at a location mutually agreeable to the Guild and the Employer. The employee shall be afforded the opportunity and facilities to contact and consult privately with an attorney of the employee's own choosing and/or a representative of the Guild. Said attorney and/or representative of the Guild may be present during the interview but shall not participate in the interview except to counsel the employee, provided that the Guild representative or attorney may participate to the extent permitted by law.

7.7.4 The questioning shall not be overly long, and the employee shall be entitled to such reasonable intermissions as they shall request for personal necessities, meals, telephone calls, and rest periods.

7.7.5 The employee shall not be subjected to any offensive language, nor shall they be threatened with dismissal, transfer, or other disciplinary punishment as a guise to attempt to obtain their resignation, nor shall they be intimidated in any other manner.

No promises or rewards shall be made as an inducement to answer questions.

7.7.6 It shall be unlawful for the City to require any employee covered by this agreement to take or be subjected to any polygraph or any polygraph type of examination as the condition of continued or continuous employment or to avoid any threatened disciplinary action.

7.7.7 At the employee's request, the interview shall be audio recorded. One copy shall be provided to the Guild representative or employee. There shall be no "off-the record" questions. The Employer shall notify the Guild and the Employee within seven (7) calendar days after the Chief of Police has determined an investigation has been completed. In cases where the contemplated discipline is an oral or written reprimand, the investigation shall be provided to the Guild President and Employee upon request. In cases where the contemplated discipline is any discipline above a written reprimand within seven (7) calendar days of the notification of completion of the investigation, and no later than three (3) calendar days prior to a pre- disciplinary hearing, the employee shall be advised of the results of the investigation and the recommended disposition and shall be furnished a complete copy of the investigation report, provided that the Employer is not required to release statements made by persons requesting confidentiality where the request was initiated by such persons and provided further that such confidential statements may not be relied upon to form the basis of discipline. All interviews shall be limited in scope to activities, circumstances, events, conduct or actions which pertain to the incident which is the subject of the investigation. Nothing in this section shall prohibit the Employer from questioning the employee about information which is developed during the course of the interview.

7.7.8 Use of Deadly Force Situations: When an employee, whether on or off duty, uses deadly force which results in the injury or death of a person, or discharges a firearm in which no injury occurs, the employee shall not be required to make a written or recorded statement for twenty-four (24) hours after the incident except that immediately following the incident the employee shall verbally report to a superior a brief summary of the incident and any information necessary to secure evidence, identify witnesses, or apprehend suspects. The affected employee may waive the requirement to wait twenty-four (24) hours. The department and the Guild shall mutually agree on designated peer support counselors.

7.7.9 Medical or Psychological Examinations: When there is probable cause to believe that an employee is medically or psychologically unfit to perform his/her duties, the employer may require the employee to undergo a medical or psychological examination in accordance with current standards established by the Washington Association of Sheriffs and Police Chiefs, the International Association of Chiefs of Police, the Americans with Disabilities Act, and other applicable State or Federal laws. Consultations with the City's Employee Assistance Program are not considered medical or psychological examinations.

7.8 DISCIPLINE/CORRECTIVE ACTION

No employee shall, by reason of his employment, be deprived of any rights or freedoms, which

are afforded to other citizens of the United States by the State and Federal Constitutions and Washington law.

No employee shall be compelled by the City to give self-incriminating information, either verbal or written, during any criminal investigation when such investigation involves allegations against the employee nor in any internal investigation which could lead to a criminal charge against the employee. Any refusal by an employee to give self-incriminating information under these conditions will not result in the employee's termination, suspension, reprimand, transfer, or any other form of disciplinary action by the City.

The Employer agrees to act in good faith in the discipline, dismissal or demotion of any regular employee and any such discipline, dismissal or demotion shall be made only for just cause.

The parties recognize that just cause requires progressive discipline. Progressive discipline may include:

- oral reprimands, which will be documented;
- written reprimands;
- disciplinary transfer;
- suspension with or without pay;
- demotion; or
- discharge.

The intent of progressive discipline is to assist the employee with performance improvement or to correct misconduct. Progressive discipline shall not apply where the offense requires more serious discipline in the first instance. Both the sequencing and the steps of progressive discipline are determined on a case-by-case basis, given the nature of the problem.

All disciplinary actions shall be clearly identified as such in writing. The employee will be requested to sign the disciplinary action. The employee's signature thereon shall not be construed as admission of guilt or concurrence with the discipline. Employees shall have the right to provide a written response to any written disciplinary action to be included in the personnel file, which, together with the action, will be retained in the personnel file, for so long as the disciplinary action is retained.

A copy of all disciplinary notices shall be provided to the employee before such material is placed in their personnel file. Employees disciplined or discharged shall be entitled to utilize the grievance procedure. If, as a result of the grievance procedure utilization, just cause is not shown, personnel records shall be cleared of reference to the incident, which gave rise to the grievance.

The Employer will notify the Guild in writing within three (3) working days after any notice of discharge. The failure to provide such notice shall not affect such discharge but will extend the period within which the affected employee may file a grievance.

The Employer recognizes the right of an employee who reasonably believes that an investigatory interview with a supervisor may result in discipline to request the presence of a

Guild and/or legal representative at such an interview. Upon request, the employee shall be afforded a Guild representative. The Employer will delay the interview for a reasonable period of time in order to allow a Guild representative an opportunity to attend. If a Guild representative is not available or delay is not reasonable, the employee may request the presence of a bargaining unit witness. (Weingarten rights)

Employees shall also have a right to a notice and a determination meeting prior to any disciplinary action (except oral and written reprimands). The Employer must provide a notice and statement in writing to the employee identifying the performance violations or misconduct alleged, a copy of the investigative file as per Article 7.7.7, and a finding of fact and the reasons for the proposed action. The employee shall be given an opportunity to respond to the charges in a meeting with the Employer, and shall have the right to Guild representation during that meeting, upon request. (Loudermill rights)

The Employer shall endeavor to correct employee errors or misjudgments in private, with appropriate Guild representation if requested by the employee.

Discipline shall be subject to the grievance procedure in this Agreement as to whether or not such action as to any post-probationary employee was for just cause.

ARTICLE 8 – SENIORITY

8.1 DEFINITIONS

Seniority shall be established upon appointment to a regular full-time budgeted position within the bargaining unit.

Bargaining Unit Seniority: the total length of continuous calendar-based service with the Employer and in the bargaining unit.

Employer Seniority: the total length of continuous calendar-based service with the Employer.

Classification Seniority: the total length of continuous calendar-based service within a position and employment type represented by the bargaining unit. Classification seniority shall include all time at a higher ranked classification, for which the employee does not have continuing job rights.

Consistent with Article 14.5, the Employer shall adjust the employee's anniversary date to reflect any period of unpaid leave of thirty (30) continuous days or more. Seniority shall continue to accrue and the employee's anniversary date shall not be adjusted for periods of legally protected leave, such as FMLA, L&I or military leave adjusted for periods of up to six (6) months (or as otherwise required by USERRA).

8.2 APPLICATION OF SENIORITY

In the event of reassignment, transfer, layoff, or recall, seniority shall be the determining factor where employees are equally qualified to do the job.

Seniority shall be applied in the following manner:

8.2.1 Postings / promotions
In regard to job postings, promotion and reassignment, "qualifications" and/or "ability" will be the primary consideration, with seniority determinative where employees are equally qualified. Qualifications will include the minimum qualifications of education, training and experience as set forth in the job description, as well as the job performance, ability, employment record and contribution to the needs of the department. Specialty positions shall be filled in accordance with Article 7.4.3.

8.2.2 Layoffs
Total classification seniority shall determine who is to be laid off within the selected classification (affected group). The least senior regular employee(s) within the classification shall be the affected employee(s). In the event of two employees having the same classification seniority, bargaining unit seniority shall be determinative. In the event of two employees having the same bargaining unit seniority, Employer seniority shall be determinative.

8.2.3 Bumping
An employee shall be allowed to bump less senior employees (by bargaining unit seniority) within their department in lower classifications, in accordance with Article 8.12.2, provided that the employee is "competent" and has the ability to adequately perform the essential functions of the job assignment.

8.2.4 Recall
Seniority shall be determinative in the identification of which employee is to be recalled, when there is more than one on the recall list who is qualified and/or have previously performed a position.

8.3 LOSS OF SENIORITY

8.3.1 An employee will lose seniority rights by and/or upon:

8.3.1.1 Resignation, except as provided in Section 8.3.2.

8.3.1.2 Discharge.

8.3.1.3 Retirement.

8.3.1.4 Layoff / Recall list of more than fourteen (14) consecutive months, consistent with Article 8.14.

8.3.1.5 Medical Reinstatement / Recall list of more than twenty-four (24) consecutive months, consistent with Article 8.14.

8.3.1.6Failure to respond to an offer of recall to former or comparable employment.

8.3.2 Employees who are re-employed following the loss of their seniority, shall be

deemed a newly-hired employee for all purposes under this Agreement, except:

8.3.2.1 If an employee is recalled consistent with Article 8.14 and the timelines therein, they shall regain the seniority that they had as of their last date of employment.

8.3.2.2 If an employee resigns but is reinstated to the Department according to Civil Service Rules within twelve (12) months of their last day of employment, they shall retain the seniority that they had as of their last date of employment.

8.3.3 For purposes of section 8.3.2, a re-employed employee will:

8.3.3.1 Retain their pre-existing personnel/badge number.

8.3.3.2 Return at the same salary level as their last date of employment with the Department for purposes of "hire-in" rates under Article 9.2.

8.3.3.3 Retain years of employment service based on their total length of service with the department for purposes of longevity pay, under Article 9.4, and vacation accrual, under Article 12.1, but no service credit or leaves shall accrue during the period of time they were not employed by the City of Kirkland.

8.3.3.4 Will be considered upon hire to have completed the one-year period for accruing sick leave hours under Article 13.1.1 and will have their unused sick leave bank reinstated and available for immediate use, except for any hours previously cashed out or in excess of the maximum in Article 13.1.1. Any employee previously provided a cash out under Article 13.2.3 will not be entitled to another cash out conversion, except for the difference, if any, in the amount originally cashed out and the maximum amount to be cashed out under the CBA at the time of the employee's second separation.

8.3.3.5 If reinstated under 8.3.2.2, return to the department at the officer rank, unless they resigned as a supervisor in good standing, in which case the Chief has the right but not the obligation to reinstate the employee as a supervisor if there is a supervisor vacancy at the same rank and no active eligibility list for the position.

8.4 LAYOFFS

A layoff is identified as the anticipated and on-going or prolonged reduction in the number of full-time equivalent (FTE) positions within the department or within a job classification covered by this Agreement. A reduction in force in classification may occur for reasons of lack of funds, lack of work, efficiency or reorganization. Reductions in force are identified by classification within the department.

8.5 NOTICE

The Guild shall be notified of all proposed layoffs and of positions to which laid off employees may be eligible to bump through the attachment of a current seniority list.

Employees affected / being laid off shall be given written notice of such layoff thirty (30) calendar days prior to the layoff if possible. In no event shall written notice of layoff be less than fourteen (14) calendar days. If the Employer does not provide fourteen (14) calendar days written notice, the employer shall compensate the employee at his or her normal rate of pay for the time between the last day of work and fourteen (14) calendar from the date the employee

receives the notice of layoff, in addition to any other compensation due the employee.

The employee shall inform the Employer within five (5) working days of the receipt of the notice of layoff of their intention to exercise bumping rights. When all bumping rights have been acted upon, or when someone has chosen not to act on their bumping right, the employee least senior or the employee choosing not to bump shall be the person laid off. Only one thirty (30) day notice of layoff is required, irrespective of the number of bumps.

An employee desiring to exercise bumping rights must do so by delivering written notice to the Employer within five (5) working days of receipt of notice of layoff. The written notice must state the proposed position to be bumped.

8.6 MEETING WITH GUILD

The Guild shall also be notified in writing of any reduction in hours proposed by the Employer, including the purpose, scope, and duration of the proposed reduction.

Upon the Guild's request, the Employer and the Guild shall meet promptly during the first two (2) weeks of the notice period identified in Article 8.5 to discuss the reasons and the time-lines for the layoff and to review any suggestions concerning possible alternatives to layoff. Guild concerns shall be considered by the Employer prior to implementation of any reduction in hours. This procedure shall not preclude the Employer from providing notice to employees or requesting volunteers to take leaves of absence without pay, provided the Employer notifies the Guild of the proposed request.

8.7 AFFECTED GROUP

The following procedure shall apply to any layoff:

8.7.1 Affected employees

The Employer shall first determine by job classification the number of employees or FTEs to be affected by the layoff. The employee(s) holding such FTEs, which are subject to layoff, shall be the "affected employee(s)."

The least senior employee within the affected job classification shall be selected for layoff, consistent with Article 8.2.2.

In cases where seniority within a job classification is equal, bargaining unit seniority will be the determining factor. In the event this is also equal, Employer seniority will control. If all of the seniorities are equal, then Management shall make the final decision based on performance and job skills.

8.7.2 Volunteers

Simultaneous with implementing the provisions of the layoff procedure, the Employer may first seek, by a five (5) working day posting process, volunteers for layoff or voluntary resignation from among those employees who work within the same job classification as the affected employees. If there are more volunteers than affected employees, volunteers will be chosen by bargaining unit seniority. Employees who volunteer for layoff may opt for recall rights as described in this article at the time of

layoff.

If there are no or insufficient volunteers within the affected job classification, the remaining affected employees who have received notice must choose promptly (within five (5) full working days of receipt of the Notice) among the layoff options set forth in Article 8.12.

8.7.3 Probationary Employees
If the number of volunteers is not sufficient to meet the announced number of necessary layoffs, and if the affected employee is an initial probationary employee, then that employee shall be laid off and is ineligible to select among layoff options.

8.8 VACANT POSITIONS
Positions will be filled in accordance with Article 8.2 and other sections of this Article.

Within the bargaining unit and the department, affected employees and employees on the recall list shall be given first opportunity for vacant bargaining unit comparable positions prior to outside hiring by the Employer, consistent with Article 8.12.1.

8.9 SENIORITY LIST
The Employer shall update the seniority list and provide it to the Guild monthly, consistent with Article 3.3. If a layoff is announced, a current ranked seniority list including job classifications, names, job locations, and FTE or hours per week shall be provided to the Guild and posted in the affected department.

8.10 ORDER OF LAYOFF
The least senior employee (by classification seniority) within the affected job classification shall be selected for layoff. No regular employee shall be laid off while another employee in the same classification within the department is employed on a probationary basis.

8.11 COMPARABLE EMPLOYMENT
For purposes of this Article, “comparable employment,” “comparable position” or vacancy shall be defined to include a position which has the same salary pay range and educational and experience qualifications.

8.12 LAYOFF OPTIONS
Affected employees who have completed their probationary period shall have the following options:

8.12.1 Assume a Vacant Position
On a bargaining unit seniority basis, to assume a vacant position of equal or lesser rank, in accordance with Article 7.4.3.

8.12.2 Bump
Consistent with Article 8.2.3, laid off employees, including bumped employees, shall be allowed to bump less senior employees (by bargaining unit seniority) within their department in lower classifications.

An employee who has bumped shall move to the highest step of the new range that does not exceed their current salary.

If there is no employee in the next lower classification who is less senior than the person scheduled for layoff, that person may look progressively to the next lower classification for such bumping rights.

The employee who is bumped by the affected employee shall have the same rights under this Article.

8.12.3 Recall
If the affected employee elects not to take a vacant position or elects not to bump, then that employee will be placed on the recall list and will be eligible for recall under Article 8.14.

Nothing contained in this layoff section shall be construed to require the Employer to modify its position and classification structure in order to accommodate bumping or other re-employment rights.

Employees bumping to another position shall retain their old anniversary date for purposes of step increases. Persons recalled to the same salary range shall be placed in their former step and time in step.

8.13 REDUCTION HOURS/FTE
An employee will not be subject to an involuntary reduction in their FTE (i.e. less than full-time) absent notice and negotiation of the matter with the Guild. If the reduction results in hours less than their budgeted FTE, it will be considered a layoff and the affected employee shall have either the right to bump or go onto the recall list.

8.14 RECALL
Any reference to recall rights and recall lists pertains to both those employees who are laid off or on medical reinstatement, as below:

An employee who has been laid off shall be entitled to recall rights for a period of fourteen (14) months from the effective date of their layoff.

An employee who is placed on the medical reinstatement list shall be entitled to recall rights for a period of twenty-four (24) months from the employee's last date of employment. Recall under this provision requires that the individual has been certified as fit for duty or fit for duty with reasonable accommodation by a medical health care provider statement. The department may, at its own expense, request a second opinion by another health care provider(s) or panel. Should the employee be certified as fit for duty, that employee shall then be considered as laid-off and the provisions of Article 8.16 shall apply. Should that certification occur during the last six (6) months of the twenty- four (24) month period, that employee shall be entitled to recall for a period of six (6) months from the date of that certification.

Employees recalled after the initial fourteen (14) month period shall be subject to the background check process.

If a vacancy occurs in a position, employees on the recall list shall be notified of such vacancies at the employee's address on file with the Human Resources Department. The vacancy will be filled, in accordance with seniority, among current employees and those on the recall list. If employees on the recall list elect not to accept an offer to return to work in the former or a comparable position or fail to respond within seven (7) consecutive days of the offer of recall, they shall be considered to have terminated or abandoned their right to re-employment and relinquished all recall rights. If employees on the recall list elect not to accept an offer of a non-comparable position, they may retain their recall rights for the balance of their recall period.

As long as any employee remains on the recall list, the Employer shall not newly employ by hiring persons into the affected bargaining unit classification(s), within their department, until all qualified employees holding recall rights to that affected classification have been offered recall.

8.15 VACATION & LEAVE CASH OUTS/PAY

Upon separation of employment, an Employee shall be paid for all unused, earned vacation leave, holiday leave and compensatory time, to the extent of established maximums. Sick leave balances at the date of layoff shall be restored upon re-employment with the Employer from the recall list. No sick leave shall accrue during the period of time on the recall list / layoff.

8.16 UNEMPLOYMENT CLAIMS

If laid off employees apply for unemployment compensation benefits, the Employer will not contest the claim and will confirm that the employee was laid off.

ARTICLE 9 – WAGES

9.1 WAGE SCHEDULE

The monthly rates of pay (base wage) for each job title is reflected in the Police - Commissioned salary schedule. The Specialty and Premium pays are percentage increases that refer back to the salary schedules and are additive to the monthly base rate of pay.

9.1.1 Wage Adjustments

9.1.1.1 Effective January 1, 2026, the monthly rate of Base Pay shall be increased by a two and seven tenths percent (2.7%)wage adjustment An additional one and three tenths percent (1.3%) market adjustment will be applied January 1st, 2026.

9.1.1.2 Effective January 1, 2027, the monthly rate of Base Pay shall be increased by a three and eight tenths percent (3.8%)wage adjustment.

9.1.1.3 Effective January 1, 2028, the monthly rate of Base Pay shall be

increased by 100% of the 2027 June CPI-W index for Seattle, Tacoma, Bellevue with a minimum increase of one percent (1%) and a maximum increase of five percent (5%)

Wages shall be retroactive to January 1, 2026. All employees active and working on the date the agreement is signed by all parties shall be eligible for retroactive amounts. Any such retroactive payments will be paid no later than the next paycheck following ninety (90) days from the effective date of this agreement.

9.1.2 Salary Schedules for each year of the CBA are provided in Appendix E.

9.1.3 An accreditation premium of 1% (one percent) will be added to the monthly rate of pay of the employee's current classification and shall be paid monthly for the duration of the contract.

9.2 HIRE-IN RATES

Starting Police Officer positions will be broken down into two categories:

9.2.1 Category I: Officers with prior experience. Prior experience is termed two or more complete years of work as a police officer in a police agency and the successful completion of the Washington State Basic Law Enforcement Academy or other acceptable and qualified academy certified by the Washington State Criminal Justice Training Commission. Officers who qualify for this position shall receive starting salary from the wage schedule as follows:

Complete Years Prior Experience	Starting Salary Level
2 years	Patrol Officer Step 3
3 years	Patrol Officer Step 4
4 or more years	Patrol Officer Step 5

9.2.2 Category II: Any starting officer who does not have prior experience. Officers in Category II shall receive starting Patrol Officer Step 1 pay for one year before moving into Step 2.

9.3 SPECIALTY PAY

9.3.1 K-9 Unit/Dog handler Classification: To compensate for time committed to "at home care" and all other functions related to the care and maintenance of a K-9 unit, the handler shall be compensated as follows:

9.3.1.1 The handler will receive 4% (four percent) premium pay added to the monthly rate of pay of the employee's current classification.

9.3.1.2 In addition, during duty days, one (1) hour of work time each day is dedicated to the care and maintenance of the K-9 dog which has been determined to be reasonable number of hours for the weekly care of the K- 9 dog.

9.3.2 Police Training Officers (PTO) will receive one (1) hour of overtime in addition to regular hours worked for each day that the PTO is engaged in training an officer.

9.3.3 Detectives, including assigned supervisors, shall receive a 5% (five percent) premium added to the monthly rate of pay of the employee's current classification. Detectives assigned to IFIT shall receive one (1) hour of overtime for each day they perform any substantive IFIT duties, including IFIT training.

9.3.3.1 For purposes of this subsection, "assigned to IFIT" means those detectives who are included on IFIT Command's approved IFIT roster as Investigators, Lead Investigators, and/or Supervisors, having met the requirements of IFIT and any applicable statutory and administrative rules. Detectives not assigned to IFIT who are called out to assist with basic investigative tasks, such as canvassing or scene security, are not eligible for IFIT specialty pay but remain eligible for any normal overtime compensation as required by the CBA.
9.3.3.2 The Chief of Police or their designee maintains the ability to approve compensation for other detectives not listed on the IFIT roster based on exigent circumstances and the significance of a detective's assigned role.
9.3.3.3 For purposes of this subsection, "substantive IFIT duties" includes those tasks and responsibilities as assigned by an IFIT supervisor and/or commander directly related to an IFIT investigation and/or training.

9.3.4 Traffic Officers including assigned supervisors, shall receive a 4% (four percent) premium added to the monthly rate of pay of the employee's current classification. This premium includes a requirement for Traffic Officers to be on a rotational on-call schedule, provided that the schedule must be set for a minimum of five officer rotation which includes any assigned Corporal and no traffic officer shall be on-call more often than they would be if the traffic unit was fully staffed with five officers/Corporal.

9.3.5 ProAct Detectives including assigned supervisors, shall receive a 3% (three percent) premium added to the monthly rate of pay of the employee's current classification.

9.3.6 Training Unit Officers, including assigned supervisors, shall receive a 2% (two percent) premium added to the monthly rate of pay of the employee's current classification.

9.3.7 Community Service Unit Officers, including assigned supervisors shall receive a 2% (two percent) premium added to the monthly rate of pay of the employee's current classification.

9.4 LONGEVITY

9.4.1 Employees shall receive, in addition to their monthly base wage, the following longevity pay added to the monthly rate of pay of the employee's current classification, based upon their years of service for the Kirkland Police Department:

Years of Service*	Monthly Premium
5-9 years	2.5%
10-14 years	4.5%
15-19 years	6.5%
20-24 years	9.0%
25 years or more	10.0%

-Officers hired as Lateral Officers will receive credit for years of service as commissioned Police Officers towards their longevity years of service calculation

9.5 OUT-OF-CLASS PAY

An Officer assigned to the position of Acting Sergeant shall be paid 5% (five percent) premium pay for hours served in excess of two or more consecutive shifts. A Corporal assigned to the position of Acting Sergeant shall be paid 5% (five percent) premium pay for hours served in excess of eight (8) or more consecutive shifts. If the duration of the assignment is unknown at the onset, a Corporal will receive out-of-class pay after the consecutive shifts have been surpassed retroactive to the first day of the assignment.

9.6 EDUCATION INCENTIVE

Employees with an AA degree and higher from an accredited institution will be eligible for an educational/performance incentive, as set forth below:

Education / Performance Premium

AA Degree (or 60 semester or 90 quarter college credits)	2%
BA/BS Degree	4.0%
Graduate Degree	4.5%

It is the employee's responsibility to have their diploma or transcripts provided from an accredited institution to the department time-keeper in order to be eligible for the Incentive. Education Incentive pay will begin the pay period following the Employer's receipt of appropriate documentation from the employee. For all new employees in the bargaining unit, the Employer shall, in writing, advise new employees of this education incentive, advise them of the acceptable form of documentation needed, and advise them that it is the employee's responsibility to provide appropriate documentation before they can receive the incentive pay. The Education Incentive shall be added to the monthly rate of pay of the employee's current classification.

9.7 PHYSICAL FITNESS INCENTIVE

Employees shall be eligible for physical fitness incentives as provided in Appendix A.

9.7.1: The Memorandum of Understanding between the parties regarding Working Out on Duty is

incorporated herein by reference.

9.8 SHIFT DIFFERENTIAL

A premium of one percent (1%) will be added to the monthly rate of pay for employees who are assigned to the patrol night shift.

9.9 STRIP SEARCHES

The Employer acknowledges that strip searches are duties typically performed by corrections officers. In rare occurrences when no corrections officer is available, employees may be asked or required to perform strip searches of City of Kirkland jail inmates. Employees will receive training on conducting strip searches prior to being requested or required to perform a strip search. The Employer must seek volunteers from available fully-commissioned employees before requiring an employee to perform a strip search. As compensation for strip searches, an employee will receive one (1) hour of incentive pay (defined as time and a half) in addition to his or her regular hours worked for each strip search of an inmate, defined as someone needing to be booked or already booked into the City's jail. This section does not apply in patrol and/or investigations cases when a fully-commissioned officer would normally be expected to perform the search (e.g., upon getting a warrant for a strip search as part of an investigation). If the strip search requires a call-out, the Officer will be compensated according to Article 10.2, Call-Back Pay.

ARTICLE 10 – OTHER COMPENSATION

10.1 STANDBY PAY

Employees specifically pre-approved by command personnel to be ready reserve for a specific period of time shall be paid at the overtime rate for actual time worked. Standby shall not be subject to a three-hour minimum. Detectives who are assigned on-call status shall be provided a city take-home vehicle for each day so assigned. Detectives' compensation for standby assignment for the year is factored into the premium paid to the detectives as outlined in Article 9.3.

10.2 CALL-BACK PAY

All employees will respond to call-outs unless extenuating circumstances such as illness or other incapacitation prevent the employee from responding.

Full-time employees who are called back to work after leaving the job site shall receive a minimum of three (3) hours' pay at the overtime rate. When an employee is called out between shifts, the time worked between shifts shall be paid at the rate of one and one- half (1½) times the regular rate.

10.3 MILEAGE REIMBURSEMENT

All bargaining unit employees who are required to use their own vehicles for Employer business shall be reimbursed at the mileage rate set by the current policy for all miles driven on such business.

10.4 CLOTHING AND EQUIPMENT

10.4.1 The Employer shall continue to provide necessary uniforms and equipment. Detectives shall be provided an annual allowance for clothing of not less than three hundred dollars ($300) every six months. Clothing allowance shall be reflected as taxable income.

10.4.2 The Employer shall provide for the cleaning of uniforms/required work wear for employees.

10.4.3 In addition, the Employer agrees to replace or repair equipment or clothing belonging to the employee, which is damaged in the line of duty. Equipment or clothing shall be construed to mean items owned by the employee, which are required to perform their duties. To be considered for repair or replacement, equipment or clothing damaged in the line of duty must be submitted to the shift supervisor no later than the end of the Officer's next regular duty day, along with a written report and any documentation to support the cost of the damaged item.

ARTICLE 11 – HOLIDAYS

11.1 HOLIDAYS

Regular employees shall be granted the following holidays and other such days as the City Council may establish, without a reduction in pay:

Holiday	Observed
New Year's Day	January 1
Martin Luther King Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19th
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Day after Thanksgiving
Christmas Day	December 25
Two (2) Floating Holidays	At employee's choice

11.2 HOLIDAY ELIGIBILITY AND HOLIDAY BANK

An employee must be employed for six (6) consecutive months in order to be eligible for their floating holiday. In selecting the Floating Holiday, the employee's choice will be granted, provided that prior approval is given by the immediate supervisor or a member of Command Staff. The Floating Holiday must be taken during the calendar year, or entitlement to the day will be forfeited.

Within thirty (30) days of ratification of this contract, all commissioned employees will have

their annual holiday time pro-rated for any holiday time already used and all remaining holiday time will be loaded into the employee's Holiday Bank. Effective January 1st, 2024, all commissioned employees will have their holiday time front loaded in the first pay period of each calendar year. For a separating employee, any remaining floating holiday hours will be cashed out at the employee's regular rate of pay at separation. Any remaining holidays in the calendar year that occur after the employee's separation date will be deducted from the employee's holiday hours bank. If this results in a negative holiday hours balance (e.g., the employee has cashed out or used more hours than the holidays that have occurred in the year), they will have those hours deducted from their final paycheck at their regular hourly rate at the time of separation.

New employees will have their holiday time front loaded on a pro-rated basis with credit given for Holidays that occur after their start date. New employees will have their Floating Holiday hours added after six (6) months of employment.

Employees assigned to a four (4) day per week, ten (10) hours per day schedule will be given a bank of one hundred thirty (130) hours. Employees assigned to a five (5) day per week, eight (8) hours per day schedule will be given a bank of one hundred four (104) hours.

- SRO's will have either 130 or 104 hours of holiday leave depending on the work schedule they chose to work in September of the prior year (either 5-8's or 4-10's)
- K9 Officers will have 104 hours of holiday leave based on a 5-8 schedule.

11.3 HOLIDAY OBSERVANCE
Employees will observe the Holiday on the day the City observes the respective Holiday. Provided however, Patrol personnel will follow Article 11.1 and the holiday may be used on a regularly scheduled work day mutually agreeable to the employee and the employer. Patrol personnel and the K9 Officer who are authorized to take the holiday off may use either vacation, holiday, or compensatory leave banks.

All non-essential employees are required to take the holiday off on the city observed day, unless otherwise outlined in this contract. Employees required to take the day off must utilize Holiday bank hours or Compensatory Time bank hours. Any non-essential employee who has exhausted their holiday hours and personal holiday hours will be allowed to utilize their vacation bank. Any personnel who begin the year on patrol and/or K9 and later transition to a non-essential position (including modified duty, medical leave, or FMLA) may continue for the remainder of the year to utilize their vacation, holiday, or compensatory leave banks on holidays.

11.4 HOLIDAY ON DAY OFF When the Holiday falls upon the employee's day off, the Holiday may be used on a regularly scheduled workday mutually agreeable to the employee and the Employer.

11.5 HOLIDAY COMPENSATION
Employees who are assigned to work on the Holidays in Article 11.1 designated as the "Actual" date, (excluding Floating Holidays) shall be eligible for overtime compensation at one and one-half (1 ½) times the employee's hourly rate for the number of hours actually worked

on the specified holiday. Employees who are called in to work on the Holiday (otherwise not regularly scheduled or required to work) shall be eligible for overtime compensation at two (2) times the employees' hourly rate for the number of hours worked on the specified holiday. Any non-patrol employee called in to work on the Holiday shall have their holiday hours returned to their holiday bank and used in accordance with Section 11.3.

11.5.1 *Holiday Compensation on the 4th of July*
Employees who sign up or are called in to work on the 4th of July (otherwise not regularly scheduled or required to work) shall be eligible for overtime compensation at two (2) times the employee's hourly rate for the number of hours worked on the 4th of July.

When a non-essential employee signs up or is called in to work on the 4th of July (otherwise not regularly scheduled or required to work) during their normal work hours, they will be paid two (2) times their hourly rate for the number of hours worked on the 4th of July and utilize holiday leave or comp time for the remainder of their workday.

When a non-essential employee signs up or is called in to work on the 4th of July (otherwise not regularly scheduled or required to work) outside of their normal work hours, they will utilize holiday leave or comp time for their normal hours and then be paid two (2) times their hourly rate for the number of hours worked on the 4th of July.

All 4th of July overtime that is scheduled by sign up must be pre-approved by the Chief of Police or their designee.

11.6 HOLIDAY CASH OUT

All commissioned employees are eligible to cash out their Holiday bank at the end of the calendar year. Holiday hours will be paid out on an annual basis, on the first pay day following January 1st, for all hours remaining in the Holiday bank on December 31st of the prior year. No holiday hours will rollover to the following year. Hours cashed out will be at the employee's regular rate of pay as of December 1st, of the calendar year in which the Holiday hours were received.

ARTICLE 12 – VACATION

12.1 VACATION ACCRUAL
Each regular full-time employee shall accrue vacation leave at the rate of 1/12 of annual vacation per month of service, based on the following schedule:

Years of Employment	Annual Vacation (Working Hours)
1st year of employment	104 hours
2 – 3 – 4 years	114 hours
5 – 6 – 7 years	138 hours
8 – 9 – 10 years	146 hours

11 – 12 – 13 years	154 hours
14 – 15 – 16 years	170 hours
17 – 18 – 19 years	186 hours
20-21-22-23-24	202 hours
25 years and beyond	220 hours

**-Officers hired as Lateral Officers will receive credit for years of service as commissioned Police Officers towards their vacation accrual level

12.1.1 Vacation leave cannot be accrued during any leave without pay, but such leave shall not be considered an interruption of consecutive years of employment for the purpose of determining entitlement to additional vacation days under the foregoing schedule.

Vacation leave shall not be accumulated in excess of three hundred (300) hours.

Employees are encouraged to utilize Vacation for appropriate time off and manage vacation requests throughout the year. Any vacation leave accrued in excess of the maximums shall be forfeited and shall not form the basis for any additional compensation. Upon termination of employment for any reason, no payment for vacation accumulation shall exceed two hundred forty (240) hours.

Earned vacation leave may be taken at any time during a period of illness after expiration of sick leave. Taking leave without pay in any month shall result in pro-ration of vacation accruals for that month, calculated upon actual hours worked as a percentage of the total hours of the pay period.

12.2 VACATION UPON TERMINATION

Upon separation of employment, an Employee shall be paid for all unused, earned vacation leave, up to established maximums.

In no case will an employee be paid for accrued vacation upon separation if he/she has been employed by the City for less than twelve consecutive months.

ARTICLE 13 – SICK LEAVE

13.1 SICK LEAVE ACCRUAL

For LEOFF II Members of the Bargaining Unit:

13.1.1 After completion of the one year period, an employee's sick leave pay shall accrue at the rate of ten (10) hours of leave for each full calendar month of the employee's service in that classification. Any such leave accrued in any year shall be accumulative for succeeding years to a maximum of 1010 hours.

13.2 SICK LEAVE USAGE

Sick leave shall be available to employees after they have worked for a minimum of thirty (30) consecutive calendar days after the most recent date of hire.

13.2.1 Consistent with the confidentiality provisions of the Americans with Disabilities Act, and upon good cause, a health care provider's statement may be required.

13.2.2 Upon appointment as a police officer, an employee shall be credited with 96 hours of sick leave. If an employee terminates before the unearned sick leave hours used are repaid, the unearned sick leave time taken will be deducted from the final paycheck.

13.2.3 Conversion of Accrued Sick Leave cash out to Retiree Medical Trust: Upon retirement from City service, or as a result of a medical condition disqualifying from service, or after reaching age 50 and leaving City service, or upon death of an employee, the employer shall make contributions into the PORAC Retiree Medical Trust, in an amount equal to fifty percent (50%) of the cash value of employee's accrued sick leave balance at the time of retirement (accrued sick leave hours x regular rate of pay x 50%) and shall not exceed thirteen thousand five hundred dollars ($13,500). The PORAC Retiree Medical Trust fund will be established in accordance with applicable laws, and the City shall contribute the monies on a pre-tax basis.

13.2.4 Effective January 1, 2027, the City will contribute a monthly pre-tax amount of $50 per month for each individual member to the PORAC Retiree Medical Trust. In addition, each individual member will contribute a monthly pre-tax amount of $100 per month to the PORAC Retiree Medical Trust. The City's payment to the PORAC Retiree Medical Trust is in addition to the HRA (VEBA contributions mentioned in Appendix D. The details of this section are outlined in the PORAC Retiree Medical Trust Memorandum of Understanding attached to this Agreement.

One-Time Signing Bonus: As soon as administratively practicable upon initial set up of the PORAC Retiree Medical Trust, the City will contribute a one-time signing bonus amount of three hundred dollars ($300) for each individual member to the PORAC Retiree Medical Trust.

For the purpose of this Article, retirement shall be defined as either normal service retirement or voluntary termination in good standing after twenty (20) years of continuous service with the Kirkland Police Department.

13.3 SHARED LEAVE

The Employer may permit an employee to receive vacation or compensatory time consistent with the current Shared Leave policy.

13.4 COORDINATION – WORKERS' COMPENSATION

Workers' Compensation Supplement (LEOFF II). The City will provide a disability leave supplement for LEOFF II employees injured in the line of duty when such injury is directly related to the inherent dangers associated with employment in law enforcement. The

supplement shall go into effect when an employee becomes eligible for State workers' compensation benefits and shall equal the difference between the State workers' compensation monthly payment and the employee's base monthly salary. This pay supplement shall continue as long as the employee is off work and receiving workers' compensation benefits.

In no event, shall the combination of Workers' Compensation, long term disability benefit, and this Workers' Compensation supplement exceed one hundred percent (100%) of the employee's regular salary.

While the Workers' Comp Supplement is governed by rules established and administered by DRS, employees are advised of the following current DRS practices, which are subject to change by DRS:

During the first 48 hours of disability leave, the wages are reported as L & I (60%) and Sick Leave (40%). For the next six months, disability time is reported as L & I (60%), Sick Leave (20%) and Supplementary Disability (20%) as per RCW 41.04.510. The remaining disability time is reported as L & I (60%), Sick Leave (40%). Once accrued leave has been exhausted, the employee's obligation to turn Worker's Compensation checks over to the City shall cease and the City's obligation of salary to the employee shall be discontinued until the employee is released by the treating physician as fit for duty.

Time-loss payment from L & I are not subject to federal income or Social Security taxes. The Department of Retirement Systems considers 80% (L & I payment and supplemental disability) of your time not reportable hours for service credits. Employees have the option to request the reestablishment of these service credits by submitting a written request to DRS.

13.5 FAMILY MEMBER

Sick leave may be utilized as above for illness in the immediate family requiring the employee's attendance.

Immediate Family shall mean persons related by blood, marriage, or legal adoption in the degree of relationship of grandparent, parent, wife, husband, brother, sister, child, grandchild, or domestic partner (as defined by Employer Policy) and other persons with the approval of the City Manager or designee.

ARTICLE 14 – LEAVES OF ABSENCE

14.1 IN GENERAL

Leave of absence requests shall not be unreasonably denied. All leaves are to be requested in writing as far in advance as possible.

As appropriate for the type of leave requested, paid leave accruals will be exhausted prior to unpaid leave, unless otherwise provided for in this Agreement. This section does not apply to leaves of absence for military duty.

Leave does not accrue nor may it be used until the first day of the pay period in which it is

earned (no "negative" leave use during the period in which it is earned).

14.2 JURY DUTY/COURT
An employee who is required to serve on Jury duty shall be authorized leave with pay, less any amount received from the court for such service, up to two (2) weeks.

14.3 MILITARY LEAVE
All regular employees shall be allowed military leave as required by RCW 38.40.060 and as interpreted by the Court. This provides for twenty one (21) working days of military leave per year (October 1 through September 30).

14.4 BEREAVEMENT
Employees shall be entitled to four (4) days Bereavement Leave without loss of compensation upon the death of a member of the Employee's immediate family. For the purposes of this contract, immediate family shall be defined as stipulated in Article 13.5. All Bereavement Leave must be communicated through the Chain of Command to ensure applicability and make sure staffing concerns are addressed. Additional time off as may be required for travel or other circumstances may be granted if approved in advance by the employer. Such additional time shall be deducted from an accrued leave of the employee's choice.

14.5 MAINTENANCE OF SENIORITY
The Employer shall adjust the employee's anniversary date to reflect any period of unpaid leave of thirty (30) continuous days or more. Seniority shall continue to accrue and the employee's anniversary date shall not be adjusted for periods of legally protected leave, such as FMLA or military leave.

14.6 LEAVE WITHOUT PAY
Unpaid Leave of Absence shall be governed by existing City policies.

14.7 FAMILY LEAVE FMLA
Family Medical leave will be allowed consistent with State and Federal law and with existing City policies.

Under the terms of the Family and Medical Leave Act of 1993 (FMLA) and the state law, upon the completion of one (1) year of employment, any employee who has worked at least 1250 hours during the prior twelve (12) months shall be entitled to up to twelve (12) weeks of leave per rolling year for the birth, adoption or placement of a foster child; to care for a spouse or immediate family member with a serious health condition; or when the employee is unable to work due to a serious health condition. For purposes of this Article, the definition of "immediate family" will be found in Article 13.5.

The Employer shall maintain the employee's health benefits during this leave. If the employee fails to return from leave for any reason other than the medical condition initially qualifying for the FMLA absence, the Employer may recover from the employee the insurance premiums paid during any period of unpaid leave.

If a leave qualifies under both federal and state law, the leave shall run concurrently.

Ordinarily, the employee must provide thirty (30) days written advance notice to the Employer when the leave is foreseeable. The employee should report qualifying events as soon as known and practicable.

The combination of FMLA and other types of leave(s) is not precluded and, in fact, leave utilizations are to be concurrent, with the intent that appropriate paid accruals are to be utilized first, consistent with other Articles of this Agreement. The Employee may elect to retain up to forty (40) hours of sick leave and up to forty (40) hours of vacation (prorated by their FTE) for use upon return to work, consistent with the process identified in the personnel policy. Upon the employee's election, any accrued comp time may be utilized prior to any period of unpaid leave.

14.8 MATERNITY LEAVE

Consistent with WAC 162-30-020, the Employer will grant a leave of absence for a period of temporary disability because of pregnancy or childbirth. This may be in addition to the leave entitlements of FMLA.

This leave provides female employees with the right to a leave of absence equivalent to the disability phase of pregnancy and childbirth. There is no eligibility requirement, however the Employer has no obligation to pay for health insurance benefits while on this leave (unless utilized concurrent with FMLA).

Leave for temporary disability due to pregnancy or childbirth will be medically verifiable. There is no limit to the length of the disability phase, except for the right for medical verification and the right of second opinion at the employer's expense. At the end of the disability leave, the employee is entitled to return to the same job or a similar job of at least the same pay. Employees must use their accrued vacation and sick leave, if any, during the leave period and, at their election, any accrued comp time, consistent with the retention provision as provided in Article 14.7. Once this paid leave is exhausted, the employee's leave may be switched over to unpaid leave.

14.9 INCLEMENT WEATHER

Employee rights and responsibilities during severe weather and emergency or disaster conditions are covered by the current Inclement Weather Policy of the Employer. The goal shall be to continue to provide essential Employer services, consistent with public and employee safety and emergency operations priorities. Law enforcement is critical to these essential services and the expectation is that employees will report to duty as scheduled.

14.10 PAID FAMILY MEDICAL LEAVE

Eligible employees are covered by Washington's Family and Medical Leave Program, Title 50A RCW. Eligibility for leave and benefits, which began January 1, 2020, is established by Washington law and is therefore independent of this Agreement. Premiums for benefits are established by law. Both the Employer and Employees will be responsible for the statutory premium amounts assigned to them under RCW 50A.10.030. Employees will pay their portion of the premiums through payroll deduction.

ARTICLE 15 – HEALTH & WELFARE

15.1 MAINTENANCE OF BENEFITS

Medical Insurance - The Employer will offer a self-insured High Deductible Health Plan (HDHP) administered with coverages illustrated in Appendix C. The Employer will also offer a fully-insured HMO option through Kaiser Permanente (or its equivalent). During the duration of this agreement the Employer shall make every effort to maintain substantially equivalent benefits.

The Guild shall take part in and have an appointed representative on the Whole Health Committee. The purpose of the Committee is to monitor and evaluate the benefits costs and the plan designs.

The Committee representative shall have no authority to negotiate on behalf of the Guild any changes to be scheduled or content of benefit plans. The Employer shall continue with collective bargaining obligations with the Guild, as currently exist under law for any such changes.

Participation in benefits shall be consistent with Article 15.2 of this Agreement.

15.2 HEALTH AND LIFE INSURANCE

Medical Insurance - The Employer shall pay each month one hundred percent (100%) of the premium necessary for the purchase of Employee coverage and one hundred percent (100%) of the premium necessary for the purchase of dependent coverage under the City of Kirkland self-insured HDHP Plan or Kaiser Permanente (or its equivalent) for each Employee of the bargaining unit.

Dental and Vision - The Employer shall pay each month one hundred percent (100%) of the premium necessary for the purchase of Employee coverage and one hundred percent (100%) of the premium necessary for the purchase of dependent coverage under Washington Dental Services (or its equivalent) or Willamette Dental (or its equivalent) and Vision Service Plan (or its equivalent).

Life Insurance - the Employer shall pay each month one hundred percent (100%) of the premium necessary for the purchase of Employee term life insurance coverage that has a policy value of two (2) times the annual base rate of pay of the Employee, up to a guaranteed issue amount of $250,000 subject to any restrictions outlined in the policy. The Employee is responsible for any taxes associated with this benefit.

15.2.1 The City agrees to continue payment of the City portion of the premium for the spouse and eligible dependents medical and dental premiums for a period of twelve (12) calendar months following the death of an active Police Officer whose death is the direct result of injuries incurred in the line of duty. In the event the surviving spouse remarries within that twelve (12) month period, the City payment of premiums shall cease with payment of the premium for the month in which the marriage occurs. The parties agree this provision shall specifically not apply to presumptive illnesses, which cause the death of the officer.

15.3 FLEXIBLE SPENDING ACCOUNT – FSA

The Employer participates in a special program under the provisions of IRS Section 125. Employees may voluntarily elect to participate in the reimbursement program to pay medical or dependent care expenses with pre-tax dollars. The Employer makes no contribution, makes no assurance of ongoing participation, and assumes no liability for claims or benefits. The City and the Union agree to reevaluate this benefit pending Cadillac Tax liability in the future.

Contributions to the flexible spending account can be made by the employee as a payroll deduction subject to the rules and limitations contained within the Internal Revenue Code.

15.4 RETIREE MEDICAL

Upon retirement from the City, LEOFF II bargaining unit members (Members) who have been employed with the City of Kirkland for five or more consecutive years prior to retirement may participate in the City's self-insured HDHP plan at the rate established by the City for retirees or the City's Kaiser Permanente retiree plan at the retiree rate or HMO retiree plan at the retiree's own expense. Such participation is available only if the Member has met the retirement eligibility requirements for LEOFF II. Members may elect coverage for their eligible spouse/domestic partner and any eligible dependents. Coverage under this program ends when the Member becomes eligible for Medicare or chooses to be covered by another employer.

15.5 RETIREMENT

Pensions for employees and contributions to pension funds will be governed by applicable Washington State Statutes in relation thereto in existence during the contract period.

15.6 HEALTH REIMBURSEMENT ACCOUNT – HRA (VEBA)

The Employer will make contributions to a HRA (VEBA) in the amount of $1200 per year for employee only coverage or $2400 per year for family coverage if the employee enrolls in the City of Kirkland HDHP. These contributions are in addition to those in Article 13.2.3 and neither contribution requires participation in wellness activities. Contributions to the HRA (VEBA) will be made by the Employer (as outlined in Appendix D) and are subject to the rules and limitations contained within the Internal Revenue Code.

15.7 EMPLOYEE HEALTH CENTER

The Employer will contract with a vendor of their choosing to open and operate an On/Near-Site Health Center. The Health Center will be open to employees and their dependents who are covered under the Employer's Medical Plan. Services provided at the Health Center, per the contract with the vendor, will be at no cost to the employee. The Employer has full discretion to negotiate with the vendor on services provided, hours of operation, staffing, covered prescriptions, location, and all other stipulations in the contract with the vendor. The Employer reserves the right to terminate the contract with the vendor and discontinue offering this benefit to employees and their dependents at any time. If, during the term of the Agreement such termination should take place, either party may re-open Article 15 for bargaining.

15.8 PROFESSIONAL HEALTH SERVICES

The Employer will contract with a vendor of their choosing to provide Professional Health

Services. The Professional Health Services vendor will be open to Employees, their spouses/domestic partners and children who are covered under the Employer's First Choice HDHP. Services provided by Professional Health Services, per the contact with the vendor, will be at no cost to the employee. The Employer has full discretion to negotiate with the vendor on services provided and all other stipulations in the contract with the vendor. The Employer reserves the right to terminate the contract with the vendor and discontinue offering this benefit to Employees and their dependents at any time.

ARTICLE 16 – TRAINING

16.1 TRAINING

Upon fourteen (14) days advance notice by the employer, an employee's shift may be modified for one or more weeks to four (4) ten (10) hour days or four (4) twelve (12) hour days for in-service training, with a preference for a 4-10 training schedule. Overtime shall be compensated for in-service training when hours exceed the employee's regular scheduled workweek.

An employee attending full day or longer training courses shall be paid for their normal shift. Attendance at optional special training classes outside scheduled training hours shall not be compensated for unless specifically pre-approved by command staff.

Probationary employees who are in training may be transferred to their next duty assignment in accordance with Section 6.1.

16.2 TRAINING REIMBURSEMENT

Compensation associated with training or representation of the Employer on official business shall be consistent with the current policy and the Fair Labor Standards Act (FLSA) and WAC 296-128-500. Reimbursement of associated costs shall be consistent with City Policy.

ARTICLE 17 – LABOR/MANAGEMENT COMMITTEES

17.1 PURPOSE AND COMPOSITION OF COMMITTEES

The Executive Employee Relations Committee shall meet as needed at the request of either party. Meetings will be scheduled on mutually agreeable dates and times.

17.2 COMPENSATION

All meeting time spent by members of the joint Labor-Management Committee will be considered time worked if during duty hours and will be paid at the appropriate regular rate of pay.

ARTICLE 18 – HEALTH & SAFETY

18.1 SAFE WORKPLACE

The Employer is responsible for maintaining a safe and healthful workplace. The Employer shall comply with all federal, state, and local laws applicable to the safety and health of its

employees.

Recognizing that danger is an inherent aspect of law enforcement work, Employees who have a reasonable basis for believing the assignment would constitute a danger to their health and safety, should report the concern. The employee shall immediately contact a supervisor who shall make a final determination with regard to safety. No directive shall be delayed pending such determination.

All on-the-job injuries, no matter how slight, must be reported. Employees must immediately notify their supervisor if they are unable to work because of a work-related injury or illness.

18.1.1 FIREARMS
No police officer shall be required to work without a firearm unless mutually agreed to the contrary.

18.2 HEALTH & SAFETY PLAN
The Employer shall develop and follow written policies and procedures to deal with on-the-job safety and shall have effective safety and accident prevention plans in conformance with state (WAC 296-800) and federal laws.

18.3 DRUG FREE WORKPLACE
The City and the Guild agree to abide by the City of Kirkland Police Department Substance Abuse Policy that is attached as Appendix B.

18.4 WORKPLACE VIOLENCE
The employer is committed to employee health and safety. Workplace violence, including threats of violence by or against a City employee, will not be tolerated and should be immediately reported whether or not physical injury occurs, except those in the course and performance of law enforcement duties.

ARTICLE 19 – GRIEVANCE PROCEDURE

19.1 GRIEVANCE DEFINED
A grievance means a claim or dispute by a grieved employee, group of grieved employees, or the Guild Executive Board with respect to the interpretation or application of the provisions of this agreement.

19.1.1 Reference to days in this Article shall refer to calendar days.

19.2 GRIEVANCE PROCEDURE
Notification: In the event that an employee believes that the City is operating in violation of this agreement, the employee may notify his immediate supervisor.

19.2.1 Filing Formal Grievance: Within fourteen (14) days after the employee first becomes aware or reasonably should have become aware of the violation, a written grievance shall be submitted to the Lieutenant. This notification must be signed by the employee and must state

the issue, section of the agreement violated, facts giving rise to the grievance, and the remedy sought. This notification will be forwarded through the chain of command and will be designated as receipted, based on the date stamp of the authority designated at the appropriate step of the grievance.

19.2.2 It is agreed that taking a matter to a hearing before the Civil Service Commission constitutes an election of remedies and a waiver of any duty arising under this agreement to enter into binding arbitration. Similarly, upon the subsequent filing of an action as described above, a grievance, previously filed, shall be deemed withdrawn.

19.2.3 Step 1: The Lieutenant shall respond in writing within fourteen (14) days. If the action taken by the Lieutenant corrects the alleged violation to the satisfaction of the presenting party, the grievance shall be deemed resolved. In the event the presenting party(s) do not feel the alleged violation has been corrected to their satisfaction, the presenting party(s) shall proceed to Step 2 within seven (7) days.

19.2.4 Step 2: The Deputy Chief shall respond in writing within fourteen (14) days of receipt and date stamp of the grievance. If the action taken by the Deputy Chief corrects the alleged violation to the satisfaction of the presenting party, the grievance shall be deemed resolved. In the event the presenting party(s) does not feel the alleged violation has been corrected to their satisfaction, the presenting party(s) shall proceed to Step 3 within seven (7) days.

19.2.5 Step 3: Upon receiving a written grievance from an employee or the Guild, the Chief of Police shall attempt to resolve the grievance within fourteen (14) days. If the Chief of Police is unable to resolve the grievance to the satisfaction of the presenting party(s), the grievance, together with all other pertinent materials, shall be presented to the City Manager, and the presenting party shall be notified in writing. In the event the presenting party(s) does not feel the alleged violation has been corrected to their satisfaction, notice may be given and the grievance shall proceed to Step 4 within seven (7) days.

19.2.6 Step 4: Upon receiving a written grievance, the City Manager or designee shall attempt to resolve it within thirty (30) days. If the grievance is not resolved by the City Manager or designee, the presenting party(s) will be notified in writing. In the event the Guild does not feel the alleged violation has been corrected to their satisfaction the grievance may, within thirty (30) calendar days, be referred to arbitration by the Guild.

19.2.7 Binding Arbitration: For grievances related to employee discipline the parties shall request PERC to assign an arbitrator in accordance with RCW 41.56.070 within fourteen days following the Guild's request for the discipline to be reviewed. For all other arbitration if agreement cannot be reached as to an arbitrator for the matter within fourteen (14) days of notice of the desire to proceed, the parties shall jointly request the American Arbitration Association to provide a panel of eleven (11) arbitrators from which the parties may select one. Within thirty (30) days after receipt of the panel of arbitrators, the representatives of the Employer and the Guild shall alternately eliminate the name of one person from the list until only one name remains. The person whose name was not eliminated shall be the arbitrator. The party requesting arbitration shall have thirty (30) days to contact the arbitrator to obtain dates for the hearing. It shall be the function of the arbitrator to hold a hearing at which the

parties may submit their cases concerning the grievance. The arbitrator shall render their decision based on the interpretation and application of the provisions of this agreement within thirty (30) days after such hearing. The decision shall not add to, modify, or delete any provision of the agreement; and it shall be final and binding upon both parties to the grievance provided the decision does not involve action by the Employer, which is beyond its jurisdiction.

The expenses of the arbitration hearing shall be borne equally by the Employer and the Kirkland Police Guild. Each party shall be completely responsible for all costs of preparing and presenting its own case, including compensating its own representatives and witnesses. If either party desires a record of the proceedings, it shall solely bear the cost of producing such a record. The time limits in this Article may be extended by mutual agreement of the parties.

19.3 GUILD/EMPLOYER GRIEVANCE

Either the Guild or the Employer may initiate a grievance.

The Employer may not grieve the acts of individual employees, but rather, only orchestrated acts or actions of authorized representatives believed to be in conflict with this Agreement. An Employer grievance will not be subject to Arbitration and may only go to mediation upon mutual agreement.

The Guild may initiate a Grievance at Step 2 anytime that it involves a group of employees from different workgroups. Such grievances may be referred to mediation services by mutual agreement prior to Arbitration.

19.4 SCHEDULE OF MEETINGS

Consistent with Article 4.8, grievance investigations and meetings on duty time shall be subject to prior notice and approval. If authorization cannot be immediately granted, the Employer will arrange to allow investigation of the grievance at the earliest possible time.

ARTICLE 20 – NO STRIKE / NO LOCKOUT

20.1 NO STRIKE / NO LOCKOUT

It is understood and agreed that the services performed by City employees included in this Agreement are essential to the public health, safety, and welfare. Therefore, the employees agree that there shall be no strikes, slowdowns, or stoppage of work, or any interference with the efficient operation of the Police Department. Violation of this article shall subject the employee to disciplinary action or discharge.

The Employer shall not lockout any employee during the life of this Agreement.

ARTICLE 21 – MANAGEMENT RIGHTS AND RESPONSIBILITIES

21.1 MANAGEMENT RIGHTS AND RESPONSIBILITIES

Any and all rights concerned with management and operation of the Department are exclusively that of the Employer unless otherwise provided by the terms of this agreement. The

Employer has the authority to adopt rules for the operation of the department, provided such rules are not in conflict with the provisions of this Agreement or with applicable law. The Employer has the right, among other actions, to discipline or discharge for cause, to assign duties customarily performed by police officers, to determine the required number of personnel, to determine new work methods, to contract for goods and services, and to perform all of the functions not otherwise expressly limited by this Agreement or other applicable law.

Nothing in this agreement is intended to, nor shall be deemed to be in conflict with RCW 41.12 (Civil Service for City Police), and the Kirkland Civil Service Commission Rules and Regulations. Nothing herein shall be construed to be a waiver of the Guild's right to engage in collective bargaining or to affect the enforceability of any provisions of this contract.

21.2 INSURANCE

Consistent with existing Kirkland Municipal Code provisions, the City shall secure and maintain with responsible insurers such false arrest, malicious prosecution and liability insurance as is customarily maintained by public bodies with respect to the operation of police departments, all to the extent that such insurance can be secured and maintained at reasonable costs. The coverage to be so provided shall, to the extent available, be substantially equal to such coverage provided by the City immediately prior to the effective date of this agreement.

Such insurance shall include coverage for punitive damage awards made against an officer resulting from conduct found to be within his or her scope of duty or, the City may self-insure. Should a damage award result from conduct found to be outside the officer's scope of duty, including but not limited to punitive damages, the City and its insurer will not be responsible for payment of that award. Each allegation or cause of action for conduct complained of will be analyzed separately in determining whether the conduct was within or outside the officer's scope of duty for the purposes of this Article. A determination by the City Manager that conduct was outside of the officer's scope of duties is final but may be reviewed only by an action in King County Superior Court.

ARTICLE 22 – GENERAL PROVISIONS

22.1 SAVINGS CLAUSE

If any provision of this agreement shall be held invalid by operation of law, or any tribunal of competent jurisdiction, or if compliance or enforcement of any provision should be restrained by such tribunal pending final determination as to its validity, the remainder of this agreement shall not be invalid and will remain in full force and effect. Provided that should either party so request, the parties shall enter into immediate collective bargaining negotiations for the purpose of arriving at a mutually satisfactory replacement of such invalid provision.

ARTICLE 23 – ENTIRE AGREEMENT

23.1 DURATION CLAUSE

Except as otherwise stated herein, this agreement shall become effective on signature by both parties but not earlier than January 1, 2026 through December 31, 2028. In the event

negotiations for a new agreement have not been completed by the termination date of this agreement, the provisions contained in this agreement shall remain in effect until the conclusion of the negotiations for a new agreement.

23.2 ENTIRE AGREEMENT

This agreement expressed herein in writing constitutes the entire agreement between the parties and there shall be no amendments, except in writing and with the agreement of both parties.

SIGNATURES

Dated this _____ day of _____, 2026

CITY OF KIRKLAND;

By:_____
Kurt Triplett, City Manager

KIRKLAND POLICE GUILD;

By:_____
Brian Frankeberger, President

As Negotiated:

By:_____
Lauren Knox, Interim Human Resources Director

Approved as to Form:

By:_____
Darcey Eilers, City Attorney

Appendix "A"
to the
AGREEMENT
by and between
City of Kirkland
and
The Kirkland Police Guild
(Representing the Law Enforcement Commissioned Employees)

PHYSICAL FITNESS INCENTIVE PROGRAM

This Appendix is supplemental to the AGREEMENT by and between the CITY OF KIRKLAND, WASHINGTON, hereinafter referred to as the "Employer", and the Kirkland Police Guild - Commissioned, hereinafter referred to as "Guild."

A.1 A mutual goal of the Employer and the Guild is to encourage good physical fitness. The parties agree that an acceptable level of physical fitness is an essential function of the job of a Police Officer. The purpose of this program is to promote the physical capability of the commissioned members of the Kirkland Police Department and to enhance the members' general physical fitness level.

A.2 Pursuant to Article 9.7 of the Collective Bargaining Agreement between the parties, the information contained in this appendix shall serve as the rules and regulations of a physical fitness program and the procedures by which the program shall be administered.

A.3 Both parties agree that participation in the physical fitness program is voluntary. The Employer and the Guild encourage participation in the fitness program by members. Training, exercising, and general conditioning in preparation to take the physical fitness test shall be on an individual and voluntary basis without compensation. The Employer agrees to offer the physical fitness test twice per year in 2026, 2027, and 2028, once in the spring and once in the fall of each year. The test will be conducted during work hours and the testing dates will be published to the members by January 31 of each year. This on-duty status during the testing process shall protect members against loss of pay for time off work due to any injury sustained while participating in the fitness test. Members who wish to participate in the fitness test shall be required to sign the general liability waiver set forth in A.8.

A.4 The fitness test shall be comprised of three core components—push-ups, sit-ups, and 1.5 mile run. This "Cooper" test is modified for age/gender and is set forth in Section A.7 of this Appendix. The components are generally designed to measure aerobic/cardiovascular endurance, and upper/lower body muscular strength. A member

must satisfy the standards of each test component in order to qualify for the monetary incentive; i.e., failing one component of the test constitutes overall failure. A member shall be allowed one opportunity to pass the various fitness test components during the test.

A.5 The cycle year for the physical fitness incentive program is December 1st – November 30th.

A.6 The test will be offered twice each cycle year and it is the individual employee's responsibility to be trained and available for one of the scheduled opportunities. Individual tests will not be arranged. In this manner, a commissioned employee would have two opportunities (spring and fall) to successfully pass the test, which would ensure the 1% fitness incentive for the following cycle year. An employee who fails to pass either test shall be eligible to receive the 1% up until November 30th. He/she may take the test the following year, but upon passing, the 1% incentive pay shall be effective at the commencement of the next cycle year, December 1st.

A.7 **Physical Fitness Test Description**

The physical fitness test shall be comprised of the following components. The results of these tests shall be made available to the Employer.

Employee Age:	**20 – 29**	**30 – 39**	**40 – 49**	**50 – 59**
1.5 mile run				
Male	12:51	13:36	14:29	15:26
Female	15:26	15:57	16:58	17:54
Push-ups (1 minute)				
Male	29	24	18	13
Female	15	11	9	5
Female (modified)	23	19	13	12

- The body should be straight and the hands about shoulder width apart
- The body should remain rigid throughout the down phase; with the chest coming to within 3 inches of the floor. (The tester can place a foam block on the floor beneath the participant's chest)
- From the down phase, the participant must return to the up position with the arms straight
- The participant is only permitted to rest in the up position
- The total number of push-ups which the participant performs in 1 minute are counted

- Females may choose to use the modified push-up (knees on ground with feet up in the air)

Sit-ups (1 minute)				
Male	38	35	29	24
Female	32	25	20	14

- The participant lies on the back with the knees flexed at a right angle. The hands, with fingers interlocked, are placed at the back of the neck.
- A partner sits on the participant's insteps with his/her hands placed behind the subject's calf muscles to keep the heels in contact with the floor
- The participant sits up to touch the knees with the elbows
- Without pause, the participant returns to the starting position just long enough for his/her head (not just shoulder blades) to touch the mat and immediately sits up again

A.8 Physical Fitness Test General Liability Waiver Form

City of Kirkland

Kirkland Police Department—Fitness Ability Test

I hereby acknowledge that the format of the City of Kirkland Fitness Ability Test has been explained to me and I understand that the purpose of this test is to measure my fitness ability in my current position as a commissioned Police Officer for the City of Kirkland.

I also acknowledge that participation in the Fitness Ability Test is totally voluntary and, while I may be permitted to participate in the test on compensable duty time, I am under no compulsion or directive to do so.

I certify that to the best of my knowledge, I am fit to undertake the activities involved in the test and have no physical impairment or medical condition which would preclude my completion of the test. I have had the opportunity to consult my personal physician and have done so or chosen not to. I understand that the tests are strenuous and hold the potential for serious injury or death. I understand that I may stop the test at any time and that the persons administering the test may discontinue it at any time they have a reasonable basis for belief that continuation of the test could be detrimental to my health. Discontinuance may prevent successfully passing the test, consistent with Section A.4.

I assume full and complete responsibility for undertaking the test and I hereby release the City of Kirkland, its officers, employees, and agents from any responsibility or liability for any loss or damage arising from the bodily injury relating to my participation in the test, except for any loss or damage arising solely from the negligence of the City of Kirkland, its officers, employees, or agents.

_____
Name (print)

_____
Signature

_____
Date

Appendix "B"
to the

AGREEMENT
by and between
City of Kirkland
and
The Kirkland Police Guild
(Representing the Law Enforcement Commissioned Employees)

SUBSTANCE ABUSE POLICY

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POLICIES AND PROCEDURES FOR DRUG/ALCOHOL TESTING AND TREATMENT

These policies and procedures have been agreed to by the parties and shall become a part of the current labor agreement between the City of Kirkland and the Police Guild. All applicable articles of the contract shall apply to these policies and procedures.

A. PURPOSE

The City of Kirkland recognizes that employees are our most valued resource. The goal of this policy is to ensure a substance abuse free workplace providing prevention, training and rehabilitation for employees. In order to protect the health, welfare, and safety of its employees, and the citizens whom they serve, the following policy regarding substance abuse in the work place is adopted.

B. POLICY

1. It is the policy of the City of Kirkland to provide an alcohol and drug-free workplace for its employees.

2. The City's philosophy on substance abuse is to emphasize prevention, training, rehabilitation, and recovery from substance abuse. Counseling and support will be made available through an Employee Assistance Program, and the employees' right to privacy will be respected at all times.

3. It is the responsibility of the City and the Guild to preserve and protect public trust, public safety, and fitness for duty.

4. It is the responsibility of all employees to report for duty and be able to perform their jobs safely and effectively, unimpaired by drugs, alcohol, or any other intoxicating substance.

5. The possession, manufacture, use, distribution, or sale of alcohol, unlawful drugs or drug paraphernalia on City premises or while on duty is prohibited.

C. APPLICABILITY

This policy applies to all bargaining unit employees through the rank of Sergeant.

D. DEFINITIONS

For purposes of this policy, the following terms have the meanings indicated:

1. Alcohol use means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

2. Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of Federal, State, or City drug laws.

3. Counseling means participation in a substance abuse treatment or rehabilitation program provided through the City of Kirkland's Employee Assistance Program (EAP).

4. Criminal drug statute means a criminal law involving the manufacture, distribution, dispensing, use, or possession of any controlled substance.

5. Medical Review Officer (MRO) is a licensed physician selected by joint agreement between the parties to receive positive drug test results from the laboratory, analyze and interpret the results, and report to the employer those results as outlined in Section I of this policy.

6. Prohibited Substances are those substances, whose dissemination is regulated by law, including, but not limited to narcotics, depressants, stimulants, hallucinogens, cannabis, and alcohol. For the purpose of this policy, substances that require a prescription or other written approval from a licensed health care provider or dentist for their use shall also be included when used other than as prescribed. The drugs and/or their metabolites that are included in these categories are as follows:

   a) marijuana
   b) cocaine
   c) opium or opiates
   d) phencyclidine (PCP)
   e) amphetamines
   f) or methamphetamines

7. Reasonable suspicion means facts and circumstances sufficiently strong to lead a reasonable person to suspect that the employee is under the influence of drugs and/or alcohol which is corroborated by a second individual other than the designated Guild representative.

8. Representation mean Employee's right to Guild or legal representation at testing sites and at any subsequent disciplinary action related to implementation of substance abuse procedures.

9. Substance abuse means the use of a substance, including medically authorized drugs other than as prescribed for the user, which impairs job performance or poses a hazard to the safety and welfare of the employee, the public or other employees.

10. Substance Abuse Professional (SAP) is a licensed physician, psychologist, social worker, employee assistance professional, or addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol-related disorders.

11. Unreasonable delay means a delay of the testing procedure for a period of time, as defined by the collection site or laboratory personnel, which would render the test useless or inaccurate.

E. EDUCATION

Pursuant to the provisions of the Drug-Free Workplace Act of 1988, the City will establish an education and training program to assist employees to understand and avoid the perils of drug and alcohol abuse. The City will use this program in an ongoing educational effort to prevent and eliminate drug and alcohol abuse that may affect the workplace.

The City's program will inform employees about:

a) The dangers of drug and alcohol abuse in the workplace;
b) The City's policy of maintaining a drug- and alcohol-free workplace;
c) The availability of drug and alcohol treatment, counseling and rehabilitation programs; and
d) The penalties that may be imposed upon employees for drug and alcohol abuse violations.

As part of its program, the City shall provide educational materials that explain the City's philosophy regarding drug and alcohol use, requirements of applicable regulations, and the City's Substance Abuse policy and procedures. Employees shall be provided with information concerning:

a) The effects of alcohol and drug use on an individual's health, work and personal life;
b) Signs and symptoms of an alcohol or drug problem; and
c) Available methods of intervening when an alcohol or drug problem is suspected, including confrontation and/or referral to management.

In addition to the training above, the City shall provide training to supervisors who may be asked to determine whether reasonable suspicion exists to require an employee to undergo drug and/or alcohol testing. The supervisory training shall include training on alcohol abuse and drug use. This training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol abuse and drug use. Supervisors who have not received the initial training described above will not be asked to determine whether reasonable suspicion exists to initiate drug/alcohol testing. However, these supervisors may request another supervisor who has undergone this training to make the determination

F. EMPLOYEE RIGHTS AND RESPONSIBILITIES

1. The City shall not require an employee to undergo a drug and/or alcohol test unless there is reasonable suspicion to indicate the employee is under the influence of a substance which causes the employee to pose a hazard to the safety of the employee, the public, or other employees. However, an

employee may be required to undergo a re-examination drug and/or alcohol test as provided in Section J.2. of this policy.

2. It is the employee's responsibility to report for duty, able to perform his/her job safely and effectively, unimpaired by drugs, alcohol, or any other intoxicating substance.

3. Employees are responsible for:
   a) Obtaining from their health care provider adequate information about the effects of prescription medication on job performance; and
   b) Promptly notifying his/her supervisor of same; OR
   c) Promptly notifying his/her supervisor of the effects on job performance of over-the-counter medication being taken.

4. Employees are prohibited from possessing, manufacturing, using, distributing, or selling alcohol, controlled substances or drug paraphernalia on City premises or while on duty. For purposes of this policy, "on duty" time includes meal and break periods during the work day.

5. Employees are encouraged to request assistance with drug use and/or alcohol abuse problem(s), with the understanding that a voluntary request for assistance will not be used as the basis for disciplinary action. However, a request for assistance shall not be used to exempt employees from job performance requirements.

6. In accordance with the Drug-Free Workplace Act of 1988, an employee who is convicted of a violation of a criminal drug statute shall notify the City's Human Resources Director no later than 5 days after such conviction. For purposes of this policy, a criminal drug statute means a criminal law involving the manufacture, distribution, dispensation, use, or possession of any controlled substance.

7. Employees have the right to challenge the results of any tests and any discipline imposed in accordance with the Grievance procedure of their labor contract. Employees who dispute the results of a drug test may have their split sample tested at their cost at another DHHS-certified laboratory. This request must be made within 72 hours of notification of a positive drug test result by the MRO.

8. Employees having knowledge of another employee's condition/behavior that poses a potential threat to the safety of employees and/or the public are to notify their immediate supervisor.

9. Employees who are required to undergo a drug and/or alcohol test will be provided transportation to the collection facility and shall also be offered transportation home by a Department representative. If suspected of being

impaired, the employee will be advised against driving him/herself home or otherwise operating a motor vehicle.

10. Employees may have a Guild representative present at the collection facility. However, the lack of Guild representation shall not cause unreasonable delays in the collection process.

11. Employees shall fully cooperate in the collection process.

G. DETECTION

1. Reasonable Suspicion. Once the steps outlined in the attached "Supervisor's Guidelines" are followed, an employee may be required to undergo a drug and/or alcohol test when reasonable suspicion exists to indicate that the employee is under the influence of a prohibited substance.

2. The decision to conduct a drug and/or alcohol test shall be made by the reporting supervisor and the highest-ranking supervisor on duty. For purposes of this policy, acting officers are considered supervisors. The higher of the two supervisors will make timely notification of the situation to the department head or the department head's management level designee, and the Human Resources Director his/her designee. Refusal to submit to a drug and/or alcohol test authorized by this policy shall be grounds for discipline, up to and including discharge.

3. Searches

   a) The Department has the right to search, without employee consent, City-owned property to which the employee has no reasonable expectation of privacy. These areas may include office space, desks, file cabinets and the like, that several different individuals may use or access. A reasonable expectation of privacy shall exist in personal containers marked and locked inside an Officer's desk drawer.

   b) If the employee's consent to search is first obtained, the Department shall have the right to search (1) City-owned property to which the employee has a reasonable expectation of privacy, and (2) private property belonging to the employee, such as a personal equipment bag, briefcase, or private vehicle. If such consent is given, the employee shall have the right to Guild representation during the search. City-owned areas where the employee has a reasonable expectation of privacy are the employee's personal lockers.

   c) If the Department requests the employee's consent to search, the Department shall first inform the employee that:

(1) The Department has reasonable suspicion to suspect that evidence exists within the area or item to be searched which could be used in disciplinary and/or legal proceedings against the employee; and

(2) The employee has the right to Guild representation during the search if consent is given; and

(3) Refusal to give consent to search will not be considered by the Department to be an admission of guilt or cause for disciplinary or retaliatory action.

d) An employee's refusal to give consent to search shall not preclude the Department from contacting the police authority having jurisdiction to conduct a search according to and in the manner authorized by law.

4. Possession, manufacture, distribution or sale of alcohol, drugs, or drug paraphernalia on City property or during work time is expressly prohibited and may provide a basis for discipline under department rules and regulations, but shall not in and of itself constitute cause for drug and/or alcohol testing under this policy. For purposes of this policy, work time includes meal and break periods or any other time when the employee is on paid status. Alcoholic beverages that are properly stored, unopened, in the trunk of an employee's vehicle will not be considered a violation of this policy. Any illegal drugs and/or drug paraphernalia coming into the City's possession will be turned over to the police authority having jurisdiction.

H. TESTING PROCEDURES

1. Drug and alcohol testing shall be conducted in a manner designed to protect employees, protect the integrity of the testing process, safeguard the validity of test results, and ensure that those results are attributed to the correct employee. The City and Guild agree that if the security of the urine or blood sample is compromised in any way, any positive test shall be invalid and may not be used for any purpose.

2. Employees who are required to undergo a drug and/or alcohol test will be provided transportation to the collection facility and shall also be offered transportation home by a Department representative.

3. Employees may have a Guild representative present at the collection facility. However, the lack of Guild representation shall not unreasonably delay the collection process.

4. Employees required to undergo a drug and/or alcohol test shall cooperate fully in the collection process and complete all required forms and documents. These forms may include a Consent/Release form and an Interview form.

5. Urine samples for drug testing shall be collected at a collection site designated by the City and Guild using the split sample collection method. The split sample is made available if re-testing becomes necessary. Any specimen that tests positive for drugs shall be retained in long-term frozen storage by the laboratory conducting the analysis for a minimum of one year.

6. If medical personnel at the collection site have reason to believe that an adulterated or substituted sample has been provided (or that the employee may alter or substitute the sample), the employee will be required to submit a second sample (or the original sample). This collection shall be under the direct observation of a same gender collection site staff person. The employee will be required to provide the additional or original sample during an observed collection prior to leaving the collection site.

7. An approved chain of custody procedure shall be followed in the administration of all drug tests. Urine samples shall be sealed and initialed by the employee and a witness.

8. Urine samples shall be promptly sent to and tested by a laboratory that is certified to perform drug tests by the Department of Health and Human Services (DHHS). Initial drug screening shall be conducted using an accepted immunoassay method. All positive tests shall be confirmed using the gas chromatography/mass spectrometry (GC/MS) drug testing method. The laboratory shall test for only the substances and within the limits as follows for the initial and confirmation tests, as provided within NIDA standards, unless this section is modified by amended agreements provided for in Section L.3.:

a) Initial Tests

(1) Alcohol	.02 g/210 ml expired air
(2) Marijuana metabolites	50 ng/ml
(3) Cocaine metabolites	300 ng/ml
(4) Opiate metabolites (1)	300 ng/ml
(5) Phencyclidine	25 ng/ml
(6) Amphetamines	1000 ng/ml

(7) If immunoassay is specific for free morphine the initial test level is 25 ng/ml.

b) Confirmatory Test

(1) Alcohol	.02 g/210 ml expired air
(2) Marijuana metabolites	15 ng/ml
(3) Cocaine metabolites	150 ng/ml
(4) Opiates	
(a) Morphine	300 ng/ml

(b) Codeine	300 ng/ml
(c) Phencyclidine	25 ng/ml
(d) Amphetamine	500 ng/ml
(e) Methamphetamine	500 ng/ml

9. Alcohol shall be tested by means of Portable Breathalyzer Test (P.B.T.), Breathalyzer machine currently in use (B.A.C.), or future equipment which may supersede the B.A.C. machine. Breathalyzer alcohol tests shall be conducted in private at the collection site designated by the City and the Guild. The testing shall follow the protocols established for criminal investigations, including the requirement of two breath samples within the proper variance. If the use of the P.B.T. device results in alcohol concentration of 0.02 or greater, a separate test utilizing the B.A.C. will be required. If the B.A.C. test indicates an alcohol concentration of 0.02 or greater, a second test shall be performed to confirm the results of the first B.A.C. test at the election of the employee. The confirmatory test shall also use a 0.02 blood alcohol concentration level to measure a positive test. If the Employee refuses to take the second confirmatory test, the first B.A.C. test will be used to determine alcohol concentration.

10. Upon written request by the employee, the City shall make one legible copy of the results of his/her drug and/or alcohol tests available to the employee.

11. All information collected in the process of conducting a drug and/or alcohol test shall be treated as confidential information. These files shall be separate from the personnel file and sealed and maintained in a secure medical file.

12. Employees who refuse or fail to fully cooperate in the collection process may be subject to discipline up to and including discharge. Examples of a failure to fully cooperate include such actions as, refusing to sign the necessary consent/release forms; delaying and/or obstructing the collection process; failing to provide the specimen for testing; and attempting to substitute or adulterate a specimen. The foregoing list is not intended to be an all-inclusive list. City management shall, in all circumstances, have the final right to determine the appropriate level of discipline depending on the specific circumstances, the employee's performance record, and any other pertinent facts.

I. REPORTING OF RESULTS

1. The City shall have a designated Medical Review Officer (MRO) who must be a licensed physician with knowledge of substance abuse disorders and familiar with the characteristics of the laboratory tests (sensitivity, specificity, and predictive value). The role of the MRO will be to review and interpret the positive drug test results.

2. Alcohol Test Results. Laboratory or collection site personnel will report the test results to the City's Human Resources Manager, or his/her designee. The

Human Resources Director will promptly advise the appropriate Department Head of these test results. If the confirmation test meets or exceeds 0.02 g/210 ml expired air, the laboratory or collection site personnel shall report to the Human Resources that the employee tested positive for alcohol. If the test result is below 0.02 g/210 ml expired air, the laboratory or collection site personnel will report to the Human Resources Director that the employee tested negative for alcohol.

3. Drug Test Results. Laboratory personnel will advise the Human Resources Director, or his/her designee directly of all negative drug test results. The Human Resources Director will promptly advise the appropriate Department Head of these test results.

   The laboratory will advise only the MRO of any positive drug test results. The MRO must examine alternate medical explanations for any positive test results. This process shall include an interview with the affected employee and a review of the incident file, employee's medical history and any other relevant biomedical factors. The MRO must review all medical records made available by the tested employee when a confirmed positive test could have resulted from legally prescribed medication. Employees involved in this step of the examination shall make themselves and any relevant records they wish to present available to the MRO within 48 hours after request.

   After reviewing the incident file and interviewing the employee, the MRO shall report to the City's Human Resources Director or his/her designee the name of the employee, and whether a positive test of a prohibited substance has been verified. The Human Resources Director shall promptly notify the appropriate Department Head of the test result.

4. Rehabilitation Program. If the tested employee is referred on to rehabilitation or treatment, the MRO is authorized to communicate specific results to the Substance Abuse Professional (SAP) or counselor overseeing the employee's treatment program.

5. Grievance. The laboratory and/or the MRO will be authorized to release specific test results to the City and the Guild in cases of a grievance and/or a legal challenge.

J. REHABILITATION AND RETURN TO DUTY

1. The City recognizes that substance abuse can be successfully treated, enabling an employee to return to satisfactory job performance. Employees who are concerned about their own drug use and/or alcohol abuse are encouraged to voluntarily seek assistance through the City's EAP. All such voluntary requests for assistance will remain confidential.

2. Any employee who tests positive for a prohibited substance or is otherwise required to submit to a drug and/or alcohol test by this policy shall be

medically evaluated, counseled, and treated for rehabilitation as recommended by the SAP. If the employee is required to participate in such a program, his/her reinstatement or continued employment shall be contingent upon:

a) Successful completion of the program and remaining drug- and/or alcohol-free for its duration; and
b) Passing a return to duty drug and/or alcohol test as recommended by the SAP; and
c) Obtaining a final release for duty by the SAP (the final release for duty may be preceded by a temporary release for duty).

3. Employees who successfully complete a rehabilitation program and are released for duty, in addition to being subject to reasonable suspicion testing at any time, will be subject to follow up testing, which involves unannounced drug and/or alcohol testing at least 6 times during the following 24 months. The SAP will determine the dates for these drug and/or alcohol tests. These test dates will be communicated to the Human Resources Director who will inform the employee of those dates. The appointment for the collection will be made in advance and maintained in a confidential manner by the Human Resources Director until the day of the collection. The Human Resources Director shall provide the supervisor with adequate notice of the test dates. The employee will <u>not</u> be notified until just prior to the testing. The employee may request a Guild representative to accompany him/her to the collection site, provided the sample is collected within two (2) hours following notification.

4. Upon notification of selection for the follow up tests, the employee must proceed directly to the collection site for testing. At this time, the employee will receive an Employee Notification of Scheduled Drug/Alcohol Test letter from the designated contact. The employee will be required to sign this letter and a Consent/Release form. The employee must present photo identification to collection site personnel. The Human Resources Director or his/her designee will retain a copy of all the forms.

5. Refusing to submit to a return to duty or a follow up test will be considered grounds for discharge. If the selected employee fails to report to the collection site within 2 hours of notification of testing, this will also be considered grounds for disciplinary action up to and including discharge.

6. If an employee voluntarily enters a drug/alcohol rehabilitation program, it shall not be considered an offense under this policy. Such employees are, however, still subject to this policy and may be required to undergo a drug and/or alcohol test if reasonable suspicion exists.

7. All appointments with the SAP may be scheduled as vacation or leave without pay with prior approval of the supervisor, Department Head, or management designee. The SAP will contact the Department Head or his/her designee to make a recommendation as to the need for further treatment. Once vacation leave is exhausted, the employee will be placed on leave without pay. The Department Head or his/her management level designee shall maintain confidentiality regarding the reason for the leave.

8. The employee will be responsible for all costs, not covered by insurance, which arise from such treatment.

9. Once an employee has tested positive for substance abuse and the MRO has notified the City, the employee will be placed on leave status (vacation, holiday leave bank, compensatory time or leave without pay). The employee will remain on leave until s/he has a release for duty from the SAP <u>and</u> has passed a return to duty drug and/or alcohol test as recommended by the SAP. The release for duty may be a temporary or final release as described below depending on the circumstances.

10. <u>Temporary Release for Duty</u>. The SAP shall sign a temporary release for duty indicating that the employee can satisfactorily return to regular work assignment and continue treatment on an outpatient basis. The temporary release for duty shall indicate the length of time such release is valid not to exceed 4 months. The employee must present a final release for duty on or before the expiration date of the temporary release. A temporary release shall include follow up testing. The employee must present both the temporary and final release for duty to his/her supervisor.

11. <u>Final Release for Duty</u>. A final release for duty shall be signed by the SAP indicating that the employee has:
    a) Satisfactorily completed treatment and follow up testing; or
    b) Does not require treatment at this time, and the employee may return to regular work assignment without restrictions. Failure to provide a final release for duty to the supervisor may result in disciplinary action up to and including discharge.

12. Once an employee provides the supervisor with the final release for duty the employee shall be returned to his/her regular duty assignment. After three years of no further violation of this policy, the employee's personnel file shall be purged of any reference to the incident, including any disciplinary actions taken, provided, however, records may be retained beyond 3 years when retention is required by applicable law. Should applicable law require retention of records past 3 years, and if allowed by such law, such records shall be sealed and may not be opened without consent of the employee.

13. If an employee tests positive during the 24-month period following rehabilitation on a reasonable suspicion drug or alcohol test, the employee will be subject to discipline, up to and including discharge.

14. If an employee tests positive during the 24-month period following rehabilitation on a random drug or alcohol test, the employee will be placed on leave without pay during the period the SAP makes a decision on the need for further treatment. The employee will remain on leave without pay during any treatment period and until they have provided the employer with a return to duty form signed by the SAP. If such an employee completes the return to duty process and again tests positive on either a reasonable suspicion or random drug or alcohol test, they shall be subject to discharge.

K. RANGE OF CONSEQUENCES

1. Employees who violate this policy will be subject to a range of disciplinary consequences depending upon the severity of the infraction and/or the employee's past performance record. In all cases, the City reserves the right to determine the appropriate disciplinary measures, which may be more or less severe than those included in this guideline. The following list of actions and the related consequences is intended as a guideline only, and further, is not intended to be an all-inclusive list of possible disciplinary consequences.

2. If an employee has an alcohol concentration of 0.02 or greater in any authorized alcohol test, and/or tests positive for drugs and/or their metabolites in any authorized drug test and it is the employee's *first offense*, then s/he shall be referred to the EAP for counseling and/or completion of a substance abuse treatment or rehabilitation program. However, if an employee violates a work rule in conjunction with failing a drug and/or alcohol test, then s/he may be subject to disciplinary action. The City shall have the right to take disciplinary action, up to and including discharge, based on the severity of the incident and/or the employee's past record.

3. Employees will be subject to disciplinary action, up to and including discharge, for any of the following infractions:
   a) Refusal to submit to an authorized drug and/or alcohol test. Refusal to submit to testing means that the employee fails to provide an adequate urine or breath sample for testing without a valid medical explanation after s/he has received notice of the requirement to be tested or engages in conduct that clearly obstructs the testing process. Refusal to submit to testing includes, but is not limited to, refusal to execute any required consent forms, refusal to cooperate regarding the collection of samples, refusal or failure to provide necessary documentation to the MRO when requested, and/or submission or attempted submission of an adulterated or substituted urine sample.

b) Drinking alcoholic beverages or using drugs while on duty, on City property, in City vehicles, or during breaks and/or meal periods during work hours.

c) Unlawful manufacture, distribution, dispensation, possession, concealment or sale of any controlled substance, including an alcoholic beverage, while on duty, on City property, in City vehicles, or during breaks and/or meal periods during work hours.

d) Any criminal drug statute conviction and/or failure to notify the City of such conviction within 5 days.

e) Failure to complete a counseling, treatment, or rehabilitation program as prescribed by the SAP.

f) Testing positive on a return to duty.

g) Any two failures on follow up drug and/or alcohol testing during the 24 month following rehabilitation.

h) Failure to report to a collection site within two (2) hours of notification for return to duty or follow up testing.

i) Second offense – alcohol concentration of 0.02 or greater in any reasonable suspicion authorized alcohol test, and/or testing positive for drugs and/or their metabolites in any authorized reasonable suspicion drug test.

j) Employee's failure to participate in the temporary and/or final releases for duty testing in a timely manner.

4. Although the foregoing infractions will ordinarily result in discharge regardless of the employee's position, the City reserves the right to consider extenuating circumstances and to impose lesser discipline when such action is deemed appropriate.

L. OTHER

1. The City shall pay for initial costs of the substance abuse examination including the expenses of the Medical Review Officer.

2. This policy was initiated at the request of the City and the Employer shall assume sole responsibility for the administration of this policy. The City agrees to indemnify and hold the Guild and its officers harmless from any and all claims of any nature (except those arising from the negligence of the Guild and/or its officers) arising from the Employer's, laboratories', or Medical Review Officer's implementation of this policy.

3. The parties recognize that during the life of this agreement there may be improvements in the technology of testing procedures which provide more accurate testing for on-the-job impairment, or which constitute less invasive procedures for the employees. In that event, the parties will bargain in good faith whether to amend this procedure to include such improvements. If the parties are unable to agree, the issue will be submitted to impasse procedures under RCW 41.56.

4. If any provision of this Agreement shall be held invalid by operation of law, or any Tribunal of competent jurisdiction, or if compliance or enforcement of any provision should be restrained by such Tribunal pending final determination as to its validity, the remainder of this Agreement shall not be held to be invalid, and will remain in full force and effect, and the parties, upon request of one to the other shall initiate immediate negotiations for the purpose of arriving at a mutually satisfactory replacement of such provision.

5. The following attachments shall be a part of this Policy: Supervisor's Guidelines, Report Form, Interview Form, Consent/Release Form.

M. SUPPORTIVE DOCUMENTS:

POLICIES AND PROCEDURES FOR DRUG/ALCOHOL TESTING AND TREATMENT SUPERVISOR'S GUIDELINES

The primary goal of the Substance Abuse Policy is to provide a working and service delivery environment free from the effects of alcohol/drug abuse. The supervisor's role is to identify employees who may be a threat to the safety and welfare of the employee, other employees, and the public by being under the influence of drugs and/or alcohol while on-duty. Such employees *must* be removed from the workplace.

Follow the steps below to ensure that you are proceeding correctly. It is important that proper procedures are followed to preserve the privacy of the individual and to comply with legal and contractual requirements.

1. Contact your appropriate command staff and explain the situation.

2. Your supervisor will:
   a) Advise you of what appropriate action to take regarding your status as the shift supervisor.

b) Notify the Chief of Police and the Human Resources Director (or their designees) in a timely manner, then join you at your location to assist you and corroborate your observations during the interview.

3. Prepare yourself for an interview with the employee by completing the Report Form. Refer to Attachment 1 for descriptions of physical and behavioral signs which may indicate substance abuse.

4. After your supervisor has arrived, advise the employee you wish to interview him/her and provide a private location to conduct the interview.
   a) Be sure to advise the employee that you suspect him/her of being under the influence of a prohibited substance (defined in the policy) and that s/he may have a Guild representative present during the interview.
   b) Do not argue with a belligerent or threatening employee. Advise him/her that his/her cooperation during the interview and testing procedure (if warranted) are direct orders and that continued disruptive behavior, preventing completion of the interview, shall be the same as refusal to submit to testing and shall be cause for discipline (cooperation *does not* mean that any employee must give facts or evidence which may incriminate himself/herself).
   c) Complete the Interview Form with your supervisor.

5. Review the relevant information with your supervisor. If your supervisor decides that the test is required, relieve the employee of duty, with pay, during the course of the exam and MRO review.

6. Have the employee sign a Consent/Release Form.
   a) Read the form to the employee and direct him/her to sign it. Do not alter the form in any way.
   b) Be sure, if the employee has declined Guild representation, that s/he understands that s/he may choose to have a Guild representative accompany him/her to the testing facility.
   c) If the employee refuses to sign the form, advise him/her that this is a direct order and that failure to comply shall be cause for discipline.
   d) Issue a second order for the employee to sign the consent form. If s/he still refuses, relieve the employee of duty, with pay, explain that disciplinary action may follow. You or your supervisor will transport the employee home. (No employee suspected of impairment from alcohol/drug abuse shall be allowed to drive.)

7. Your supervisor shall transport the employee to the testing facility and wait at the testing facility until the testing is completed.

8. When the exam is completed, your supervisor will:
   a) Reconfirm with the employee that s/he has been relieved of duty, with pay, and

b) Advise the employee that s/he will be contacted by the MRO to review the results (if positive), and
c) Advise the employee that s/he will be contacted by the department advising him/her how to return to duty, and
d) Drive or arrange transportation for the employee home. Do not return the employee to a City facility.

9. Once the employee has been sent home, your supervisor will:
   a) Gather copies or originals of the Report Form, Interview Form, Consent/Release Form, and any other written notes or reports and forward them to the Police Chief and Human Resources Manager.

City of Kirkland police Department
Substance abuse Policy
CONSENT/RELEASE FORM

I consent to the collection of urine, a blood and/or expired air sample by _____and its analysis by _____for those drugs, alcohol, and or controlled substances specified in the Collective Bargaining Agreement pursuant to the Substance Abuse Policy agreed to between the City of Kirkland and the Kirkland Police Guild.

The laboratory administering the tests may release the results to the Medical Review Officer (MRO), who shall release his/her conclusions to the employer after review and interpretation. If I test positive, I agree to make any requested records and myself available to the MRO within 48 hours of such request. The information provided to the employer from the MRO shall be limited to whether the tests were confirmed positive or negative, and no other test results will be released, except as provided herein, without my written consent. The laboratory will advise the employer's representative whether the initial alcohol screen is positive or negative.

I understand that I have the right to my complete test results and that the laboratory will preserve the sample for at least one year. If I test positive, I have the right to have the split sample tested at my expense at a second DHHS-certified laboratory of my choice. I understand that I must request such test of the split sample within 72 hours of notification of a positive test result by the MRO.

I understand that the Employer is requiring me to submit to this testing as a condition of my employment and that if I tamper with, alter, substitute, or otherwise obstruct or fail to cooperate with the testing process, I will be subject to disciplinary action up to and including termination.

I further understand that a confirmed positive test will result in actions taken by the employer and for the employee which are consistent with the City's policies and procedures for substance abuse testing and treatment.

I understand that the employer will administer the Policy consistent with federal and state constitutional and statutory requirements. Also, by signing this consent form, I am not waiving the right to challenge any confirmed positive test result and any Employer action based thereon. In order to pursue any challenge related to this test, I will, however, be required to authorize the laboratory and MRO to release to my Employer and the Guild any information relating to the test or test results. Further, I understand that my employer may require that I participate in a treatment or rehabilitation program. If required to do so, I authorize the laboratory and MRO to release any information relating to the test or test results to the Substance Abuse Professional (SAP) or treatment counselor. My signature below indicates my consent for release of this information.

Employee Signature_____Date_____

City of Kirkland police Department
Substance abuse Policy
REPORT FORM

This form must be filled out prior to any drug/alcohol testing. Review Supervisor's Guidelines before completing this form. The information contained on this form is confidential and shall be viewed only by necessary supervisory/managerial employees, the testing facility, MRO, and the employee being interviewed/tested. When this form is completed and signed, make one copy of the form and distribute as follows: Original to Police Chief, Copy attached to consent form.

Employee Name:_____

Speech: _____

Dexterity: _____

Standing: _____

Walking: _____

Judgment: _____

Decision-making: _____

Appearance (eyes, clothing, etc.):_____

Odor: _____

Other: _____

Location where these were observed: _____

Time of observation: _____

Witnesses: _____

Supervisor's Signature_____ Date / Time: _____

City of Kirkland police Department
Substance abuse Policy
INTERVIEW FORM

Name of Employee _____

I understand that I am entitled to Guild representation during this meeting and during any subsequent meetings or at testing facilities. I understand that I am being ordered to answer these questions and that if I refuse to answer these questions, I am subject to discipline up to and including termination. I do or do not (please circle one) want a representative at this time. I understand that I am entitled to Guild representation at any time whether I choose to have one now or not.

Employee signature: _____

1. I (we) have noticed (describe behavior/evidence) _____
   _____
   _____
2. Do you have any explanation?_____
   _____
   _____
   _____
3. Are you using any type of illicit drug or alcohol? _____
   If yes, what?_____
   When did you take it? _____
   Where did you take it? _____
   How much did you take? _____
   Do you have any drugs/alcohol in your possession at work? ____ (if yes, get agreement to confiscate)

Based on the interview and the completed Report Form, I believe the employee should be tested for drugs and/or alcohol.

Dated _____
Supervisor (position)_____ Agree ____ Don't Agree
Witness* (position) _____ Agree ____ Don't Agree

*Witness is an individual other than the designated Guild representative.

City of Kirkland police Department
Substance abuse Policy
Exhibit 1

Listed below are some behavioral descriptions which may guide the supervisor in determining whether an employee is "under the influence" of a prohibited substance. There is no one behavior which is unique to drugs/alcohol. Almost every behavior/sign can also be associated with medical or emotional problems such as high blood pressure, diabetes, thyroid disease, psychiatric disorders, epilepsy, head injury, emotional problems, stress, etc. Even so, a supervisor usually knows the employee's "normal" behavior and must try and distinguish alcohol and/or drug abuse from other problems.

Supervisors should be aware that the following physical, behavioral, or performance symptoms may indicate drug/alcohol abuse:

a) Either very dilated or constricted pupils

b) Hyperactivity

c) Unsteady gait

d) Irritability

e) Slurred speech

f) Anxiousness

g) Wide mood swings

h) Odor of alcohol

i) Overreaction to criticism

j) Staggering

k) Listlessness

l) Illogical speech and thought process

m) Unusual/abnormal behavior

n) Poor judgment

o) Avoiding others/withdrawal

p) Sudden increase in absenteeism

Appendix "C"
to the
Agreement
by and between
City of Kirkland
and
The Kirkland Police Guild
Commissioned Staff
January 1, 2026 through December 31, 2028

High Deductible Health Plan

This Appendix is supplemental to the AGREEMENT by and between the CITY OF KIRKLAND, WASHINGTON, hereinafter referred to as the "Employer", and the Kirkland Police Guild – Commissioned Staff, hereinafter referred to as the "Guild".

C1.

MEDICAL BENEFITS		
Carrier	Healthcare Management Administrators (HMA)	
General Plan Information	**In-Network**	**Out-of-Network**
HRA Enrollment Contributions Individual	$1,200	
HRA Enrollment Contributions Family	$2,400	
Annual Deductible/Individual	$1,500	$1,500
Annual Deductible/Family	$3,000	$3,000
Office Visit - Primary Provider	80% after deductible	60% after deductible
Office Visit - Specialist	80% after deductible	60% after deductible
Annual Out-of-Pocket Limit/Individual	$2,500	$2,500
Annual Out-of-Pocket Limit/Family	$5,000	$5,000
Deductible & Copays Included in OOP	Yes	Yes
Lifetime Plan Maximum	Unlimited	Unlimited
Routine Preventive Exam	100% (subject to schedule limitations)	60% after deductible (in-network limitations apply)
Diagnostic X-Ray & Lab-Professional	80% after deductible	60% after deductible
Diagnostic X-Ray & Lab-In-patient	80% after deductible	60% after deductible
Diagnostic X-Ray & Lab-Out-patient	80% after deductible	60% after deductible
Inpatient Hospital Services	80% after deductible	60% after deductible
Outpatient Surgery	80% after deductible	60% after deductible
Emergency Room	80% after deductible	80% after deductible
Urgent Care Facility	80% after deductible	60% after deductible
Mental Health Benefits		
Inpatient Care	80% after deductible	60% after deductible
Outpatient Care	80% after deductible	60% after deductible
Retail Prescription Drugs		
Generic	$4 copay	Not covered
Brand Formulary	$15 copay	Not covered
Brand Non-Formulary	$35 copay	Not covered
# of Days Supply	34 days	Not applicable
Mail Order Prescription Drugs		
Generic	$8 copay	Not covered
Brand Formulary	$30 copay	Not covered
Brand Non-Formulary	$70 copay	Not covered
# of Days Supply	90 days	Not applicable

C2. The HDHP was implemented on January 1, 2016 and the coinsurance on most services is 20%. See Appendix C1.

C3. As of January 1st, the deductible and out-of-pocket maximum will reset each plan year.

C4. An employee that elects to waive their medical coverage with the City will receive $100/month that will be added to their paycheck. An employee is eligible for the waiver if and only if their spouse/domestic partner is not an employee of the City, and they have provided the City with proof of other coverage.

C5. As of January 1, 2016, the out-of-pocket maximum for prescription drug carve out plan will be capped at $4,100 for individuals or $8,200 for family. This is separate from and does not count toward the HDHP medical plan deductible or out of pocket maximum.

Appendix "D"
to the
Agreement
by and between
City of Kirkland
and
The Kirkland Police Guild
Commissioned Staff
January 1, 2026 through December 31, 2028

Health Reimbursement Account – HRA (VEBA)

This Appendix is supplemental to the AGREEMENT by and between the CITY OF KIRKLAND, WASHINGTON, hereinafter referred to as the "Employer", and the Kirkland Police Guild – Commissioned Staff, hereinafter referred to as the "Guild".

D1. Employees who enroll in the HDHP will receive contributions deposited into their HRA (VEBA) in the second payroll in January and the second payroll in July through the duration of the contract. Employees who leave employment prior to July 1st are not eligible for the second contribution.

D2. HRA (VEBA) contributions will be made bi-annually, in the amounts of $600 for individuals or $1,200 for families. The total annual contribution that will be made is $1,200 for individuals or $2,400 for family. For purposes of HRA (VEBA) administration "family" is defined as employee plus one or more individual.

D3. Any employee hired after January 1st who enrolls in the HDHP will receive prorated contribution amounts based on the quarter in which the employee is eligible for benefits. The contribution will be deposited concurrent with the second payroll of the month in which their benefits become effective.

Hire Date	Individual Coverage	Family Coverage
January 1st – March 31st	$600	$1,200
April 1st – June 30th	$300	$600
July 1st – September 30th	$600	$1,200
October 1st – December 31st	$300	$600

D4. An employee and spouse/domestic partner who are both employed by the City cannot enroll in separate family plans.

Effective 1/1/2026
2.7% COLA + 1.3% market adjustment

City of Kirkland
Appendix E
2026 Police Commissioned Salary Table

GROUP /BU	JOB CLASS	Job Title	RATE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
PDCM	5018	Patrol Officer	HOURLY	$ 48.38	$ 52.38	$ 55.33	$ 59.22	$ 63.08
PDCM	5018	Patrol Officer	MONTHLY	$ 8,386.22	$ 9,079.12	$ 9,591.20	$ 10,265.28	$ 10,934.13
PDCM	5018	Patrol Officer	ANNUAL	$ 100,634.68	$ 108,949.38	$ 115,094.44	$ 123,183.33	$ 131,209.53
PDCM	5054	Training/SRO/CRO/NRO Officer	HOURLY	$ 56.44	$ 60.40	$ 64.34		
PDCM	5054	Training/SRO/CRO/NRO Officer	MONTHLY	$ 9,783.03	$ 10,470.58	$ 11,152.81		
PDCM	5054	Training/SRO/CRO/NRO Officer	ANNUAL	$ 117,396.33	$ 125,647.00	$ 133,833.72		
PDCM	5055	ProAct Detective	HOURLY	$ 56.99	$ 61.00	$ 64.97		
PDCM	5055	ProAct Detective	MONTHLY	$ 9,878.94	$ 10,573.24	$ 11,262.15		
PDCM	5055	ProAct Detective	ANNUAL	$ 118,547.27	$ 126,878.83	$ 135,145.82		
PDCM	5051	K-9 Officer	HOURLY	$ 57.55	$ 61.59	$ 65.60		
PDCM	5051	K-9 Officer	MONTHLY	$ 9,974.85	$ 10,675.89	$ 11,371.49		
PDCM	5051	K-9 Officer	ANNUAL	$ 119,698.22	$ 128,110.66	$ 136,457.91		
PDCM	5050	Traffic Officer	HOURLY	$ 57.55	$ 61.59	$ 65.60		
PDCM	5050	Traffic Officer	MONTHLY	$ 9,974.85	$ 10,675.89	$ 11,371.49		
PDCM	5050	Traffic Officer	ANNUAL	$ 119,698.22	$ 128,110.66	$ 136,457.91		
PDCM	5052	Detective	HOURLY	$ 58.10	$ 62.18	$ 66.23		
PDCM	5052	Detective	MONTHLY	$ 10,070.76	$ 10,778.54	$ 11,480.83		
PDCM	5052	Detective	ANNUAL	$ 120,849.16	$ 129,342.50	$ 137,770.01		
PDCM	5053	Family Violence Officer	HOURLY	$ 58.10	$ 62.18	$ 66.23		
PDCM	5053	Family Violence Officer	MONTHLY	$ 10,070.76	$ 10,778.54	$ 11,480.83		
PDCM	5053	Family Violence Officer	ANNUAL	$ 120,849.16	$ 129,342.50	$ 137,770.01		
PDCM	5158	Patrol Corporal	HOURLY	$ 67.56	$ 69.55			
PDCM	5158	Patrol Corporal	MONTHLY	$ 11,711.12	$ 12,056.23			
PDCM	5158	Patrol Corporal	ANNUAL	$ 140,533.41	$ 144,674.74			
PDCM	5154	Training/CSU Corporal	HOURLY	$ 68.91	$ 70.94			
PDCM	5154	Training/CSU Corporal	MONTHLY	$ 11,945.34	$ 12,297.35			
PDCM	5154	Training/CSU Corporal	ANNUAL	$ 143,344.08	$ 147,568.23			
PDCM	5155	ProAct Corporal	HOURLY	$ 69.59	$ 71.64			
PDCM	5155	ProAct Corporal	MONTHLY	$ 12,062.45	$ 12,417.92			
PDCM	5155	ProAct Corporal	ANNUAL	$ 144,749.41	$ 149,014.98			
PDCM	5150	Traffic Corporal	HOURLY	$ 70.26	$ 72.33			
PDCM	5150	Traffic Corporal	MONTHLY	$ 12,179.56	$ 12,538.48			
PDCM	5150	Traffic Corporal	ANNUAL	$ 146,154.75	$ 150,461.73			
PDCM	5152	Detective Corporal	HOURLY	$ 70.94	$ 73.03			
PDCM	5152	Detective Corporal	MONTHLY	$ 12,296.67	$ 12,659.04			
PDCM	5152	Detective Corporal	ANNUAL	$ 147,560.08	$ 151,908.48			
PDCM	5108	Patrol Sergeant	HOURLY	$ 74.13	$ 76.10			
PDCM	5108	Patrol Sergeant	MONTHLY	$ 12,850.54	$ 13,191.50			
PDCM	5108	Patrol Sergeant	ANNUAL	$ 154,206.48	$ 158,297.96			
PDCM	5104	Training/CSU Sergeant	HOURLY	$ 75.62	$ 77.62			
PDCM	5104	Training/CSU Sergeant	MONTHLY	$ 13,107.55	$ 13,455.33			
PDCM	5104	Training/CSU Sergeant	ANNUAL	$ 157,290.61	$ 161,463.92			
PDCM	5105	ProAct Sergeant	HOURLY	$ 76.36	$ 78.38			
PDCM	5105	ProAct Sergeant	MONTHLY	$ 13,236.06	$ 13,587.24			
PDCM	5105	ProAct Sergeant	ANNUAL	$ 158,832.67	$ 163,046.90			
PDCM	5100	Traffic Sergeant	HOURLY	$ 77.10	$ 79.15			
PDCM	5100	Traffic Sergeant	MONTHLY	$ 13,364.56	$ 13,719.16			
PDCM	5100	Traffic Sergeant	ANNUAL	$ 160,374.74	$ 164,629.88			
PDCM	5102	Detective Sergeant	HOURLY	$ 77.84	$ 79.91			
PDCM	5102	Detective Sergeant	MONTHLY	$ 13,493.07	$ 13,851.07			
PDCM	5102	Detective Sergeant	ANNUAL	$ 161,916.80	$ 166,212.86			

Memorandum
of
Understanding
by and between
City of Kirkland
and
The Kirkland Police Guild
Commissioned Staff
January 1, 2026 through December 31, 2028

PORAC Retiree Medical Trust (RMT)

This Appendix is supplemental to the AGREEMENT by and between the CITY OF KIRKLAND, WASHINGTON, hereinafter referred to as the "Employer", and the Kirkland Police Guild – Commissioned Staff, hereinafter referred to as the "Guild".

A. Participation. The Guild will establish participation in a retiree medical plan administered by the PORAC Retiree Medical Trust, and the cost of establishing the Trust shall be at no cost to the Employer. The Employer is not a party to the Trust, aside from transferring funds, and has no obligations to the management, regulatory compliance or performance of the Trust.

B. Payroll Contributions to the PORAC Retiree Medical Trust. The Employer will comply with rules and policies set by the Trust Office in regard to payment of contributions.

   a. Employer Contributions. Effective January 1, 2027, the Employer will transfer a monthly pre-tax employer contribution of $50.00 per month for each employee in the bargaining unit.

   b. Employee Contributions. Effective January 1, 2027, each Employee in the bargaining unit will make a pre-tax contribution of $100.00 per month to the PORAC Retiree Medical Trust.

   c. Retirement Credit. The contributions shall be included as salary for purposes of calculating retirement benefits, to the extent allowed by law.

   d. Remittance of Employee and Employer Contributions. The contributions discussed in this section shall be paid by ACH transfer or other appropriate method to the Trust's bank account in accordance with the rules set by the Trust Office.

   e. Deadline to Remit Employee and Employer Contributions. The contributions discussed in this Section B shall be remitted to the Trust as required herein no later than 30 days after the payroll payment date.

   f. Late Contributions. If the contributions required under this MOU are paid later than the 90th day after the payroll payment date to which the contributions are related, interest will be charged to the Employer on all contributions at the rate provided by applicable law, for the period starting with the payroll payment date.

C. Reporting and Audit Rules. The Employer hereby acknowledges receipt of the Trust Agreement governing the Trust and will comply with rules set by the Trust Office in regard to reporting and transferring the required contributions set forth above.

a. Demographic Information Report and Updates.

i. Initial Report. Employer shall electronically provide an initial report of demographic information, which shall include: Social Security Number (or unique identifier), first name, last name, gender, address (city, state, zip code), contact information (email address and phone number), birth dates, and hire dates, for all participating employees.

ii. Updates. Employer shall send updates to this information to the Trust Office whenever the Employer has notice of changes to the information and also whenever the Employer has a newly hired employee included in the Regular Contribution Report, or has dropped a terminated employee.

iii. Deadline. The Employer shall send the Demographic Information Report under this Section C.1 within 15 days of the first contribution to the Trust. The Employer shall send updates to this report within 15 days of receipt of the updates to the information included in the Demographic Information Report or within 15 days of including a new employee on the Regular Contribution Report. This Demographic Information Report shall be furnished in the format that the Trust Office requests.

b. Regular Contribution Report. The Employer shall electronically submit to the Trust Office a Regular Contribution Report with each transfer of contributions to the Trust. This Regular Contribution Report shall be sent in the format requested by the Trust, and received by the Trust Office within five (5) days of each receipt of contribution funds. This Regular Contribution Report shall include the data that the Trust Office requests concerning employees and contributions, including at least:

i. Leave funds. Identify the employees receiving a transfer of leave funds to the Trust and the amount received on behalf of each employee; and

ii. Terminations. The reason that an employee was dropped off of the Regular Contributions Report, e.g., involuntary termination, voluntary termination, retirement, resignation, promoted out of the bargaining unit, leave without pay.

c. Failure to Provide Reports. The Employer hereby acknowledges that the Trust may refuse to accept contributions or take other legally permissible actions with respect to the Employer's contributions and the employees' benefits from the Trust if the Employer does not comply with the Trust Office's rules regarding the aforementioned contribution reports.

d. Payroll Audit. The Employer and Guild hereby acknowledge receipt of the Trust Agreement governing the Trust and will cooperate with the Trust in allowing a payroll audit for the purpose of ascertaining if the proper amount of contributions have been made. The Employer and Guild shall timely

cooperate with the Trust Office's audit rules and any requests made or authorized by the Trust's auditor.

D. Exclusive Purpose of Trust. The monies contributed to the Trust shall only be used for retiree health insurance premiums or health care expenses, as allowed by law. There shall be no employee election/option available to take such amount in unrestricted cash.

E. Separate Trust. The purpose of this Trust shall be to provide for retiree health care expense reimbursement benefits. The Trust shall be and remain separate and apart from any Employer health insurance funding program, unless changed by mutual written agreement of the parties.

F. Renewal or Ratification of Memorandum of Understanding. Following the renewal or ratification of this Memorandum of Understanding (MOU), the Employer or Guild shall electronically send the executed MOU to the Trust Office within 14 days of such renewal or ratification. At the same time, the Employer and Guild shall each provide the Trust Office with the name, phone number, and email address of the person(s) that the Trust Office should contact with any questions regarding the Trust.

G. Sick Leave Transfers to Trust. The Employer and the Guild agree that the Employer will make the following mandatory transfers, on a pre-tax basis, to the Trust on behalf of every employee in the Defined Class:

   a. Mandatory Accrued Leave Contribution at Retirement. For every employee who is represented by the Guild, the Employer shall, upon the employee's retirement or separation from service as described in Article 13.2.3 of the parties' Collective Bargaining Agreement, irrevocably contribute to the employee's Trust account on a pre-tax basis, an amount equal in value to 100% of the payments that would otherwise be paid to the employee for unused sick leave under the Collective Bargaining Agreement. The employee shall not have the option to receive a cash payout for the value of the accrued sick leave contributed to the Trust in lieu of making contributions to the Trust.

City of Kirkland	Kirkland Police Guild
By: _____	By: _____
Kurt Triplett, City Manager	Brian Frankeberger, President
Date: _____	Date: _____
_____	_____
APPROVED AS TO FORM City Attorney	LABOR RELATIONS REVIEW Human Resources Director

Council Meeting: 10/20/2026
Agenda: Other Items of Business
Item #: 8. h. (9)

CITY OF KIRKLAND
PUBLIC WORKS
123 Fifth Avenue, Kirkland, WA 98033
425-587-3000

MEMORANDUM

To: Kurt Triplett, City Manager

From: Julie Underwood, Director of Public Works
Michael Olson, Director of Finance and Administration
George Minassian, Interim Capital Division Manager
Jessica Clem, Senior Financial Analyst, Capital Improvement Program

Date: October 1, 2026

Subject: **2026 Third Quarter Capital Improvement Program (CIP) Accepted Projects Report**

RECOMMENDATION:

Staff recommends that the City Council receives a report on capital projects that have been completed and accepted since the last update. By approving the Consent Calendar, the Council accepts the report.

EXECUTIVE SUMMARY:

- This report appears on the Consent Calendar each quarter and presents all capital projects that have been completed and accepted during the previous quarter.
- Each final project acceptance form includes the following:
  - Project information, including vicinity maps where applicable
  - Financial information, including change orders and fiscal notes where applicable
  - Budget and expenses
  - Funding sources
  - Contractor information
  - Contract information

BACKGROUND:

At its January 3, 2023 Council Meeting, the City Council adopted Resolution R-5567 to amend the City's procedure for accepting completed capital improvement projects. Under the changed process, final acceptance is an administrative process rather than a legislative one. To ensure Council's awareness of capital projects, staff provides quarterly updates to the Council summarizing the projects completed and accepted in the prior quarter.

DISCUSSION/ANALYSIS:

A project acceptance summary table for projects closed year-to-date, including budget, expense, and contract information is provided in **Attachment 1**. For reference, previous quarters' acceptance memos were brought to Council at the following meetings:

- First Quarter – April 21, 2026[1]
- Second Quarter – July 21, 2026[2]

Seven projects were accepted by the City during the third quarter of 2026 (July through September):

- Downtown Bike Route Improvements – Transportation Benefit District (TBD), detailed in **Attachment 2**
- 124th Avenue NE Pedestrian Improvements (TBD), detailed in **Attachment 3**
- Fire Station 27 Replacement, detailed in **Attachment 4**
- Everest Park Restroom Replacement, detailed in **Attachment 5**
- 98th and Market Pedestrian and Bike Improvements (TBD), detailed in **Attachment 6**
- NE 73rd Street Watermain Improvement, detailed in **Attachment 7**
- Kirkland Justice Center Exterior Painting, detailed in **Attachment 8**

NEXT STEPS:

The next report is anticipated to be presented to City Council in January 2027.

ATTACHMENTS:

Attachment 1 – Summary of Projects Accepted in 2026
Attachment 2 – Final Project Acceptance for Downtown Bike Route Improvements (TBD)
Attachment 3 – Final Project Acceptance for 124th Avenue NE Pedestrian Improvements (TBD)
Attachment 4 – Final Project Acceptance for Fire Station 27 Replacement
Attachment 5 – Final Project Acceptance for Everest Park Restroom Replacement
Attachment 6 – Final Project Acceptance for 98th and Market Pedestrian and Bike Improvements (TBD)
Attachment 7 – Final Project Acceptance for NE 73rd Street Watermain Improvement
Attachment 8 – Final Project Acceptance for Kirkland Justice Center Exterior Painting

[1] https://www.kirklandwa.gov/files/sharedassets/public/v/2/city-council/agenda-documents/2026/april-21-2026/8h2_other-items-of-business.pdf
[2] https://www.kirklandwa.gov/files/sharedassets/public/v/1/city-council/agenda-documents/2026/july-21-2026/8h1_other-items-of-business.pdf

Attachment 1

Summary of Projects Accepted in 2026

Project #	Project Name	Original Budget	Revised Budget	Final Expenses	Funds Returned	Hard %	Soft %	Engineer's Estimate	Construct. Contract
NMC1290000	Downtown/NE 124th ST Ped Safety	1,748,250	1,987,150	1,838,963	148,187	57%	43%	943,780	1,040,694
NMC1370000	Willows Road Crossing Improvements	230,000	280,000	165,569	114,431	63%	37%	100,000	103,635
PSC3005000	Fire Station 22 Expansion & Remodel	9,617,301	12,016,205	11,980,058	36,147	84%	16%	6,900,000	9,889,963
NMC3000030	LWHS Ped/Bike Improvements	2,214,000	2,249,833	1,523,021	726,812	60%	40%	1,349,520	907,529
NMC3000010	132nd Ave NE Ped Improvements	1,821,000	1,982,408	1,877,550	104,858	60%	40%	1,239,070	1,120,788
STC0060025 STC0060325	2025 Overlay Project 2025 Slurry Seal Project	4,330,600	4,382,600	3,141,833	1,240,767	77%	23%	2,390,708	2,419,479
STC0060400	Central Way Preservation	2,267,700	2,203,656	2,170,397	33,259	78%	22%	1,800,000	1,695,686
NMC3000100	Downtown Bike Route Improvements (TBD)	266,000	266,000	42,810	223,190	39%	61%	19,947	16,552
NMC3000040	124th Ave NE Pedestrian Improvements (TBD)	522,400	864,000	626,315	237,685	56%	44%	521,000	350,525
PSC3007000	Fire Station 27 Replacement	23,007,956	21,598,093	21,427,093	171,000	85%	15%	13,065,211	17,746,475
PKC1560200	Everest Park Restroom Replacement	2,614,634	2,864,634	2,510,469	354,165	68%	32%	1,701,523	1,707,295
NMC3000020	98th and Market Ped and Bike Improvements (TBD)	1,232,000	1,242,000	1,241,867	133	60%	40%	872,060	764,727
WAC1370000	NE 73rd St Watermain Improvement	3,565,000	2,315,000	1,530,682	784,318	53%	47%	985,062	807,805
GGC1000251	Kirkland Justice Center Exterior Painting	561,876	561,876	555,812	6,064	96%	4%	500,000	525,370

REQUEST FOR FINAL PROJECT ACCEPTANCE - FINANCIAL CLOSEOUT

Project Information	
Project Name: Downtown Bike Routes – Transportation Benefit District (TBD)	COK Project Number(s): NMC3000100 COK Job Number(s): 19-24-PW
Project Address: 6th Street, Kirkland Way and Central Way	
Project Description: To refresh the existing roadway striping paint lines and other striping assets.	

Funding

Funding Source(s)	Amount	Description
NMC3000100	266,000	Original Budget
Initial Funding Total	266,000	
Funding increase(s)		
	-	
Funding increase Total	-	
Final Funding Total	**266,000**	

Expenses

Expenses	Amount	Description
Hard Costs		
Acquisition	-	Land & building purchases, artwork, etc.
Construction	16,552.23	Construction Contract
Equipment		Misc. equipment (machinery, tools, furniture)
Total Hard Costs	**16,552.23**	**39%**
Soft Costs		
Acquisition	-	Professional services & misc.
Design		Professional services, artwork, misc.
Permitting		Internal & external agency permits
Construction	912.07	Professional Services during Construction - Construction Management, special inspections, commissioning, building envelope, etc. Const. Misc. (advertising, mailings, etc.)
In-House	25,345.86	CIP staff time & overhead charged to project
Other	-	
3M	-	Maintenance, monitoring & mitigation
Total Soft Costs	**26,257.93**	**61%**
Final Expense Total	**42,810.16**	
Funding Surplus	**223,189.84**	

Funding Surplus Notes: Funding sources for the surplus funds are identified in the table below.

Funding Surplus	Amount	Transfer to
NMC3000100		
Debt	223,189.84	TBD Contingency
Total	**223,189.84**	

Attachments

☒Construction Contract(s) Acceptance

Note: These scopes were completed as part of the 2024 Annual Striping Program. At the time, NMC3000100 also included other scopes that have since been moved to another project within the TBD program. The Contractor Acceptance for that project is attached for reference.

☒Fiscal Note

☒Vicinity Map(s)

Approvals

SIGNATURES:

Project Manager: _____ Date: 07/24/2026

CIP Manager: _____ Date: 07/24/2026

Director of Public Works: Julie Underwood (Jul 24, 2026 15:21:57 PDT) Date: 07/24/2026

Director of Finance: Michael Olson Michael Olson (Jul 24, 2026 16:53:18 PDT) Date: 07/24/2026

Deputy City Manager: _____ Date: 07/27/2026

Attachment 2

Rev.02/25

REQUEST FOR FINAL PROJECT ACCEPTANCE OF CAPITAL CONSTRUCTION CONTRACT

Date of Request: 01/21/2025	Project Manager/Requester: Maria Mikulak

Project Information	
Project Name: 2024 Annual Striping Program	COK Project Number: STC0800024 NMC3000090 NMC3000110
Project Address (if applicable): Various location within the city limits of City of Kirkland	
Project Description: To refresh the existing roadway striping paint lines and other striping assets in the City of Kirkland.	

☐ Map Attached?

Contractor Information	
Contractor Name (UBI #): Specialized Pavement Marking, LLC # 602-001-003	
Address: 11095 SW Industrial Way STE A, Tualatin OR, 97062-9685	Contact Name: Sadie Meier
Contact Email: Sadie.meier@spmnw.com	Contact Phone: 253.299.1200

Contract Information	
City of Kirkland Contract Number: 32400188	
Retainage Method (monetary (no interest), bond, monetary (escrow/trust), monetary (interest bearing account)): Monetary (no interest)	
Amount retained (if applicable): $66,417.73	
Date of Award: June 4, 2024	Date of Work Start: July 15, 2024
Date of Substantial Completion: August 22, 2024	Date of Physical Completion: September 5th 2024

Financial Information

Construction Contract Costs:

Contract Costs*	Amount	Description
Original Contract Amount	**$1,317,434.75**	
(+) Change Order (#1)	38,253.50	White 6" Wide MMA Dotted Lines and Removal of Edge Lines Striping Work

(+) Change Order (#2)	6,468.65	Additional Striping at City Limits with Bothell
(+) Change Order (#3)		
(-) Decreases	($33,802.35)	
Construction Contract Total	$1,328,354.55	
Sales Tax (10.3%)	$0	
Construction Contract Total	**$1,328,354.55**	

Project Strings	Contract Amount	Actuals	Remaining
STC0800024	$ 948,886.40	$ 942,417.27	$ 6,469.13
NMC3000090	$ 40,958.38	$ 35,336.66	$ 5,621.72
NMC3000100*	$ 19,947.46	$ 16,552.23	$ 3,395.23
NMC3000110	$ 340,064.66	$ 321,777.38	$ 18,287.28
TRC1170200**	$ 12,300.00	$ 12,271.01	$ 28.99
Construction Contract Total	**$1,362,156.90**	**$1,328,354.55**	**$ 33,802.35**

*NMC3000100 contract funds were allocated for the striping portion only. Project will be closed out separately in a future memo.
**TRC1170200 contract funds were allocated for Vision Zero Safety Improvements

Budget #1 STC0800024:

Funding Source(s)	Amount	Obligation Date	Sources (encl.)
Internal/ City of Kirkland	$750,000		Munis
Grant or Other (#1)			
Grant or Other (#1)			
Initial Funding Total	$750,000		
Funding Increase	298,806		5.7.24 Fiscal Note
Bothell ILA	$11,280		
Final Funding Total	**$1,060,086**		

Expenses Source(s)	Amount	Description
Acquisition	$0	Prof. services, land and building purchases, etc.
Consultant Services (design and construction)	$0	Design, construction management, inspection, testing services and misc. expenses.
Permitting	$0	Internal and External agency permits
Construction	$942,761.22	Construction, artwork, etc.
In-House	$100,723.36	CIP staff time charged to project

Equipment	$0	Misc. equipment (machinery, tools, furniture)
Final Expense Total	**$1,043,484.58**	
BUDGET DIFFERENCE	**$16,601.42**	
Surplus Funds Destination: Return to REET 2 Reserves.		

☒Fiscal Note Attached?

Budget #2 NMC3000090:

Funding Source(s)	Amount	Obligation Date	Sources (encl.)
Internal/ City of Kirkland	**$169,300**		Munis
Surface Water	$8,700		
Grant or Other (#1)			
Initial Funding Total	**$178,000**		
Funding increase (if any)			Fiscal Note #1
Funding increase (if any)			Fiscal Note #
Final Funding Total	**$178,000**		

Expenses Source(s)	Amount	Description
Acquisition	$0	Prof. services, land and building purchases, etc.
Consultant Services (design and construction)	$0	Design, construction management, inspection, testing services and misc. expenses.
Permitting	$0	Internal and External agency permits
Construction	$35,552.01	Construction, artwork, etc.
In-House	$70,005.55	CIP staff time charged to project
Equipment	$0	Misc. equipment (machinery, tools, furniture)
Final Expense Total	**$105,557.56**	
BUDGET DIFFERENCE	**$72,442.44**	
Surplus Funds Destination: Return $78,497 of Debt & SZSC to TBD Parent Project NMC3000000. Transferring $6,055 of Surface Water funding from NMC3S00110 to NMC3S00090 to closeout "S" project and avoid unnecessary interfund transfer.		

☒Fiscal Note Attached?

Budget #3 NMC3000110:

Funding Source(s)	Amount	Obligation Date	Sources (encl.)

Internal/ City of Kirkland	**$1,122,000**		Munis
Surface Water	150,000		
Grant or Other (#1)			
Initial Funding Total	**$1,272,000**		
Funding increase (if any)			Fiscal Note #1
Funding increase (if any)			Fiscal Note #
Final Funding Total	**$1,272,000**		

Expenses Source(s)	Amount	Description
Acquisition	$0	Prof. services, land and building purchases, etc.
Consultant Services (design and construction)	$0	Design, construction management, inspection, testing services and misc. expenses.
Permitting	$0	Internal and External agency permits
Construction	$321,777.38	Construction, artwork, etc.
In-House	$130,545.96	CIP staff time charged to project
Equipment	$0	Misc. equipment (machinery, tools, furniture)
Final Expense Total	**$452,323.34**	
BUDGET DIFFERENCE	**$819,676.66**	

Surplus Funds Destination: Return $697,968 of SZSC and Debt funding to TBD Parent Project NMC3000000. Transfer $6,055 of Surface Water funding from NMC3S00110 to NMC3S00090 for closeout, and the remaining $115,654 to TBD SD Parent Project (NMC3S000000).

☒Fiscal Note Attached?

Approvals:

SIGNATURES: DATES:

Project Manager: Maria S Mikulak (Apr 15, 2025 08:48 PDT) Date: 04/15/2025

Department Manager: Date: 04/15/2025

Director of Finance: Michael Olson (Apr 15, 2025 09:01 PDT) Date: 04/15/2025

Deputy City Manager: Julie Underwood (Apr 15, 2025 14:11 PDT) Date: 04/15/2025

Memorandum Provided to City Clerk's Office: 04/15/2025

Notice of Completion (Provided by Project Manager): _____

Attachment 2

FISCAL NOTE ALREADY PROCESSED

CITY OF KIRKLAND

Source of Request
Truc Dever, Director of Public Works

Description of Request

Upon project closeout, retain approximately $16,601 in REET 2 funding from the 2024 Annual Striping Program (STC0800024) in the parent project for future use.

Closing out project NMC3000090/NMC3S00090 as part of the TBD projects and retaining approximately $78,497 in School Zone Safety Camera (SZSC) and Debt funding in the TBD Parent Project (NMC3000000) for other TBD projects.

Additionally, closing out project NMC3000110/NMC3S00110 as part of the TBD projects: retaining approximately $115,654 in Surface Water funding in the TBD SD Parent Project (NMC3S00000), and approximately $697,968 of SZSC and Debt funding in the TBD Parent Project (NMC3000000).

Legality/City Policy Basis

Fiscal Impact

- Transfer approximately $16,601 of REET 2 funding from STC0800024 to STC0800000.
- Transfer approximately $56,000 of SZSC funding and $22,497 of Debt funding from NMC3000090 to NMC3000000.
- Transfer approximately $6,055 of Surface Water funding from NMC3S00110 to NMC3S00090 for closeout.
- Transfer approximately $400,924 of SZSC funding and $297,044 of Debt funding from NMC3000110 to NMC3000000.
- Transfer approximately $115,654 of Surface Water funding from NMC3S00110 to NMC3S00000.

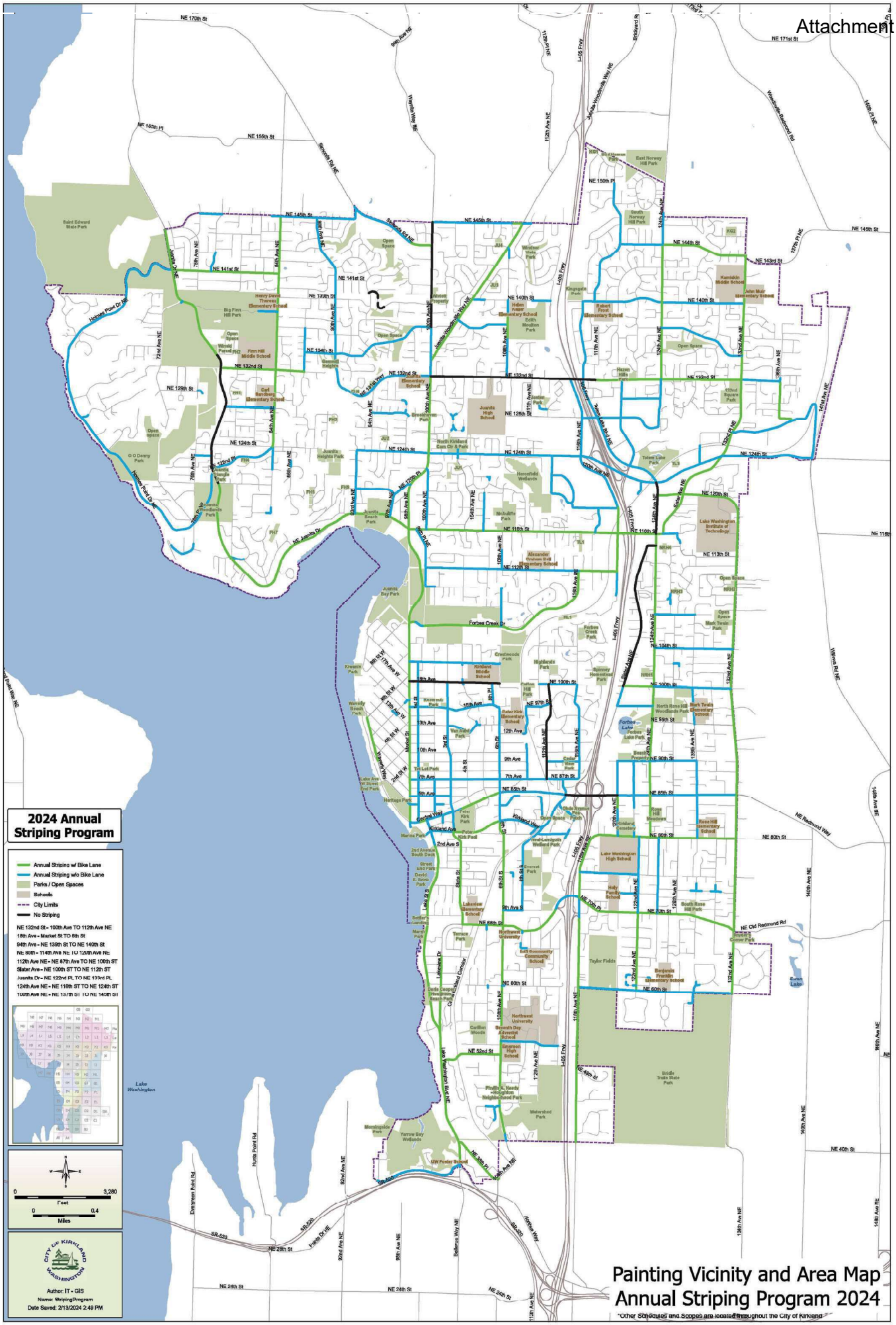
Recommended Funding Source(s)

	Description	2026 Est End Balance	Prior Auth. 2025-26 Uses	Prior Auth. 2025-26 Additions	Amount Request	Revised 2026 End Balance	2026 Target
Reserve							
Revenue/Exp Savings							
Other Source							

Other Information

Prepared By	Kevin Pelstring, Financial Planning Manager	Date	3.20.2025

Attachment 2



Attachment 2

FISCAL NOTE CURRENT

CITY OF KIRKLAND

Source of Request
Julie Underwood, Director of Public Works
Description of Request
Upon project closeout, transfer approximately $223,190 of Debt funding from the TBD-6th/Kirkland Way/Central Way/ 7th Street project (NMC3000100) back to TBD Parent Project (NMC3000000).
Legality/City Policy Basis
Fiscal Impact
- Transfer approximately $223,190 of surplus balance of Debt from TBD-6th/Kirkland Way/Central Way/ 7th Street project (NMC3000100) to TBD Parent project (NMC3000000).

Recommended Funding Source(s)

	Description	2026 Est End Balance	Prior Auth. 2025-26 Uses	Prior Auth. 2025-26 Additions	Amount Request	Revised 2026 End Balance	2026 Target
Reserve							
Revenue/Exp Savings							
Other Source							

Other Information

Prepared By	Veronica Hill, Financial Planning Supervisor	Date	July 22, 2026

REQUEST FOR FINAL PROJECT ACCEPTANCE - FINANCIAL CLOSEOUT

Project Information	
Project Name: 124th Ave NE Pedestrian Improvements	COK Project Number(s): NMC3000040 / NMC3S00040 COK Job Number(s): 02-25-PW
Project Address: 124th Avenue NE, see Vicinity Map	
Project Description: The 124th Ave NE Pedestrian Improvements Project improves pedestrian connectivity and safety along 124th Avenue NE between NE 145th Street and the municipal boundary with the City of Woodinville. Improvements include new sidewalks, ADA curb ramps, storm drainage upgrades, and installation of a Rectangular Rapid Flashing Beacon (RRFB) and median island.	

Funding

Funding Source(s)	Amount	Description
NMC3000040	522,400	Original Budget
Initial Funding Total	522,400	
Funding increase(s)		
	341,600	7.2.25 Council Meeting
Funding increase Total	341,600	
Final Funding Total	**864,000**	

Expenses

Expenses	Amount	Description
Hard Costs		
Acquisition	-	Land & building purchases, artwork, etc.
Construction	350,525.06	Construction Contract
Equipment	-	Misc. equipment (machinery, tools, furniture)
Total Hard Costs	**350,525.06**	**56%**
Soft Costs		
Acquisition	-	Professional services & misc.
Design	106,479.92	Professional services, artwork, misc.
Permitting		Internal & external agency permits
Construction	32,065.94	Professional Services during Construction - Construction Management, special inspections, commissioning, building envelope, etc. Const. Misc. (advertising, mailings, etc.)
In-House	137,244.49	CIP staff time & overhead charged to project
Other	-	
3M	-	Maintenance, monitoring & mitigation
Total Soft Costs	**275,790.35**	**44%**
Final Expense Total	**626,315.41**	
Funding Surplus	**237,684.59**	

Funding Surplus Notes: Funding sources for the surplus funds are identified in the table below.

Funding Surplus	Amount	Transfer to
NMC3000040		
Debt	237,684.59	TBD Contingency
Total	**237,684.59**	

Attachments

☒Construction Contract(s) Acceptance
☒Fiscal Note
☒Vicinity Map(s)

Approvals

SIGNATURES:

Project Manager: _____ Date: 07/23/2026

CIP Manager: _____ Date: 07/23/2026

Director of Public Works: Julie Underwood (Jul 23, 2026 15:43:10 PDT) Date: 07/23/2026

Director of Finance: Michael Olson
Michael Olson (Jul 24, 2026 13:45:22 PDT) Date: 07/24/2026

Deputy City Manager: _____ Date: 07/27/2026

Attachment 3

REQUEST FOR FINAL PROJECT ACCEPTANCE - CAPITAL CONSTRUCTION CONTRACT

Date of Request: 7/14/26	Project Manager/Requester: Ling Wang-Staley

Project Information	
Project Name: 124th Ave NE Pedestrian Improvements	COK Project Number(s): NMC3000040 / NMC3S00040 COK Job Number(s): 02-25-PW
Project Address: 124th Avenue NE, see Vicinity Map	
Project Description: The 124th Ave NE Pedestrian Improvements Project improves pedestrian connectivity and safety along 124th Avenue NE between NE 145th Street and the municipal boundary with the City of Woodinville. Improvements include new sidewalks, ADA curb ramps, storm drainage upgrades, and installation of a Rectangular Rapid Flashing Beacon (RRFB) and median island.	

Contractor Information	
Contractor Name: Fury Site Works, Inc.	
Contractor UBI #: 603-125-321	Contact Name: Mike Day
Address: P.O. Box 2118, North Bend, WA 98045	
Contact Email: mike@furysiteworks.com	Contact Phone: 425.888.1596

Contract Information	
City of Kirkland Munis Contract Number: 32500415	
Retainage Method: ☒Bond ☐Monetary (no interest) ☐Monetary (escrow/trust) ☐Monetary (interest bearing account)	
Amount retained by City (if monetary): N/A	
Date of Award: 11/5/2025	Date of Work Start: 2/17/2026
Date of Substantial Completion: 5/12/2026	Date of Physical Completion: 5/26/2026

Contractor Apprentice Utilization Information	
Engineer's Estimate: $ 521,000	
Was apprentice utilization required? ☐ Yes ☒ No	Utilization %: N/A
If utilization did not meet or exceed 15%, was a Good Faith Estimate approved ? ☐ Yes ☒ No	

Contract Financial Information

Construction Contract	Amount	Description
Original Contract Amount	341,752.82	
Change Order #1	8,772.24	
Construction Contract Total	350,525.06	Munis Revised Contract
(-) Decreases	-	Unused contract amount
Total Paid	**350,525.06**	
Sales Tax Breakdown		
Taxable		
Non-Taxable	350,525.06	
Gross	350,525.06	
Sales Tax	-	N/A
Total Paid	**350,525.06**	

Approvals

SIGNATURES:

Project Manager: _____ Date: 07/23/2026

CIP Manager: _____ Date: 07/23/2026

Director of Public Works: Julie Underwood (Jul 23, 2026 15:43:10 PDT) Date: 07/23/2026

Director of Finance: Michael Olson (Jul 24, 2026 13:45:22 PDT) Date: 07/24/2026

Deputy City Manager: _____ Date: 07/27/2026

Attachment 3

FISCAL NOTE

CITY OF KIRKLAND

Source of Request
Julie Underwood, Director of Public Works
Description of Request
Upon project closeout, transfer approximately $237,685 of Debt funding from the TBD-124th Ave NE Pedestrian Improvements project (NMC3000040) back to TBD Parent Project (NMC3000000).
Legality/City Policy Basis
Fiscal Impact
- Transfer approximately $237,685 of surplus balance of Debt from TBD-124th Ave NE Pedestrian Improvements project (NMC3000040) to TBD Parent project (NMC3000000).

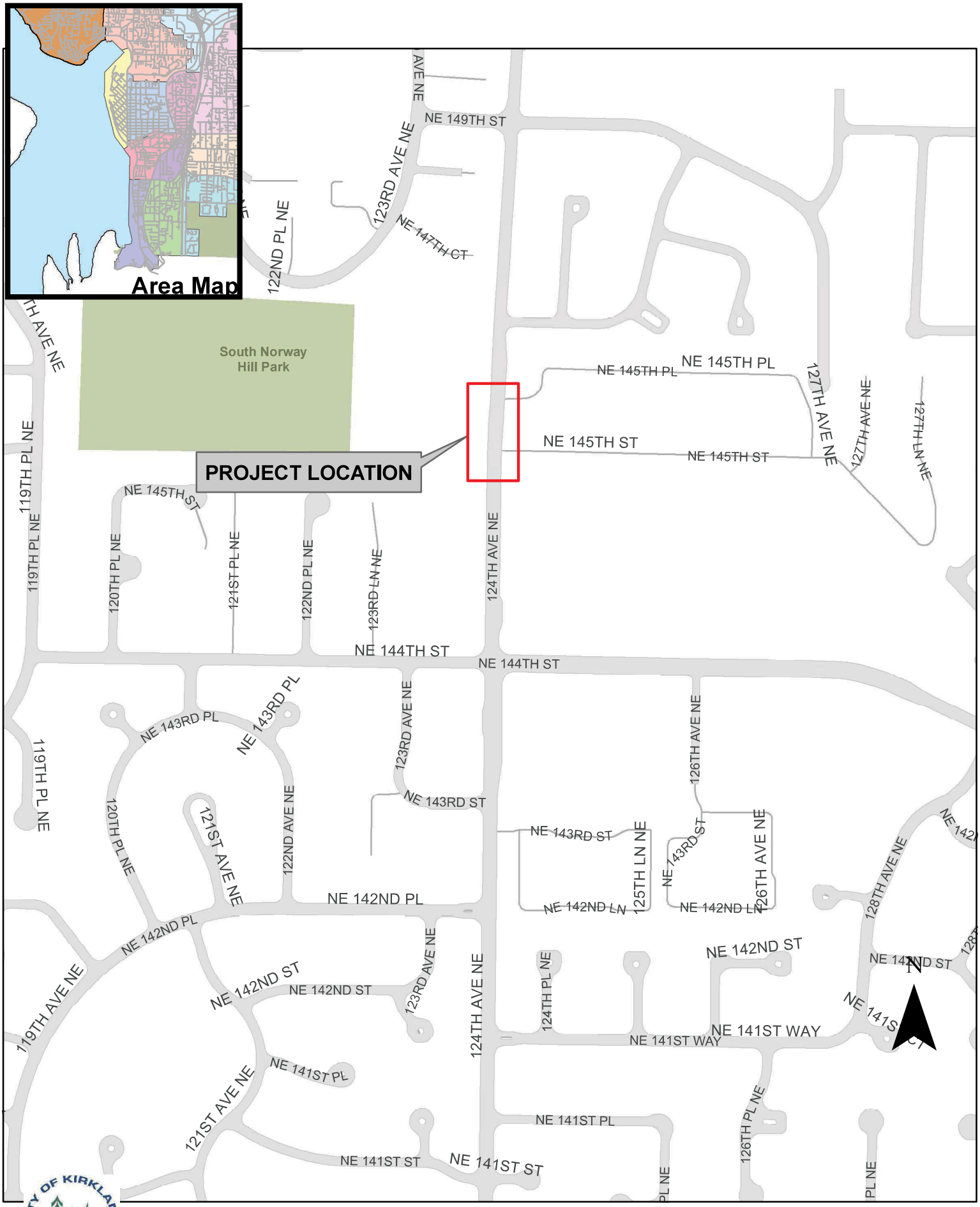
Recommended Funding Source(s)

	Description	2026 Est End Balance	Prior Auth. 2025-26 Uses	Prior Auth. 2025-26 Additions	Amount Request	Revised 2026 End Balance	2026 Target
Reserve							
Revenue/Exp Savings							
Other Source							

Other Information

Prepared By	Veronica Hill, Financial Planning Supervisor	Date	July 22, 2026

Attachment 3



Vicinity and Area Map

124th AVENUE NE PEDESTRIAN IMPROVEMENTS PROJECT

REQUEST FOR FINAL PROJECT ACCEPTANCE - FINANCIAL CLOSEOUT

Project Information	
Project Name: Fire Station 27 Replacement	COK Project Number(s): PSC3007000 COK Job Number(s): 13-22-PW
Project Address: 12127 NE 132nd St, 98034	
Project Description: The Project consisted of constructing a new two-story Fire Station of approximately 16,785 sq. ft. and associated site and offsite work. The station is a steel framed structure with (3) full and (1) half apparatus bays, support spaces, crew workspaces, crew living spaces, and (8) sleeping rooms. Site (0.87 acres) and offsite work included site structures, storm water systems, utilities, landscaping, paving, frontage improvements, and traffic improvements, including a signal.	

Funding

Funding Source(s)	Amount	Description
Debt	22,578,082	Original Budget
External	429,874	Redmond Medic One ILA
Initial Funding Total	23,007,956	
Funding Change(s)		
Debt	(107,357)	Xfr to SDC0470121
Debt	(52,506)	Xfr to Litigation Reserve/FS22
Debt	(30,000)	Xfr to GGC0530000
Debt	(1,220,000)	Xfr to PSC3004000 - FS21
Funding Change Total	(1,409,863)	
Final Funding Total	**21,598,093**	

Expenses

Expenses	Amount	Description
Hard Costs		
Acquisition	184,080.00	Land & building purchases, artwork, etc.
Construction	17,792,761.14	Construction Contract
Equipment	298,409.85	Misc. equipment (machinery, tools, furniture)
Total Hard Costs	**18,275,250.99**	**85%**
Soft Costs		
Acquisition	-	Professional services & misc.
Design	1,435,581.74	Professional services, artwork, misc.
Permitting	296,335.48	Internal & external agency permits
Construction	997,300.85	Professional Services during Construction - Construction Management, special inspections, commissioning, building envelope, etc. Const. Misc. (advertising, mailings, etc.)
In-House	422,624.25	CIP staff time & overhead charged to project
Other	-	
3M	-	Maintenance, monitoring & mitigation
Total Soft Costs	**3,151,842.32**	**15%**
Final Expense Total	**21,427,093.31**	
Funding Surplus	**170,999.69**	

Funding Surplus Notes: Funding sources for the surplus funds are identified in the table below.

Funding Surplus	Amount	Transfer to
PSC3007000		
General Fund Cash	170,999.69	GEMT Reserve
Total	**170,999.69**	

Attachments

☒Construction Contract(s) Acceptance
☒Fiscal Note
☒Vicinity Map(s)

Approvals

SIGNATURES:

Project Manager: _____ Date: 08/03/2026

CIP Manager: _____ Date: 08/03/2026

Director of Public Works: Julie Underwood (Aug 4, 2026 12:27:58 PDT) Date: 08/04/2026

Director of Finance: Michael Olson
Michael Olson (Aug 4, 2026 13:30:11 PDT) Date: 08/04/2026

Deputy City Manager: _____ Date: 08/06/2026

REQUEST FOR FINAL PROJECT ACCEPTANCE - CAPITAL CONSTRUCTION CONTRACT

Date of Request: 1/5/2026	Project Manager/Requester: Anneke Davis, Senior Project Engineer

Project Information	
Project Name: Fire Station 27 Replacement	COK Project Number(s): PSC3007000 COK Job Number(s): 13-22-PW
Project Address: 12127 NE 132nd St, 98034	
Project Description: The Project consisted of constructing a new two-story Fire Station of approximately 16,785 sq. ft. and associated site and offsite work. The station is a steel framed structure with (3) full and (1) half apparatus bays, support spaces, crew workspaces, crew living spaces, and (8) sleeping rooms. Site (0.87 acres) and offsite work included site structures, storm water systems, utilities, landscaping, paving, frontage improvements, and traffic improvements, including a signal.	

Contractor Information	
Contractor Name: Lincoln Construction, Inc.	
Contractor UBI #: 600-536-695	Contact Name: Jeff Tiegs
Address: 11803 101st Ave E, Suite 201 Puyallup WA 98373	
Contact Email: jeff.tiegs@lincolnnw.com	Contact Phone: 253.405.6128 (mobile)

Contract Information	
City of Kirkland Munis Contract Number: 32200287	
Retainage Method: ☒Bond ☐Monetary (no interest) ☐Monetary (escrow/trust) ☐Monetary (interest bearing account)	
Amount retained by City (if monetary):	
Date of Award: 06/07/2022	Date of Work Start: 07/13/2022
Date of Substantial Completion: 05/01/2024	Date of Physical Completion: 07/15/2025

Contractor Apprentice Utilization Information	
Was apprentice utilization required? ☐ Yes ☒ No	
Engineer's Estimate: $13,065,211	Utilization %:
If utilization did not meet or exceed 15%, was a Good Faith Estimate approved ? ☐ Yes ☐ No	

Contract Financial Information

Contract Costs*	Amount	Description
Original Contract Amount	16,950,017.38	
Change Order #1	189,891.38	
Change Order #2	39,315.45	
Change Order #3	50,242.56	
Change Order #4	75,200.77	
Change Order #5	166,137.28	
Change Order #6	80,312.86	
Change Order #7	760.94	
Change Order #8	54,159.49	
Change Order #9	140,436.77	
Change Order #10		
Construction Contract Total	17,746,474.88	Munis Revised Contract
(-) Decreases		Unused contract amount
Total Paid	**17,746,474.88**	
Sales Tax Breakdown		
Taxable Amount #1	15,853,724.85	
Taxable Amount #2	249,237.64	
Non-Taxable	-	
Gross	16,102,962.49	
Sales Tax #1	1,617,079.97	10.2%
Sales Tax #2	26,432.42	10.3%
Total Paid	**17,746,474.88**	

Approvals

SIGNATURES:

Project Manager: A.J. Davis Date: 06/29/2026

CIP Manager: Robert S. Fell Date: 06/29/2026

Director of Public Works: Sarah R. Olson Date: 06/29/2026

Director of Finance: Michael Olson Michael Olson (Jul 6, 2026 13:48:38 PDT) Date: 07/06/2026

Deputy City Manager: Tracy P. Dunlap Date: 07/06/2026

Attachment 4

FISCAL NOTE

CITY OF KIRKLAND

Source of Request

Julie Underwood, Director of Public Works

Description of Request

Upon project closeout, transfer approximately $170,999 of GF Cash from Fire Station 27 Replacement, Project PSC3007000, to GEMT Capital Reserve, GGRGEMTCPR.

Legality/City Policy Basis

Fiscal Impact

-Transfer approximately $170,999 in GF Cash from Fire Station 27 Replacement, Project PSC3007000, to the GEMT Capital Reserve, GGRGEMTCPR.

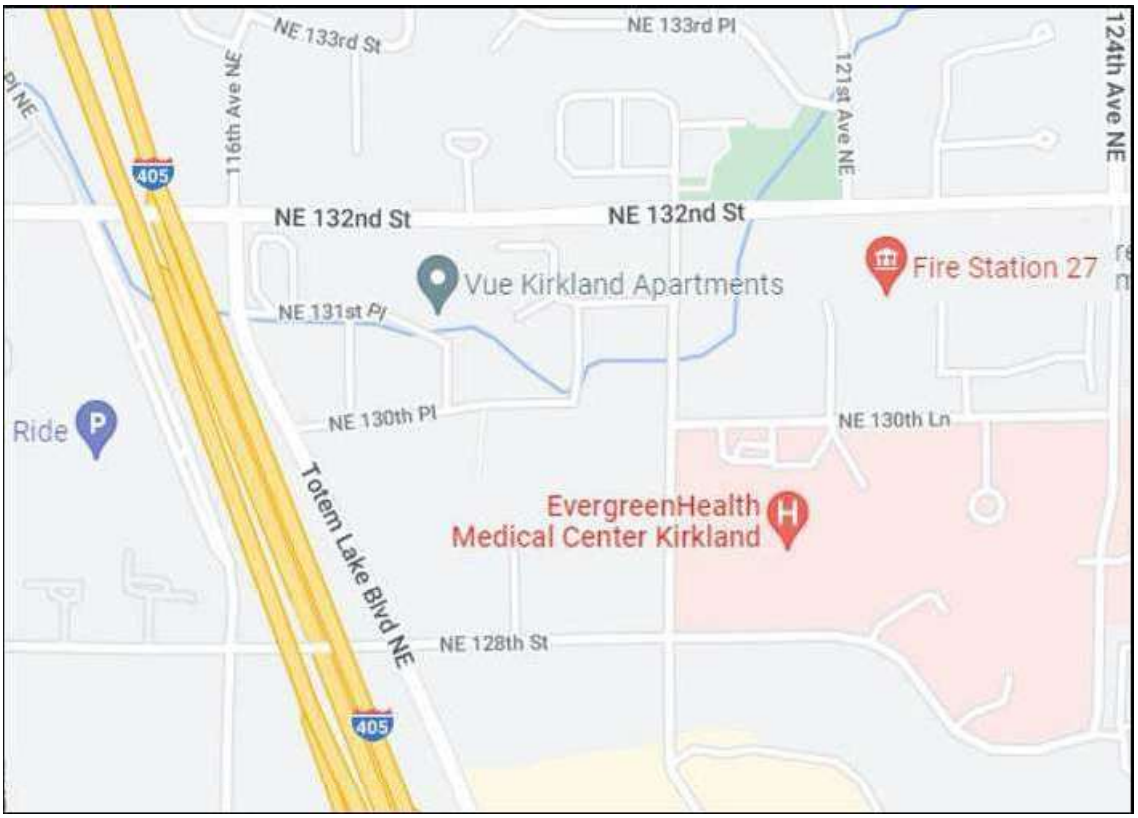
Recommended Funding Source(s)

	Description	2026 Est End Balance	Prior Auth. 2025-26 Uses	Prior Auth. 2025-26 Additions	Amount Request	Revised 2026 End Balance	2026 Target
Reserve						0	
						0	
Revenue/Exp Savings							
Other Source							

Other Information

Prepared By	Veronica Hill, Financial Planning Supervisor	Date	June 26, 2026

Fire Station 27 – Vicinity Map



REQUEST FOR FINAL PROJECT ACCEPTANCE - FINANCIAL CLOSEOUT

Project Information	
Project Name: Everest Park Restroom Replacement	COK Project Number(s): PKC1560200 COK Job Number(s): 10-25-PW
Project Address: 500 8th St S, Kirkland, WA 98033	
Project Description: The replacement of the existing bathroom structure at Everest Park with a newer, more modern building. The new facility includes additional stalls in the men's and women's bathrooms and two-family style gender neutral restrooms. Site work included new utility services, paving and modifications to irrigation and landscaping.	

Funding

Funding Source(s)	Amount	Description
Local	2,323,634	Original Budget
External	291,000	Commerce Grant
Initial Funding Total	2,614,634	
Funding increase(s)	-	
	250,000	2025-2030 CIP
Funding increase Total	250,000	
Final Funding Total	**2,864,634**	

Expenses

Expenses	Amount	Description
Hard Costs		
Acquisition	-	Land & building purchases, artwork, etc.
Construction	1,707,295.24	Construction Contract
Equipment	2,986.32	Misc. equipment (machinery, tools, furniture)
Total Hard Costs	**1,710,281.56**	**68%**
Soft Costs		
Acquisition	-	Professional services & misc.
Design	266,839.25	Professional services, artwork, misc.
Permitting	34,468.72	Internal & external agency permits
Construction	292,554.17	Professional Services during Construction - Construction Management, special inspections, commissioning, building envelope, etc. Const. Misc. (advertising, mailings, etc.)
In-House	206,325.73	CIP staff time & overhead charged to project
Other	-	
3M	-	Maintenance, monitoring & mitigation
Total Soft Costs	**800,187.87**	**32%**
Final Expense Total	**2,510,469.43**	
Funding Surplus	**354,164.57**	

Funding Surplus Notes: Funding sources for the surplus funds are identified in the table below.

Funding Surplus	Amount	Transfer to
PKC1560200		
REET 1	354,164.57	REET 1 Reserves
Total	**354,164.57**	

Attachments

☒Construction Contract(s) Acceptance
☒Fiscal Note
☒Vicinity Map(s)

Approvals

SIGNATURES:

Project Manager: Nick Sondergaard (Aug 27, 2026 14:04:25 PDT) Date: 08/27/2026

CIP Manager: Date: 08/27/2026

Director of Public Works: June Underwood (Sep 1, 2026 08:42:15 PDT) Date: 09/01/2026

Director of Finance: Michael Olson (Sep 4, 2026 08:46:48 PDT) Date: 09/04/2026

Deputy City Manager: Date: 09/08/2026

REQUEST FOR FINAL PROJECT ACCEPTANCE - CAPITAL CONSTRUCTION CONTRACT

Date of Request: 6/17/2026	Project Manager/Requester: Nick Sondergaard

Project Information	
Project Name: Everest Park Restroom Replacement	COK Project Number(s): PKC1560200 COK Job Number(s): 10-25-PW
Project Address: 500 8th St S, Kirkland, WA 98033	
Project Description: The replacement of the existing bathroom structure at Everest Park with a newer, more modern building. The new facility includes additional stalls in the men's and women's bathrooms and two-family style gender neutral restrooms. Site work included new utility services, paving and modifications to irrigation and landscaping.	

Contractor Information	
Contractor Name: Wyser Construction Co.	
Contractor UBI #: 601735231	Contact Name: Dan Reynolds
Address:10915 109th Ave SE, Snohomish, WA 98296	
Contact Email: dan@wyserdirt.com	Contact Phone: 206-510-0672

Contract Information	
City of Kirkland Munis Contract Number: 32500366	
Retainage Method: ☒Bond ☐Monetary (no interest) ☐Monetary (escrow/trust) ☐Monetary (interest bearing account)	
Amount retained by City (if monetary): $0.00	
Date of Award: 8/6/2025	Date of Work Start: 10/6/2025
Date of Substantial Completion: 4/13/2026	Date of Physical Completion: 4/24/2026

Contractor Apprentice Utilization Information	
Engineer's Estimate: $1,701,523.10	
Was apprentice utilization required? ☐ Yes ☒ No	Utilization %: 0
If utilization did not meet or exceed 15%, was a Good Faith Estimate approved ? ☒ Yes ☐ No	

Contract Financial Information

Contract Costs*	Amount	Description
Original Contract Amount	1,694,196.97	
Change Order #1	13,109.41	Adjustment of estimated quantities to actual quantities installed for the project.
Construction Contract Total	1,707,306.38	Munis Revised Contract
(-) Decreases	(11.14)	Unused contract amount
Total Paid	**1,707,295.24**	
Sales Tax Breakdown		
Taxable Amount #1	642,442.50	
Taxable Amount #2	904,602.50	
Non-Taxable	-	
Gross	1,547,045.00	
Sales Tax #1	66,171.58	10.3%
Sales Tax #2	94,078.66	10.4%
Total Paid	**1,707,295.24**	

Approvals

SIGNATURES:

Project Manager: Nick Sondergaard (Aug 27, 2026 14:04:25 PDT) Date: 08/27/2026

CIP Manager: Date: 08/27/2026

Director of Public Works: Julie Underwood (Sep 1, 2026 08:42:15 PDT) Date: 09/01/2026

Director of Finance: Michael Olson (Sep 4, 2026 08:46:48 PDT) Date: 09/04/2026

Deputy City Manager: Date: 09/08/2026

Attachment 5

FISCAL NOTE

CITY OF KIRKLAND

Source of Request
Julie Underwood, Director of Public Works
Description of Request
Upon project closeout, transfer approximately $354,164 of REET 1 funding from Everest Park Restroom Replacement project (PKC1560200) back to 310 REET 1 Capital Reserve (GGR310R1CR).
Legality/City Policy Basis
Fiscal Impact
- Transfer approximately $354,164 of surplus balance of REET 1 funding from Everest Park Restroom Replacement project (PKC1560200) back to 310 REET 1 Capital Reserve (GGR310R1CR).

Recommended Funding Source(s)

	Description	2026 Est End Balance	Prior Auth. 2025-26 Uses	Prior Auth. 2025-26 Additions	Amount Request	Revised 2026 End Balance	2026 Target
Reserve	310 REET 1 Capital Reserve	93,802			354,164	447,966	n/a
	Returning surplus to reserve.						
Revenue/Exp Savings							
Other Source							

Other Information

Prepared By	Veronica Hill, Financial Planning Supervisor	Date	August 27, 2026

Attachment 5

Vicinity and Area Map
Everest Park Restroom Replacement

REQUEST FOR FINAL PROJECT ACCEPTANCE - FINANCIAL CLOSEOUT

Project Information	
Project Name: 98th and Market Pedestrian and Bike Improvements	COK Project Number(s): NMC3000020 / NMC3S00020 COK Job Number(s):
Project Address: 98th Ave NE and the intersection of Market Street and 19th Ave	
Project Description: Specific work included installation of new curb and gutter, sidewalk, signage, striping, illumination and bike lane improvements along 98th Avenue, pedestrian crossing, ADA ramps, median extension and RRFB signal improvements at the intersection of Market Street and 19th Avenue.	

Funding

Funding Source(s)	Amount	Description
NMC3000020	1,232,000	Original Budget
Initial Funding Total	1,232,000	
Funding increase(s)		
	10,000	TBD Contingency
Funding increase Total	10,000	
Final Funding Total	**1,242,000**	

Expenses

Expenses	Amount	Description
Hard Costs		
Acquisition	-	Land & building purchases, artwork, etc.
Construction	746,283.14	Construction Contract
Equipment		Misc. equipment (machinery, tools, furniture)
Total Hard Costs	**746,283.14**	**60%**
Soft Costs		
Acquisition	-	Professional services & misc.
Design	267,991.55	Professional services, artwork, misc.
Permitting	28,652.48	Internal & external agency permits
Construction	22,057.65	Professional Services during Construction - Construction Management, special inspections, commissioning, building envelope, etc. Const. Misc. (advertising, mailings, etc.)
In-House	176,882.00	CIP staff time & overhead charged to project
Other	-	
3M	-	Maintenance, monitoring & mitigation
Total Soft Costs	**495,583.68**	**40%**
Final Expense Total	**1,241,866.82**	
Funding Surplus	**133.18**	

Funding Surplus Notes: Funding sources for the surplus funds are identified in the table below.

Funding Surplus	Amount	Transfer to
NMC3000020/NMC3S00020		
REET 2	133.18	TBD Contingency
Total Surplus	**133.18**	

Attachments

☒Construction Contract(s) Acceptance
☒Fiscal Note
☒Vicinity Map(s)

Approvals

SIGNATURES:

Project Manager: Nick Sondergaard (Sep 4, 2026 10:15:20 PDT) Date: 09/04/2026

CIP Manager: Georg-Johnson Date: 09/04/2026

Director of Public Works: Julie Underwood (Sep 9, 2026 09:32:26 PDT) Date: 09/09/2026

Director of Finance: Michael Olson (Sep 9, 2026 10:03:25 PDT) Date: 09/09/2026

Deputy City Manager: Tracy P. Dunlap Date: 09/09/2026

REQUEST FOR FINAL PROJECT ACCEPTANCE - CAPITAL CONSTRUCTION CONTRACT

Date of Request: 9/2/2026	Project Manager/Requester: Nick Sondergaard

Project Information	
Project Name: 98th and Market Pedestrian and Bike Improvements	COK Project Number(s): NMC3000020 / NMC3S00020 COK Job Number(s): 03-25-PW
Project Address: 98th Ave NE and the intersection of Market Street and 19th Ave	
Project Description: Specific work included installation of new curb and gutter, sidewalk, signage, striping, illumination and bike lane improvements along 98th Avenue, pedestrian crossing, ADA ramps, median extension and RRFB signal improvements at the intersection of Market Street and 19th Avenue.	

Contractor Information	
Contractor Name: OMA Construction Inc.	
Contractor UBI #: 601-872-128	Contact Name: Brandon Akers
Address: PO Box 429, Maple Valley, WA 98038	
Contact Email: b.akers@omaconstruction.com	Contact Phone: (206)262-1721

Contract Information	
City of Kirkland Munis Contract Number: 32500193	
Retainage Method: ☒Bond ☐Monetary (no interest) ☐Monetary (escrow/trust) ☐Monetary (interest bearing account)	
Amount retained by City (if monetary): $0	
Date of Award: April 4, 2025	Date of Work Start: April 21, 2025
Date of Substantial Completion: February 27, 2026	Date of Physical Completion: July 17, 2026

Contractor Apprentice Utilization Information	
Engineer's Estimate: $ 872,060.00	
Was apprentice utilization required? ☐ Yes ☒ No	Utilization %: 0
If utilization did not meet or exceed 15%, was a Good Faith Estimate approved ? ☒ Yes ☐ No	

Contract Financial Information

Construction Contract	Amount	Description
Original Contract Amount	688,888.00	
Change Order #1	70,469.23	Quantity adjustments/new bid item
Change Order #2	5,370.00	Final reconciliation
Construction Contract Total	764,727.23	Munis Revised Contract
(-) Decreases	(0.07)	Unused contract amount
Total Paid	**764,727.16**	
Sales Tax Breakdown		
Taxable	-	
Non-Taxable	764,727.16	
Gross	764,727.16	
Sales Tax	-	N/A
Total Paid	**764,727.16**	

Note: A portion of the contract was charged to TRC1160000 for related work on an electrical trench. The breakdown between projects is as follows:
TRC1160000: $18,444.02
NMC3000020: $746,283.14
Contract Total: $764,727.16

Approvals

SIGNATURES:

Project Manager: Nick Sondergaard (Sep 4, 2026 10:15:20 PDT) Date: 09/04/2026

CIP Manager: Georg-Johnson Date: 09/04/2026

Director of Public Works: Julie Underwood (Sep 9, 2026 09:32:26 PDT) Date: 09/09/2026

Director of Finance: Michael Olson (Sep 9, 2026 10:03:25 PDT) Date: 09/09/2026

Deputy City Manager: Tracy P. Dunlap Date: 09/09/2026

Attachment 6

FISCAL NOTE

CITY OF KIRKLAND

Source of Request
Julie Underwood, Director of Public Works
Description of Request
Upon project closeout, transfer approximately $133 of REET 2 funding from the 98th and Market Pedestrian and Bike Improvements project (NMC3000020) back to TBD Contingency project (NMC3000000).
Legality/City Policy Basis
Fiscal Impact
- Transfer approximately $133 of surplus balance of REET 2 from the 98th and Market Pedestrian and Bike Improvements project (NMC3000020) back to TBD Contingency project (NMC3000000).

Recommended Funding Source(s)

	Description	2026 Est End Balance	Prior Auth. 2025-26 Uses	Prior Auth. 2025-26 Additions	Amount Request	Revised 2026 End Balance	2026 Target
Reserve							
Revenue/Exp Savings							
Other Source							

Other Information

Prepared By	Veronica Hill, Financial Planning Supervisor	Date	September 3, 2026

Attachment 6

Vicinity and Area Map

Market St/ 98th Avenue Northeast Pedestrian/ Bike Improvements

Attachment 7

REQUEST FOR FINAL PROJECT ACCEPTANCE - FINANCIAL CLOSEOUT

Project Information	
Project Name: NE 73rd St Watermain Improvement	COK Project Number(s): 47-23-PW COK Job Number(s): WAC-1370000
Project Address: NE 73rd Street between 116th Ave NE & 119th Ave NE	
Project Description: Replace 1,332 of 6-inch aging asbestos concrete watermain with 8-inch ductile iron pipe.	

Funding

Funding Source(s)	Amount	Description
WAC1370000	3,565,000	Original Budget
Initial Funding Total	3,565,000	
Funding increase(s)		
	(1,250,000)	Transfers to other projects
Funding increase Total	(1,250,000)	
Final Funding Total	**2,315,000**	

Expenses

Expenses	Amount	Description
Hard Costs		
Acquisition	-	Land & building purchases, artwork, etc.
Construction	807,804.83	Construction Contract
Equipment		Misc. equipment (machinery, tools, furniture)
Total Hard Costs	**807,804.83**	**53%**
Soft Costs		
Acquisition	51,257.50	Professional services & misc.
Design	241,440.96	Professional services, artwork, misc.
Permitting		Internal & external agency permits
Construction	197,777.81	Professional Services during Construction - Construction Management, special inspections, commissioning, building envelope, etc. Const. Misc. (advertising, mailings, etc.)
In-House	232,400.89	CIP staff time & overhead charged to project
Other	-	
3M	-	Maintenance, monitoring & mitigation
Total Soft Costs	**722,877.16**	**47%**
Final Expense Total	**1,530,681.99**	
Funding Surplus	**784,318.01**	

Funding Surplus Notes: Funding sources for the surplus funds are identified in the table below.

Funding Surplus	Amount	Transfer to
WAC1370000		
Utility Rates	784,318.01	Reserves
Total	**784,318.01**	

Attachments

☒Construction Contract(s) Acceptance
☒Fiscal Note
☒Vicinity Map(s)

Approvals

SIGNATURES:

Project Manager: Scott Gonsar (Sep 3, 2026 14:16:20 PDT) Date: 09/03/2026

CIP Manager: Date: 09/03/2026

Director of Public Works: June Underwood (Sep 9, 2026 10:23:07 PDT) Date: 09/09/2026

Director of Finance: Michael Olson Michael Olson (Sep 9, 2026 10:26:26 PDT) Date: 09/09/2026

Deputy City Manager: Tracy P. Dunlap Date: 09/09/2026

REQUEST FOR FINAL PROJECT ACCEPTANCE - CAPITAL CONSTRUCTION CONTRACT

Date of Request: 9/3/2026	Project Manager/Requester: Scott Gonsar, P.E.

Project Information	
Project Name: NE 73rd St Watermain Improvement	COK Project Number(s): 47-23-PW COK Job Number(s): WAC-1370000
Project Address: NE 73rd Street between 116th Ave NE & 119th Ave NE	
Project Description: Replace 1,332 of 6-inch aging asbestos concrete watermain with 8-inch ductile iron pipe.	

Contractor Information	
Contractor Name: SCI Infrastructure, LLC	
Contractor UBI #: 602094857	Contact Name: Mark Scoccolo
Address: 2821 S. 154th St, Seattle, WA 98188	
Contact Email: mark.scoccolo@scibuilds.com	Contact Phone: (206) 242-0633

Contract Information	
City of Kirkland Munis Contract Number: 32500125	
Retainage Method: ☒Bond ☐Monetary (no interest) ☐Monetary (escrow/trust) ☐Monetary (interest bearing account)	
Amount retained by City (if monetary): $0.00	
Date of Award: 11/19/2024	Date of Work Start: 2/18/2025
Date of Substantial Completion: 3/16/2025	Date of Physical Completion: 6/5/2026

Contractor Apprentice Utilization Information	
Engineer's Estimate: $ 985,062.00	
Was apprentice utilization required? ☐ Yes ☒ No	Utilization %: 0%
If utilization did not meet or exceed 15%, was a Good Faith Estimate approved? ☐ Yes ☐ No	

Contract Financial Information

Construction Contract	Amount	Description
Original Contract Amount	$ 861,835.66	
Change Order #1	$ 12,133.47	Differing Site Conditions & Hydrant Relocation
Construction Contract Total	$ 873,969.13	Munis Revised Contract
(-) Decreases	$ (66,164.30)	Unused contract amount
Total Paid	**$ 807,804.83**	
Sales Tax Breakdown		
Taxable	732,370.65	
Non-Taxable	-	
Gross	732,370.65	
Sales Tax	75,434.18	10.3%
Total Paid	**807,804.83**	

Approvals

SIGNATURES:

Project Manager: Scott Gonsar (Sep 3, 2026 14:16:20 PDT) Date: 09/03/2026

CIP Manager: Date: 09/03/2026

Director of Public Works: Julie Underwood (Sep 9, 2026 10:23:07 PDT) Date: 09/09/2026

Director of Finance: Michael Olson Michael Olson (Sep 9, 2026 10:26:26 PDT) Date: 09/09/2026

Deputy City Manager: Tracy P. Dunlap Date: 09/09/2026

Attachment 7

FISCAL NOTE

CITY OF KIRKLAND

Source of Request

Julie Underwood, Director of Public Works

Description of Request

Upon project closeout, transfer approximately $784,318 of Utility Rates funding from the NE 73rd St Watermain Improvement project (WAC1370000) back to Utility Capital Reserves - Water project (PWR1111001).

Legality/City Policy Basis

Fiscal Impact

- Transfer approximately $784,318 of surplus balance of Utility Rates from NE 73rd St Watermain Improvement project (WAC1370000) to Utility Capital Reserves - Water project (PWR1111001).

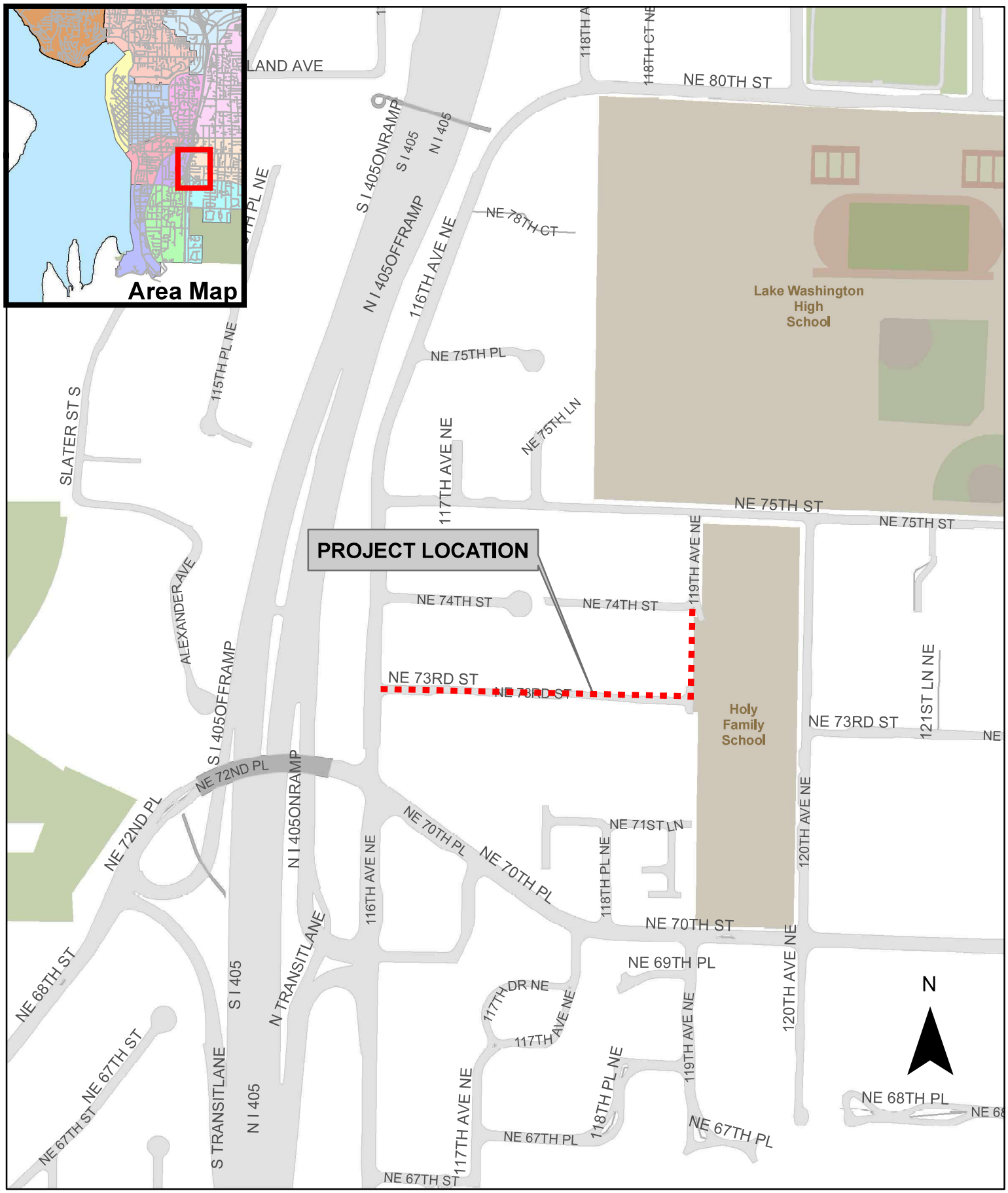
Recommended Funding Source(s)

	Description	2026 Est End Balance	Prior Auth. 2025-26 Uses	Prior Auth. 2025-26 Additions	Amount Request	Revised 2026 End Balance	2026 Target
Reserve	Water Capital Reserves	6,090,055	0	0	784,318	6,874,373	2,291,864
Revenue/Exp Savings							
Other Source							

Other Information

Prepared By	Veronica Hill, Financial Planning Supervisor	Date	September 3, 2026

Attachment 7



Vicinity and Area Map
NE 73rd Street Watermain Replacement

REQUEST FOR FINAL PROJECT ACCEPTANCE - FINANCIAL CLOSEOUT

Project Information	
Project Name: KJC Exterior Painting	COK Project Number(s): GGC1000251 COK Job Number(s): 23-25-PW
Project Address: 11740 NE 118TH ST, Kirkland WA 98034	
Project Description: Concrete wall repairs: Remove and replace existing sealant; clean/prime joints; install joint backing and new sealant; address through-wall flashing and collector boxes; prep/paint lintels; power wash walls and apply 2 coats of Tuff-Coat elastomeric coating. Repainting: Clean/prep exterior siding and metal doors, replace caulking joints, and apply 2 coats of Sherwin-Williams SuperPaint.	

Funding

Funding Source(s)	Amount	Description
GGC1000251	561,876	Original Budget
Initial Funding Total	561,876	
Funding increase(s)		
	-	
Funding increase Total	-	
Final Funding Total	**561,876**	

Expenses

Expenses	Amount	Description
Hard Costs		
Acquisition	-	Land & building purchases, artwork, etc.
Construction	535,876.13	Construction Contract
Equipment		Misc. equipment (machinery, tools, furniture)
Total Hard Costs	**535,876.13**	**96%**
Soft Costs		
Acquisition	-	Professional services & misc.
Design		Professional services, artwork, misc.
Permitting		Internal & external agency permits
Construction	6,368.41	Professional Services during Construction - Construction Management, special inspections, commissioning, building envelope, etc. Const. Misc. (advertising, mailings, etc.)
In-House	13,567.14	CIP staff time & overhead charged to project
Other	-	
3M	-	Maintenance, monitoring & mitigation
Total Soft Costs	**19,935.55**	**4%**
Final Expense Total	**555,811.68**	
Funding Surplus	**6,064.32**	

Expense Notes:
There is $10,506 in construction expenses outside the primary construction contract:

- Garland Contract: $525,369.93
- Other Misc. Vendors: $10,506.20
- Total: $535,876.13

Funding Surplus Notes: Funding sources for the surplus funds are identified in the table below.

Funding Surplus	Amount	Transfer to
GGC1000251		
	6,064.32	Sinking Fund
Total	**6,064.32**	

Attachments

☒Construction Contract(s) Acceptance
☒Fiscal Note
☐Vicinity Map(s) – N/A

Approvals

SIGNATURES:

Project Manager: A.J. Davis Date: 09/11/2026

CIP Manager: Georg-Johnson Date: 09/11/2026

Director of Public Works: Julie Underwood (Sep 11, 2026 16:12:46 PDT) Date: 09/11/2026

Director of Finance: Michael Olson Michael Olson (Sep 11, 2026 17:21:55 PDT) Date: 09/11/2026

Deputy City Manager: Tracy P. Dunlap Date: 09/14/2026

REQUEST FOR FINAL PROJECT ACCEPTANCE - CAPITAL CONSTRUCTION CONTRACT

Date of Request: 8/28/26	Project Manager/Requester: Anneke Davis

Project Information	
Project Name: KJC Exterior Painting	COK Project Number(s): GGC1000251 COK Job Number(s): 23-25-PW
Project Address: 11740 NE 118TH ST, Kirkland WA 98034	
Project Description: Concrete wall repairs: Remove and replace existing sealant; clean/prime joints; install joint backing and new sealant; address through-wall flashing and collector boxes; prep/paint lintels; power wash walls and apply 2 coats of Tuff-Coat elastomeric coating. Repainting: Clean/prep exterior siding and metal doors, replace caulking joints, and apply 2 coats of Sherwin-Williams SuperPaint.	

Contractor Information	
Contractor Name: Garland/DBS Inc.	
Contractor UBI #: 603013262	Contact Name: Brian Lambert
Address: 3800 E 91st St., Cleveland, OH 44105	
Contact Email: blambert@garlandinc.com	Contact Phone: 206-550-5609

Contract Information	
City of Kirkland Munis Contract Number: 32500274	
Retainage Method: ☐Bond ☐Monetary (no interest) ☐Monetary (escrow/trust) ☒Monetary (interest bearing account)	
Amount retained by City (if monetary): $23,815.50	
Date of Award: 6/20/2025	Date of Work Start: 6/20/2025
Date of Substantial Completion: 10/31/25	Date of Physical Completion: 2/28/26

Contractor Apprentice Utilization Information	
Engineer's Estimate: $ 500,000	
Was apprentice utilization required? ☐ Yes ☒ No	Utilization %:
If utilization did not meet or exceed 15%, was a Good Faith Estimate approved? ☐ Yes ☐ No	

Contract Financial Information

Construction Contract	Amount	Description
Original Contract Amount	484,642.76	work+tax
Change Order #1	40,727.17	work+tax
Construction Contract Total	525,369.93	Munis Revised Contract
(-) Decreases	-	Unused contract amount
Total Paid	**525,369.93**	
Sales Tax Breakdown		
Taxable	476,310.00	work only
Non-Taxable	-	
Gross	476,310.00	
Sales Tax	49,059.93	10.3%
Total Paid	**525,369.93**	

Approvals

SIGNATURES:

Project Manager: A.J. Davis Date: 09/11/2026

CIP Manager: Georg-Johnson Date: 09/11/2026

Director of Public Works: Julie Underwood (Sep 11, 2026 16:12:46 PDT) Date: 09/11/2026

Director of Finance: Michael Olson Michael Olson (Sep 11, 2026 17:21:55 PDT) Date: 09/11/2026

Deputy City Manager: Tracy L. Dunlap Date: 09/14/2026

Attachment 8

FISCAL NOTE

CITY OF KIRKLAND

Source of Request
Julie Underwood, Director of Public Works
Description of Request
Upon project closeout, transfer approximately $555,812 of Facilities Sinking Fund revenue from Parent Project, Painting, Ceilings, Windows (GGC1000000) to completed project KJC Exterior Bldg Prep, Seal, Paint (GGC1000251).
Legality/City Policy Basis
Fiscal Impact
- Transfer approximately $555,812 of Facilities Sinking Fund revenue from Parent Project, Painting, Ceilings, Windows (GGC1000000) to completed project KJC Exterior Bldg Prep, Seal, Paint (GGC1000251).

Recommended Funding Source(s)

	Description	2026 Est End Balance	Prior Auth. 2025-26 Uses	Prior Auth. 2025-26 Additions	Amount Request	Revised 2026 End Balance	2026 Target
Reserve							
Revenue/Exp Savings							
Other Source							

Other Information
Original budget: $561,876; project total cost: $555,812; remaining balance: $6,064.

Prepared By	Veronica Hill, Financial Planning Supervisor	Date	September 3, 2026

Council Meeting: 10/20/2026
Agenda: Other Items of Business
Item #: 8. h. (10)

CITY OF KIRKLAND
FINANCE AND ADMINISTRATION
123 Fifth Avenue, Kirkland, WA 98033
425-587-3000

MEMORANDUM

To: Kurt Triplett, City Manager

From: Michael Olson, Director of Finance and Administration
Kevin Pelstring, Financial Planning Manager
Cody Harris, Budget Analyst

Date: September 25, 2026

Subject: **Report on August 2026 Financial Dashboard for October 20, 2026 Council Meeting**

RECOMMENDATION:

Staff recommends that the City Council receives the August 2026 report on the General Fund and other key revenues and expenditures.

EXECUTIVE SUMMARY:

- No action by Council is required.
- General Fund revenues are above the budget threshold, up $4,659,562, or 5%, compared to August 2025.
- Sales Tax revenues are slightly above the budget threshold and up $675,475, or 3%, compared to this period in 2025.
- Development Fees are down $1,746,673 compared to 2025, but at the budget threshold.
- Overall, General Fund expenditures are above the budget threshold, at 69% spent through the end of August 2026.

BACKGROUND:

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 metrics. The report also compares this year's actual revenue and expenditure performance to the prior year.

Real Estate Excise Tax (REET) is a major funding source for the City's Capital Improvement Program (CIP). Because REET is sensitive to economic cycles, tracking and reporting monthly revenue is important in understanding the health of CIP funding. However, it is not receipted in the General Fund and, therefore, is excluded from Total General Fund Revenues in the dashboard.

DISCUSSION/ANALYSIS:

Figure 1 below summarizes the financial data for the General Fund as of August 31, 2026.

Figure 1: General Fund Revenues and Expenditures Summary as of August 31, 2026

City of Kirkland Financial Dashboard
Annual Budget Status as of 8/31/2026 **Budget Threshold (% Complete) : 67%**

	2026 Budget	Year-to-Date Actual 2026	% Received/ % Expended	August YTD	July YTD	Year-to-Date Actual 2025	YTD Change: '26 to '25 $	YTD Change: '26 to '25 %
General Fund								
Total Revenues	146,635,090	101,155,648	69%			96,496,086	4,659,562	5%
Total Expenditures	136,283,794	94,110,029	69%			92,172,466	1,937,564	2%
Key Indicators (All Funds)								
Revenues								
Sales Tax	34,527,533	23,780,213	69%			23,104,737	675,475	3%
Property Taxes	31,943,469	17,420,240	55%			17,055,368	364,872	2%
Utility Taxes	18,234,668	13,163,463	72%			12,127,817	1,035,646	9%
Development Fees (1)	15,900,263	10,691,735	67%			12,438,407	(1,746,673)	-14%
Business Fees	6,527,000	3,520,445	54%			3,272,498	247,947	8%
Gas Tax	1,758,188	1,168,986	66%			1,077,019	91,966	9%
Real Estate Excise Tax (REET) (1)	11,000,000	8,260,241	75%			8,553,489	(293,249)	-3%
Expenditures								
General Fund Salaries/Benefits (2)	97,092,443	63,120,172	65%			61,109,479	2,010,694	3%
Fire Suppression Overtime	1,614,525	1,316,265	82%			1,664,761	(348,495)	-21%
Contract Jail Costs	539,630	312,638	58%			426,060	(113,422)	-27%

(1) Excluded from Total Revenue
(2) Excludes Fire Suppression Overtime

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:

General Fund Revenues are 69% of budget, slightly above budget threshold and up $4,659,562 or 5% compared to August 2025, driven by increases in Electric Utility Taxes as well as Sales Tax. Most major General Fund revenue categories are described below and within the expected range of budget threshold.

Notable revenues include Card Game Taxes, currently 87% of budget ($1,371,193) and up $114,737 compared to August 2025. In addition, Investment Interest is at $2,272,080 out of $4,745,863 budgeted, or 48% of budget through June 2026 down $12,641 from the same period in 2025. As earnings are recognized quarterly, the next update will most likely come in the September dashboard.

General Fund Expenditures are 69% of budget, up $1,937,564 or 2%, compared to August 2025. This increase is the result of a combination of factors, primarily higher salary and insurance costs.

Sales Tax Revenue is 69% of budget, slightly above budget threshold. Comparing August 2026 to August 2025, sales tax revenue receipts are up $303,214 or 9.9%. The sectors reporting the largest growth compared to August 2025, ranked by dollar change, include Services, up $253,685 or 48%; Other Retail, up $39,929 or 7%; and Miscellaneous, up $12,439 or 7%.

Note that the continued increase from the Miscellaneous and Services sectors over the past seven months likely reflects the expansion of services subject to retail sales tax effective October 1, 2025 (first received in December 2025) following the passage of SB 5814. Given the changes that have occurred within and across individual retailers, it is not possible to track the specific increase from this tax change. However, staff is monitoring the change and will provide more analysis as the year goes on and larger trends can be extrapolated.

Sectors with moderate increases include General Merchandise/Miscellaneous Retail, up $10,342 or 7%; Communications, up $6,482 or 17%; and Retail Eating/Drinking, up $5,954 or 2%.

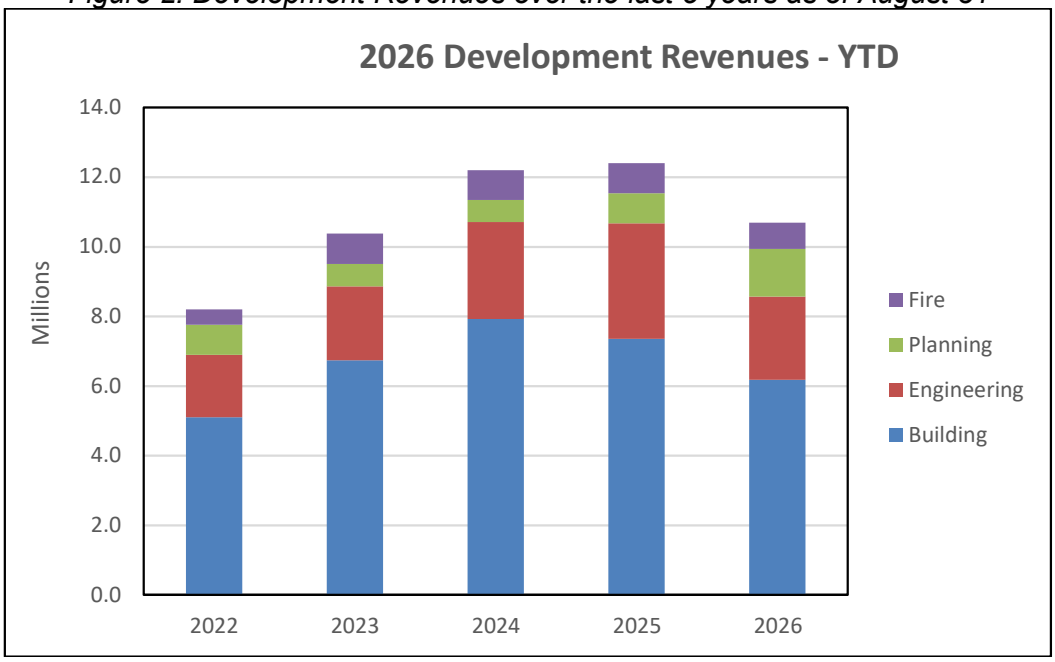
Sectors with moderate decline include Contracting down by $13,426 or 2%; Wholesale down by $8,758 or 7%; and Auto/Gas Retail down by $3,433 or 1%. The decline in Auto/Gas Retail is specifically due to revenues from the Motor Vehicle category, and Contracting saw a decrease in Specialty Trade Contractors.

Property Taxes are 55% of budget, below budget threshold but within expectation. As required by RCW 84.56.020, property tax payments are due by April 30 and October 31. As most homeowners pay their property taxes through an escrow with their mortgage lender, revenue collections typically occur close to the tax payment due dates rather than being spread throughout the year.

Utility Tax revenues are at 72% of budget, above the budget threshold and up $1,035,646 or 9% over 2025. Utility taxes are levied on gross operating revenues that public and private utilities earn from operations within city boundaries. These revenues are mainly affected by rate increases by Puget Sound Energy (PSE) on electricity and natural gas and to a lesser extent, the City's water, sewer, solid waste, and surface water utility rate increases.

Development Fees are in a separate Development Services Fund but included in this report to improve tracking of these key revenues. Development Fees generated 67% of budgeted revenues through the month of August, in line with budget expectations, but are down $1,746,673 or 14% relative to 2025. This year-over-year change includes gains in Planning revenues (up $504,870 or 58%), while Engineering revenues (down $922,699 or 28%) and Fire revenues (down $147,358 or 16%) are down from 2025. Building fees are down $1,181,486 or 16% from the same period in 2025, driven in part by fewer larger commercial projects. Figure 2 below illustrates how 2026 revenues have performed compared to the previous 4 years at the same point through the year.

Figure 2: Development Revenues over the last 5 years as of August 31



Business Fees are 54% of budget, below the budget threshold and up $247,947 or 8% compared to August 2025. A large portion of this revenue comes from the Revenue Generating Regulatory License (RGRL) fee, which is based on the number of employees a business reports with its business licensing application or renewal. The timing of when businesses apply for or renew a business license each year can affect when these revenues are recognized, which can contribute to the year-over-year changes shifting each month. In 2025, the City received $5.1 million, compared to a $5.6 million budget. In 2026, the estimated RGRL revenue is just below $5 million. Actual revenues depend on compliance and accurate reporting by employers.

Gas Tax is 66% of budget, at budget threshold. Compared to 2025, revenues from gas taxes are up $91,966 or 9%. The state gas tax rate increased 6 cents effective July 1, 2025, with 2.5% of that increase going directly to cities which has contributed to this revenue performing better than previous years. As gas taxes are assessed in cents per gallon, not based on price, gas tax receipts rise as fuel consumption increases rather than with gas prices. Finance and Public Works staff are monitoring this revenue source and its impact to the City's Street Fund.

Real Estate Excise Tax (REET) is 75% of budget with REET revenues totaling $8,260,241, down $293,249 or 3% from 2025. Staff continues to assess revenues as part of the 2027-2032 CIP development.

General Fund Salaries/Benefits are 65% of budget, just below the budget threshold and up $2,010,694 or 3%, compared to the previous year. Salary costs are higher due to Management & Confidential (MAC), AFSCME, and Teamsters cost-of-living adjustments (COLAs). In addition, certain MAC and AFSCME job classes have had market rate adjustments. At the end of August 2026, the City had 32 vacant FTEs in the General Fund, down from 41 vacant FTEs in July.

Fire Suppression Overtime (OT) is 82% of budget through August 2026, and down 21% or $348,495 compared to this time last year. Q1 2025 overtime was impacted by deployment to California for assistance with wildland fires. August 2026 overtime was impacted by six Firefighters offline due to injury and/or protected leave status and five vacancies affecting

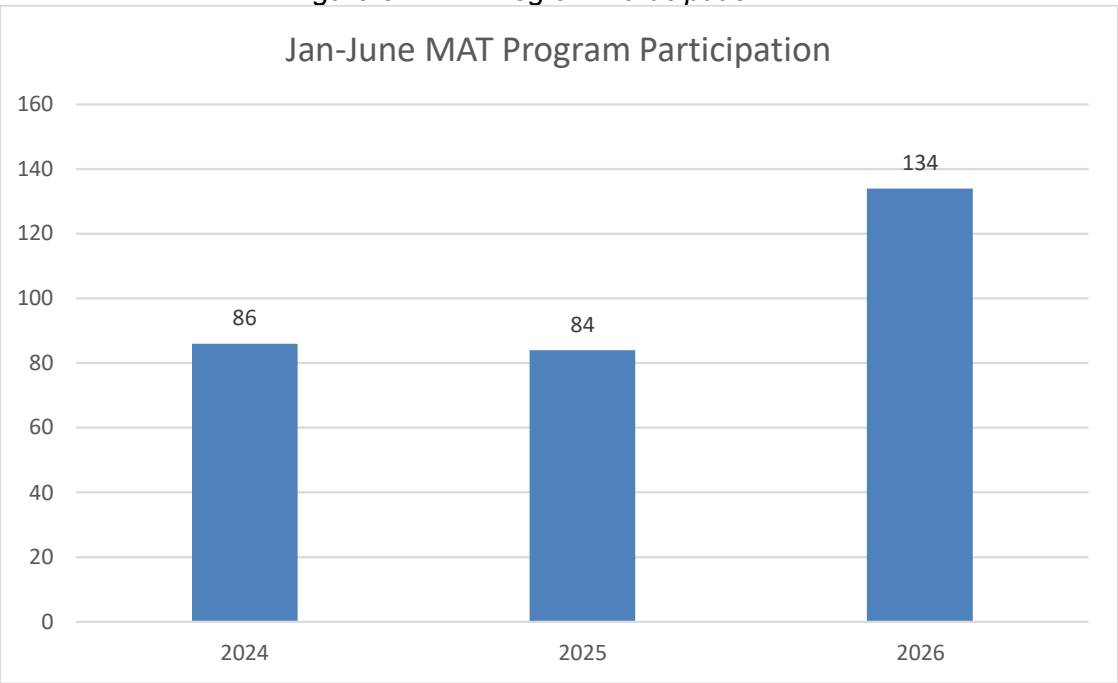
availability. These circumstances reduce staff availability for on-line shift work, creating the increased need to supplement staffing with overtime.

A fire overtime issue paper is being prepared as part of the 2027-2028 Budget process to help understand the causes for overtime and provide an analysis of the costs and benefits of hiring new staff vs. using overtime. The trends identified in the paper will be monitored during the new biennium to determine the impact on assumptions used in development of the overtime budget.

Contract Jail Costs are 58% of budget, below the budget threshold. This line item includes other expenses aside from contract bed jail costs, including Electronic Home Detention.

The Kirkland City Jail Medication-Assisted Treatment (MAT) program, launched on January 10, 2024, provides comprehensive support for inmates battling substance use disorder. This initiative enables the Kirkland City Jail to offer extensive services to individuals with Opioid Use Disorder, who previously would have been transferred to South Correctional Entity (SCORE) due to the absence of such support in Kirkland. Through June 2026, since its inception, 501 individuals have participated in the MAT program as shown in Figure 3. This is positively contributing to a decrease in the number of inmates requiring housing at SCORE.

Figure 3: MAT Program Participation YTD



As of June there have been 91 transfers to SCORE, an increase from 66 transfers in the same period in 2025. Any transfers to SCORE with Opioid Use Disorder require a substantive surcharge in addition to the base bed rate and SCORE has also started charging for video court, which contributes to increased costs. Conversely, there have been fewer transfers to King County jails, with the costs for these transfers dropping from $68,815 through June 2025 to $2,323 in 2026. Staff will continue to monitor these trends and will provide more information on their drivers in future dashboards.

NEXT STEPS:

Financial Planning will continue monitoring these and other financial metrics and will provide updates to support policy and budget decisions.

ATTACHMENTS:

None.

Council Meeting: 10/20/2026
Agenda: Other Items of Business
Item #: 8. h. (11)

CITY OF KIRKLAND
FINANCE AND ADMINISTRATION
123 Fifth Avenue, Kirkland, WA 98033
425-587-3000

MEMORANDUM

To: Kurt Triplett, City Manager

From: Michael Olson, Director of Finance and Administration
Kevin Pelstring, Financial Planning Manager
Grace Hansen, Budget Analyst

Date: October 5, 2026

Subject: **Report on August Sales Tax Collections for October 20 Council Meeting**

RECOMMENDATION:

Staff recommends that the City Council receives the August update on 2026 sales tax revenue.

EXECUTIVE SUMMARY:

- Staff provides an update on Sales Tax collections. No action by Council is required.
- August 2026 sales tax receipts increased by $303,214 or 9.9%, compared to August 2025.
- Year-to-date (YTD) sales tax revenue increased by $675,474 or 2.9%, compared to the same period in 2025.

BACKGROUND:

The Financial Planning Division prepares a monthly sales tax revenue memo analyzing monthly and year-to-date activity by business sector and tracking key economic indicators to provide context for the state of the economy. The general retail sales tax is the City's largest single revenue source, accounting for just over 25% of total 2026 budgeted revenues in the General Fund. Sales tax, along with property and utility taxes, funds public safety and other general government (i.e., non-utility) services. It is also more sensitive to economic cycles than other tax revenues; therefore, it is monitored closely by staff. 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, August sales tax revenue relates to June retail activity in Kirkland.

DISCUSSION/ANALYSIS:

August 2025 vs. August 2026

Figure 1: August 2025 vs. August 2026 Sales Tax by Sector

Sectors	August		Dollar Change	Percent Change
	2025	2026		
Contracting	762,425	748,999	(13,426)	-2%
Retail:				
Auto/Gas Retail	419,534	416,101	(3,433)	-1%
Other Retail	558,420	598,349	39,929	7%
Retail Eating/Drinking	305,989	311,943	5,954	2%
Gen Merch/Misc Retail	145,052	155,394	10,342	7%
Services	527,151	780,836	253,685	48%
Miscellaneous	191,281	203,720	12,439	7%
Wholesale	120,921	112,163	(8,758)	-7%
Communications	38,170	44,652	6,482	17%
Total Sales Tax Receipts	**$ 3,068,943**	**$ 3,372,157**	**$ 303,214**	**9.9%**

As shown in Figure 1, comparing August 2025 to August 2026, sales tax revenue receipts are up $303,214 or 9.9%. The sectors reporting the largest growth compared to August 2025, ranked by dollar change, include Services, up $253,685 or 48%; and Other Retail, up $39,929 or 7%.

Sectors with moderate increases include Miscellaneous, up $12,439 or 7%; General Merchandise/Miscellaneous Retail, up $10,342 or 7%; Communications, up $6,482 or 17%; and Retail Eating/Drinking, up $5,954 or 2%.

Sectors with moderate decline include Contracting down by $13,426 or 2%; Wholesale down by $8,758 or 7%; and Auto/Gas Retail down by $3,433 or 1%. The decline in Auto/Gas Retail is specifically due to revenues from the Motor Vehicle category, and Contracting saw a decrease in Specialty Trade Contractors.

YTD 2025 vs. YTD 2026

Figure 2: YTD 2025 vs. YTD 2026 Sales Tax by Sector

Sectors	YTD		Dollar Change	Percent Change
	2025	2026		
Contracting	5,505,272	5,484,912	(20,360)	0%
Retail:				
Auto/Gas Retail	3,695,357	3,278,871	(416,486)	-11%
Other Retail	4,349,906	4,441,311	91,405	2%
Retail Eating/Drinking	1,745,201	1,786,024	40,823	2%
Gen Merch/Misc Retail	1,129,614	1,192,775	63,161	6%
Services	4,091,160	4,870,450	779,290	19%
Miscellaneous	1,315,318	1,464,159	148,841	11%
Wholesale	944,471	935,536	(8,935)	-1%
Communications	328,438	326,173	(2,265)	-1%
Total Sales Tax Receipts	**$ 23,104,737**	**$ 23,780,211**	**$ 675,474**	**2.9%**

Comparing 2026 to 2025, year-to-date (YTD) sales tax revenue is up $675,474 or 2.9%. Looking at the business sectors, the most significant growth (ranked in order of dollar change) has occurred in Services, up $779,290 or 19%; and Miscellaneous, up $148,841 or 11%.

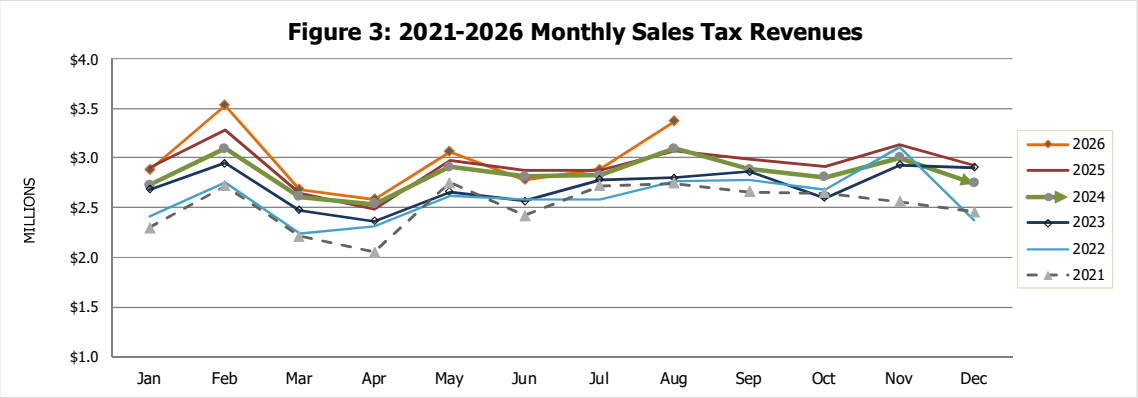
Note that the continued increase from the Miscellaneous and Services sectors over the past nine months likely reflects the expansion of services subject to retail sales tax effective October 1, 2025 (first received in December) following the passage of SB 5814. Given the changes that have occurred within and across individual retailers, it is not possible to track the specific increase from this tax change. However, staff is monitoring the change and will provide more analysis as the year goes on and larger trends can be extrapolated.

Within Contracting there are three subcategories. The first is Specialty Trade Contractors, which has decreased YTD 2026 over the same period in 2025 by $66,597 or 5%. The second is Heavy and Civil Engineering Construction, up by $35,807 or 18%. The third is Construction of Buildings, which has increased by $10,429 or less than 1%. Overall, Contracting sales tax revenue has continued to be inconsistent over the past few years and is monitored closely for emerging trends.

Sectors with small increases include Other Retail, up $91,405 or 2%; General Merchandise/Miscellaneous Retail, up $63,161 or 6%; and Retail Eating/Drinking, up $40,823 or 2%.

The sector with a large decline in sales tax is Auto/Gas Retail, down $416,486 or 11%. There is some data at the national level that high inflation and car prices over the past few years are driving customers to delay the purchase of new cars and/or purchase less expensive vehicles, which could be driving the year-over-year decline. The other sectors with a decline are Wholesale, down $8,935 or 1%; and Communications, down $2,265 or 1%.

Figure 3 below shows Kirkland's monthly sales tax revenue from 2026 compared to the prior five years. To aid comparison and the forecast below this chart, it excludes significant one-time events, which are noted below.



Note: The following are excluded from the above graph to allow for more accurate comparison of ongoing revenues: a one-time audit payment of $360,049 in December 2022; audit results reversal of $1.53 million in October 2023; a one-time back payment of $627,520 from a telecommunications operator in May 2024; and one-time audit payment of $527,495 from a retailer in October 2025.

2026 Forecast

Sales tax revenue began 2026 with moderate growth, up 2.9% ($675,474) through August compared to the same period in 2025. Through August, 68.9% of budgeted sales tax revenues have been collected. Staff expects that revenues will end the year ahead of budget, due in part to the City's conservative two-year sales tax lag. To give a better sense of the potential additional sales tax revenue that could be collected in 2026, staff have developed the following forecast for sales tax revenue, shown below in Figure 4.

Figure 4: 2026 Retail Sales Tax Forecast

Category	2026 Jan-Aug Revenues	Jan-Aug Revenues % Total Revenue	Forecasted Annual Revenues	Percentage Change from 2025 revenues	Percentage Change from Budget
Lower Bound	23,780,212	66.4%	35,817,615	2.2%	3.7%
Average	23,780,212	65.3%	36,422,194	3.9%	5.5%
Upper Bound	23,780,212	63.8%	37,267,285	6.3%	7.9%

Using a method consistent with the past few cycles, staff assessed first quarter revenues as a function of first quarter collections over the past 16 years (excluding one-time payments) and determined a lower bound, average, and upper bound of revenue collections in 2026. Staff revised this forecast based on revenues through the end of August. Staff forecast retail sales tax to come in 5.5% above budget (3.9% above 2025 revenues excluding a one-time payment) in 2026, expecting growth in taxable sales mainly due to the City's two-year sales tax lag and steady inflation (reported 3.3% in August) as measured by CPI-W in the Seattle -Tacoma-Bellevue area. Staff has estimated year-end receipts to be $36.0 million and are using this estimate as the 2027-2028 base budget in line with the City's two-year sales tax lag.

There remains considerable uncertainty in the forecast over the next year given the ongoing war in Iran that has destabilized the global oil and gas market, which could have lasting impacts on the regional economy.

On the other hand, the expansion of sales tax to additional services under SB 5814, effective October 2025, is likely to further buoy revenues beyond 2025 levels. Earlier this year, Washington State adopted SB 6346 (referred to as "the millionaire's tax"), which creates a new tax on very high-income earners while also rolling back portions of the 2025 expansion of sales taxes on services beginning in 2029 and creating new sales tax exemptions for products such as diapers, hygiene products, and certain over-the-counter medications. As a result, some of the recent or upcoming sales tax revenue gains are temporary.

The City's forecast of 3.9% above 2025 revenues sits below bullish regional forecasts – the Puget Sound Economic Forecaster's Q2 2026 Forecast expects a 12% growth in taxable retail sales in King County (down from 14.9% in January), and King County's July forecast expects 7.58% growth in local and optional sales tax. Both were expecting a significant bump from summer retail activity related to the six FIFA World Cup games being held in Seattle. Although Kirkland will benefit from increased tourism and retail activity related to the World Cup as with the region, it will likely have a much smaller impact. The August sales tax receipts reflect June actuals, showing a small increase in retail sales compared to 2025. The increase in sales tax receipts from August is likely more driven by Services revenues associated with SB 5814, offset by a decline in Auto/Gas Retail.

Figure 5 below shows the forecasted $36.4 million by month, incorporating average seasonality since 2010.

Figure 5: 2026 Sales Tax Forecast Seasonality by Month

Allocation	Month	2026 Actual Sales Tax Revenue	2026 Forecast	Variance	% Variance
8.0%	January	2,878,960	2,900,879	(21,920)	-0.8%
9.1%	February	3,530,287	3,298,420	231,867	7.0%
7.5%	March	2,684,092	2,717,399	(33,307)	-1.2%
7.2%	April	2,586,129	2,623,801	(37,671)	-1.4%
8.5%	May	3,063,710	3,110,482	(46,772)	-1.5%
8.1%	June	2,779,375	2,957,958	(178,583)	-6.0%
8.5%	July	2,885,501	3,082,958	(197,456)	-6.4%
8.9%	August	3,372,157	3,231,118	141,039	4.4%
8.7%	September		3,167,701		0.0%
8.4%	October		3,051,592		0.0%
9.0%	November		3,289,509		0.0%
8.2%	December		2,990,375		0.0%
100%	**YTD Total**	**23,780,212**	**36,422,194**	**(142,804)**	**-0.4%**

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 Figure 6 below can function as leading indicators for where sales taxes may go in future reports. All indicators displayed below reflect the most recently published final data.

Figure 6: National and Regional Economic Indicators

Indicator	Most Recent Month of Data	Unit	Month			Yearly Average	
			Previous	Current	Change	2025	2026
Inflation (CPI-W)							
National	August	% Change	3.4	3.5	0.1	2.6	3.3
Seattle	August	% Change	3.8	3.3	(0.5)	2.6	3.9
Consumer Confidence							
Consumer Confidence Index	August	Index	90.2	89.4	(0.8)	95.8	90.9
Unemployment Rate							
National	August	%	4.1	4.1	0.0	4.2	4.3
Washington State	July	%	4.7	4.5	(0.2)	4.7	5.1
King County	June	%	4.7	4.9	0.2	4.3	5.1
Kirkland	June	%	4.6	4.8	0.2	4.2	5.0
Housing							
New House Permits (WA)	July	Thousands	43.5	44.5	1.0	34.2	43.8
Case-Shiller Seattle Area Home Prices	June	Index	395.1	393.2	(1.9)	393.7	389.3
Car Sales							
New Vehicle Registrations	August	Thousands	21.9	18.7	(3.2)	22.8	21.1

National inflation, as measured by CPI-W, increased from 3.4% in July to 3.5% in August. For the Seattle-Tacoma-Bellevue region, the CPI-W decreased from 3.8% in June to 3.3% in August. At its September meeting, the Federal Reserve increased the federal funds rate by .25% to a range of 3.75% to 4.0%. Ongoing elevated inflation and uncertainty due to geopolitical developments drove this decision, per the Federal Reserve press release.

The **Consumer Confidence Index**, which reflects prevailing business conditions and likely developments for the months ahead, decreased by 0.8 points from 90.2 in July to 89.4 in August. Consumer confidence has continued to decrease steadily from a peak of 93.8 in April.

The national **Unemployment Rate** was 4.1% in August, showing no change since July. Washington's unemployment rate decreased by 0.2 points from 4.7% in June to 4.5% in July. For King County, the unemployment rate increased from 4.7% in May to 4.9% in June. The unemployment rate in Kirkland increased from 4.6% in May to 4.8% in June.

New Housing Permits in Washington State decreased from 52,800 in May to 44,500 in July. The most recent **Case-Shiller Home Price Index** for Seattle area home prices decreased by 1.9 points from 395.1 in May to 393.2 in June.

New Vehicle Registrations in Washington State decreased from 21,900 in July to 18,700 in August. Washington car and truck sales have been trending down since reaching a peak of 26,300 in April 2025.

NEXT STEPS:

None.

ATTACHMENTS:

None.

Council Meeting: 10/20/2026
Agenda: Other Items of Business
Item #: 8. h. (12)

CITY OF KIRKLAND
FINANCE AND ADMINISTRATION
123 Fifth Avenue, Kirkland, WA 98033
425-587-3000

MEMORANDUM

To: Kurt Triplett, City Manager

From: Jacinda Guild, Senior Procurement Specialist

Date: October 6, 2026

Subject: **Report on Procurement Activities for Council Meeting of October 20, 2026**

RECOMMENDATION:

Staff recommends that the City Council receives the Procurement Report.

EXECUTIVE SUMMARY:

- Staff provides the Procurement Report through the date of the memorandum. No action by Council is required.
- The Procurement Report appears on the Consent Agenda for every Council meeting listing all City procurements in excess of $50,000 that have occurred since the previous report.
- This report is compiled through an analysis of the City's purchase orders, executed contracts, significant change orders, and bid awards recently approved by City Council.

BACKGROUND:

Background is captured in the Executive Summary.

DISCUSSION/ANALYSIS:

No.	Project/Purchase	Process	Estimate/Price	Status
1.	On-Call Structural and Engineering Consultant	MRSC Consultant Roster – Request for Qualifications	$150,000	Contract Awarded to Otak Inc. of Redmond, WA[1]

[1] https://www.kirklandwa.gov/files/sharedassets/public/v/1/finance-and-administration/business-opportunities/contracts/psa-otak-inc-structural-on-call-pw-cip-32600314.pdf

NEXT STEPS:

None.

ATTACHMENTS:

None.

Council Meeting: 10/20/2026
Agenda: Business
Item #: 9. a.

CITY OF KIRKLAND
PUBLIC WORKS
123 Fifth Avenue, Kirkland, WA 98033
425-587-3000

MEMORANDUM

To: Kurt Triplett, City Manager

From: Jennifer J Gaus, Surface Water Strategic Advisor
Tracey Dunlap, Deputy City Manager of Operations
Julie T Underwood, Director of Public Works
Grant P Raupp, Senior Financial Analyst
Veronica Hill, Financial Planning Supervisor

Date: October 5, 2026

Subject: Adoption of 2027-2028 Utility Rates Ordinances

RECOMMENDATION:

Staff recommends the City Council adopts the four proposed ordinances establishing the 2027 and 2028 rates for the water, sewer, surface water, and solid waste utilities. Staff will also submit a resolution for City Council consideration at the December 8 Council meeting that provides policy direction to restore operating reserves to specified target levels by the end of 2032, or sooner, for all utilities.

EXECUTIVE SUMMARY:

- Final rates are the same as the proposed rates presented at the September 15 Study Session and are summarized in Table U-1. The impact to the average utility customer is shown in Table U-2.
- The utility cost of service study begins in 2027 and will include evaluation and possible recommendations for alterations to rate designs and benchmarking with other agencies.
- Adoption of rates at the October 20 Council Meeting will allow sufficient time for staff to meet posting and notification requirements to have water and sewer rates become effective on December 1, 2026, and for surface water and solid waste rates to become effective on January 1, 2027.
- Staff will propose a resolution on December 8 stating Council's intent to achieve specified operating reserve targets by the end of 2032, or sooner, for each utility. This will provide guidance to staff and Council for the utility cost of service study, and for 2029-2030 and 2031-2032 rate setting processes.

BACKGROUND:

Introduction

The City's Public Works Department manages four utilities: domestic water (water), sanitary sewer (sewer), surface water, and solid waste. Rates for each utility are set for a two-year

period that matches the two-year budget period, in this case 2027-2028. Staff provided general information about the utilities and rate-setting process at the May 19 Study Session,[1] and that information was intended to provide a foundation for Council's decision-making process.

FCS, a Bowman company, was selected as the consultant through a Request for Proposal process to conduct revenue forecasting and rate modeling for 2027-2028. Attachment 1 is the consultant's final report summarizing Final rate results and describing the model's updated inputs, methodology, and key assumptions. This information and the associated models are the keys to evaluating and choosing a rate path.

The information below will supplement the consultant's report and is intended to aid Council in adopting Final rates.

This is the third of three meetings where utility rates will be discussed; below is a summary of presentations:

- August 5: Preliminary rates were presented.[2] Those preliminary rates met current fiscal policies and that included the preliminary 2027-2028 base budget and CIP, and external service rates.
- September 15: Proposed were presented.[3] The proposed rates were updated based on updated budget and CIP data, service packages, updated external service rates, and Council feedback regarding the need to smooth and moderate rate increases, as practical.
- October 20: Final rates will be presented for Council adoption. Adoption of the rates at this meeting will allow rates to become effective on either December 1, 2026 (Water, Sewer), or January 1, 2027 (Surface Water, Solid Waste).
- Final rates, and a table of impact to the average monthly bill are in Tables U-1 and U-2. Final rates presented here are unchanged from the Proposed rates from September 15

Final Utility Rates – Summary

Final utility rate increases are summarized in Table U-1. Final rate increases are the same as Proposed increases that were presented at the September 15 Council Study Session. The impact to the average residential customer monthly bill is presented in Table U-2. Please note that Table U-1 has been revised to include sewer rate increase lines for both the Kirkland and King County Wastewater Treatment portions of that rate.

[1] https://www.kirklandwa.gov/files/sharedassets/public/v/1/city-council/agenda-documents/2026/may-19-2026/3a_study-session.pdf

[2] Council memo: https://www.kirklandwa.gov/files/sharedassets/public/v/1/city-council/agenda-documents/2026/august-5-2026/3a_study-session.pdf and presentation: https://www.kirklandwa.gov/files/sharedassets/public/v/1/city-council/agenda-documents/2026/august-5-2026/3a_preliminary-utility-rates.pdf

[3] Council memo: https://www.kirklandwa.gov/files/sharedassets/public/v/1/city-council/agenda-documents/2026/september-15-2026/3a_study-session.pdf and presentation: https://www.kirklandwa.gov/files/sharedassets/public/v/1/city-council/agenda-documents/2026/september-15-2026/3a_proposed-utility-rates.pdf

Table U-1 Proposed and Projected 2027-2028 Utility Rate Increases*						
	Proposed		Projected			
Utility	**2027**	**2028**	**2029**	**2030**	**2031**	**2032**
Water	6.75%	6.75%	6.75%	6.75%	6.75%	6.75%
Sewer – Kirkland	8.85%	8.85%	8.85%	8.85%	8.85%	8.85%
Sewer – King County**	13.29%	12.75%	12.75%	12.75%	11.25%	11.25%
Surface Water	5.90%	5.90%	5.90%	5.90%	5.90%	5.90%
Solid Waste	5.30%	5.30%	5.30%	5.30%	5.30%	5.30%
Total for All Utilities	8.40%	8.35%	8.43%	8.51%	8.13%	8.18%

* Rates are currently being set for 2027-2028. Rates for 2029-2032 are shown to illustrate the impact of the projected rates over the 6-year planning horizon

** As noted in the August 5 Preliminary Rate Memo, King County Wastewater raised the rate in 2026 from a projected increase of 7.0% to an actual increase of 7.5%. As the Kirkland rate was already set for 2025 and 2026, the full King County increase was not passed through to customers. The proposed increase in 2027 achieves 100% pass-through of King County costs.

Table U-2 Impact of Proposed and Projected Utility Rates on the Average Monthly Residential Bill*							
		Proposed		Projected			
	2026	2027	2028	2029	2030	2031	2032
Water							
Local Share	$34.74	$37.51	$39.74	$41.12	$42.70	$45.01	$47.54
Cascade Water Alliance	$21.85	$22.90	$24.75	$27.72	$30.79	$33.44	$36.20
Subtotal	$56.59	$60.41	$64.49	$68.84	$73.49	$78.45	$83.74
Sewer							
Local Share	$40.80	$44.41	$48.34	$52.62	$57.28	$62.35	$67.86
King County Wastewater Treatment	$62.36	$70.65	$79.66	$89.82	$101.28	$112.68	$125.36
Subtotal	$103.16	$115.06	$128.00	$142.44	$158.56	$175.03	$193.22
Surface Water							
Local Share	$23.08	$24.44	$25.88	$27.41	$29.03	$30.74	$32.55
External	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Subtotal	$23.08	$24.44	$25.88	$27.41	$29.03	$30.74	$32.55
Solid Waste							
Local Share	$12.35	$12.31	$12.99	$13.64	$14.80	$16.01	$17.29
Waste Management Contract and King County Solid Waste Division	$40.22	$43.04	$45.30	$47.74	$49.84	$52.05	$54.38
Subtotal	$52.57	$55.36	$58.29	$61.38	$64.63	$68.06	$71.67
Subtotal Local Share	$110.97	$118.67	$126.95	$134.79	$143.80	$154.11	$165.24
Subtotal External Share	$124.43	$136.59	$149.71	$165.28	$181.90	$198.16	$215.94
Subtotal Monthly Sample Bill	**$235.40**	**$255.27**	**$276.66**	**$300.07**	**$325.70**	**$352.27**	**$381.19**
Utility Taxes**	$25.65	$27.81	$30.13	$32.67	$35.44	$38.33	$41.46
King County Hazardous Waste***	$1.04	$1.04	$1.04	$1.04	$1.04	$1.04	$1.04
Total Monthly Sample Bill	**$262.09**	**$284.12**	**$307.83**	**$333.78**	**$362.18**	**$391.64**	**$423.69**
Monthly Bill Impact		$22.03	$23.71	$25.95	$28.40	$29.46	$32.04
% Increase		8.40%	8.35%	8.43%	8.51%	8.13%	8.18%

**Assumes 5/8" water meter, 7 ccf monthly water usage, 6 ccf average winter water usage, 1 ESU, and weekly collection with a 35-gallon solid waste bin for the average residential customer*
***Effective Utility Tax rate varies among the utilities: Water 13.38%, Sewer 10.50%, Surface Water 7.5%, Solid Waste 10.5%.*
****The hazardous waste fee is set by King County; $1.04 reflects the current rate. There has been recent discussion of a possible increase in the future.*

Staff Acknowledgement
Many staff members beyond those listed in the header of this memorandum help in developing Final rates and in the writing and production of this memorandum. We thank and acknowledge the following: Sarah R. Olson, Michael Olson, Kevin Pelstring, Carly Joerger, Kelli Jones, Tom Chriest, Jessica Clem, and Jintana Tanrattana.

DISCUSSION/ANALYSIS:

Introduction
Final utility rate increases are noted in Table U-1 above. The impact of the Final rates on the average monthly residential bill is shown in Table U-2 above. These rates are the same as those presented at the September 15 Council Study Session.

Utility Rate Clarifications
Introduction
The rates incorporated in the ordinances reflect the proposed rate increases for 2027-2028 presented on September 15, 2026. The following information highlights any significant code changes that are included in the proposed ordinances and provides additional notes of clarification, as needed.

Water Utility
In addition to adopting the 2027 and 2028 rates for the water utility, language in Ordinance O-4951 includes one clarification. The description of the single-family residential Water Consumption Charge was updated to note that the first consumption charge category includes water usage over 200 cubic feet to over 1200 cubic feet of water, rather than usage from 201 to over 1200 cubic feet of water (see line 28 of Attachment 2). The previous language could have been interpreted to omit consumption charges for between 200 and 201 cubic feet of water.

Sewer Utility
A line has been added to Table U-1 showing the increase to the King County Wastewater charge separately from Kirkland's charge for clarity. The increase in the local portion of the sewer rate (8.85% for both 2027 and 2028), and the overall increase for all utilities as shown in the September 15 memo (8.4% for 2027 and 8.35% for 2028) are unchanged.

The King County Wastewater rate increase for 2027 is 13.29%. This consists of the 12.75% increase adopted by King County for 2027 plus an additional increase to achieve 100% pass-through of King County costs beginning in 2027.
As noted in the August 5 Preliminary Rate memo, the additional increase is needed because King County raised its 2026 rate by 7.5%, rather than the 7.0% increase originally projected in 2024. Because Kirkland's 2025 and 2026 rates were already set, the full King County increase was ultimately not passed through to customers in 2026.

The proposed 2028 King County Wastewater charge is based on King County's current projected increase of 12.75%. At this time, King County has adopted only the 2027 rate. The outer years, 2028 and beyond, are only projections. Should the County adopt a significantly different increase than the currently projected 12.75% in 2028, staff would likely need to return to Council in order to maintain 100% pass-through of King County costs.

Language in Ordinance O-4952 has been updated to separate King County Wastewater Treatment and Kirkland charges. This will provide customers with more clarity regarding the rates and rate adjustments of the King County Wastewater Treatment Division and the rates

and rate adjustments of Kirkland and is more consistent with what appears on customer bills, which show King County and Kirkland amounts separately.

Surface Water Utility
The surface water rate Ordinance O-4953 is updated to include the rate as an annual fee like the fee appears on the King County Assessor's statement, rather than as a monthly amount.

In 2025, Kirkland accepted a forgivable loan from the Department of Ecology for a regional stormwater facility near the site of the new Kraken Iceplex and Community Center. The terms of this loan may require costs in advance of reimbursement under certain circumstances. Staff wanted to highlight that a placeholder of approximately $365k per year has been included in the rate model as a conservative measure.

Council will be discussing aging and failing infrastructure needs for the surface water utility over the next two years. It is likely that there will be increased capital spending associated with aging and failing infrastructure. If the forgivable loan funding placeholder is not necessary, these funds could be re-allocated for aging and failing infrastructure needs or rate increases could be adjusted for 2029-2030.

Solid Waste Utility
Ordinance O-4954 establishes the 2027 and 2028 rates for the solid waste utility. Minor additional changes were made to the code to better clarify the application of rates and charges and to eliminate some outdated services.

Resolution Regarding Utility Operating Reserve Targets
Council is adopting rates for 2027-2028 through the four proposed ordinances, but the modeling for 2027-2028 utility rates included examination of projected rates through the year 2032. The projected rates presented are smoothed, and, as modeled, this smoothing achieves replenishment of the City's typical operating reserve targets by the end of 2032, or sooner, for each utility.

At the December 8 Council meeting, staff will present a resolution that reflects Council's direction to present utility rates in 2029-2030 and 2031-2032 processes that achieve operating reserve targets by the end of 2032 or sooner. This will provide guidance to staff and Council for Phase 2 of the utility cost of service study and for 2029-2030 and 2031-2032 rate setting processes.

Phase 2 of Utility Cost of Service Study
The current rate setting process keeps the existing utility rate structures. Beginning in 2027, staff propose to embark on a second phase of utility rate study that includes the following items:

- Evaluate assignment of cost shares and customer class equity
- Possible alterations to existing utility rate designs
- Balance rate design and policy-based low-income discount strategies
- Review capital facilities charges and the balance of cost-recovery from growth versus the burden on existing customers
- Conduct a survey of Kirkland's utility rates and capital facilities charges relative to those of other agencies

Comparison and review of fiscal policies as discussed above could be added to this scope of work. The consultant is well-positioned to do this work, as they have worked with many neighboring cities and are familiar with their policies.

The study is anticipated to cost $100,000, with the cost spread amongst the four utilities. The service package to support this work will be presented with the 2027-2028 Budget and are reflected in the final rates.

NEXT STEPS:

Following adoption of the four proposed ordinances, staff will proceed with posting and notification requirements to allow new water and sewer rates to become effective on December 1, 2026, and for new surface water and solid waste rates to take effect on January 1, 2027. Water, sewer, and solid waste customers will receive a bill insert notifying them of the updated rates. Staff will begin scoping and data collection for Phase 2 of the Utility Rate Study with the goal of kicking off work with the consultant in 2027.

ATTACHMENTS:

Attachment 1 – Utility Rate Study Results and Proposed Rates – Final
Ordinance O-4951, Amending Section 15.24.020 of the Kirkland Municipal Code to Change Water System Customer Rates for 2027 and 2028
Ordinance O-4952, Amending Section 15.24.070 of the Kirkland Municipal Code to Change Sewer System Customer Rates for 2027 and 2028
Ordinance O-4953, Amending Section 15.56.020 of the Kirkland Municipal Code to Change Annual Surface Water Utility Service Rates for 2027 and 2028
Ordinance O-4954, Amending Section 16.12.030 of the Kirkland Municipal Code to Change Solid Waste Collection Rates for 2027 and 2028

Attachment 1

CITY OF KIRKLAND

Utility Rate Study Results and Proposed Rates - Final

Submitted by:

FCS, a Bowman company
7525 166th Ave NE
Ste D-215
Redmond, WA 98052

Submitted to:

City of Kirkland
123 5th Ave
Kirkland, WA 98033

September 2026

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Introduction

In 2026, the City of Kirkland ("the City") contracted with FCS to conduct a rate study for the water, sewer, surface water, and solid waste utilities. The purpose of the study was to provide an updated rate forecast and financial plan targeting revenue sufficiency for ongoing operating costs and upcoming capital infrastructure investments throughout the forecast period. This study represents Phase I of the process and concentrates on overall revenue needs. Phase II is planned for 2027 and will address cost of service and rate design changes.

The current report is being delivered as supporting information for the October 20, 2026, City Council Study Session at which the Council is scheduled to vote on proposed utility rates for 2027-2028.

Approach

The methods used to complete the study are based on analytical principles that are generally accepted and widely followed throughout the industry – rates and charges should generate enough revenue to maintain self-supporting and financially viable utilities.

Throughout the study, FCS worked with the City to arrive at rate conclusions that meet forecasted utility financial obligations, achieve City goals and policies, comply with legal requirements, and adhere to industry best practices. Meetings were held with City staff to validate input parameters, review interim findings, and receive policy direction.

Scope

The scope of the project included the following key elements:

- Update the forecast for operating revenues and expenses to reflect the most recent adopted 2026 and proposed 2027-2028 budgets. Incorporate the most recent capital plans identifying the capital projects required to maintain each system in good repair. Develop a capital funding analysis that balances planned expenditures against available funding from rate revenue, reserve funds, contributions, and additional debt, if needed.
- Review the rate revenue forecast and update, if necessary, to better reflect "average" trends and smooth out effects of unusually wet or dry years on projected revenue collection.
- Evaluate cash flow needs to meet existing and anticipated new annual debt service requirements and debt coverage requirements. Test the sufficiency of current revenues in meeting all annual obligations. Identify any projected shortfalls over the forecast period.
- Design a rate implementation strategy that meets the financial obligations over the multi-year planning horizon and provides a smooth and moderated impact to ratepayers, if possible.

The methodology, key factors, conclusions, and recommendations for each of the key task areas of the study are summarized in this executive level report. The full rate study can be found in the detailed rate models provided to the City.

Rate Study Methodology

Rate Setting Principles and Methodology

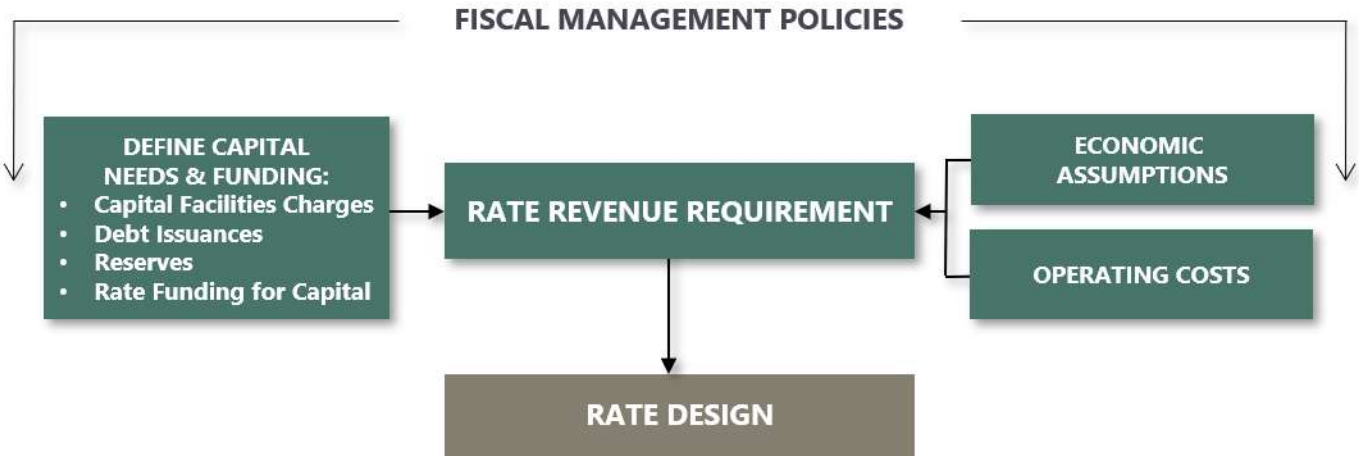
The methods used to establish user rates are based on principles that are generally accepted and widely followed throughout the industry. These principles are designed to produce rates that recover costs by setting the appropriate level of revenue to be collected from ratepayers and establishing a rate structure to collect those revenues.

The primary tasks of the rate study are listed below:

- **Revenue Requirement Analysis**. This analysis identifies the total revenue needed to fund each system on a standalone basis, considering operating and maintenance expenditures, capital funding needs, debt requirements, and fiscal policy objectives.
- **Rate Design Analysis**. This analysis includes the development of rates that generate sufficient revenue to meet each system's revenue requirement forecast. Phase I will apply any recommended rate adjustments across the board, with equal adjustments to the fixed and variable components. Any rate design changes will be addressed in Phase II.

Exhibit 1 illustrates the rate study process.

Exhibit 1. Overview of the Rate Study Process



Fiscal Policies

The foundation for evaluating utility revenue needs consists of a set of fiscal policies. These policies, which can address a variety of topics including cash management, capital funding strategy, and financial performance, are intended to promote long-term financial viability for the City's utilities. Fiscal policies provide essential guardrails for a utility to operate within, ensuring there is sufficient revenue to operate and maintain the system while also planning for unseen events. Documented fiscal policies also offer stability and over time as staff and leadership change. The City's specific documented fiscal policies are discussed and referred to throughout the report.

Reserves

Reserves are a key component of any utility financial strategy, as they provide the flexibility to manage variations in costs and revenues that could otherwise have an adverse impact on ratepayers. When evaluating fund reserve

levels and objectives, it is important to recognize that the value of reserves lies in their potential use. A reserve strategy that deliberately avoids any use of reserves negates their purpose. Fluctuation of reserve levels may indicate that the system is working, while lack of variation over many years strongly suggests that the reserves are, in fact, unnecessary. However, when reserves are used, it is equally important to have a plan to replenish them, as they are a finite resource managing uncertainty and unforeseen events. While the City already has policies that specify targeted levels of utility reserves, it's recommended that the City consider documenting a policy to replenish reserves when they dip below targeted levels. On average, reserve replenishment policies allow for three to six years to rebuild reserves to target levels but are ultimately aligned with the City's risk tolerance.

For the purpose of financial planning for the City's utilities, resources are separated into the following reserve categories:

Operating Contingency and Working Capital Reserves:

Operating contingency and working capital reserves are designed to provide a liquidity cushion; protecting the utility from the risk of short-term variation in the timing of revenue collection or payment of expenses. Industry practice for utility operating reserves typically ranges from 30 days (8 percent) to 120 days (33 percent) of operating expenses, with the lower end more appropriate for utilities with stable revenue streams and the higher end of the range more appropriate for utilities with significant seasonal or consumption-based fluctuations.

Capital Contingency Reserve

This reserve provides a source of emergency funding for unexpected asset failures or other unanticipated capital needs. This capital reserve policy is not intended to guard against catastrophic system failure or extreme acts of nature. Given these different purposes, there are a variety of potential benchmarks for setting a minimum balance for this fund – options include a percentage (commonly 1 – 2 percent) of the original cost of fixed assets, a rolling multi-year average of capital costs, or an amount determined sufficient to fund an equipment or asset failure. The final target level should balance industry practice with the risk level of the City.

Exhibit 2. Existing Operating and Capital Reserve Policies:

Policy	Water	Sewer	Surface Water	Solid Waste
Working Capital	45 days of O&M expense	45 days of O&M expense	100 days of O&M expense	30 days of O&M expense
Operating Contingency	12% of O&M expense	12% of O&M expense	Not applicable	Not applicable
Capital Contingency	10% of 6-year CIP	10% of 6-year CIP	10% of 6-year CIP	Not applicable

Debt Reserve

Bond covenants often establish reserve requirements as a means of protecting against the risk of nonpayment. A common reserve requirement is one year's debt service payment. The balance held in reserve for a particular debt instrument may be used to make the final payment on that debt instrument. The City must continue to fully fund such reserves as required by bond covenant or loan agreement. Since the debt reserve provides a static reserve against inability to pay, it is unnecessary to maintain operating reserves against debt repayment.

Existing Policy: *The City of Kirkland Debt Management Policy, adopted by Resolution (R-5458), does not outline a formal debt reserve policy outside of maintaining reserve funds as required by bond covenants. For study purposes, reserves are assumed to be funded through new bond issuances, equal to one year's debt service payment. The City will determine final reserve levels required as new debt is issued.*

Debt Management

Debt financing is a viable tool for capital funding. Compared with "pay-as-you-go" funding, debt smooths out the rate impact of a capital program by spreading costs over time. It also creates intergenerational equity – also referred to as "pay-as-you-use" because future customers who use the assets are the ones paying for them. However, debt should not be relied on too heavily as it carries the risk of default. Debt also reduces budget flexibility – cash-funded capital projects can be delayed if there is a revenue shortfall, but once the utility has issued debt, the debt service needs to be paid in good times or bad. While debt is a useful part of the capital funding toolbox, it needs to be monitored to ensure that the system does not become too heavily dependent on it. Debt service coverage is a metric used to evaluate the City's debt level.

Debt Service Coverage

Debt service coverage is typically a requirement associated with revenue bonds and some State loans and is a financial measure assessing the ability to repay debt. A typical minimum coverage requirement for utility revenue bonds is 1.25. If the City issues debt, the coverage requirements essentially require that the City collect enough revenue to meet operating expenses and not only pay annual debt service but collect an additional 25 percent above the bonded debt service. The extra revenue is a cushion that assures bondholders that the City has the financial resources to meet its debt service obligations and helps to maintain the City's AAA credit rating.

Existing Policy: *The City of Kirkland Fiscal Policies, adopted by Resolution R-5664, requires each utility to maintain minimum annual average debt coverage at a 1.50 ratio. Achieving a debt service coverage level greater than the minimum required level is a positive signal to debt rating agencies and can result in more favorable terms when the City enters the market for new debt.*

System Reinvestment

A utility's infrastructure (e.g., storage facilities, lift stations, collection/conveyance systems, etc.) is a critical element of serving the City's customers. Establishing a financial plan for the eventual replacement of these assets ensures system reliability and integrity. This practice is known as system reinvestment funding. In the absence of a formal asset management plan, target system reinvestment funding levels are commonly linked to annual depreciation expense. Depreciation expense is a measure of the decline in asset value associated with routine use of the system.

The specific benchmark used to set system reinvestment funding targets is a matter of policy that must balance various objectives including managing rate impacts, keeping long-term costs down, and promoting "generational equity" (i.e. not excessively burdening current customers with paying for facilities that will serve a larger group of customers in the future). The City's reinvestment policy is summarized below.

Exhibit 3. Existing System Reinvestment Policies

Policy	Water	Sewer	Surface Water	Solid Waste
System Reinvestment	125% of depreciation levels	165% of depreciation levels	100% of depreciation levels	Not applicable

Revenue Requirement Analysis

A revenue requirement analysis forms the basis for a long-range financial plan and multi-year rate management strategy for each system. It also enables the City to set utility rate structures which fully recover the total cost of operating each system: capital improvement and replacement, operations, maintenance, general administration, fiscal policy attainment, cash reserve management, and debt repayment. Linking rate levels to a financial plan such as this helps to enable sound financial performance for the City's utility enterprise funds, as well as a clear and reasonable relationship between the costs imposed on utility customers and the costs incurred to provide the service.

A revenue requirement analysis includes the following core elements to form a complete portrayal of the utility's financial obligations.

- **Fiscal Policy Analysis**. Identifies formal and informal fiscal policies of the City to ensure that current policies are maintained, including reserve levels, capital/system replacement funding, and debt service coverage.
- **Revenue Forecasting**. Evaluates normalized year revenue projections based on historical revenue generation and review of precipitation and temperature data to identify outliers.
- **Capital Funding Plan**. Defines a strategy for funding the City's capital improvement/equipment replacement program, including an analysis of available resources from rate revenues, debt financing, and any special resources that may be readily available (e.g., grants, outside contributions, etc.).
- **Operating Forecast**. Projects future annual non-capital costs associated with the operation, maintenance, and administration of each system.
- **Sufficiency Testing**. Evaluates the sufficiency of revenues in meeting all financial obligations, including any coverage requirements associated with long-term debt.
- **Strategy Development**. Designs a forward-looking strategy for adjusting rates to fully fund all financial obligations on a periodic or annual basis over the projection period.

Rate Design

The principal consideration of rate design is for the rate structure to generate sufficient revenues for the system which are reasonably commensurate with the cost of providing service. The pricing structure is largely dictated by the objectives of the system. Most rate designs consist of fixed and, for some utilities, variable or volume charges.

No changes to the rate structure are considered in the current report; rather, all proposed and projected rate changes are intended to be applied across the board to fixed and variable rates for all customer classes. City staff have planned for review of rate structures to follow if service package funding is approved for Phase II.

Water Utility

Introduction

The City of Kirkland operates and maintains the City's water infrastructure from parts of the South Juanita and Totem Lake neighborhoods southward. The City's Public Works department oversees approximately 180 miles of water mains, close to 80 pressure-reducing stations, three water supply/pump stations, two water reservoirs and nearly 2,000 fire hydrants. The City is a member of Cascade Water Alliance, which has water purchase contracts with Seattle Public Utilities and Tacoma Public Utilities. Currently the water utility provides service to more than 13,000 residential, multi-family, and commercial customers and charges bi-monthly rates to cover all utility obligations.

Revenue Requirement

A revenue requirement analysis forms the basis for a long-range financial plan and multi-year rate management strategy. The analysis is developed by completing an operating forecast that identifies future annual operating costs and a capital funding plan that defines a strategy for funding the capital improvement needs of the City.

Operating Forecast

The purpose of the operating forecast is to determine whether the existing rates and charges are sufficient to recover the costs the City incurs to operate and maintain the water system. The 2026 amended budget and the 2027-2028 preliminary budgets formed the baseline for this forecast. The operating forecast was developed through 2045 with the discussion below concentrating on the 2027 through 2032 rate setting period. The following list highlights some of the key assumptions used in the development of the water utility operating forecast.

Reserves

- **Operating Reserves.** A minimum of 90 days of operating and maintenance (O&M) expenses ($3.8 - $5.4 million for the period 2026-2032). This reserve includes both Working Capital and Operating Contingency, which is a combination of 45 days of O&M plus 12% of O&M (12%*365=43.8) and equates to approximately 90 days of O&M in total.

  The water utility is forecasted to end 2026 at 81 percent of target, or 72 days of O&M expenses. Resulting rate strategies will incorporate refunding this reserve to target.
- **Capital Reserves.** A minimum of 10.0 percent of the six-year capital improvement program (CIP) ($3.7 million for the period 2026-2032). The water utility is forecasted to end 2026 at 92 percent of target.

Operating Revenue

- **Rate Revenue.** Based on 2026 budgeted rate revenues plus anticipated customer growth applied annually through the end of the forecast period.
- **Non-Rate Revenue.** Non-rate revenue consists of hydrant rentals, other miscellaneous revenues, and investment interest. Hydrant rentals are calculated as 2.61% of rate revenues collected each year. Other miscellaneous non-rate revenues are forecasted based on the 2026 budget with either no escalation, general cost inflation, or anticipated customer growth depending on the type of revenue, while investment interest is calculated based on forecasted interest rates and fund balances

- **Customer Growth.** Annual customer growth is forecasted based on the City's forecasted growth for each customer class, with the 2027 percentage growth applied to each subsequent year of the forecast. The annual growth factors are 1.0 percent for residential and multi-residential customers, 0.0 percent for commercial customers, and 0.8 percent for irrigation customers.
- **KirklandCares Program Participation.** 10.0 percent annual growth in current participation rate, based on recent trends.
- **Interest Earnings.** 4.5 percent in 2026, decreasing to 3.0 percent in 2027 and 2.0 percent thereafter. Projections are based on recent performance of the Washington State Local Government Investment Pool.

O&M Expenses

The operating and maintenance expenditure forecast largely relies on the City's 2026 budget and 2027-2028 preliminary budgets. The line items in the budget are then adjusted each year by utilizing one of the following applicable factors for the years 2029 through 2032:

- **General Cost Inflation.** 4.0 percent in 2026, 3.8 in 2027, 4.0 in 2028, and 2.5 percent annually for each year thereafter based on City staff input.
- **Construction Cost Inflation.** 4.0 percent annually for all years of the study period based on the recent historical performance of the Engineering News-Record's 20-City Construction Cost Index.
- **Labor Cost Inflation.** Matches General Cost Inflation at 4.0 percent in 2026, 3.8 in 2027, 4.0 in 2028, and 2.5 percent annually for each year thereafter based on City staff input.
- **Benefit Cost Inflation.** 5.5 percent annually for all years of the study period based on City staff input.
- **Cascade Water Alliance Charges.** 4.8-13.4 percent annually based on the draft forecast provided by Cascade Water Alliance.
- **Utility Billing and Customer Service Provided by the Finance Department.** 3.5 percent annually for all years of the study period based on City staff input.
- **State Excise Taxes.** Public utility excise tax rate of 5.029 percent on all water rate revenue and turn on/off charges.
- **State B&O Taxes.** State Business and Occupation tax rate of 2.1 percent on all rate revenue, penalty charge revenue, and capital facilities charge (CFC) revenue.
- **City Tax.** The City currently assesses a water utility tax of 11.8 percent on all rate revenue and non-rate revenues other than interfund and hydrant rental revenues.

Debt Obligations

- **Existing Debt.** The water utility currently has one (1) outstanding Public Works Trust Fund (PWTF) loan. Existing debt service averages $132,000 annually from 2026 through 2032.
- **New Debt.** Two (2) new debt issues are anticipated to fund the 2027 expenditure on the South Reservoir Replacement. First, the City anticipates a $10.0 million issuance from the Washington State Public Works Board (PWB). The PWB issuance is assumed to have a twenty-year term and an interest rate of 2.31 percent. The City also anticipates a general obligation bond issuance of $2.5 million which is assumed to have a twenty-year term, an interest rate of 4.34 percent and an issuance cost of 1.00 percent. The additional annual debt service from these two issuances is expected to start in 2027 at $938,000.

System Reinvestment

System reinvestment funding provides a long-term and sustainable funding source to support system integrity, repairs, and replacement. The City is forecast to contribute 125 percent of annual depreciation throughout the forecast period, equating to $2.3 - $3.3 million annually in rate funded system reinvestment from 2026 to 2032.

Capital Funding Plan

The water utility is anticipating $45.3 million in capital costs from 2026 to 2032, escalated to the year of planned construction. Projects include Upper Highlands Water System Improvements, South Reservoir Replacement, SCADA Replacement, Supply Station S2 Improvements, Emergency/Normal Supply Well Feasibility Study, N Reservoir Pump Station Replacement & Outlet Meter Addition, and Annual Water Main Replacement. Funding for the capital identified includes cash balances, CFC revenues, external funding contributions, and debt proceeds. **Exhibit 4** provides a summary of the funding sources for the capital expenditures. The full capital plan can be found in the detailed rate model provided to the City.

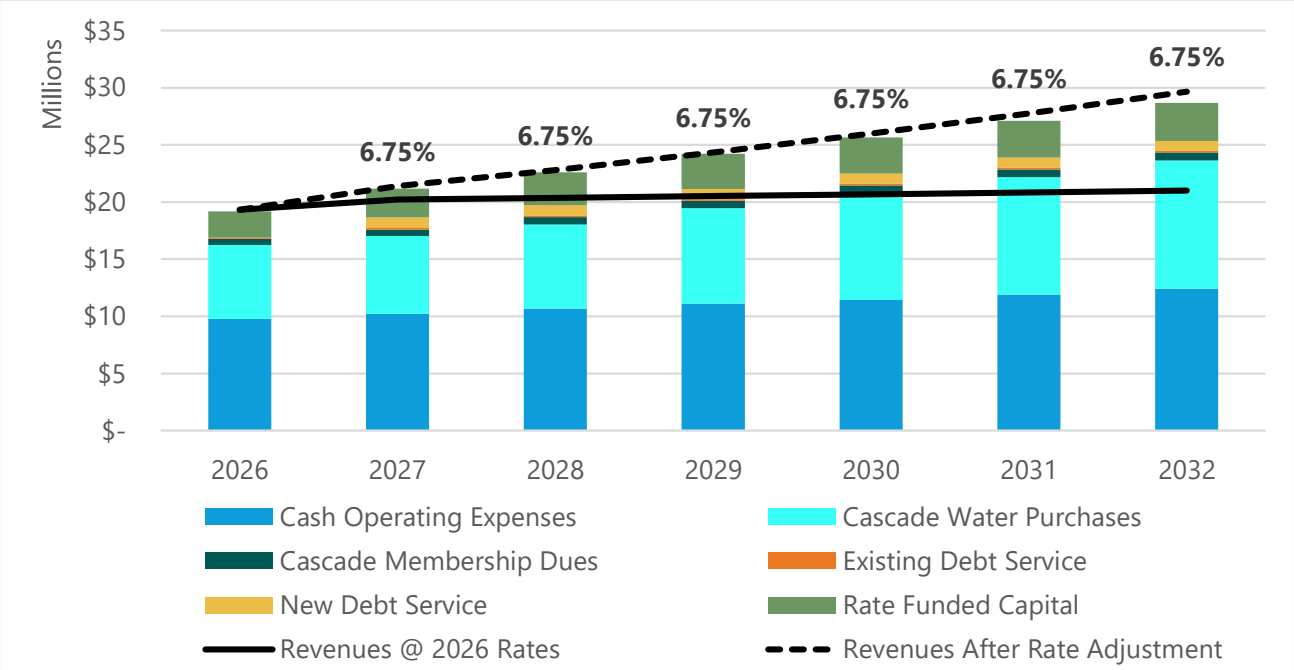
Exhibit 4. Water Capital Funding Summary

Funding Summary ($000s)	2026	2027	2028	2029	2030	2031	2032	Total
Total Capital Costs	**$8,514**	**$15,573**	**$7,321**	**$2,925**	**$3,510**	**$3,650**	**$3,796**	**$45,288**
Funding Sources								
Cash Balances	$7,653	$2,278	$2,519	$1,701	$2,242	$2,338	$2,438	$21,169
Capital Facilities Charges	662	795	1,034	1,224	1,267	1,312	1,358	7,651
External Funding	199	-	3,769	-	-	-	-	3,968
Debt Proceeds	-	12,500	-	-	-	-	-	12,500
Total Capital Funding	**$8,514**	**$15,573**	**$7,321**	**$2,925**	**$3,510**	**$3,650**	**$3,796**	**$45,288**

Summary of Revenue Requirement

The operating forecast components of O&M expenses, debt service, and rate funded capital come together to form the multi-year revenue requirement. The revenue requirement compares the overall revenue available to the water system to the expenses of the system to evaluate the sufficiency of rates on an annual basis. **Exhibit 5** provides a summary of the water system revenue requirement findings.

Exhibit 5. Water Revenue Requirement Forecast 2026 – 2032



Summary of the water revenue requirement:

- As identified in **Exhibit 5**, revenues at existing levels are sufficient to meet total operating and rate funded system reinvestment obligations in 2026.
- Beginning in 2027, rate revenues at existing rates including expected customer growth are projected to be insufficient to meet financial obligations of the water utility due to a new debt issuance combined with increases to Cascade Water Alliance water purchase costs.
- With the introduction of a $10.0 million PWB loan issuance and a $2.5 million general obligation bond issuance in 2027 to fund the South Reservoir Replacement, new annual debt service is estimated at $0.9 million beginning in 2027.
- To meet the total projected financial obligations of the water utility, rate increases are recommended at 6.75 percent annually from 2027 to 2032.
  - It is important to note that additional annual increases are projected outside the rate setting period. With the ever-changing nature of utility operating costs and ongoing capital needs, it is prudent to review revenues and expenses to the forecast and adjust the rate strategy, as needed.

With the annual rate increases in place, the utility will be able to meet or exceed its operating, debt service, and capital targets by the end of the forecast period:

- The operating fund balance target of 90 days of O&M is met by 2032.
- The rate funded system reinvestment target of 125 percent of depreciation is met in every year of the forecast period.
- The capital fund balance target of 10.0 percent of the six-year CIP is met in every year of the forecast period.
- Individual water utility debt service coverage (excluding CFCs) is forecast to remain well above the City's internal target of 1.50 every year.

Rate Design

The principal objective of the rate design stage is to implement water rate structures that collect the appropriate level of revenue and are generally consistent with the cost to serve each customer class.

Establishing rates is a blend of "art" and "science" and especially so when it comes to the rate levels and structures. Several variables must be balanced to arrive at optimal rates. The results of the revenue requirement analysis were used to forecast the rate levels needed to recover the projected revenue from customers.

Existing Water Rates

The City's current rate structure consists of a fixed charge per account and a volume charge per hundred cubic feet (ccf) of water usage. The fixed charge is the same for all single family residential customers and is based on meter size for all other customers. Volume rates are tiered for single family residential customers, increasing at certain usage thresholds, while multi-family, commercial, and irrigation-only customers are charged uniform rates on water usage volume. **Exhibit 6** provides a summary of the existing water utility rates. Utility rate rebates are available to certain households through the City's KirklandCares Program. Customers are assessed the rates on a bi-monthly basis.

Exhibit 6. Existing Water Rates

Bi-monthly Basic Charge by Class and Meter Size	
Single Family Residential	$51.48
Multi-Family & Commercial by Meter Size	
5/8" - 3/4"	$38.68
1"	$66.52
1 1/2"	$105.70
2"	$169.56
3"	$481.62
4"	$665.26
5"	$860.16
6"	$1,138.86
8"	$1,696.30
Charge for Water Consumed (per ccf)	
Single Family Residential	
Tier 1 (0-4 ccf) **included in basic charge*	$0.00
Tier 2 (5-24 ccf)	$6.17
Tier 3 (over 24 ccf)	$8.11
Multi-Family & Commercial	$5.84
Sprinkler (Irrigation)	$9.39

Proposed and Projected Water Rates

No rate structure changes were recommended for the water utility at this time, pending results of Phase II. Across the board adjustments – equal increases to the fixed and variable charges – are to be implemented for all customer classes beginning in 2027. **Exhibit 7** provides a summary of the proposed and projected rates for the study period.

Exhibit 7. Proposed and Projected Water Rates

	Existing	Proposed		Projected			
	2026	2027	2028	2029	2030	2031	2032
Bi-monthly Basic Charge by Class and Meter Size							
Single Family Residential	$51.48	$54.95	$58.66	$62.62	$66.85	$71.36	$76.18
Multi-Family & Commercial by Meter Size							
5/8" - 3/4"	$38.68	$41.29	$44.08	$47.05	$50.23	$53.62	$57.24
1"	$66.52	$71.01	$75.80	$80.92	$86.38	$92.21	$98.44
1 1/2"	$105.70	$112.83	$120.45	$128.58	$137.26	$146.53	$156.42
2"	$169.56	$181.01	$193.22	$206.27	$220.19	$235.05	$250.92
3"	$481.62	$514.13	$548.83	$585.88	$625.43	$667.64	$712.71
4"	$665.26	$710.17	$758.10	$809.27	$863.90	$922.21	$984.46
5"	$860.16	$918.22	$980.20	$1,046.36	$1,116.99	$1,192.39	$1,272.88
6"	$1,138.86	$1,215.73	$1,297.80	$1,385.40	$1,478.91	$1,578.74	$1,685.30
8"	$1,696.30	$1,810.80	$1,933.03	$2,063.51	$2,202.80	$2,351.48	$2,510.21
Charge for Water Consumed (per ccf)							
Single Family Residential							
Tier 1 (0-4 ccf) **included in basic charge*	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Tier 2 (5-24 ccf)	$6.17	$6.59	$7.03	$7.51	$8.01	$8.55	$9.13
Tier 3 (over 24 ccf)	$8.11	$8.66	$9.24	$9.87	$10.53	$11.24	$12.00
Multi-Family & Commercial	$5.84	$6.23	$6.66	$7.10	$7.58	$8.10	$8.64
Sprinkler (Irrigation)	$9.39	$10.02	$10.70	$11.42	$12.19	$13.02	$13.90

Sewer Utility

Introduction

The City of Kirkland operates, maintains and repairs 137 miles of wastewater mains, over 3,500 maintenance manholes, and six wastewater lift stations. The City collects wastewater from approximately 12,000 residential, multifamily, and commercial customers and conveys that wastewater to King County's wastewater treatment plants.

Revenue Requirement

A revenue requirement analysis forms the basis for a long-range financial plan and multi-year rate management strategy. The analysis is developed by completing an operating forecast that identifies future annual operating costs and a capital funding plan that defines a strategy for funding the capital improvement needs of the City.

Operating Forecast

The purpose of the operating forecast is to determine whether the existing rates and charges are sufficient to recover the costs the City incurs to operate and maintain the sewer system. The 2026 amended budget and the 2027-2028 preliminary budgets formed the baseline for this forecast. The operating forecast was developed through 2045 with the discussion below concentrating on the 2027 through 2032 rate setting period. The following list highlights some of the key assumptions used in the development of the sewer utility operating forecast.

Reserves

- **Operating Reserves.** A minimum of 90 days of O&M expenses ($4.5 - $8.4 million for the period 2026-2032). This reserve includes both Working Capital and Operating Contingency, which is a combination of 45 days of O&M plus 12% of O&M (12%*365=43.8) and equates to approximately 90 days of O&M in total.

  The sewer utility is forecasted to end 2026 at 47 percent of target, or 42 days of O&M expenses, if no changes to system reinvestment funding are implemented. The financial strategy described in this report leverages both rates and adjustments to system reinvestment funding to meet the operating reserve targets in each year of the rate setting period.
- **Capital Reserves.** A minimum of 10.0 percent of the six-year CIP ($2.8 million for the period 2026-2032). The sewer utility is forecasted to end 2026 at 44 percent of the six-year CIP with the recommended adjustments to system reinvestment funding, well above the minimum target of 10 percent.

Operating Revenue

- **Rate Revenue.** Based on 2025 actual rate revenues plus the implemented 2026 rate increase and anticipated customer growth applied annually through the end of the forecast period. This method results in a different level of rate revenues compared to the adopted budget, as it incorporates additional analysis to align revenues to average trends.
- **Non-Rate Revenue.** Other miscellaneous non-rate revenues are forecasted based on the 2026 budget with either no escalation, general cost inflation, or anticipated customer growth depending on the type of revenue, while investment interest is calculated based on forecasted interest rates and fund balances

- **Customer Growth.** Annual customer growth is forecasted based on the City's forecasted growth for each customer class, with the 2027 percentage growth applied to each subsequent year of the forecast. The annual growth factors are 0.8 percent for residential customers, 1.0 for multi-residential customers, and 0.0 percent for commercial customers.
- **KirklandCares Program Participation.** 10.0 percent annual growth in current participation rate, based on recent trends.
- **Interest Earnings.** 4.5 percent in 2026, decreasing to 3.0 percent in 2027 and 2.0 percent thereafter. Projections are based on recent performance of the Washington State Local Government Investment Pool.

O&M Expenses

The operating and maintenance expenditure forecast largely relies on the City's 2026 budget and 2027-2028 preliminary budgets. The line items in the budget are then adjusted each year by utilizing one of the following applicable factors for the years 2029 through 2032:

- **General Cost Inflation.** 4.0 percent in 2026, 3.8 in 2027, 4.0 in 2028, and 2.5 percent annually for each year thereafter based on City staff input.
- **Construction Cost Inflation.** 4.0 percent annually for all years of the study period based on the recent historical performance of the Engineering News-Record's 20-City Construction Cost Index.
- **Labor Cost Inflation.** Matches General Cost Inflation at 4.0 percent in 2026, 3.8 in 2027, 4.0 in 2028, and 2.5 percent annually for each year thereafter based on City staff input.
- **Benefit Cost Inflation.** 5.5 percent annually for all years of the study period based on City staff input.
- **King County Metro Rate Increases.** 12.75 percent annually for 2027-2030 then 11.25 percent annually for 2031-2032 based on the draft forecast provided by King County.
- **Utility Billing and Customer Service Provided by the Finance Department.** 3.5 percent annually for all years of the study period based on City staff input.
- **State Excise Taxes.** Public utility excise tax rate of 3.852 percent on the collection portion (55.73 percent) of sewer rate revenue.
- **State B&O Taxes.** State Business and Occupation tax rate of 2.1 percent on the treatment portion (44.27 percent) of rate revenue and on all penalty charge revenue and CFC revenue.
- **City Tax.** The City currently assesses a sewer utility tax of 9.5 percent on all rate revenue and non-rate revenues other than interfund revenue.

Debt Obligations

- **Existing Debt.** The sewer utility currently has one (1) outstanding Public Works Trust Fund (PWTF) loan. Existing debt service averages $127,000 annually from 2026 through 2032.
- **New Debt.** No new debt issues are forecast in the rate setting period.

System Reinvestment

System reinvestment funding provides a long-term and sustainable funding source to support system integrity, repairs, and replacement. While the policy-based target for system reinvestment funding for the sewer utility is 165 percent of annual depreciation, discussions with the City of this policy's effects on rates alongside forecasted capital spending over the rate-setting period led to a recommendation to relax the policy over the study period while building back up to the policy level of funding. The City is forecast to contribute 50 percent of annual

depreciation in 2026 and ramp up to the policy-based target of 165 percent of annual depreciation by 2032. Assumed levels of system reinvestment included in the forecast are shown in **0**.

Exhibit 8. Sewer System Reinvestment Funding Forecast

	2026	2027	2028	2029	2030	2031	2032
Percent of Annual Depreciation	50%	90%	125%	125%	125%	145%	165%
System Reinvestment Funding ($000s)	$1,185	$2,190	$3,080	$3,174	$3,329	$4,049	$4,768

Capital Funding Plan

The sewer utility is anticipating $31.1 million in capital costs from 2026 to 2032, escalated to the year of planned construction. Projects include NE 108th Street Sewermain Replacement, West of Market Sewermain Replacement, 105th Ave NE Sewerline Repair, SCADA Replacement, Annual Sanitary Sewer Pipeline Replacement, Feasibility Study for the I-405 Crossing at NE 70th St to NE 68th St, I-405 Crossing at NE 70th St to NE 68th St, and General Sewer Plan Projects. Funding for the capital identified includes cash balances, CFC revenues, and external funding contributions. **Exhibit 9** provides a summary of the funding sources for the capital expenditures. The full capital plan can be found in the detailed rate model provided to the City.

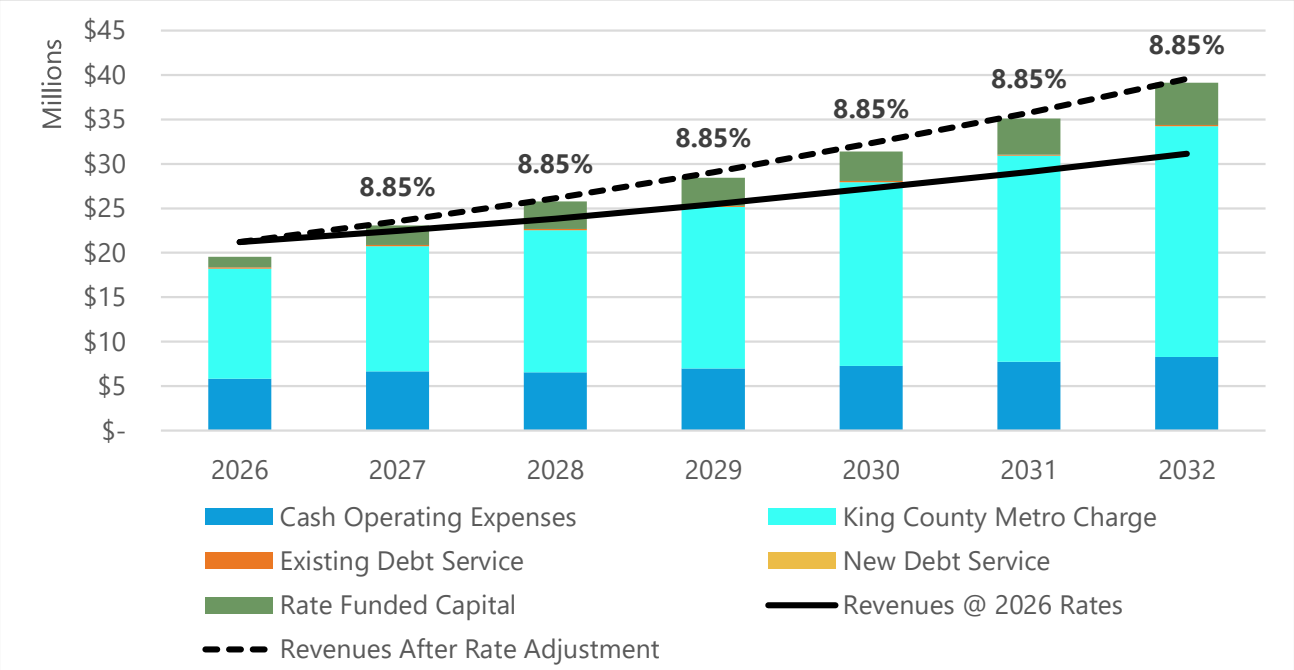
Exhibit 9. Sewer Capital Funding Summary

Funding Summary ($000s)	2026	2027	2028	2029	2030	2031	2032	Total
Total Capital Costs	**$3,189**	**$1,560**	**$3,786**	**$6,187**	**$6,434**	**$4,867**	**$5,061**	**$31,084**
Funding Sources								
Cash Balances	$2,532	$915	$3,029	$5,393	$5,614	$4,018	$4,184	$25,684
Capital Facilities Charges	538	645	757	794	821	848	877	5,280
External Funding	119	-	-	-	-	-	-	119
Total Capital Funding	**$3,189**	**$1,560**	**$3,786**	**$6,187**	**$6,434**	**$4,867**	**$5,061**	**$31,084**

Summary of Revenue Requirement

The operating forecast components of O&M expenses, debt service, and rate funded capital come together to form the multi-year revenue requirement. The revenue requirement compares the overall revenue available to the sewer system to the expenses of the system to evaluate the sufficiency of rates on an annual basis. **Exhibit 10** provides a summary of the sewer system revenue requirement findings.

Exhibit 10. Sewer Revenue Requirement Forecast 2026 – 2032



Summary of the sewer revenue requirement:

- As identified in **Exhibit 10**, revenues at existing levels are sufficient to meet total operating obligations and the reduced system reinvestment funding target in 2026.
  - Reducing the system reinvestment funding levels allows the utility to fully fund the operating reserve in 2026 and mitigate rate pressure while rebuilding system reinvestment levels over the study period.
- Beginning in 2027, rate revenues at existing rates are projected to be insufficient to meet system reinvestment funding, even at reduced levels, and by 2030 would be insufficient to meet operating obligations of the sewer utility due primarily to increases in King County treatment costs.
- To meet the total projected financial obligations of the sewer utility, rate increases are recommended at 8.85 percent annually from 2027 to 2032.
  - It is important to note that additional annual increases are projected outside the rate setting period. With the ever-changing nature of utility operating costs and ongoing capital needs, it is prudent to annually review revenues and expenses to the forecast and adjust the rate strategy, as needed.

With the annual rate increases in place, the utility will be able to meet or exceed its operating and capital targets by the year 2032:

- With the reduced system reinvestment funding, the operating fund balance target of 90 days of O&M is met in every year of the forecast period.
- Rate funded system reinvestment funding is reduced throughout the forecast period but rebuilds to target by 2032.
- The capital fund balance target of 10.0 percent of the six-year CIP is met in every year of the forecast period.

- Individual sewer utility debt service coverage (excluding CFCs) is forecast to remain well above the City's internal target of 1.50 every year.

Rate Design

The principal objective of the rate design stage is to implement sewer rate structures that collect the appropriate level of revenue and are generally consistent with the cost to serve each customer class.

Establishing rates is a blend of "art" and "science" and especially so when it comes to the rate levels and structures. Several variables must be balanced to arrive at optimal rates. The results of the revenue requirement analysis were used to forecast the rate levels needed to recover the projected revenue from customers.

Existing Sewer Rates

The City's current rate structure consists of a fixed charge per account and a volume charge per hundred cubic feet (ccf) of water usage. King County also charges a fixed rate for wastewater treatment which the City passes on directly to single family residential customers. The treatment cost from King County is embedded in the City's sewer rates for multi-family and commercial customers. Volume rates are applied to average winter water usage above 6 ccf for single family residential customers and applied to actual water usage above 12 ccf for multi-family and commercial customers. **Exhibit 11** provides a summary of the existing sewer utility rates. Utility rate rebates are available to certain households through the City's KirklandCares Program. Customers are assessed the rates on a bi-monthly basis.

Exhibit 11. Existing Sewer Rates

Bi-monthly Basic Charge by Class	
King County Wastewater Treatment	$124.72
Single Family Residential	$40.80
Multi-Family & Commercial	$152.46
Charge for Water Consumed (per ccf)	
Single Family Residential (average winter water above 6 ccf)	$6.80
Multi-Family & Commercial (above 12 ccf)	$12.75

Proposed and Projected Sewer Rates

No rate structure changes were recommended for the sewer utility at this time, pending results of Phase II. Across the board adjustments – equal increases to the fixed and variable charges – are to be implemented for all customer classes beginning in 2027. **Exhibit 12** provides a summary of the proposed and projected rates for the study period.

Exhibit 12. Proposed and Projected Sewer Rates

	Existing	Proposed		Projected			
	2026	2027	2028	2029	2030	2031	2032
Bi-monthly Basic Charge by Class and Meter Size							
King County Wastewater Treatment	$124.72	$141.30	$159.32	$179.64	$202.56	$225.36	$250.72
Single Family Residential	$40.80	$44.41	$48.34	$52.62	$57.28	$62.35	$67.86
Multi-Family & Commercial	$152.46	$165.95	$180.64	$196.63	$214.03	$232.97	$253.59
Charge for Water Consumed (per ccf)							
Single Family Residential *(average winter water above 6 ccf)*	$6.80	$7.40	$8.06	$8.77	$9.55	$10.39	$11.31
Multi-Family & Commercial *(above 12 ccf)*	$12.75	$13.88	$15.11	$16.44	$17.90	$19.48	$21.21

Surface Water Utility

Introduction

The City of Kirkland's surface water division ensures the proper maintenance and operation of all public and private drainage systems within the City. The City has a National Pollutant Discharge Elimination System (NPDES) Phase II permit with a goal to control water pollution and reduce water quality problems in local creeks and lakes. The surface water division is funded by the surface water management fee charged to property owners. The fee appears on the property tax statements of developed parcels within the City of Kirkland.

Revenue Requirement

A revenue requirement analysis forms the basis for a long-range financial plan and multi-year rate management strategy. The analysis is developed by completing an operating forecast that identifies future annual operating costs and a capital funding plan that defines a strategy for funding the capital improvement needs of the City.

Operating Forecast

The purpose of the operating forecast is to determine whether the existing rates and charges are sufficient to recover the costs the City incurs to operate and maintain the surface water system. The 2026 amended budget and the 2027-2028 preliminary budgets formed the baseline for this forecast. The operating forecast was developed through 2045 with the discussion below concentrating on the 2027 through 2032 rate setting period. The following list highlights some of the key assumptions used in the development of the surface water utility operating forecast.

Reserves

- **Operating Reserves.** A minimum of 100 days of O&M expenses ($3.6 - $4.3 million for the period 2026-2032). The surface water utility is forecasted to end 2026 at 147 percent of target, or 147 days of O&M expenses. Resulting rate strategies will incorporate drawing down this reserve and ending at the target by 2032.
- **Capital Reserves.** A minimum of 10.0 percent of the six-year CIP ($2.8 million for the period 2026-2032). The stormwater utility is forecasted to end 2026 at 14 percent of the six-year CIP, slightly above the minimum target of 10 percent.

Operating Revenue

- **Rate Revenue.** Based on 2026 budgeted rate revenues, revised with year-to-date actuals, plus anticipated customer growth applied annually through the end of the forecast period.
- **Non-Rate Revenue.** Non-rate revenue consists of miscellaneous revenues and investment interest. Other miscellaneous non-rate revenues are forecasted based on the 2026 budget with either no escalation, general cost inflation, or anticipated customer growth depending on the type of revenue, while investment interest is calculated based on forecasted interest rates and fund balances.
- **Customer Growth.** Annual customer growth is forecasted based on the City's forecasted growth for each customer class. The annual growth factors for residential customers are -0.4 percent in 2027-2030 and 0.0 percent in 2031-2032 for residential customers while the annual growth factors for commercial customers are 1.7 percent in 2027-2030 and 0.5 percent in 2031-2032. The negative growth rate for residential customers and the elevated growth rate for commercial

customers through 2030 aims to reflect ongoing conversion of residential land uses to multi-family/commercial land uses (e.g. the additions of accessory dwelling units (ADUs) leads to property being charged based on impervious surface rather than the single residential rate), with a return to more normalized conditions from 2031 and thereafter.

- **Senior Discounts Program Participation.** 10.0 percent annually based on recent trends.
- **Interest Earnings.** 4.5 percent in 2026, decreasing to 3.0 percent in 2027 and 2.0 percent thereafter. Projections are based on recent performance of the Washington State Local Government Investment Pool.

O&M Expenses

The operating and maintenance expenditure forecast largely relies on the City's 2026 budget and 2027-2028 preliminary budgets. The line items in the budget are then adjusted each year by utilizing one of the following applicable factors for the years 2029 through 2032:

- **General Cost Inflation.** 4.0 percent in 2026, 3.8 in 2027, 4.0 in 2028, and 2.5 percent annually for each year thereafter based on City staff input.
- **Construction Cost Inflation.** 4.0 percent annually for all years of the study period based on the recent historical performance of the Engineering News-Record's 20-City Construction Cost Index.
- **Labor Cost Inflation.** Matches General Cost Inflation at 4.0 percent in 2026, 3.8 in 2027, 4.0 in 2028, and 2.5 percent annually for each year thereafter based on City staff input.
- **Benefit Cost Inflation.** 5.5 percent annually for all years of the study period based on City staff input.
- **State B&O Taxes.** State Business and Occupation tax rate of 2.1 percent on all rate revenue, non-rate revenues other than interest earnings, and CFC revenue.
- **City Tax.** The City currently assesses a surface water utility tax of 6.98 percent on all rate revenue and non-rate revenues.

Debt Obligations

- **Existing Debt.** The surface water utility currently does not hold any outstanding debt.
- **New Debt.** No new debt issues are forecast for the surface water utility.

System Reinvestment

System reinvestment funding provides a long-term and sustainable funding source to support system integrity, repairs, and replacement. The City is forecast to contribute 100 percent of annual depreciation throughout the forecast period, equating to $3.1 - $3.7 million annually in rate funded system reinvestment from 2026 to 2032.

Capital Funding Plan

The surface water utility is anticipating $34.9 million in capital costs from 2026 to 2032, escalated to the year of planned construction. Projects include enhanced Annual Replacement of Aging/Failing Infrastructure costs, Neighborhood Drainage Assistance Program (NDA), Juanita Creek Culvert at NE 137th Street, Holmes Point Pipe Replacement at Champagne Creek Basin, Property Acquisition Opportunity Fund, NE 140th Street Pipe Replacement, Storm Line Rehabilitation on NE 136th Street, NE 106th Pl Storm Facility Improvements, 105th Pl NE Pipe Replacement, Holmes Point Drive NE Pipe Installation, High Woodlands Stormwater Management new NE 145th Street, Houghton Park and Ride Regional Stormwater Facility, Transfer for PWMC Upgrades (Quick Wins), and Annual Transfers to Transportation. Funding for the capital identified includes cash balances, CFC

revenues, and external funding contributions. **Exhibit 13** provides a summary of the funding sources for the capital expenditures. The full capital plan can be found in the detailed rate model provided to the City.

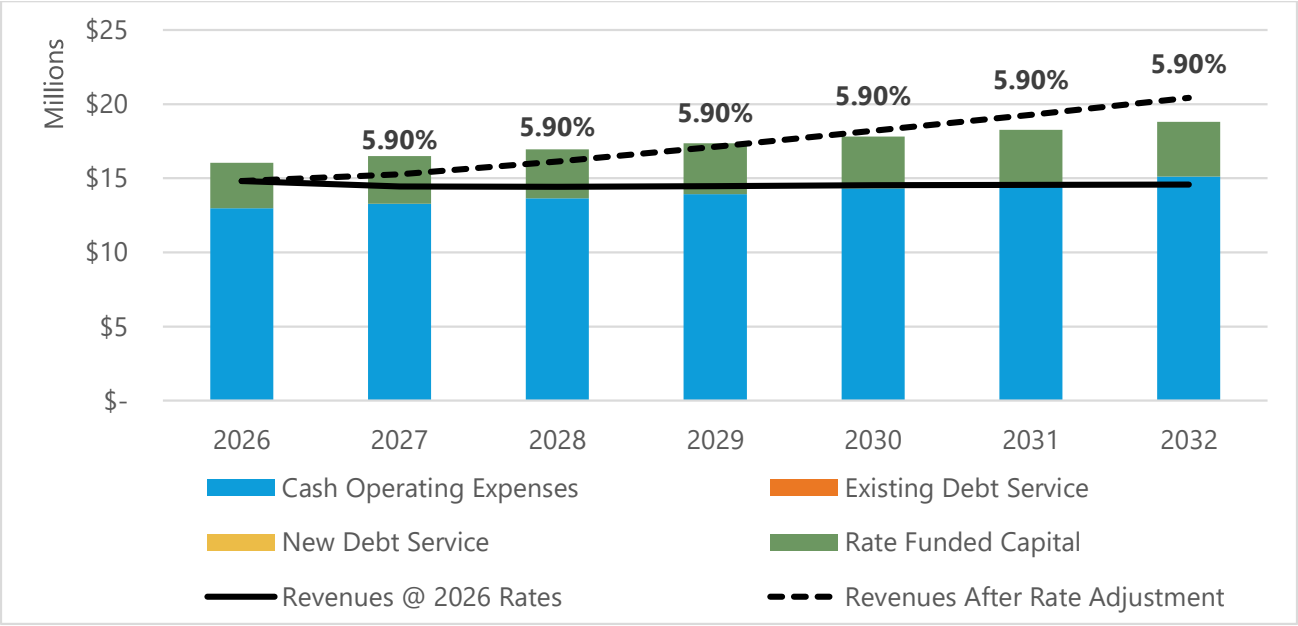
Exhibit 13. Surface Water Capital Funding Summary

Funding Summary ($000s)	2026	2027	2028	2029	2030	2031	2032	Total
Total Capital Costs	**$7,400**	**$4,820**	**$6,406**	**$3,019**	**$3,033**	**$6,141**	**$4,112**	**$34,931**
Funding Sources								
Cash Balances	$3,400	$3,596	$2,572	$2,698	$2,713	$5,821	$3,792	$24,592
Capital Facilities Charges	302	317	323	321	320	320	320	2,223
DOE Forgivable Loan	3,698	-	-	-	-	-	-	3,698
Developer Funding	-	907	3,511	-	-	-	-	4,418
Total Capital Funding	**$7,400**	**$4,820**	**$6,406**	**$3,019**	**$3,033**	**$6,141**	**$4,112**	**$34,931**

Summary of Revenue Requirement

The operating forecast components of O&M expenses and rate funded capital come together to form the multi-year revenue requirement. The revenue requirement compares the overall revenue available to the surface water system to the expenses of the system to evaluate the sufficiency of rates on an annual basis. **Exhibit 14** provides a summary of the surface water system revenue requirement findings.

Exhibit 14. Surface Water Revenue Requirement Forecast 2026 – 2032



Summary of the surface water revenue requirement:

- As identified in **Exhibit 14**, revenues at existing levels are insufficient to meet rate funded capital obligations in 2026.
- Without any rate action, utility revenue would be deficient against operating and maintenance costs in 2031.

- Excess working capital funds are used to cover the forecasted rate funded capital driven deficiency from 2027-2029 to smooth rate increases while still meeting capital requirements.
- To meet the total projected financial obligations of the surface water utility, rate increases are recommended at 5.90 percent annually from 2027 to 2032.
  - It is important to note that additional annual increases are projected outside the rate setting period. With the ever-changing nature of utility operating costs and ongoing capital needs, it is prudent to annually review revenues and expenses to the forecast and adjust the rate strategy, as needed.

With the annual rate increases in place, the utility will be able to meet or exceed its operating and capital targets:

- The operating fund balance target of 100 days of O&M is met by 2032.
- The rate funded system reinvestment target of 100 percent of depreciation is met in every year of the forecast period.
- The capital fund balance target of 10.0 percent of the six-year CIP is met in every year of the forecast period.

Rate Design

The principal objective of the rate design stage is to implement surface water rate structures that collect the appropriate level of revenue and are generally consistent with the cost to serve each customer class.

Establishing rates is a blend of "art" and "science" and especially so when it comes to the rate levels and structures. Several variables must be balanced to arrive at optimal rates. The results of the revenue requirement analysis were used to forecast the rate levels needed to recover the projected revenue from customers.

Existing Surface Water Rates

The City's current rate structure consists of single rate per Equivalent Service Unit (ESU), with one ESU equal to 2,600 square feet of impervious surface area. **Exhibit 15** provides a summary of the existing surface water utility rates. Reduced utility rates are available to certain households through the City and are administered through the County's low-income senior discount program. Customers are assessed annually via their property tax bill.

Exhibit 15. Existing Surface Water Rates

Monthly Charge per ESU	$23.08

Proposed and Projected Surface Water Rates

No rate structure changes were recommended for the surface water utility at this time, pending results of Phase II. Across the board adjustments are to be implemented for all customer classes beginning in 2027. **Exhibit 16** provides a summary of the proposed and projected rates for the study period.

Exhibit 16. Proposed and Projected Surface Water Rates

	Existing	Proposed		Projected			
	2026	2027	2028	2029	2030	2031	2032
Monthly Fixed Charge per ESU	$23.08	$24.44	$25.88	$27.41	$29.03	$30.74	$32.55

Solid Waste Utility

Introduction

The City of Kirkland (through Waste Management (WM)) provides garbage, recycling, and compost curbside collection services. As of the writing of this report, residential waste collection services rates are based on the garbage cart size which includes a 64-gallon recycling cart and a 96-gallon food and yard waste cart. The City bills on a bimonthly basis.

Revenue Requirement

A revenue requirement analysis forms the basis for a long-range financial plan and multi-year rate management strategy. The analysis is developed by completing an operating forecast that identifies future annual operating costs and a rate plan that defines a strategy for funding the needs of the City.

Operating Forecast

The purpose of the operating forecast is to determine whether the existing rates and charges are sufficient to recover the costs the City incurs to operate and maintain the solid waste system. The 2026 amended budget and the 2027-2028 preliminary budgets formed the baseline for the revenue and expense forecast, respectively. The operating forecast was developed through 2045 with the discussion within this report concentrating on the 2027 through 2032 rate setting period. The following list highlights some of the key assumptions used in the development of the solid waste utility operating forecast.

Reserves

- **Operating Reserves.** A minimum of 30 days of O&M expenses ($2.9 - $3.7 million for the period 2026-2032). This 30-day target does not include any household hazardous waste fees. The solid waste utility is forecasted to end 2026 at approximately 50 percent of target, or 15 days of O&M expenses. Resulting rate strategies will incorporate refunding this reserve to target.
- **Capital Reserves.** The solid waste utility does not reserve any funds for capital as any solid waste assets or other capital costs are maintained by Waste Management and paid for through the City's contract with this hauler.

Operating Revenue

- **Rate Revenue.** Based on 2026 budgeted rate revenues plus anticipated customer growth applied annually through the end of the forecast period.
- **Non-Rate Revenue.** Non-rate revenue consists of miscellaneous revenues and investment interest. Miscellaneous non-rate revenues are forecasted based on the 2026 budget with no escalation while investment interest is calculated based on forecasted interest rates and fund balances.
- **Customer Growth.** Annual customer growth is forecasted based on the City's forecasted growth for each customer class, with the 2027 percentage growth applied to each subsequent year of the forecast. The annual growth factors are 0.49 percent for residential customers, 0.0 for multi-residential customers, and 1.0 percent for commercial customers. Growth for the solid waste utility differs from the projected growth in the water and sewer utilities due to the difference in service area, with water and sewer only serving the southern half of the City.

- **KirklandCares Program Participation.** 10.0 percent annual growth in current participation rate, based on recent trends.
- **Interest Earnings.** 4.5 percent in 2026, decreasing to 3.0 percent in 2027 and 2.0 percent thereafter. Projections are based on recent performance of the Washington State Local Government Investment Pool.

O&M Expenses

The operating and maintenance expenditure forecast largely relies on the City's 2026 budget and 2027-2028 preliminary budgets. The line items in the budget are then adjusted each year by utilizing one of the following applicable factors for the years 2029 through 2032:

- **General Cost Inflation.** 4.0 percent in 2026, 3.8 in 2027, 4.0 in 2028, and 2.5 percent annually for each year thereafter based on City staff input.
- **Construction Cost Inflation.** 4.0 percent annually for all years of the study period based on the recent historical performance of the Engineering News-Record's 20-City Construction Cost Index.
- **Labor Cost Inflation.** Matches General Cost Inflation at 4.0 percent in 2026, 3.8 in 2027, 4,0 in 2028, and 2.5 percent annually for each year thereafter based on City staff input.
- **Benefit Cost Inflation.** 5.5 percent annually for all years of the study period based on City staff input.
- **Waste Management Contract Rate Growth.** 5.0 percent in 2027, then set to the previous year's General Cost Inflation throughout the remainder of the forecast.
- **King County Disposal Rate Growth.** 8.5 percent annually based on estimated County rates.
- **Utility Billing and Customer Service Provided by the Finance Department.** 3.5 percent annually for all years of the study period based on City staff input.
- **State Refuse Tax.** Washington State Refuse tax rate of 3.6 percent on fees for the collection, transfer, storage, or disposal of solid waste.
- **State B&O Taxes.** State Business and Occupation tax rate of 2.1 percent on all rate revenue and non-rate revenues
- **City Tax.** The City currently assesses a solid waste utility tax of 9.5 percent on all rate revenue.

Debt Obligations

- **Existing Debt.** The solid waste utility currently does not hold any outstanding debt.
- **New Debt.** No new debt issues are forecast for the solid waste utility.

System Reinvestment

The City does not contribute to rate funded system reinvestment in the solid waste utility as there are not typically capital expenditures associated with the fund.

Capital Funding Plan

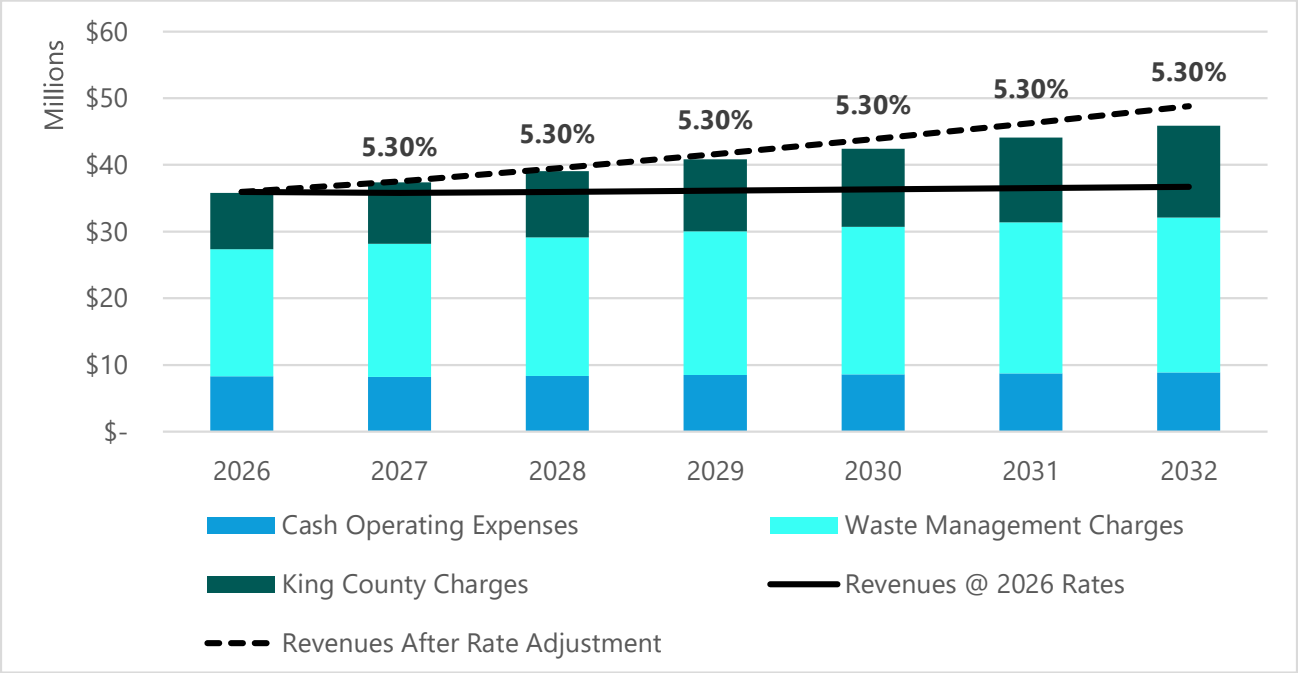
The solid waste utility does not have any planned capital expenses.

Summary of Revenue Requirement

The operating forecast components come together to form the multi-year revenue requirement. The revenue requirement compares the overall revenue available to the solid waste system to the expenses of the system to

evaluate the sufficiency of rates on an annual basis. **Exhibit 17** provides a summary of the solid waste system revenue requirement findings.

Exhibit 17. Solid Waste Revenue Requirement Forecast 2026 – 2032



Summary of the solid waste revenue requirement:

- As identified in **Exhibit 17**, revenues at existing levels are sufficient to meet annual expenses in 2026.
- Beginning in 2027, rate revenues at existing rates are projected to be insufficient to meet annual expenses of the solid waste utility due to growth in contracted expenses as well as cash operating expenses.
- In addition, the solid waste utility is not currently meeting the working capital target of thirty days. Additional rate action is needed to generate cash to refund the reserve.
- To meet the total projected financial obligations of the solid waste utility, rate increases are recommended at 5.30 percent annually from 2027 to 2032.
  - It is important to note that additional annual increases are projected outside the rate setting period. With the ever-changing nature of utility operating costs, it is prudent to annually review revenues and expenses to the forecast and adjust the rate strategy, as needed.

With the annual rate increases in place, the utility will be able to meet or exceed its financial targets:

- The working capital target of 30 days of O&M is met by 2032.

Rate Design

The principal objective of the rate design stage is to implement solid waste rate structures that collect the appropriate level of revenue and are generally consistent with the cost to serve each customer class.

Establishing rates is a blend of "art" and "science" and especially so when it comes to the rate levels and structures. Several variables must be balanced to arrive at optimal rates. The results of the revenue requirement analysis were used to forecast the rate levels needed to recover the projected revenue from customers.

Existing Solid Waste Rates

The City's current rate structure consists of a fixed charge per account based on bin size and collection frequency. **Exhibit 18** provides a summary of the existing solid waste utility rates. Utility rate rebates are available to certain households through the City's KirklandCares Program. Customers are assessed the rates on a bi-monthly basis.

Exhibit 18. Existing Solid Waste Rates

Single Family Residential	
Monthly Collection	
35-gallon bin	$27.30
Weekly Collection	
10-gallon bin	$33.80
20-gallon bin	$67.54
35-gallon bin	$105.14
64-gallon bin	$192.22
96-gallon bin	$288.32
Hazardous Waste Fee	$2.08

Commercial Cart and Container Service	
Cart Service	
One 20-gallon min cart	$33.77
One 35-gallon cart	$52.57
One 64-gallon cart	$96.11
One 96-gallon cart	$144.16
Container Service - Loose	
1 Cubic Yard Service	$159.50
1.5 Cubic Yards	$202.44
2 Cubic Yards	$244.92
3 Cubic Yards	$324.49
4 Cubic Yards	$405.31
6 Cubic Yards	$564.69
8 Cubic Yards	$723.07
Container Service - Compacted	
1 Cubic Yard Service	$403.85
1.5 Cubic Yards	$561.39
2 Cubic Yards	$717.85
3 Cubic Yards	$1,025.75
4 Cubic Yards	$1,334.83
6 Cubic Yards	$2,857.37

Commercial Roll-Off and Miscellaneous Service	
Roll-Off Service (per Pickup)	
Loose (Permanent)	$245.83
Loose (Temporary)	$248.22
Compactors	$269.68
Miscellaneous Service Fees (per Event)	
Container Rollouts (per Container)	$15.10
Unlocking Lids	$4.37
Opening Gates	$7.76
Standby Time (over 5 min.) per minute	$5.02
Additional Mileage Charge (for hauls to other sites--charge per mile)	$10.03
Return Trips	$69.53
Carry-Out Service (per Container per 25 ft)	$15.10
Redelivery	$97.87
Extra Cart Service (35-gallon equivalent)	$9.67
Extra Uncompacted Cubic Yard	$43.26
Pressure Washing (per yard)	$46.34

Proposed and Projected Solid Waste Rates

No rate structure changes were recommended for the solid waste utility at this time, pending results of Phase II. Across the board adjustments – equal increases to the fixed and variable charges – are to be implemented for all customer classes beginning in 2027. **Exhibit 19** provides a summary of the proposed and projected rates for the study period.

Exhibit 19. Proposed and Projected Solid Waste Rates

	Existing	Proposed		Projected			
	2026	2027	2028	2029	2030	2031	2032
Single Family Residential							
Monthly Collection							
35-gallon bin	$27.30	$28.75	$30.27	$31.87	$33.56	$35.34	$37.22
Weekly Collection							
10-gallon bin	$33.80	$35.59	$37.48	$39.46	$41.56	$43.76	$46.08
20-gallon bin	$67.54	$71.12	$74.89	$78.86	$83.04	$87.44	$92.07
35-gallon bin	$105.14	$110.71	$116.58	$122.76	$129.27	$136.12	$143.33
64-gallon bin	$192.22	$202.41	$213.14	$224.43	$236.33	$248.85	$262.04
96-gallon bin	$288.32	$303.60	$319.69	$336.64	$354.48	$373.26	$393.05
Hazardous Waste Fee	$2.08	$2.08	$2.08	$2.08	$2.08	$2.08	$2.08

	Existing	Proposed		Projected			
	2026	2027	2028	2029	2030	2031	2032
Commercial Cart and Container Service							
Cart Service							
One 20-gallon min cart	$33.77	$35.56	$37.44	$39.43	$41.52	$43.72	$46.04
One 35-gallon cart	$52.57	$55.36	$58.29	$61.38	$64.63	$68.06	$71.67
One 64-gallon cart	$96.11	$101.20	$106.57	$112.22	$118.16	$124.43	$131.02
One 96-gallon cart	$144.16	$151.80	$159.85	$168.32	$177.24	$186.63	$196.52
Container Service - Loose							
1 Cubic Yard Service	$159.50	$167.95	$176.86	$186.23	$196.10	$206.49	$217.44
1.5 Cubic Yards	$202.44	$213.17	$224.47	$236.36	$248.89	$262.08	$275.97
2 Cubic Yards	$244.92	$257.90	$271.57	$285.96	$301.12	$317.08	$333.88
3 Cubic Yards	$324.49	$341.69	$359.80	$378.87	$398.95	$420.09	$442.36
4 Cubic Yards	$405.31	$426.79	$449.41	$473.23	$498.31	$524.72	$552.53
6 Cubic Yards	$564.69	$594.62	$626.13	$659.32	$694.26	$731.06	$769.80
8 Cubic Yards	$723.07	$761.39	$801.75	$844.24	$888.98	$936.10	$985.71
Container Service - Compacted							
1 Cubic Yard Service	$425.25	$447.79	$471.53	$496.52	$522.83	$550.54	$425.25
1.5 Cubic Yards	$591.14	$622.47	$655.47	$690.21	$726.79	$765.31	$591.14
2 Cubic Yards	$755.90	$795.96	$838.14	$882.57	$929.34	$978.60	$755.90
3 Cubic Yards	$1,080.11	$1,137.36	$1,197.64	$1,261.12	$1,327.96	$1,398.34	$1,080.11
4 Cubic Yards	$1,405.58	$1,480.07	$1,558.52	$1,641.12	$1,728.10	$1,819.68	$1,405.58
6 Cubic Yards	$3,008.81	$3,168.28	$3,336.20	$3,513.01	$3,699.20	$3,895.26	$3,008.81

	Existing	Proposed		Projected			
	2026	2027	2028	2029	2030	2031	2032
Commercial Roll-Off and Miscellaneous Service							
Roll-Off Service (per Pickup)							
Loose (Permanent)	$245.83	$258.86	$272.58	$287.03	$302.24	$318.26	$335.12
Loose (Temporary)	$248.22	$261.38	$275.23	$289.82	$305.18	$321.35	$338.38
Compactors	$269.68	$283.97	$299.02	$314.87	$331.56	$349.13	$367.64
Miscellaneous Service Fees (per Event)							
Container Rollouts (per Container)	$15.10	$15.90	$16.74	$17.63	$18.56	$19.55	$20.58
Unlocking Lids	$4.37	$4.60	$4.85	$5.10	$5.37	$5.66	$5.96
Opening Gates	$7.76	$8.17	$8.60	$9.06	$9.54	$10.05	$10.58
Standby Time (over 5 min.) per minute	$5.02	$5.29	$5.57	$5.86	$6.17	$6.50	$6.84
Additional Mileage Charge (for hauls to other sites--charge per mile)	$10.03	$10.56	$11.12	$11.71	$12.33	$12.99	$13.67
Return Trips	$69.53	$73.22	$77.10	$81.18	$85.48	$90.01	$94.79
Carry-Out Service (per Container per 25 ft)	$15.10	$15.90	$16.74	$17.63	$18.56	$19.55	$20.58
Redelivery	$97.87	$103.06	$108.52	$114.27	$120.33	$126.70	$133.42
Extra Cart Service (35-gallon equivalent)	$9.67	$10.18	$10.72	$11.29	$11.89	$12.52	$13.18
Extra Uncompacted Cubic Yard	$43.26	$45.55	$47.97	$50.51	$53.19	$56.01	$58.97
Pressure Washing (per yard)	$46.34	$48.80	$51.38	$54.11	$56.97	$59.99	$63.17

Summary

FCS completed a rate study for the water, sewer, surface water, and solid waste utilities. The purpose of the study was to provide an updated rate forecast and financial plan targeting revenue sufficiency for long-term financial health and adequate funding for upcoming capital infrastructure investments throughout the forecast period for each service.

The results of this analysis indicate that each utility will need annual increases to satisfy all fiscal obligations. Proposed and projected rate increases are summarized in **Exhibit 20**.

Exhibit 20. Proposed and Projected Utility Rate Increases

	Proposed		Projected			
	2027	2028	2029	2030	2031	2032
Water	6.75%	6.75%	6.75%	6.75%	6.75%	6.75%
Sewer	8.85%	8.85%	8.85%	8.85%	8.85%	8.85%
Surface Water	5.90%	5.90%	5.90%	5.90%	5.90%	5.90%
Solid Waste	5.30%	5.30%	5.30%	5.30%	5.30%	5.30%
Combined	8.40%	8.35%	8.43%	8.51%	8.13%	8.18%

These revenue adjustments are designed to fund annual operating expenses, capital improvement programs, reserve goals, and financial performance targets.

As indicated in the discussion above, additional annual increases are projected outside the rate-setting period for both utilities. With the ever-changing nature of utility operations and ongoing capital needs, it is prudent to annually review revenues and expenses to the rate forecast and adjust the rate strategy, as needed.

We recommend that the City revisit the study findings during the budget cycle to check that the assumptions used are still appropriate and no significant changes have occurred that would alter the results of the study. The City should use the study findings as a living document, continuously comparing the study outcomes to actual revenue and expenses. Any significant or unexpected changes will require adjustments to the rate strategy.

Council Meeting: 10/20/2026
Agenda: Business
Item#: 9. a. (1)

ORDINANCE O-4951

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING SECTION 15.24.020 OF THE KIRKLAND MUNICIPAL CODE TO CHANGE WATER SYSTEM CUSTOMER RATES FOR 2027 AND 2028.

The City Council of the City of Kirkland do ordain as follows:

Section 1. Section 15.24.020 of the Kirkland Municipal Code, as last amended by Ordinance No. O-4884 §1 (2024), which contains a table that establishes the monthly water charge required to be paid to the City by customers of the Kirkland Water System, is hereby further amended to read as follows, with new rates shown under each applicable year:

15.24.020 Monthly water rates.

The monthly water charge required to be paid to the city by customers of the water system is established in Table 15.24.020.

Table 15.24.020 Monthly water rates

Customer Class	**Rate**	
	2027	**2028**
a. Single-family residential		
(1) Basic charge (includes 200 cubic feet of water consumed)	$27.48	$29.33
PLUS		
(2) Water consumption charge – ~~201~~ over 200 cubic feet to 1,200 cubic feet	$6.59 per 100 cubic feet	$7.03
PLUS		
(3) Water consumption charge - over 1,200 cubic feet	$8.66 per 100 cubic feet	$9.24

b. All other customers, including commercial and multifamily residential

Meter Size (inches)	**Rate**	
	2027	**2028**
(1) Basic charge per size of meter		
5/8 x 3/4	$20.65	$22.04
1	$35.51	$37.90
1-1/2	$56.42	$60.23
2	$90.50	$96.61
3	$257.06	$274.42
4	$355.08	$379.05
5	$459.11	$490.10
6	$607.87	$648.90

8	$905.40	$966.51

PLUS

(2) Water consumption charge	$6.23	$6.66
	per 100 cubic feet of water consumed	

PLUS

(3) Sprinkler consumption charge	$10.02	$10.70
	per 100 cubic feet of water consumed	

Section 2. *Effective Dates of Rates.*

A. The water rates set forth in Ordinance No. O-4884 (2024), which is amended by this ordinance, shall remain in force and effect until the rates set forth in this ordinance go into effect.

B. The 2027 monthly service and consumption rates established in this ordinance for water customers billed on the City of Kirkland billing cycles number 3, number 6, and number 8 (whose annual billing cycle is December 1 through November 30) shall go into effect and become the rates to be charged as of December 1, 2026.

C. The 2027 monthly service and consumption rates established in this ordinance for water customers billed on the City of Kirkland billing cycles number 2, number 4, and number 5 (whose annual billing cycle is January 1 through December 31) shall go into effect January 1, 2027.

D. The 2028 monthly service and consumption rates established in this ordinance for water customers billed on the City of Kirkland billing cycles number 3, number 6, and number 8 (whose annual billing cycle is December 1 through November 30) shall go into effect and become the rates to be charged as of December 1, 2027.

E. The 2028 monthly service and consumption rates established in this ordinance for water customers billed on the City of Kirkland billing cycles number 2, number 4, and number 5 (whose annual billing cycle is January 1 through December 31) shall go into effect January 1, 2028.

Section 3. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 4. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2026.

Signed in authentication thereof this _____ day of _____, 2026.

_____
Kelli Curtis, Mayor

Attest:

_____
Anastasiya Warhol, City Clerk

Approved as to Form:

_____
Darcey Eilers, City Attorney

PUBLICATION SUMMARY
OF ORDINANCE NO. O-4951

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING SECTION 15.24.020 OF THE KIRKLAND MUNICIPAL CODE TO CHANGE WATER SYSTEM CUSTOMER RATES FOR 2027 AND 2028.

SECTION 1. Amends Section 15.24.020 of the Kirkland Municipal Code related to monthly water charges paid to the City by customers of the City's water system.

SECTION 2. Provides an effective date for the water system rates.

SECTION 3. Provides a severability clause for the ordinance.

SECTION 4. Authorizes publication of the ordinance by summary and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the _____ day of _____, 2026.

I certify that the foregoing is a summary of Ordinance O-4951 approved by the Kirkland City Council for summary publication.

_____
Anastasiya Warhol, City Clerk

Council Meeting: 10/20/2026
Agenda: Business
Item#: 9. a. (2)

ORDINANCE O-4952

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING SECTION 15.24.070 OF THE KIRKLAND MUNICIPAL CODE TO CHANGE SEWER SYSTEM CUSTOMER RATES FOR 2027 AND 2028.

The City Council of the City of Kirkland do ordain as follows:

Section 1. Section 15.24.070 of the Kirkland Municipal Code, as last amended by Ordinance No. O-4885 §1 (2024), which contains a table that establishes the monthly sewer charge required to be paid to the City by customers of the Kirkland Sewer System, is hereby further amended to read as follows, with new rates shown under each applicable year:

15.24.070 Monthly volume-based sewer rates.

(a) The monthly sewer charge required to be paid to the city by customers of the Kirkland sewer system is established in Table 15.24.070.

(b) Annually, the city will calculate each single-family residential customer's average winter water consumption ("AWWC"). The resulting AWWC will be the basis for such customer's monthly sewer rate for the following calendar year.

(c) The director of public works is authorized to adopt administrative procedures for the purpose of administering the provisions of this chapter, including the procedure for annual calculation of average winter water consumption.

Table 15.24.070 (Effective 2027)

Customer Class	**Rate**
a. Single-family residential	
King County Wastewater charge	$70.65
PLUS	
Kirkland Base ~~basic~~ charge	$22.21 for the first 300 cubic feet of AWWC.
PLUS	
Kirkland Consumption charge	$7.40 per 100 cubic feet of AWWC beyond first 300 cubic feet.
b. Multifamily residential and commercial	
Basic charge	$82.98 for first 600 cubic feet of water consumed.
PLUS	
Kirkland Consumption charge	$13.88 per 100 cubic feet of water consumed beyond first 600 cubic feet.

c. In special cases, single-family residents will be billed according to the following policies:

Special Case	**Sewer Rate Policy**
New homes	Billed only basic charge until use is established.
Changes in property ownership	Billed only basic charge until use is established.
Changes in tenancy	Billed only basic charge until use is established.
Non-water customers	Billed at system average.
Leak adjustments	Billed per adjusted winter volume. City will factor water leak adjustment into calculation for sewer rate

Table 15.24.070 (Effective 2028)

Customer Class	**Rate**
a. Single-family residential	
King County Wastewater charge	$79.66
PLUS	
Kirkland Base ~~basic~~ charge	$24.17 for the first 300 cubic feet of AWWC.
PLUS	
Kirkland Consumption charge	$8.06 per 100 cubic feet of AWWC beyond first 300 cubic feet
b. Multifamily residential and commercial	
Basic charge	$90.32 for first 600 cubic feet of water consumed.
PLUS	
Consumption charge	$15.11 per 100 cubic feet of water consumed beyond first 600 cubic feet.

c. In special cases, single-family residents will be billed according to the following policies:

Special Case	**Sewer Rate Policy**
New homes	Billed only basic charge until use is established.
Changes in property ownership	Billed only basic charge until use is established.
Changes in tenancy	Billed only basic charge until use is established.
Non-water customers	Billed at system average.

Leak adjustments	Billed per adjusted winter volume. City will factor water leak adjustment into calculation for sewer rate

Section 2. *Effective Dates of Rates*.

A. The sewer rates set forth in Ordinance No. O-4885 §1 (2024), which is amended by this ordinance, shall remain in force and effect until the rates set forth in this ordinance go into effect.

B. The 2027 monthly service and consumption rates established in this ordinance for sewer customers billed on the City of Kirkland billing cycles number 3, number 6, and number 8 (whose annual billing cycle is December 1 through November 30) shall go into effect and become the rates to be charged as of December 1, 2026.

C. The 2027 monthly service and consumption rates established in this ordinance for sewer customers billed on the City of Kirkland billing cycles number 2, number 4, and number 5 (whose annual billing cycle is January 1 through December 31) shall go into effect January 1, 2027.

D. The 2028 monthly service and consumption rates established in this ordinance for sewer customers billed on the City of Kirkland billing cycles number 3, number 6, and number 8 (whose annual billing cycle is December 1 through November 30) shall go into effect and become the rates to be charged as of December 1, 2027.

E. The 2028 monthly service and consumption rates established in this ordinance for sewer customers billed on the City of Kirkland billing cycles number 2, number 4, and number 5 (whose annual billing cycle is January 1 through December 31) shall go into effect January 1, 2028.

Section 3. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

Section 4. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this ___ day of _____, 2026.

Signed in authentication thereof this ___ day of _____, 2026.

_____
Kelli Curtis, Mayor

Attest:

_____
Anastasiya Warhol, City Clerk

Approved as to Form:

_____
Darcey Eilers, City Attorney

PUBLICATION SUMMARY
OF ORDINANCE NO. O-4952

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING SECTION 15.24.070 OF THE KIRKLAND MUNICIPAL CODE TO CHANGE SEWER SYSTEM CUSTOMER RATES FOR 2027 AND 2028.

SECTION 1. Amends Section 15.24.070 of the Kirkland Municipal Code related to monthly sewer charges.

SECTION 2. Provides an effective date for the rates.

SECTION 3. Provides a severability clause for the ordinance.

SECTION 4. Authorizes publication of the ordinance by summary and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the _____ day of _____, 2026.

I certify that the foregoing is a summary of Ordinance O-4952 approved by the Kirkland City Council for summary publication.

_____
Anastasiya Warhol, City Clerk

Council Meeting: 10/20/2026
Agenda: Business
Item#: 9. a. (3)

ORDINANCE O-4953

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING SECTION 15.56.020 OF THE KIRKLAND MUNICIPAL CODE TO CHANGE ANNUAL SURFACE WATER UTILITY SERVICE RATES FOR 2027 AND 2028.

The City Council of the City of Kirkland do ordain as follows:

Section 1. Section 15.56.020 of the Kirkland Municipal Code, as last amended by Ordinance No. O-4886 §1 (2024), is hereby amended to read as follows, with new rates shown under each applicable year and with new text shown in underline and deleted text shown in ~~strikethrough~~:

15.56.020 ~~Monthly~~ Annual surface water utility service rates.

The ~~monthly~~ annual surface water utility rates are based on the impervious surface area.

(1) Single-Family Residential Parcels. The average impervious area for a single-family residence is two thousand six hundred square feet. This is based on the measurement of over three hundred parcels. This value is referred to as an equivalent service unit (ESU). The single-family service charge shall be equivalent to one ESU and shall be a flat rate as stated below in subsection (4).

(2) All other Customers, including Commercial and Multifamily Residential. The service charge for all classes other than single-family residences will be based on the number of ESUs. The actual measured impervious area of each individual site will be divided by two thousand six hundred square feet to determine the number of ESUs of the individual site. The computed rate shall not be less than that for one ESU. The surface water utility service rate for these customers shall be per each ESU as stated below in subsection (4).

(3) Late Fees. All fees and charges arising under this chapter which are past due or delinquent shall be charged a late fee of eight percent per annum.

(4) Annual rates.

2026 rates, to be effective January 1, 2026:

Single-Family Residential Parcels: a flat rate of twenty-three dollars and eight cents.

All other Customers, including Commercial and Multifamily Residential: twenty-three dollars and eight cents per each ESU.

2027 rates, to be effective January 1, 2027:

Single-Family Residential Parcels: a flat rate of two-hundred-ninety-three dollars and thirty cents.

All other Customers, including Commercial and Multifamily Residential: two-hundred-ninety-three dollars and thirty cents per each ESU.

2028 rates, to be effective January 1, 2028:

Single-Family Residential Parcels: a flat rate of three-hundred-ten dollars and sixty-one cents.

All other Customers, including Commercial and Multifamily Residential: three-hundred-ten dollars and sixty-one cents per each ESU.

Section 2. *Effective Dates of Rates*.

A. The surface water utility rates set forth in Ordinance No. O-4886 (2024), which is amended by this ordinance, shall remain in force and effect until the new rates set forth in this ordinance go into effect.

B. The 2027 rates established in this ordinance shall go into effect and become the rates to be charged as of January 1, 2027.

C. The 2028 rates established in this ordinance shall go into effect and become the rates to be charged as of January 1, 2028.

Section 3. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 4. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2026.

Signed in authentication thereof this _____ day of _____, 2026.

_____
Kelli Curtis, Mayor

Attest:

_____
Anastasiya Warhol, City Clerk

Approved as to Form:

_____
Darcey Eilers, City Attorney

PUBLICATION SUMMARY
OF ORDINANCE NO. O-4953

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING SECTION 15.56.020 OF THE KIRKLAND MUNICIPAL CODE TO CHANGE ANNUAL SURFACE WATER UTILITY SERVICE RATES FOR 2027 AND 2028.

SECTION 1. Amends Section 15.56.020 of the Kirkland Municipal Code related to annual surface water utility service rates.

SECTION 2. Provides an effective date for the rates.

SECTION 3. Provides a severability clause for the ordinance.

SECTION 4. Authorizes publication of the ordinance by summary and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the _____ day of _____, 2026.

I certify that the foregoing is a summary of Ordinance O-4953 approved by the Kirkland City Council for summary publication.

_____
Anastasiya Warhol, City Clerk

Council Meeting: 10/20/2026
Agenda: Business
Item#: 9. a. (4)

ORDINANCE O-4954

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING SECTION 16.12.030 OF THE KIRKLAND MUNICIPAL CODE TO CHANGE SOLID WASTE COLLECTION RATES FOR 2027 AND 2028.

The City Council of the City of Kirkland do ordain as follows:

Section 1. Section 16.12.030 of the Kirkland Municipal Code, as last amended by Ordinance No. O-4883 §1 (2024), is hereby further amended to read as follows, with new rates shown under each applicable year and with new text shown in underline and deleted text shown in ~~strikethrough~~:

16.12.030 Collection rates.

The rates to be charged for solid waste collection service in the city shall be as follows:

(1) Residential.

A. **Single-Family**	**Per Month Rate**	
Monthly Service	**2027**	**2028**
35-gallon cart	$14.37	$15.14
Weekly Service		
10-gallon mini cart	$17.80	$18.74
20-gallon mini cart	$35.56	$37.44
35-gallon cart	$55.36	$58.29
64-gallon cart	$101.20	$106.57
96-gallon cart	$151.80	$159.85
32-gallon Equivalent "extra"	$10.18	$10.72
Extra Yard Debris Service		
96-gallon cart	$31.99	$33.69
32-gallon container	$8.48	$8.93

As stated in Section 5.90.050, the solid waste rate to be charged to a qualified low-income customer shall be sixty percent of the rate set forth in Section 16.12.030 (1)(A).

One gray yard waste cart and one blue recycling cart is provided to each customer at no extra charge. The contractor will charge a fee for additional yard waste receptacles above the first

set provided. The contractor will provide a 35- or 96-gallon recycling cart on request to new residents and those residents needing less or additional capacity than provided by the default 64-gallon recycling cart.

B.	**Miscellaneous Service Fees**	**2027**	**2028**
	Return Trip	$41.87 Per Occurrence	$44.09
	Drive-in Charge	$19.01 Per Month	$20.01
	Redelivery Fee (carts)	$57.13 Per Occurrence	$60.15
	Carry-out Surcharge per 25 feet after the first 5 feet	$11.38 Per ~~m~~Month	$11.99

C.	**On-Call Bulky Waste Collection Fees (Per Occurrence – Per Item)**	**2027**	**2028**
	Appliances	$39.28	$41.36
	Refrigerator/Freezer	$52.37	$55.14
	Sofa	$39.28	$41.36
	Chair	$39.28	$41.36
	Mattress or box springs	$39.28	$41.36
	Tire: Auto/light truck	N/A	N/A
	Tire: Bus/heavy truck	N/A	N/A
	Tire: Additional for rims or wheels	N/A	N/A
	Miscellaneous, per cubic yard	$209.53	$220.63

D.	**Temporary Container Service**	**2027**	**2028**
	Temp. 2-yard container	$164.77	$173.51
	Daily rent	$3.83	$4.04
	Delivery fee	$144.76	$152.43
	Temp. 4-yard container	$208.92	$219.99
	Daily rent	$4.78	$5.03

Delivery fee	$144.76	$152.43
Temp. 6-yard container	$251.52	$264.85
Daily rent	$5.70	$6.00
Delivery fee	$144.76	$152.43
~~Temp. 100-yard container~~		

(2) Multifamily and Commercial

A. **Carts**

Weekly Service	**2027**	**2028**
20-gallon mini cart	$35.56	$37.44
35-gallon cart	$55.36	$58.29
64-gallon cart	$101.20	$106.57
96-gallon cart	$151.80	$159.85
32-gallon equivalent “extra”	$10.18	$10.72

B. **Miscellaneous Services**

~~(Per Event)~~	**2027**	**2028**
Return Trip (per event)	$73.22	$77.10
~~Carry-out service (per container, per 25 feet)~~		
Redelivery (per event)	$103.06	$108.52
Roll-out container (for distances beyond 25 feet)	$15.90 (Per Month, per 25 feet)	$16.74
~~Unlock container~~		
~~Gate opening~~		
Pressure washing (per yard, per event)	$48.80	$51.38

C. **Comm. MF Uncompacted Containers**

	2027	2028
1 Cubic Yard Uncompacted		
1 pickup/week/container	$168.05	$176.95
2 pickups/week/container	$324.27	$341.46
3 pickups/week/container	$480.57	$506.04
4 pickups/week/container	$636.82	$670.57
5 pickups/week/container	$793.06	$835.09
6 pickups/week/container	$949.33	$999.65
1.5 Cubic Yard Uncompacted		
1 pickup/week/container	$213.17	$224.47
2 pickups/week/container	$412.50	$434.36
3 pickups/week/container	$611.80	$644.23
4 pickups/week/container	$811.14	$854.13
5 pickups/week/container	$1,010.42	$1,063.97
6 pickups/week/container	$1,209.90	$1,274.02
2 Cubic Yard Uncompacted		
1 pickup/week/container	$257.90	$271.57
2 pickups/week/container	$497.58	$523.96
3 pickups/week/container	$737.86	$776.96
4 pickups/week/container	$978.02	$1,029.85
5 pickups/week/container	$1,218.27	$1,282.84
6 pickups/week/container	$1,460.65	$1,538.06
3 Cubic Yard Uncompacted		
1 pickup/week/container	$341.69	$359.80
2 pickups/week/container	$663.72	$698.89

3 pickups/week/container	$985.72	$1,037.97
4 pickups/week/container	$1,307.74	$1,377.05
5 pickups/week/container	$1,629.75	$1,716.13
6 pickups/week/container	$1,951.84	$2,055.29
4 Cubic Yard Uncompacted		
1 pickup/week/container	$426.79	$449.41
2 pickups/week/container	$864.79	$910.62
3 pickups/week/container	$1,234.43	$1,299.86
4 pickups/week/container	$1,638.27	$1,725.10
5 pickups/week/container	$2,042.06	$2,150.29
6 pickups/week/container	$2,445.93	$2,575.56
6 Cubic Yard Uncompacted		
1 pickup/week/container	$594.62	$626.13
2 pickups/week/container	$1,161.89	$1,223.47
3 pickups/week/container	$1,729.45	$1,821.11
4 pickups/week/container	$2,296.91	$2,418.65
5 pickups/week/container	$2,864.32	$3,016.13
6 pickups/week/container	$3,431.80	$3,613.69
8 Cubic Yard Uncompacted		
1 pickup/week/container	$761.39	$801.75
2 pickups/week/container	$1,492.37	$1,571.47
3 pickups/week/container	$2,223.42	$2,341.26
4 pickups/week/container	$2,954.48	$3,111.06
5 pickups/week/container	$3,685.48	$3,880.81
6 pickups/week/container	$4,416.55	$4,650.62
“Extra” Uncompacted Cubic Yard	$45.55	$47.97

D.	**Comm./MF Compacted Containers (Weekly Pulls)**	**2027**	**2028**
	1 cubic yard container	$425.25	$447.79
	1.5 cubic yard container	$591.14	$622.47
	2 cubic yard container	$755.90	$795.96
	3 cubic yard container	$1,080.11	$1,137.36
	4 cubic yard container	$1,405.58	$1,480.07
	6 cubic yard container	$3,008.81	$3,168.28

E.	**Comm./MF Yard Debris (Per Month)**	**2027**	**2028**
	96-gallon cart (weekly collection)	$24.61	$25.91
	2 cubic yard container (weekly)	$188.98	$199.00
	Extra cubic yard	$58.80	$61.92
	Extra yard debris 32-gallon can	$8.72	$9.18

F.	**Roll-off Container Rental Permanent Noncompacted Service (Per Month)**	**2027**	**2028**
	10 cubic yard container	$79.22	$83.42
	15 cubic yard container	$92.40	$97.30
	20 cubic yard container	$118.82	$125.12
	25 cubic yard container	$132.51	$139.53
	30 cubic yard container	$145.24	$152.94
	40 cubic yard container	$158.42	$166.82

G.	**Roll-off Container Rental Temporary Noncompacted Service (Per Month)**	**2027**	**2028**
	10 cubic yard container	$92.54	$97.44
	15 cubic yard container	$105.51	$111.10

	20 cubic yard container	$121.50	$127.93
	25 cubic yard container	$137.47	$144.76
	30 cubic yard container	$150.78	$158.77
	40 cubic yard container	$176.75	$186.11

(3) **Comm./MF Drop-Box Collection (Per Haul)**

A.	**Noncompacted Service**	**2027**	**2028**
	10 cubic yard container	$258.86	$272.58
	15 cubic yard container	$258.86	$272.58
	20 cubic yard container	$258.86	$272.58
	25 cubic yard container	$258.86	$272.58
	30 cubic yard container	$258.86	$272.58
	40 cubic yard container	$258.86	$272.58

B.	**Compacted Service**	**2027**	**2028**
	10 cubic yard container	$283.97	$299.02
	15 cubic yard container	$283.97	$299.02
	20 cubic yard container	$283.97	$299.02
	25 cubic yard container	$283.97	$299.02
	30 cubic yard container	$283.97	$299.02
	40 cubic yard container	$283.97	$299.02

C.	**Temporary Noncompacted**	**2027**	**2028**
	10 cubic yard container	$261.38	$275.23
	15 cubic yard container	$261.38	$275.23
	20 cubic yard container	$261.38	$275.23
	25 cubic yard container	$261.38	$275.23
	30 cubic yard container	$261.38	$275.23
	40 cubic yard container	$261.38	$275.23

	Delivery Fee – all Temp Customers	$198.02	$208.51
D.	**Additional Services**	**2027**	**2028**
	Additional mileage charge for hauls to other sites Charge per mile	$10.56	$11.12
	Return Trip	$92.40	$97.30
	Solid drop-box lid charge per month	$92.40	$97.30
	Pressure washing (per yard)	$21.14	$22.26
	Stand-by time (per minute)	$5.29	$5.57
	Hourly Rates		
	Rear/side load packer and driver	$277.20	$291.89
	Front load packer and driver	$277.20	$291.89
	Drop-box truck and driver	$277.20	$291.89
	Additional labor (per person)	$132.05	$139.04

(4) Wherever detachable containers are used having a capacity for which a rate has not been established, the director of Public Works is authorized to establish a rate for such container, which shall be consistent with the ratio of the container capacity to rate charged for the rate herein established.

(5) In addition to the collection rates established in subsections (1), (2) and (3) of this section, there shall be included a hazardous waste charge adopted by King County Board of Health.

Section 2. *Effective Dates of Rates*.

A. The garbage rates set forth in Ordinance No. O-4883 (2024), which is amended by this ordinance, shall remain in force and effect until the new rates set forth in this ordinance go into effect.

B. The 2027 rates established in this ordinance shall go into effect and become the rates to be charged as of January 1, 2027.

C. The 2028 rates established in this ordinance shall go into effect and become the rates to be charged as of January 1, 2028.

Section 3. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

Section 4. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this ___ day of _____, 2026.

Signed in authentication thereof this ___ day of _____, 2026.

_____
Kelli Curtis, Mayor

Attest:

_____
Anastasiya Warhol, City Clerk

Approved as to Form:

_____
Darcey Eilers, City Attorney

PUBLICATION SUMMARY
OF ORDINANCE NO. O-4954

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING SECTION 16.12.030 OF THE KIRKLAND MUNICIPAL CODE TO CHANGE SOLID WASTE COLLECTION RATES FOR 2027 AND 2028.

SECTION 1. Amends Section 16.12.030 of the Kirkland Municipal Code by amending solid waste collection rates.

SECTION 2. Provides an effective date for the rates.

SECTION 3. Provides a severability clause for the ordinance.

SECTION 4. Authorizes publication of the ordinance by summary and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the _____ day of _____, 2026.

I certify that the foregoing is a summary of Ordinance O-4954 approved by the Kirkland City Council for summary publication.

_____
Anastasiya Warhol, City Clerk

Council Meeting: 10/20/2026
Agenda: Business
Item #: 9. b.

CITY OF KIRKLAND
CITY MANAGER'S OFFICE
123 Fifth Avenue, Kirkland, WA 98033
425-587-3000

MEMORANDUM

To: Kurt Triplett, City Manager

From: Andreana Campbell, Government Affairs Manager
Kate Ryan, Special Projects Coordinator

Date: September 25, 2026

Subject: **First Review of the Draft State Legislative Priorities for the 2027 Legislative Session**

RECOMMENDATION:

Staff recommends that the City Council reviews and provides feedback on the draft State legislative priorities for the upcoming 2027 legislative session.

EXECUTIVE SUMMARY:

- Council's Legislative Work Group (LWG) guides the development of the City's legislative priorities and activities on behalf of the full Council. LWG membership is appointed by the Mayor and confirmed by theCouncil. For the 2027 legislative session, the LWG consists of Deputy Mayor Neal Black, Councilmember Jay Arnold (Chair), and Councilmember Amy Falcone. Committee members are in their second year of appointment to this Intermittent Council Committee.
- The City's State Legislative Agenda, which is adopted by the Council each year, includes the legislative priorities that will be the primary focus of the City at the Washington State Legislature and will guide the LWG's support for legislation that advances the City's adopted goals, plans, and policies.
- The LWG proposes updated language, new, and continued legislative advocacy actions for inclusion in the draft 2027 State Legislative Agenda, which reflects input from each councilmember and staff from across the City.
- Staff will return to Council on November 17 for final Council consideration and potential adoption.

BACKGROUND:

The Washington State Legislature will convene for its annual legislative session on Monday, January 11, 2027. This session, the first of the biennium, will be a long session of 105 days, concluding on April 25, 2027. As this is the first session of the biennium, the legislature is anticipated to be focused on developing the new biennial budgets and priority policies that are identified by the legislative membership that will reflect results from the general election this November.

The City Council's Legislative Work Group (LWG) guides the development of the City's legislative priorities and activities on behalf of the full Council. The current LWG consists of Deputy Mayor Neal Black, Councilmember Jay Arnold, who serves as chair, and Councilmember Amy Falcone. The LWG is staffed by the City Manager, Government Affairs Manager, and Special Projects Coordinator with support from the City's contracted lobbyists, Bryan McConaughy and Brian Enslow. The LWG meets at least monthly throughout the fall to develop the draft legislative agenda and weekly during session to track the status of the City's adopted priorities and provide support and oversight of strategies for achieving the priorities approved by the City Council.

The City's Legislative Agenda consists of three segments. The first segment is "General Principles," which guide the LWG's support for legislation that advances the City's adopted goals, plans, and policies. The second is "Legislative Priorities," which represent the specific actions that will be the primary legislative focus for the LWG during session. The third segment is titled "Further Monitoring of Other Policy Organizations," which includes organizations that also advocate for legislation in Olympia that the LWG monitors to identify policies that may align with the City's general principles for support or may warrant returning to Council for approval for further engagement. This year the LWG proposes organizing priorities under broader policy headings that are intended to group related priorities and highlight connections across policy areas. Further detail is provided in the discussion/analysis portion of this memorandum.

The City's State Legislative Agenda and LWG processes have proven highly effective in advancing the priorities of the City Council and serving the interests of the broader community. The LWG plays a central role each year in advancing the City's State legislative priorities. Although the work group has operated in a consistent manner, its purpose, structure, and bill review process have not yet been fully formalized by Council. Proposed on the consent agenda for the October 20, 2026 regular meeting, staff is recommending adoption of amendments to the Council Policies and Procedures that further clarify the advisory role of intermittent Council Committees. The memo also includes a draft LWG specific charter outlining the committee's purpose, membership, responsibilities, meeting procedures, and relationship to the full Council. The Council will not be asked to approve the charter on October 20th. Staff intend to return to Council in November for the formal adoption of the state legislative agenda and will provide an update on the status of these changes.

DISCUSSION/ANALYSIS:

The process for developing the coming session's legislative agenda begins in the preceding year, with staff maintaining a running list of ideas as they arise throughout the year from councilmembers, legislators, City staff, and constituents. Staff also directly reaches out to directors and managers of each City department for potential new issues or ideas in the summer. In July and August, staff met individually with all seven councilmembers to gather their thoughts and ideas for potential legislative priorities. A comprehensive list of all policy suggestions brought forward, organized by subject area, can be seen in Attachment 1.

The LWG reviewed and discussed all legislative ideas proposed by staff and Council. Based on that discussion, staff developed a narrower priorities list for the LWG's review in September. This year, the LWG is proposing a focused legislative agenda, given the continued significant State budget challenges. The LWG also proposes reorganizing the 2027 State Legislative Agenda under three broader policy headings and revising the priority statements to reflect its recommended focus for the upcoming session. Several priorities carry forward or expand existing policy themes, while others consolidate or replace prior language or introduce new

areas of emphasis. Given the extent of these revisions, this memorandum presents the proposed 2027 priorities in clean form, followed by staff comments in italics explaining the changes from 2026 and the intended scope of advocacy under each priority in italics below the updated language. The draft state legislative agenda can be seen in Attachment 2.

Draft General Principles
Kirkland supports legislation that promotes the City Council's goals, plans, policies, and initiatives that enable Kirkland to provide basic municipal services and meet the needs of current and future community members.

- Protect shared State revenue sources available to the City and provide new revenue options and flexibility of existing revenues, such as revisiting the 1% property tax cap.
- Support the partnership between cities and the State to ensure that critical mandates are funded and vital services are provided to all community members, including community-based behavioral health and other critical human services.
- Advance initiatives identified in the City's Work Program; Council Goals; Budget; Comprehensive Plan; Sustainability Strategic Plan; Transportation Strategic Plan; Diversity, Equity, Inclusion, and Belonging 5-year Roadmap; Housing Strategy Plan; Homelessness Action Plan, and related documents.
- Support State legislation that protects our residents and businesses from loss of critical assistance programs or civil liberties due to federal actions.

Staff Comments:
The LWG is not recommending any proposed changes to the general principles sections this year.

Draft Legislative Priorities
Housing & Affordability

- Support funding and implementation tools that expand housing affordability, preserve local planning authority when necessary to achieve our City's goals, and provide concurrent investments in infrastructure needed to support growth.
- Support legislative actions that improve regional affordability by addressing the cumulative impacts of utility rates.

Staff Comments:
The first bullet builds on the 2026 affordable housing priority. The suggested changes to the first bullet reflect Councilmember input on preserving local planning authority, simplifying lot-splitting procedures, and clarifying how City contributions through A Regional Coalition for Housing (ARCH) are recognized in meeting the Growth Management Act's requirements to plan for and accommodate affordable housing.

The second bullet reflects the LWG's recommendation to continue advocating on regional affordability, with a focus on the cumulative impacts of utility rates. The LWG's understanding is that Executive Zahilay and the King County Wastewater Treatment Division (WTD) intend to host a second utility rate summit in early December to examine WTD related rate drivers and workshop potential solutions. Given the timing of the summit, staff recommend the LWG keep a utility rate and regional affordability priority on the agenda for 2027.

Transportation & Sustainability

- Support legislation that improves the safe and legal operation of electric motorcycles and similar vehicles through balanced approaches to enforcement, product safety, education, equity, sustainability, and manufacturer responsibility.
- Preserve and expand policy and funding tools that support a safe, reliable, and affordable transportation system, including local transportation resources and local funding authority, transportation infrastructure investments, and technologies that improve community safety.

Staff Comments:
Concerns about the safe operation and regulation of e-motorcycles were a recurring theme in the input received during development of the draft priorities. Last session, legislation passed that established a work group to study their regulation and enforcements. That work group is expected to submit recommendations to the Legislature in early December to inform the 2027 session.

The second bullet focuses on advocating for transportation package revenue, an increase to the vehicle weight subject to Transportation Benefit District fees, and, if applicable this session, authorization to utilize the technology for noise camera enforcement.

The State has explored transportation revenue packages the last few legislative sessions to identify sources to replace the declining gas tax revenue. The LWG anticipates the legislature to introduce legislation regarding a Road Usage Charge (RUC) again this session or Highway Use Fee (HUF) and recommend maintaining support for either if they continue to include revenue sharing with local government.

Additionally, the LWG is aware of legislation likely to return this session that would increase the vehicle weight subject to Transportation Benefit District (TBD) fees from 6,000lbs to 9,000lbs. This bill was introduced as electric passenger vehicles tend to be much heavier than gas passenger vehicles. The City of Kirkland has a TBD and would likely see an increase in TBD revenue if this bill passes. TBD revenue can be spent on transportation infrastructure improvements as well as projects identified in the City's Safer Routes to School Action Plan.

A budget proviso over the last few sessions has enabled a noise enforcement pilot in Kirkland to develop technology to identify loud auto uses on local roads, often as experienced during street racing. The pilot program in Kirkland concluded in the summer of 2024 but needs legislation to enable local governments to use the technology. Over the last two sessions, legislation enabling the use was introduced, but not passed due to the complicated nature of camera enforcement programs. While the LWG does not anticipate the reintroduction of legislation authorizing cities to use the technology, the second bullet under this section of the draft state legislative agenda would support advocacy for such legislation if reintroduced.

Public Safety & Behavioral Health

- Support legislation that improves the long-term sustainability of municipal jail operations through standards-based liability protections.
- Support investments in behavioral health systems, crisis response, crisis clinics, and Mobile Integrated Health programs that improve outcomes while providing stable and sustainable funding.

- Support legislation that addresses increasing public defense costs.
- Support legislation that expands ballot box buffer zones to preserve voter access and privacy and reduce the potential for intimidation or interference when returning a ballot.

Staff Comments:
Kirkland and a dozen other municipalities operate their own jail. Often, these cities, like Kirkland, contract out their jail services to other municipalities that do not operate their own jail. Alternatively, cities contract with regional jails like the South Correctional Entity (SCORE) to help address capacity needs. By providing a municipal jail option, Kirkland is able to tailor its services and provide resources that more effectively meet the needs of the community. Municipal jails, SCORE, and County jails are struggling to maintain operations as costs continue to increase due to liability and medical provider services. Kirkland along with the other municipal jail provider cities, counties, and SCORE have been meeting regularly over the interim to formulate a proposal that would provide liability relief to jails that meet a certain standard of care.

The second bullet continues the Council's continued support for behavioral health and crisis response efforts. While the draft general principles touch on behavioral health, the LWG recommends a specific priority focused on improving outcomes and providing stable and sustainable funding.

The third bullet responds to the rising costs of public defender services. The cost of public defense in Kirkland nearly doubled between 2018 and 2025 as both contracted defender rates and
Lk7ucase volume increased. Costs are expected to nearly double again between 2025 and 2026, reflecting pressures associated with the Washington State Supreme Court's revised public defense caseload standards.

The final bullet is consistent with Council direction received at its October 6, 2026, regular meeting directing staff to explore expanding ballot box buffer zones to at least 100 feet. Current Washington State law has a 25-foot buffer zone around ballot boxes and a 100-foot buffer zone around voting sites. In other states with laws that recognize that ballot boxes are distinct from voting sites, their law sets consistent buffer zone distances between the two. In staff's research of the issue, it was found that some states have as much as a 250-foot buffer zone while Washington State has the smallest.

Draft Capital Budget Requests
Capital budget requests are still under development by staff. Initial options for the 1st, 45th and 48th Legislative Districts will be presented at the October 20th Council meeting for discussion.

Further Monitoring of Other Policy Organizations
Prior to the 2026 legislative session, this section of the legislative agenda was titled, "Policy Champion Ally Organizations." Last session, the LWG recommended, and Council approved, changing the title to, "Further Monitoring of Other Policy Organizations." This list on page two of the draft Legislative Agenda is a list of organizations in which the City is involved, or that, historically, have supported policies that align with previous or current Council goals. This includes policies that may advance initiatives identified in the City-adopted plans listed in the General Principles of the Legislative Agenda.

Inclusion on this list does not imply automatic support of an organization's legislative agenda. The primary purpose of this list is to aid Kirkland's Legislative Work Group in monitoring legislation and to signal where the City, with subsequent discussion by the Council, may choose to invest additional effort on advocacy. Intentionally keeping this list narrow allows the LWG to focus on high-priority policies and bills, while remaining open to dedicating additional time and effort to particular legislation, if and when priorities align. Organizations may only be added to or removed from the list by a vote of the Council.

> Staff Comments:
> *The LWG is recommending the addition of the Sound Cities Association (SCA) to the list under," Regional & Statewide." The City of Kirkland is a member city of SCA and sits on various regional board and committee seats granted through SCA. SCA advocates on behalf of the interests of the cities in King County, except for the City of Seattle.*

Transportation
- Eastside Transportation Partnership
- Transportation Choices
- Eastrail Partners

Housing
- Washington Low Income Housing Alliance
- Housing Development Consortium

Human Services
- Eastside Human Services Forum
- King County Behavioral Health
- Faith Action Network

Environmental
- King County-Cities Climate Collaboration
- People for Climate Action Kirkland
- Lake Washington/Cedar/Sammamish Watershed (WRIA8) Partners

Water
- Cascade Water Alliance

First Response
- Washington Association of Sheriffs & Police Chiefs
- Washington Fire Chiefs Association
- Alliance for Gun Responsibility

Parks
- Washington Recreation & Parks Association

Open Government & Transparency
- Washington Coalition for Open Government

Educational Institutions
- Lake Washington School District
- Lake Washington Institute of Technology

- Cascadia College

Regional & Statewide
- Association of Washington Cities
- King County
- Puget Sound Regional Council
- Sound Cities Association

Other Issue Areas
- Pro-Choice Washington
- Planned Parenthood
- Washington Co-Responder Outreach Alliance
- Kirkland Chamber of Commerce

Questions for Council consideration:
- Does Council have any amendments to propose to the draft General Principles, Priorities, Capital Budget requests, or Further Monitoring of Other Policy Organizations?

NEXT STEPS:

After Council provides feedback on the draft agenda, the LWG will incorporate that direction into a recommended final 2027 State Legislative Agenda for consideration and adoption by resolution at the November 17 meeting. The goal is to adopt the agenda before hosting the annual legislative coffees with the City's delegation members from the 1st, 45th, and 48th Legislative Districts, which are targeted for late November through early December.

ATTACHMENTS:

Attachment 1 – Policy Recommendations by Subject Area
Attachment 2 – Draft 2027 State Legislative Agenda

Attachment 1

2027 Legislative Agenda Development

Policy Proposals by Subject Area

Housing

- **Continue opposing legislation that erodes local housing priorities, including impacts to ground-floor commercial space**
    - **Protect cities' abilities to implement inclusionary zoning**
- Amend short term rental property regulations so that short term rental platforms have to provide itemized information for each short-term rental property.
- HOA restrictions on missing middle
- Reevaluate Commerce's calculation of affordable housing requirements in comprehensive plans
    - **Allow monetary contributions to entities such as ARCH to count toward GMA required mandates of "plan for and accomodate affordable housing" HB 1220**
- **Urban lot subdivisions approval administratively and without development permits**
- Create a new multi-family and middle housing section within the Washington State Energy code that rolls back to the 2015 code
- Incentivize storage facility redevelopment in growth centers, including financial disincentives.
- **Support the development of financing tools that support the commercial portion of mixed-use housing and retail**

Other Ideas from 2025

- Graduated REET increment for affordable housing (support & concerns), local option focus
- Condominium liability reform
- Property Tax Cap reform
- Evaluation of state adopted housing policies to identify if desired outcome is being achieved

Utility Rates

- Explore regulatory holidays or pauses as affordability tools
- Consider impacts of large energy users ~~and battery storage~~ on future utility affordability
- Regional water coordination/system
- **Council supported legislative actions that slow the growth of utility rates**

Transportation (Including E-motos)/Public Works

- Consider legislative language to support recommendations emerging from the state e-moto workgroup rather than prescribing specific solutions
    - **Expand discussion beyond enforcement to include equity, sustainability, product safety, environmental impacts, and manufacturer responsibility**
    - **Expanded enforcement tools that support legal and safe operations of e-motorcycles, especially for minors.**
    - **Consider making e-motos their own legislative priority instead of a transportation sub-bullet**
- Expand CHIP to include ADA ramps and protected sidewalks
- **Increase Transportation Benefit District funding by increasing vehicle weight limits subject to TBD fees**

DRAFT

Attachment 1

2027 Legislative Agenda Development

Policy Proposals by Subject Area

- **Preservation of local allocation of revenue through new funding tool utilization, such as a Highway Use Fee (HUF) local option for operation & maintenance**
- Concerns about potential proposals to shift financial responsibility of sidewalk development from developers to local governments
- Limiting risk when acquiring private road parcels
- Chapter 39.34 RCW – Cooperative Purchasing - include explicit law in the legislation that cooperative purchasing agreements could include some public works work (e.g., electrical, plumbing, etc.)

Other Ideas from 2025

- Noise enforcement pilot implementation, explore camera enforcement outside of PD
- Protection of ability to collect impact fees
- State role in supporting delivery of transit, especially if they mandate density around service
- Lower DUI thresholds

Law Enforcement and Corrections

- **Continue pursuing municipal jail liability reform based on standards developed through the municipal jail caucus (continuation of conversations that began as interest arbitration concerns)**
- Automated License Plate Reader (ALPR) Senate Bill 6002 revision surrounding parking enforcement language (fold into singular bullet under transportation – privacy and cameras)

Behavioral Health

- **Support alternative public safety responses including behavioral health and human services within the first response system.**
- **Improve the operating environment and fiscal sustainability of co-response and alternative response for people experiencing behavioral health crisis**
- **Mobile Integrated Health (MIH) – Advocate for stable ongoing funding for MIH programs. Current MIH services are reimbursable by health insurance, but no pathway currently exists.**

Public Defense

- **Continue pursuing funding tools to address increased public defense costs – including the WA state specific study**
- Consider a Washington-specific implementation/phasing study if additional funding is unavailable

Sustainability

- Statewide ban or transition on gas powered leaf blowers
- NPDES permit implementation funding (move under transportation header)
- Mitigation for increased flows resulting from upsizing culverts to make them fish passable
- Maintain the Public Works Trust Fund to Address Aging and Failing Infrastructure
- Encapsulated Styrofoam sunsetting date

Labor, Workforce, and Economic Development

- Amend HB 1155 to exempt public agencies from the prohibition of non-competition agreements and clarification of non-solicitation agreements

DRAFT

2027 Legislative Agenda Development

Policy Proposals by Subject Area

- Explore countywide versus city-by-city approaches to minimum wage

Capital Requests

- Generator for LDS church ($500k)
- Capital Request for NKCC and/or KTUB – Accessibility improvements such as elevator, restrooms, and entrances ($500K)
- Capital request for CKC enhancements (i.e. current trail spot improvements, planning, and implementation of plan)
- Turf and scoreboard at Crestwoods Park
- Peter Kirk Community Center AV improvements
- Consider permitting technology as a capital budget request rather than operational funding
- Consider partnering with Kenmore/Bothell on shared First Legislative District capital requests
- Explore improvements related to the Kraken facility
- Review underfunded CIP projects when considering capital requests

Issues to Monitor

- Removing barriers to running for council, such as ranked choice voting without risk to jurisdictions who go first on change
- State Department of Housing task force
- Housing Development Consortium proposals
- Sound Transit affordability.
- Building code pause proposals.

Other Ideas from 2025-26

- Reducing barriers to working sub-regionally
- Support school districts in their requests
- No new/increased taxes; new tools for local funding needs
- Business license late fee alignment between cities and state

DRAFT

CITY OF KIRKLAND

2027 Legislative Agenda

General Principles

Kirkland supports legislation that promotes the City Council's goals, plans, policies, and initiatives that enable Kirkland to provide basic municipal services and meet the needs of current and future community members.

- Protect shared State revenue sources available to the City and provide new revenue options and flexibility of existing revenues.
- Support the partnership between Cities and the State to ensure that critical mandates are funded, and vital services are provided to all community members, including community-based behavioral health and other critical human services.
- Advance initiatives identified in the City's Work Program; Council Goals; Budget; Comprehensive Plan; Sustainability Strategic Plan; Transportation Strategic Plan; Diversity, Equity, Inclusion, and Belonging 5-year Roadmap; Housing Strategy Plan; Homelessness Action Plan, and related documents.
- Support State legislation that protects our residents and businesses from loss of critical assistance programs or civil liberties due to federal actions.

2027 Legislative Priorities

Housing & Affordability

- Support funding and implementation tools that expand housing affordability, preserve local planning authority when necessary to achieve our City's goals, and provide concurrent investments in infrastructure needed to support growth.
- Support legislative actions that improve regional affordability by addressing the cumulative impacts of utility rates.

Transportation & Sustainability

- Support legislation that improves the safe and legal operation of electric motorcycles and similar vehicles through balanced approaches to enforcement, product safety, education, equity, sustainability, and manufacturer responsibility.
- Preserve and expand policy and funding tools that support a safe, reliable, and affordable transportation system, including local transportation resources and local funding authority, transportation infrastructure investments, and technologies that improve community safety.

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- Support legislation that addresses increasing public defense costs.
- Support legislation that expands ballot box buffer zones to preserve voter access and privacy and reduce the potential for intimidation or interference when returning a ballot.

2027 Budget Requests

Kirkland requests capital budget funding for:

- **TBD**
- **TBD**
- **TBD**

Andreana Campbell Government Affairs Manager | (425) 587-3013 | acampbell@kirklandwa.gov
Brian Enslow brian@arbutusllc.com | **Bryan McConaughy** bryan@bmcconsulting.net

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CITY OF KIRKLAND

2027 Legislative Agenda

Further Monitoring of Other Policy Organizations[1]

Kirkland monitors legislation proposed by the following organizations for alignment with the City's General Principles and Legislative Priorities.

Transportation
- Eastside Transportation Partnership
- Transportation Choices
- Eastrail Partners

Housing
- Washington Low Income Housing Alliance
- Housing Development Consortium

Human Services
- Eastside Human Services Forum
- King County Behavioral Health
- Faith Action Network

Environmental
- King County-Cities Climate Collaboration
- People for Climate Action Kirkland
- Lake Washington/Cedar/Sammamish Watershed (WRIA8) Partners

Water
- Cascade Water Alliance

First Response
- Washington Association of Sheriffs & Police Chiefs
- Washington Fire Chiefs Association
- Alliance for Gun Responsibility

Parks
- Washington Recreation & Parks Association

Open Government & Transparency
- Washington Coalition for Open Government

Educational Institutions
- Lake Washington School District
- Lake Washington Institute of Technology
- Cascadia College

Regional & Statewide
- Association of Washington Cities
- King County
- Puget Sound Regional Council
- Sound Cities Association

Other Issue Areas
- Pro-Choice Washington
- Planned Parenthood
- Washington Co-Responder Outreach Alliance
- Kirkland Chamber of Commerce

DRAFT

[1] *This is a list of organizations in which the City is involved or that, historically, have supported policies that align with previous or current Council goals, including policies that may advance initiatives identified in the City-adopted plans listed above in the General Principles. Inclusion on this list does not imply automatic support of an organization's legislative agenda. The primary purpose of this list is to aid Kirkland's Legislative Work Group in monitoring legislation and to signal where the City, with subsequent discussion by the Council, may choose to invest additional effort on advocacy. Intentionally keeping this list narrow allows the Legislative Work Group to focus on high-priority policies and bills, while remaining open to dedicating additional time and effort to particular legislation, if and when priorities align.*

Andreana Campbell Government Affairs Manager | (425) 587-3013 | acampbell@kirklandwa.gov
Brian Enslow brian@arbutusllc.com | **Bryan McConaughy** bryan@bmcconsulting.net

Council Meeting: 10/20/2026
Agenda: City Manager Reports
Item #: 10. b. (1) (a)

LRM 080526A

LEGISLATIVE REQUEST MEMORANDUM

This is a scoping document to be prepared with information already known or readily available, without much additional research; inform Council of the options including resource call on staff and budget.

Title: Explore Options to Allow a Shared Micromobility Program, Including E-Scooters, E-Gliders and E-Bikes, Within the City	
Requesting Councilmember: Councilmember Jon Pascal; Councilmember Jay Arnold; Deputy Mayor Neal Black	Department: Public Works Author: Stephen Padua, Transportation Manager
Date of Request: August 5, 2026	Due Date: September 15, 2026

REQUEST SUMMARY

A clear, concise description of the issue(s) to be addressed, and why the City should be involved.

This Legislative Request Memo (LRM) was introduced by Councilmember Pascal as a joint request with Councilmember Arnold and Deputy Mayor Black. Many municipalities in the Puget Sound region have established micromobility partnerships to offer their communities another affordable option to travel around town. Kirkland previously explored micromobility options in 2019,[1] which resulted in changes in policies and code but, at that time, the City could not identify any micromobility companies that could adequately address the access, safety, and clutter concerns of the Kirkland community.

Today, all the surrounding cities around the City of Kirkland have established partnerships with a micromobility company, specifically, Lime Micromobility. On August 3, 2026, representatives from Lime Micromobility sent a letter of interest to Kirkland City Council requesting that the City explore the newest micromobility options offered by Lime and similar companies and consider implementing a shared micromobility program.

The intent of this request is to evaluate the concept of implementing a shared micromobility program in Kirkland, as a potential strategy to enhance transportation options for the Kirkland community and the surrounding region.

[1] https://www.kirklandwa.gov/files/sharedassets/public/v/1/city-council/agenda-documents/2019/march-19-2019/10f_business.pdf

BENEFITS

Preliminary potential benefits of the proposal.

Exploration of a shared micromobility program has several benefits for the larger community:

- May provide an affordable transportation option.
- Expands first-mile/last-mile connectivity to transit stops, increasing transit use.
- Reduces traffic congestion by shifting shorter trips away from car use and, relatedly, also:
  - Lowers greenhouse gas emissions and improves air quality; and
  - Reduces vehicle parking demand, freeing up curb space use.
- Supports economic activity, by enhancing access to shops, restaurants, and services.
- Encourages a healthier lifestyle.
- Provides useful transportation data insights to support options the community wants and needs.

IMPACTS

Preliminary potential impacts of the proposal (including legal/financial).

Preliminary research has identified the following potential impacts of allowing micromobility operations in Kirkland. Additional research is needed to completely understand all impacts and what it means for the Kirkland community.

- **Staffing**: Supporting this project will require extensive coordination on operations, regular contract management, and significant community engagement and communications. It will also require staff resources to draft proposed legislation and supporting proposal requests, policies, and permits.
- **Costs**: The project will require an initial City investment to address community concerns within the right-of-way, parking of devices, and any other requirements for the program.
- **American Disabilities Act (ADA)**: Management of device parking is essential to mitigate and prevent obstruction of accessible routes that meet ADA requirements.
- **Safety**: A new micromobility program will need to address safety concerns related to sidewalk use, use in parks, parking of devices impeding access, users obeying all traffic laws, and mitigate injuries from collisions. In addition, currently, there is no regulation requiring helmet use for bicyclists and users of e-bikes and motorized scooters in Kirkland, and significant head injuries are increasing without helmets on electric micromobility devices.
- **City risk**: The addition of a new transportation program adds liability risk, similar to other private use of the right-of-way and public property.
- **Regulatory and permitting framework**: The City will need to explore potential code changes or other legislation for a selection and/or permitting process for a shared micromobility program and allowed use of the right-of-way.

COUNCIL VISION AND GOALS

List all that apply.

Balanced Transportation

EQUITY

Preliminary discussion on how the proposal may impact diversity, equity, and inclusion.

A shared micromobility program may have the following positive impacts on diversity, equity, and inclusion:

- Offering more affordable transportation options for low-income residents who may not have access to a car or who cannot afford the up-front and maintenance costs of owning micromobility devices.
- Improving access to jobs, services, and community spaces for underserved neighborhoods.
- Supports mobility for individuals with limited transportation choices, including those who cannot drive due to age, ability, or cost.
- Create opportunities for inclusive community engagement through discounted fare programs and accessible device design.

A shared micromobility program may have the following negative impacts on diversity, equity, and inclusion:

- Create accessibility challenges if mis-parked devices block sidewalks, curb ramps, or transit access, making mobility harder for users of the right-of-way, particularly people with disabilities or those traveling with strollers.
- Augment digital access barriers for community members who lack smartphones, credit cards, or comfort with app-based systems.
- Generate safety inequities with uneven infrastructure such as bike facilities, lighting, signage.

STAKEHOLDERS / OUTREACH

Preliminary potential stakeholders impacted and outreach to be considered.

A shared micromobility program may impact the broader community, including but not exclusive to:

- Low-income and underserved communities,
- People with disabilities,
- Local businesses,
- Transit agencies,
- Schools and parks,
- Senior communities,
- Environmental groups,
- Public safety personnel, and
- Public works staff.

Potential outreach strategies to connect with stakeholders include but are not exclusive to:

- Email listserv and social media messaging,
- Neighborhood Association meetings,
- Direct communication and coordination with advocacy groups,
- Partnership with the groups on community messaging,
- Consultation with healthcare providers, transit authorities, public safety personnel, public works operations staff to mitigate program impacts, and
- Community meetings.

RESOURCES AND BUDGET
Preliminary potential staff resources needed and whether current staff and budget authority could accommodate the request.
Any of the options considered (detailed in the next section), would require additional staff resources and/or a re-prioritization or a suspension of current work plan items. There is no existing staff capacity to take on a new initiative of this scope and scale. A few work plan items for the Transportation Division that would need to be considered for suspension or prioritized for a later time include: • Implementation of parking study, • Implementation of ongoing transit study, or • 84th Ave Feasibility Study Additionally, depending on the preferred option, operating funds may be required to manage and operate an ongoing program. Should Council direct staff to move forward, staff will return to provide specific estimated costs and an implementation timeline associated with this effort.

OPTIONS

Potential options or alternatives that could be evaluated.
If Council chooses an option, what would be the timeframe?

Staff have identified four potential options:

1. **Do not proceed with a micromobility program:** Not currently budgeted in 2027/2028.
2. **Pilot a shared mobility program:** Identify a private partner to pilot a program within a limited area for a limited time. This would allow the City to identify issues, problem-solve, and determine if an ongoing program is supported by the community.
3. **Contract and partner with a private company:** The City would issue a Request For Proposal (RFP) to select a firm to operate and manage a shared micromobility program. Timeline to get a program fully operational is estimated to take six to twelve months, dependent on time to make code amendments and setup permitting and the chosen company's readiness to launch.
4. **Procure and operate own program fleet**: The City would conduct an extensive procurement process which would take a minimum of 1-2 years to achieve operational readiness.

Notably, the pilot under Option 2 does not take less staff resources than the large-scale program in Option 3, although it provides a small-scale, short-term test to evaluate a new program before launching a large-scale program.

Under any option, significant upfront staff resources would be needed to create policies and potential legislation, oversee permitting, manage a request for proposals process, coordinate with operators and public works crews, set up reporting, conduct field work, and manage public engagement. Once in operation, a program will likely impact public works, police, and code enforcement resources, and supporting legal resources, to ensure safe operations and minimal impact on the community.

Option 4 requires significantly higher level of staff and budget resources. This would include recruiting new operations staff for management of the fleet, maintenance, and distribution/relocation. Significant additional resources are also required for procurement of City-owned micromobility fleet, larger vehicles for distribution/relocations, and space for storage and maintenance of fleet.

REVIEWS REQUIRED

Department Director responsible for acquiring Finance and Legal review before submitting to City Manager.

Legal review required	☒Reviewed by Legal ☒Implications requiring further legal analysis	Signature: Darcey Eilers Date: 9/4/2026
Legal Notes: ☒Legislative change ☐State/federal change		
Fiscal review required	☒Reviewed by Finance ☐Implications requiring further financial analysis	Signature: Michael Olson Date: 9/2/2026
Finance Notes:		
Director review required	☐Reviewed	Signature: Date:

LRM 080526A

City Manager	☒Approved	Signature: Kurt Triplett Date: 10/12/2026
City Manager Notes:		

Council Meeting: 10/20/2026
Agenda: City Manager Reports
Item #: 10. b. (1) (b)

LRM 080526B

LEGISLATIVE REQUEST MEMORANDUM

This is a scoping document to be prepared with information already known or readily available, without much additional research; inform Council of the options including resource call on staff and budget.

Title: Explore Options for Requiring the Use of Bike Helmets when Operating Electric Micromobility Devices in Kirkland.

Requesting Councilmember: Councilmember Shilpa Prem	Department: Public Works Author: Stephen Padua, Transportation Manager
Date of Request: August 5, 2026	Due Date: September 15, 2026

REQUEST SUMMARY

A clear, concise description of the issue(s) to be addressed, and why the City should be involved.

Councilmember Prem introduced this legislative request to identify options for a helmet requirement when operating bicycles and electric micromobility devices, which includes any small, low-speed, electric-powered transportation devices such as e-bikes and e-scooters. Currently, there is no regulation requiring helmet use for bicyclists in Kirkland.

Around the country, health care providers have experienced a significant increase in emergency room visits by children, adolescents, and adults involved in a crash while riding a micromobility device. The lack of a bike helmet often correlates with more significant injuries. Helmets are the most effective tool available in preventing serious brain injuries and deaths related to brain injuries when riding bikes or micromobility devices.

BENEFITS

Preliminary potential benefits of the proposal.

There is extensive medical research indicating that a bike helmet prevents serious head injuries and/or death, particularly with the most vulnerable population groups, such as children or seniors, when involved in a crash that impacts a person's brain.

IMPACTS

Preliminary potential impacts of the proposal (including legal/financial).

Preliminary research has identified the following potential impacts from a bike helmet requirement. Additional research is needed to completely understand how the proposed regulation may impact the Kirkland community.

- **Staffing**: A new helmet regulation would introduce new enforcement responsibilities, which may require additional resources to ensure consistency to avoid disproportionally impacting any community groups.
- **Legal**: City staff would need to prepare an ordinance to enact any new helmet requirement.
- **Financial**: A new regulation may require public outreach, including multilingual education and safety campaigns, to ensure clear messaging on what is required and when.
- **Micromobility Access**: A helmet regulation may create compliance expectations for third-party micromobility operators, which may dissuade micromobility operators from wanting to operate in the city or residents from using micromobility devices.

COUNCIL VISION AND GOALS

List all that apply.

Balanced Transportation

EQUITY

Preliminary discussion on how the proposal may impact diversity, equity, and inclusion.

Any new regulation related to affordable transportation options has the potential to negatively impact or dissuade historically underserved communities from using affordable transportation options. A mandatory helmet law adds an extra expense, which can disproportionately impact low-income community members who may already depend on low-cost options. If a helmet requirement decreases ridership among specific groups who benefit the most from affordable and flexible transportation, it could unintentionally increase equity gaps in mobility.

STAKEHOLDERS / OUTREACH

Preliminary potential stakeholders impacted and outreach to be considered.

Stakeholders include all community members and public safety personnel.

Depending on the selected option, stakeholders who should be engaged may include neighborhood organizations, schools, PTSAs, community-based organizations, local hospitals, and micromobility operators. Under any action option, the City would be responsible for communications with the public regarding changes to regulations.

RESOURCES AND BUDGET

Preliminary potential staff resources needed and whether current staff and budget authority could accommodate the request.

Staff has identified four options (also detailed in the next section) for this LRM request:

1. Adopt a local ordinance requiring the use of helmets
2. Conduct further research and engagement before considering an ordinance
3. Explore an incentive-based approach
4. Consider adopting statewide legislation as part of the Council's legislative agenda.

Option 1 would require the least number of resources and staff time to implement; however, enforcement demands may increase for the Police Department.

Options 2 and 3 would require staff to devote time to researching case studies and communicating with health providers, safety personnel, and staff from other jurisdictions. Under this option, staff resources would be diverted from other work plan items, or additional, new staffing would be needed, particularly for Public Works and Police.

Option 3 would require staff to designate time towards researching incentive-based approaches used by other jurisdictions such as providing helmets to community members or giving rewards for wearing helmets (e.g., officers could give away gift cards, ice cream coupons, etc.). This option would require additional funding to procure incentives.

Option 4 would be assigned to the government affairs staff and the City's state lobbyist to develop an advocacy strategy.

OPTIONS

Potential options or alternatives that could be evaluated.
If Council chooses an option, what would be the timeframe?

Staff has identified four potential options:

1. **Adopt an ordinance requiring helmets when using bicycles and all micromobility devices**. This option includes minimal outreach and research and is the least time intensive option.

2. **Conduct further research and engagement before considering an ordinance**. The City would evaluate how people use specific micromobility devices and explore a tailored requirement for helmets and solicit feedback from the community and key stakeholders.

3. **Explore an incentive-based approach**. The City would explore incentive-based options such as providing helmets and other personal safety devices to community members through engagement and outreach events and in partnership with hospitals, non-profits, and schools.

4. **Advocate for a statewide helmet law.** Consider adopting state legislation requiring helmets as part of the Council legislative priorities.

LRM 080526B

REVIEWS REQUIRED		
Department Director responsible for acquiring Finance and Legal review before submitting to City Manager.		
Legal review required	☒Reviewed by Legal ☐Implications requiring further legal analysis	Signature: Darcey Eilers Date: 9/4/2026
Legal Notes: ☒Legislative change ☐State/federal change		
Fiscal review required	☒Reviewed by Finance ☐Implications requiring further financial analysis	Signature: Michael Olson Date: 9/2/2026
Finance Notes:		
Director review required	☐Reviewed	Signature: Date:
City Manager	☒Approved	Signature: Kurt Triplett Date: 10/12/2026
City Manager Notes:		

Council Meeting: 10/20/2026
Agenda: City Manager Reports
Item #: 10. b. (1) (c)

LRM 080526C1

LEGISLATIVE REQUEST MEMORANDUM

This is a scoping document to be prepared with information already known or readily available, without much additional research; inform Council of the options including resource call on staff and budget.

Title: Holmes Point Overlay -- Development Standards to Facilitate Middle Housing

Requesting Councilmembers: Amy Falcone and Jon Pascal	Department: Planning and Building Author: Adam Weinstein, Planning & Building Director
Date of Request: August 5, 2026	Due Date: September 15, 2026

REQUEST SUMMARY

A clear, concise description of the issue(s) to be addressed, and why the City should be involved.

Councilmembers Pascal and Falcone requested an LRM related to the Holmes Point Overlay (HPO) zone, with two distinct parts. This LRM addresses one of those parts, specifically analysis of options to loosen one or more development standards in the HPO to facilitate the development of middle housing.

Development standards in the HPO, particularly relating to lot coverage, are more stringent compared to most of the rest of Kirkland, which is the result of HPO regulations being carried over to City codes from King County codes when Finn Hill was annexed by Kirkland in 2011. The carryover of the HPO code was at the request of HPO residents at the time of annexation.

BENEFITS

Preliminary potential benefits of the proposal.

Loosening development standards in the HPO would make it easier to build housing projects of all types (assuming the new standards are not tailored solely to middle housing). The net result of such code amendments would likely be a modest expansion of the City's housing stock through the construction of new housing. While the prevalence of critical areas in the HPO will continue to be a limiting factor in development, to the extent that the code amendments result in the construction of more middle housing, they could increase affordability and entry-level homeownership opportunities in the community.

IMPACTS

Preliminary potential impacts of the proposal (including legal/financial).

The HPO is characterized by critical areas such as wetlands, shorelines, streams, and steep slopes, along with many parks and natural areas, and a relatively high percentage of tree canopy cover compared to the rest of the City. While loosening development standards in the HPO would increase the potential for the development of new housing stock, it could also result in environmental consequences such as additional shoreline development, water quality impacts, and diminishment of tree canopy.

COUNCIL VISION AND GOALS

List all that apply.

Attainable Housing
Inclusive and Equitable Community

EQUITY

Preliminary discussion on how the proposal may impact diversity, equity, and inclusion.

The equity implications of this LRM are somewhat complex. On one hand, the construction of new housing in the area, particularly middle housing, could yield equity benefits such as the construction of new market-rate housing that is more affordable to entry-level home buyers. Furthermore, additional development allowances could give long-time property owners in the HPO additional opportunities for subdividing and development allowed in most of City, potentially making it easier to age in place or generate supplementary income. On the other hand, code amendments that would make it easier to add more development in the HPO could diminish the ecological integrity of the HPO, which could have adverse impacts on the environment and community members, particularly long-term residents, who chose to live in the HPO because of the environmental protections of the area. Lastly, other zoning districts in the City, such as the equestrian lots in Bridle Trails, also have stringent development standards. Selectively loosening development standards in the HPO but not in other parts of the City with similarly restrictive standards could raise equity concerns surrounding the administration of zoning standards.

STAKEHOLDERS / OUTREACH

Preliminary potential stakeholders impacted and outreach to be considered.

Potential stakeholders include HPO residents, including homeowners; the Finn Hill Neighborhood Alliance (FHNA); environmental groups; and home-builder organizations like the Master Builders Association of King and Snohomish Counties (MBAKS).

RESOURCES AND BUDGET

Preliminary potential staff resources needed and whether current staff and budget authority could accommodate the request.

The code amendment options presented below, similar to the code options presented for the tree removal allowances LRM, could be drafted quite easily and folded into an upcoming Planning Work Program project (e.g., Middle Housing Focused Optimization). However, based on past correspondence with the Finn Hill community about development concerns in the HPO, it's conceivable that there could be a high degree of community interest in these amendments. If a high degree of public engagement is desired, additional staff resources would be needed and it would require amendments to the Planning Work Program.

OPTIONS

Potential options or alternatives that could be evaluated.
If Council chooses an option, what would be the timeframe?

Council should consider making a selection from Menu A (code amendment options) and Menu B (public engagement level). Note that lot coverage is recommended as a primary focus of the code amendment options, as that has been observed as a primary impediment to redevelopment in the HPO.

Menu A: Code Amendment Options

1. *No action*. Retain existing code provisions related to development in the HPO.

2. *Adjust lot coverage standards in the HPO*. Section 70.15 of the Kirkland Zoning Code (KZC) has a sliding lot coverage scale, under which smaller lots get somewhat greater lot coverage than larger lots. This code amendment could involve bringing the Citywide lot coverage standard of 50% to the HPO, regardless of lot size. Such an amendment would benefit the development of all housing types in the HPO but could be limited just to middle housing (which is the intent of Option 3, below).

3. *Tie a special development standard to middle housing development in the HPO*. This option would involve creating a special carve-out for middle housing development in Chapter 70 (Holmes Point Overlay Zone) of the KZC, granting additional development allowances (e.g., lot coverage, height, setbacks) to projects that create a certain amount of middle housing. Associated code amendments would likely need to be made to other sections of the KZC.

Menu B: Public Engagement Level (if Options 2 or 3 from Menu A are selected)

1. *Minimal public engagement*. Under this option, staff would fold one of the code amendments identified above into an existing Planning Work Program project, such as Middle Housing Focused Optimization. Public outreach would be primarily that designed for the broader Citywide project and would not include HPO-specific meetings.

2. *More public engagement*. Under this option, staff would conduct more focused, HPO-specific public engagement on the code amendments, including meetings with stakeholders and community groups, and other interested individuals and organizations. The outcome of this option may be less certain, particularly if there is not broad community support for creating more development leniency for middle housing in the HPO. This option would also require some adjustments to the 2026-8 Planning Work Program, including de-prioritization of a 2026-7 project or expanding the scope of an existing project, assuming initiation in the 2026-7 timeframe is desired.

REVIEWS REQUIRED

Department Director responsible for acquiring Finance and Legal review before submitting to City Manager.

Legal review required	☒Reviewed by Legal ☐Implications requiring further legal analysis	Signature: Darcey Eilers Date: 9/4/2026

LRM 080526C1

Legal Notes: ☒Legislative change ☐State/federal change		
Fiscal review required	☒Reviewed by Finance ☐Implications requiring further financial analysis	Signature: Michael Olson Date: 9/4/2026
Finance Notes:		
Director review required	☐Reviewed	Signature: Date:
City Manager	☒Approved	Signature: Kurt Triplett Date: 9/28/26
City Manager Notes:		

Council Meeting: 10/20/2026
Agenda: City Manager Reports
Item #: 10. b. (1) (d)

LRM 080526C2

LEGISLATIVE REQUEST MEMORANDUM

This is a scoping document to be prepared with information already known or readily available, without much additional research; inform Council of the options including resource call on staff and budget.

Title: Holmes Point Overlay – Tree Removal Allowances

Requesting Councilmembers: Councilmember Amy Falcone; Councilmember Jon Pascal	Department: Planning and Building Author: Adam Weinstein, Planning & Building Director
Date of Request: August 5, 2026	Due Date: September 2, 2026

REQUEST SUMMARY

A clear, concise description of the issue(s) to be addressed, and why the City should be involved.

Councilmembers Pascal and Falcone requested an LRM related to the Holmes Point Overlay (HPO) zone, with two distinct parts. This LRM addresses one of those parts, specifically analysis of options to expand the ability of property owners in the HPO to remove trees outside of development scenarios. With the 2022 amendments to the tree code, the entire City has the same requirements with regard to retaining high retention value trees, preparing a tree retention plan, and minimum tree credits (outside of Protected Natural Areas); Staff incorrectly assumed and communicated that all tree requirements were now the same. However, Councilmember Falcone asked staff to check HPO tree removals standards in response to constituent concerns. Staff determined that removal of trees under non-development scenarios in the HPO is more restrictive than elsewhere in the City. Those additional restrictions are the result of the HPO regulations being carried over to City codes from King County codes when Finn Hill was annexed by Kirkland in 2011. The initial carryover of the HPO code was at the request of HPO residents.

While in the rest of Kirkland, homeowners can generally remove two to four trees a year outside of critical areas (depending on lot size), the tree code considers the HPO to basically be a “critical area” where tree removal (outside of development) can only occur if a tree is a hazard or nuisance tree, although pruning is allowed. In reality, much of the HPO does contain what are considered to be critical areas (steep slopes and wetlands/steams), where tree removal is otherwise restricted, but not everything is a critical area.

BENEFITS

Preliminary potential benefits of the proposal.

Property owners may be able to more flexibly manage the vegetation on their property. However, due to the preponderance of critical areas in the HPO, many properties may not benefit from the additional flexibility under discussion. Another benefit is that the tree removal code would be similar across the City, making code administration and navigability a bit easier for staff and the community.

IMPACTS

Preliminary potential impacts of the proposal (including legal/financial).

While other areas of the City contain hilly terrain and critical areas like wetlands and streams, the HPO also contains a preponderance of parks and natural areas. Additional tree removal outside of development scenarios could diminish the ecological viability of the area. Furthermore, because a large portion of the HPO contains critical areas such as streams, wetlands, shorelines, and steep slopes, tree removal not related to development could be constrained under other existing code provisions. Under current code, trees in these critical areas cannot be removed unless they are deemed to be a hazard or nuisance. Lastly, if additional tree removals are allowed in the HPO, staff would expect the volume of code enforcement calls pertaining to trees to increase, although possibly just temporarily.

COUNCIL VISION AND GOALS

List all that apply.

Abundant Parks, Open Spaces, and Recreational Services
Inclusive and Equitable Community
Sustainable Environment

EQUITY

Preliminary discussion on how the proposal may impact diversity, equity, and inclusion.

As noted above, non-development tree removal allowances in the HPO are more restrictive than in the rest of Kirkland. There is an argument to be made that standardizing tree removal allowances across the City, including the HPO, would be more equitable to property owners. A counterpoint could be that the unique characteristics of the HPO, which include a combination of steep slopes, high tree canopy, many streams and wetlands, steep slopes, shoreline, and some of the City's largest parks and open space areas, many of which provide benefits to the residents of the HPO, warrant a more restrictive approach to tree removal under an equity lens. Perhaps this issue would best be addressed with a compromise amendment, such as an amendment that would allow residents in the HPO to remove only a maximum of one tree per year, not two to four trees per year as is allowed in other areas of the City. This compromise approach is incorporated into options presented at the end of this LRM.

STAKEHOLDERS / OUTREACH

Preliminary potential stakeholders impacted and outreach to be considered.

Potential stakeholders include HPO residents, including homeowners; the Finn Hill Neighborhood Alliance (FHNA); and environmental groups.

RESOURCES AND BUDGET

Preliminary potential staff resources needed and whether current staff and budget authority could accommodate the request.

The code amendments that would address this request are fairly focused and could be drafted quite easily and folded into an upcoming Planning Work Program project (e.g., Miscellaneous Code Amendments). However, based on past correspondence with the Finn Hill community about tree removal and protection, it is conceivable that there could be a high degree of community interest in these amendments. If a high degree of public engagement is desired, additional staff resources would be needed, resulting in amendments to the Planning Work Program.

OPTIONS

Potential options or alternatives that could be evaluated.
If Council chooses an option, what would be the timeframe?

Council should consider the following options:

1. *No Action*. Retain existing code provisions related to non-development tree removal in the HPO.

2. *Focused code amendments with minimal public engagement*. Under this option, staff would craft targeted code amendments to Chapters 70 (Holmes Point Overlay Zone) and 95 (Tree Management and Required Landscaping) of the Kirkland Zoning Code that would increase the non-development tree removal allowances in the HPO to match those applicable to the rest of the City. A variant of this option could involve doing something like allowing the removal of two trees per five years, as recommended by the Finn Hill Neighborhood Alliance. This is fewer removals than allowed Citywide but more than is currently allowed in the HPO). Public engagement would be fairly minimal and commensurate with a typical package of Miscellaneous Code Amendments (i.e., brief website updates, Planning Commission public hearing and noticing, City Council adoption).

3. *Focused code amendments with more public engagement*. This option would entail some version of the code amendments noted in Option 2 with more substantial public engagement, including meetings with stakeholders, community groups, and other interested individuals and organizations. The outcome of this option may be less certain, particularly if there is not broad community support for making the tree removal allowances less restrictive. This option would also require some adjustments to the adopted 2026-8 Planning Work program, including de-prioritization of a 2026-7 project, or expanding the scope of an existing project, assuming initiation in the 2026-7 timeframe is desired.

REVIEWS REQUIRED

Department Director responsible for acquiring Finance and Legal review before submitting to City Manager.

Legal review required	☒Reviewed by Legal ☐Implications requiring further legal analysis	Signature: Darcey Eilers Date: 9/3/2026
Legal Notes: ☒Legislative change ☐State/federal change		

LRM 080526C2

Fiscal review required	☒Reviewed by Finance ☐Implications requiring further financial analysis	Signature: Michael Olson Date: 9/3/2026
Finance Notes:		
Director review required	☐Reviewed	Signature: Date:
City Manager	☒Approved	Signature: Kurt Tripett Date: 9/28/2026
City Manager Notes:		