

CITY OF KIRKLAND
2021-2022 PRELIMINARY BUDGET

ISSUE PAPERS

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MEMORANDUM

To: Kurt Triplett, City Manager

From: James Lopez, Assistant City Manager
David Wolbrecht, Neighborhood Services Outreach Coordinator

Date: October 12, 2020

Subject: RESOLUTION R-5434 AND THE COMMUNITY SAFETY INITIATIVE

Background

Following the tragic killing of George Floyd by a police officer on May 25, 2020 in Minneapolis, Minnesota, the City Council responded to community calls for the City to demonstrate that Black lives matter and help end structural racism. At the June 16, 2020 Council meeting, the Council issued a statement directing the City Manager to develop a framework for City actions. At the July 7, 2020 Council meeting, the Council held a public hearing on the draft framework, Resolution R-5434. At the July 21, 2020 Council meeting, the Council received further community feedback on the revised resolution and adopted various amendments to it. Council adopted R-5434 at the August 4, 2020 Council meeting. Staff returned to the September 1, 2020 Council meeting with a fiscal note authorizing the early action funding requests outlined further in this issue paper. This memo is not intended to restate all the R-5434 staff reports but does provide a high-level summary purpose of R-5434 and how R-5434 is addressed in the Preliminary 2021-2022 budget through the *Community Safety Initiative*.

The adopted version of Resolution R-5434 is provided as Attachment A.

Throughout the drafting and adoption process for R-5434, the City Manager, Assistant City Manager, and Police Chief met multiple times with a new group called the "Right To Breathe Committee" which consists of notable Black members from the Eastside Race and Leadership Coalition. The Right To Breathe Committee was formed for the purpose of ensuring safety and respect for Black people in all Eastside cities and has adopted three Core Principles:

- Abolishing systemic Anti-Blackness to ensure equal justice;
- Oversight and accountability through equitable, shared decision-making;
- De-escalation of encounters with people enforcing laws and rules against Black people.

The City Council and staff have also connected with other Black community members, Black youth, other communities of color, faith-based leaders, neighborhood leaders and stakeholders. All these groups share the goals of addressing racial injustice and creating a more equitable society. The desired outcomes expressed are similar to the core principles, including that these principles be broadly applied community-wide in government, the non-profit sector including arts, cultural and sports organizations, businesses and schools.

R-5434 is the City's initial response to these desired outcomes and is based on four key guiding principles:

- Build on previous City work to become safe, inclusive and welcoming;
- Listen, learn and partner with the Black community and People of Color on actions and outcomes;
- Create broad community engagement to identify actions to increase the safety of Black residents and visitors and reduce structural racism;
- Create policy and program outcomes that are specific, measurable, timely and funded.

The community engagement authorized by R-5434 with the Black community, non-profits, community-based organizations, experts and other community members is intended to inform the implementation of the following:

- Strategies funded by the 2021-2022 Biennial Budget;
- Potential legislative actions for the Council;
- Potential actions for the state legislature;
- Mid-biennial budget requests related to R-5434 in 2021.

Funding Recommendations

The actions outlined in R-5434 are the equivalent of a new City Work Program initiative and require resourcing the effort as one of the top priorities of the government. City staff proposed early action funding requests for 2020 and further requests that were incorporated into the Preliminary 2021-2022 Budget process.

Early Action Funding

The purpose of the early action funding is to facilitate immediate implementation in fall and winter of 2020 of community outreach elements, transparency elements, and national best practice research elements in the resolution. This work will continue into 2021 as needed. There were three specific early action requests.

1. Extend the current temporary Management Analyst position for the remainder of 2020 and through 2021 – *Funding allocated: \$160,000 (Includes 2020 and 2021 costs)*
2. Hire a temporary Special Projects Coordinator for a period of six months to support community engagement in R-5434 Section 4 – *Funding allocated: \$70,000*
3. Professional Services Funding to support R-5434 Sections 1-4 – *Funding allocated: \$150,000*

The early action funding totals \$380,000 and was approved by Council through a combination of Council Special Projects Reserve and 2019 revenues above projections.

Budget Process Funding

Beyond the early actions outlined above, funding strategies for remaining items outlined in R-5434 have been incorporated into the City's Biennial Budget process and are priorities funded in the 2021-2022 Preliminary budget. These priorities are incorporated into the *Community Safety Initiative* articulated in the 2021-2022 Preliminary Budget Message and Service Package document.

A brief synopsis of the Community Safety Initiative follows.

- Community Safety Partners: "Co-responders" such as Mental Health Professionals (MHP), social workers, and cultural navigators who partner with Police to respond to service calls that require something different than a Police Officer. These partners can relieve the burden on Police by helping people with mental illness or providing services to those are experiencing homelessness. Some of these positions already exist and are maintained in the 2021-2022 budget such as the Park Ranger, Animal Control Officer, Police Proposition 1 MHP professional, and a Mobile Integrated Health (MIH) unit funded by the Medic 1 levy. Four new co-responder positions are funded in the 2021-2022 budget and the purpose of these positions will be defined by best practice research and outreach in R-5434.
- Funding to provide body worn cameras for all Kirkland Police Officers, providing mutual transparency, accountability and safety for Police Officers and members of the public. Included are the evidence technician and public records staff positions necessary to support the body worn camera program.
- Police community accountability initiatives that will be defined by the R-5434 community engagement process. One example may be the implementation of civilian review of certain Police use of force incidents.
- Pilot program for Community Court in Kirkland to divert disadvantaged populations from the criminal justice system and connect them instead with needed support services.
- Public Safety Community Relations Specialist: Shared between Police and Fire. This position implements public safety community education and outreach programs. The position also supports Police PIOs, emergency management, and crisis communication.
- Significant money is reserved for equity, diversity and inclusion efforts for the City organization once the equity gap analysis is completed. This includes money allocated specifically in the Police and Fire budgets to improve the recruitment and retention of women and people of color.
- Kirkland's first ever Diversity and Inclusion Manager is proposed in the budget. The most effective job description and scope of work for this position will be defined by the R-5434 process.
- The 2021-2022 budget retains the significantly enhanced human services grant funding amounts that were intended to expire at the end of 2020.
- The 2021-2022 budget includes for the first time the Affordable Housing Sales Tax authorized by State House Bill 1406. This revenue is a credit provided to the City by the state and may be used for rental assistance or the construction of affordable housing. Giving the economic impact of COVID-19, the preliminary budget proposes to use these funds for low-income resident rental assistance in 2021-2022.
- The 2021-2022 budget sustains the record high 2019-2020 investment in A Regional Coalition for Housing (ARCH) as well as additional operating and capital funds for the creation of affordable housing.
- Development Services/Welcoming Hall. The capital budget proposes to adapt a pending expansion of City Hall for development services staff into a more open customer service space designed to provide virtual service during the COVID-19 pandemic. The structure of this facility will also create a welcoming space and exhibition hall where multicultural heritage can be celebrated. This new hall is funded by development services fees and not general-purpose tax dollars.

RESOLUTION R-5434

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 121 a. Community engagement process centered around Black
 122 people;
- 123 b. Targeted additional stakeholder engagement including
 124 Indigenous people and people of color, with a focus on
 125 including intersectional voices;
- 126 c. Town Halls, virtual meetings and small group discussion;
- 127 d. Surveys, mailers and social media campaigns;
- 128 e. Council retreat and public hearings; and
- 129 f. Other strategies identified by the community and the
 130 Council.
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132 Section 5. The City Manager is further directed to develop
 133 Funding strategies to implement the entire framework set forth in this
 134 resolution. These strategies shall include but are not limited to:

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

142 and the Council.

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

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

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


Penny Sweet, Mayor

Attest:


Kathi Anderson, City Clerk



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MEMORANDUM

To: Kurt Triplett, City Manager

From: Michael Olson, Director of Finance and Administration
Chip Corder, Temporary 2021-2022 Budget Development Staff

Date: October 12, 2020

Subject: Potential Revenue Options for Consideration in the 2023-2024 Budget

The purpose of this memo is to provide background on revenue options other than ballot measures for the Council to consider implementing for the 2023-2024 Budget.

Background

The 2021-2022 Preliminary Budget is balanced in large part due to over \$18 million in one-time funds available from 2018 and 2019. However, the Financial Forecast that will be presented at the October 27, 2020 Council Study session illustrates that the structural imbalance between the growth of revenues and the growth of expenditures actually increases. The forecast gap for the 2023-2024 Budget is approximately \$19.8 million for the biennium when including the City Manager proposed one-time service packages. Over \$7 million of the gap comes from retaining the 2019-2020 one-time funding investments and adding the *Community Safety Initiative* to respond to the economic impacts of the COVID-19 pandemic and implement R-5434 to make Kirkland safer and more equitable for Black community members. The 2021-2022 City Manager preliminary budget was able to include most of the one-time funded programs and positions with available one-time general fund resources. To continue these high priority positions on an ongoing basis in future budgets will require the City take reductions in other programs or positions, or to implement new revenues as necessary to balance the budget.

The 2021-2022 budget does not assume any of the revenue sources outlined in this paper are implemented. But the development of the 2023-2024 budget occurs in 2022. Any discussion of new revenues must therefore also occur in 2022. This issue paper describes some potential general fund revenue sources to help inform the 2022 Council deliberations. It does not discuss utility rates as those sources may not be used for to support general fund expenses.

Potential General Fund Revenue Sources

Parking Fees

At the February 2020 Council retreat, the City Council authorized staff to explore the expansion of locations where parking fees are charged and the potential of increasing the hourly parking rates. Expanding the paid parking program to waterfront parks and other downtown locations could be used to fund some of the temporary transportation-related positions on an ongoing basis beginning in 2023 and continue funding the Park Ranger position ongoing. An analysis of revenues and expenditures will be conducted in 2021 to determine the additional revenue that would be available. A service package funded from the off-street parking reserve has been

included in the Preliminary 2021-2022 Budget to purchase parking payment equipment to facilitate expanding the City's paid parking program in 2023.

Parks Cost Recovery

The Parks and Community Services Department conducted a Cost Recovery study in 2017 and 2018 to articulate and illustrate a comprehensive resource allocation philosophy and fiscal policy in order to ensure a sustainable system into the future by using tax revenues and fees in the most appropriate ways. The [Parks and Community fiscal policy](#) was updated at the December 11, 2018 Council Meeting. Implementing more full-cost recovery for activities primarily benefitting individuals or groups consistent with policy would provide revenues for sustaining parks services and programs or free up general fund revenues for other purposes.

Special Event Fees

[Special Event fees and processes](#) were reviewed with the City Council at the July 2, 2019 meeting. Current fees do not cover the cost of the staffing and administering the permits and events. The Special Event Coordinator position was converted to one-time in the 2021-2022 Budget. The base budget funding and FTE were used to create the ongoing Diversity and Inclusion Manager in support of the *Community Safety Initiative* as part of the R-5434 implementation. Council could choose to fully fund this position with revenue from special event fees in the 2023-2024 Budget, other parks fees, or reduce this position in 2023.

REET Flexibility for Park and Street Maintenance

Staff will evaluate funding additional positions or portions of positions in Parks and Public Works using Real Estate Excise Tax (REET) funds. This could potentially free up general fund revenues. Cities, towns, and counties may use a portion of their REET 1 and REET 2 funds for capital project maintenance, subject to limitations and reporting requirements. Some REET 2 funds may also be used to fund REET 1 projects, subject to the same conditions and reporting. The City currently uses a portion of REET funds for capital project maintenance and prepares the required report annually. State law limits this REET flexibility. The use of both REET 1 and REET 2 may not exceed \$1 million per year. Kirkland is not using all authorized REET capacity, but the state restrictions on allowed use of REET flexibility make it a challenge to do more

Revenue Generating Regulatory License Fee (RGRL)

The Council generally reviews business license fees during the biennial budget process. The RGRL fee applies only to those businesses which generate more than \$12,000 annual gross receipts for business in Kirkland. Businesses with 10 or fewer employees are exempt from the RGRL for the first year of business. The RGRL fees were last increased from \$100 per FTE to \$105 per FTE in 2017 to fund Public Safety investments. As a result of the pandemic, the City Council directed staff to assume no adjustment to these fees for 2021. The City Council could review these fees for potential changes in 2023. The current RGRL fee for one full time employee is \$105. There are about 28,000 FTE's subject to the RGRL fee. The Council could evaluate increasing fees or creating a more progressive fee structure for larger businesses.

Street Maintenance Funding

The City currently dedicates over \$3 million per year in property taxes to the street maintenance. This is in addition to the 2012 street levy revenues. \$275,000 per year of RGRL revenue also go to street maintenance. The Council could explore alternative street

maintenance funding sources to free up some of these general fund revenues to sustain some of the one-time funded programs in the budget.

School Zone Safety Cameras

The City has received requests from additional neighborhoods to expand the school zone safety camera program. The required speed and volume studies for other school locations are budgeted and will be completed once school is back in session following the pandemic. If traffic analysis safety conditions warrant, the current School Zone Safety Camera program could be expanded to other locations. The current City code requires that any revenue generated above operation costs be dedicated to fund safer routes to school and other pedestrian safety projects. With new revenue from additional cameras, the allowed use could be expanded to support other traffic-related police and/or transportation positions.

Development Fees

The 2021-2022 Preliminary Budget includes funding for a comprehensive study of the fees that the City charges for review and inspection of new development projects. The City of Kirkland sets its development fees based on a methodology initially established in 1998 and updated periodically since that point in time. The current methodology provides a general fund subsidy of some development review positions. This methodology has served the City well during for the past 22 years, but it was based on development that was more residential and suburban in nature. Refreshing the approach and revisiting cost recovery targets is recommended during this biennium to recognize that the City's regulations have evolved over time, and the scope and scale of new development has changed to larger, more urban projects in recent years. Moving toward a more full-cost recovery approach would free up general fund revenues for other purposes.

Summary

The 2023-2024 funding gap of \$19.8 million is challenging. Closing the gap while sustaining the *Community Safety Initiative* and important one-time funded programs will be difficult. Balancing the 2023-2024 budget will either require a substantial reprioritization of the existing budget, or significant new revenues. Staff recommends that discussions on these potential revenue sources be included with the mid-biennial budget process occurring in late 2021 and continue in 2022 in preparation for the 2023-2024 Budget.



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CITY OF KIRKLAND

Police Department

11750 NE 118th Street, Kirkland, WA 98034-7114 425.587.3400

www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Cherie Harris, Chief of Police
Melissa Petrichor, Administrative Commander
Heidi Brown, Intern

Date: October 12, 2020

Subject: Officer Body Worn Camera Report

Recommendation:

City Council receives an update on Officer Body Worn Cameras in response to R5434.

Background:

This memo provides an Executive Summary of the attached Body Worn Camera Report. Following the events in Ferguson, Missouri, approximately five years ago, the City considered deploying Body Worn Cameras (BWC) for police officers. Experience, best practices, and the legal environment concerning BWCs were under-developed and not well-defined at that time. Staff's recommendation was to defer consideration of BWC in Kirkland until the legal environment stabilized and matured, and more experience was gained across the state and nation to identify best practices for the use of body cameras.

In May 2020, the City Council requested an update on BWCs to include the Washington State Joint Legislative Task Force results on the Use of Body-worn Cameras and current public disclosure laws.

In August 2020, with the passage of Resolution 5434, the City Council has affirmed their commitment to increasing mutual community and police safety, accountability and transparency through a BWC pilot program.

With assistance from Intern Heidi Brown, a third-year law school student at Seattle University School of Law, Administrative Commander Melissa Petrichor has authored an extensive BWC report that provides an in-depth analysis in **Attachment A**.

Implementing BWCs can demonstrate that a police agency is willing to be transparent and accountable for its actions and provide mutual safety and accountability between police and the community. Research provides support that BWCs can lead to reductions in use-of-force incidents and citizen complaints. Because BWCs provide an audio-visual recording of encounters between police and the public, they may encourage officers and community members to

maintain a higher standard of behavior during an incident, ultimately leading to an increase in mutual respect and safety. While a BWC cannot replace an Officer's "perception," it may enhance their memory, particularly in complex and stressful interactions.

Along with the perceived benefits of a BWC program, research studies have stressed the importance of expertly navigating the many concerns associated with a BWC program before implementation. The cost of deploying a BWC program agency-wide can be substantial. In addition to the costs associated with purchasing the cameras, there are significant on-going costs involved in managing and storing BWC video data.

There are a number of laws governing the use of BWC's, such as RCW 10.109.020, that strongly encourage the legislative body of a city to adopt an ordinance or resolution authorizing their use prior to implementation. Ordinances should identify a community involvement process for providing input into the development of operational policies governing the use of BWC. In addition, RCW 10.109.010 requires the Department to establish policies regarding the use of BWC and, at a minimum, determine when cameras are activated and deactivated, how the public will be informed that they are being recorded, training and security rules to protect data collection and storage.

The City of Kirkland currently follows all State of Washington retention schedules. The Washington State Office of the Secretary of State provided clarification for BWC footage retention in accordance with RCW 40.14.070:

- If an incident (defined as a unique or unusual action from which litigation or criminal prosecution is expected or likely to result) is captured on a BWC, then any recording(s) must be retained until the matter has been resolved and the appeals process has been exhausted. Once the matter is resolved and there can be no further appeals, then the recording(s) must be destroyed but the waiting period could take several years.
- If an incident as defined above is not captured on a BWC, then any recording(s) must be retained for 60 days from the date of recording. After 60 days from the time the footage was captured, the recording(s) can be destroyed.

In addition to identifying a community involvement process, the use of BWC is considered a change in working conditions that would require bargaining with the Kirkland Police Officers Guild. Generally, Officers are supportive of a BWC program and believe that video footage of their interactions within the community would provide proof of both their respectful treatment of others and courageous work.

The most significant factor in implementing a BWC program is the cost associated with the equipment, digital storage and the staff needed to process digital evidence, and conduct disclosure, retention, and destruction of the video footage.

	Year 1	Year 2	Year 3	Year 4	Year 5
Equipment and Storage	365,000	215,000	200,000	200,000	200,000
FTE Evidence Technician	98,791	104,551	110,513	117,696	125,347
FTE Public Disclosure Analyst	109,772	116,175	123,174	131,180	139,707
Total Estimated Costs	573,563	435,726	433,687	448,876	465,054
Total Five Year Estimate	2,356,906				

The Department recommends using the DOJ Bureau of Justice Assistance Body-Worn Camera Implementation Checklist (**Attachment B**) as a guide to developing a three-phased project; an Initiation Phase (outlined below), a Planning and Procurement Phase, and an Execution/Implementation Phase. Deliverables from each phase would be reviewed and approved before moving on to the next phase.

Initial phase:

- Identify initiation phase workgroups
- Identify key project stakeholders
- Plan and implement a community engagement strategy
- Develop an ordinance or resolution proposal for adoption
- Open a dialog with the Kirkland Police Department Guild
- Develop a communication system to inform officers and solicit input
- Perform a feasibility study to determine alignment with organizational strategic goals
- Document and monitor on-going environmental and organizational factors
- Prepare project charter
- Identify project objectives
- Develop project scope
- Research and develop policies for approval
- Identify risks and mitigation strategies
- Continue data collection from similar departments with BWC programs
- Further cost-benefit analysis and identify preliminary funding options
- Product vendor discussions and demonstrations
- Identify training program options
- Phase gate review and approval

Ensuring that all of the phases are appropriately developed and implemented means that if the Council chooses to enact a BWC program, cameras will not likely be deployed until the 4th Quarter of 2021 or the 1st Quarter of 2022.



Body-Worn Cameras

Kirkland Police Department
September 2020

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INTRODUCTION

Recent high-profile cases involving police use-of-force have fueled a national conversation about police reform. A central topic and proposed solution to increasing mutual police and public accountability and transparency is the use of body-worn cameras (BWCs). Implementing BWCs can demonstrate that a police agency is willing to be transparent and accountable for its actions and improve mutual safety and accountability with the community. Research provides support that BWCs can lead to reductions in use-of-force incidents and citizen complaints. Because BWCs provide an audio-visual recording of encounters between police and the public, BWCs may encourage officers and community members to maintain a higher standard of behavior during an incident, ultimately leading to an increase in mutual respect and safety. While a BWC cannot replace an Officer's "perception," it may enhance their memory particularly in complex and stressful interactions.

Along with the perceived benefits of a BWC program, research studies have stressed the importance of expertly navigating the many concerns associated with a BWC program before implementation. The cost of deploying a BWC program agency-wide can be substantial. In addition to the costs associated with purchasing the cameras, there are significant on-going costs involved in managing and storing BWC video data. The most significant obstacle to implementing a BWC program is the cost. This report provides a high-level overview of BWCs. If the decision is made to proceed with a Kirkland Police BWC program, the recommendation is to develop a three-phased project with the initial phase focused on concept development, stakeholder engagement, and a feasibility study.

HISTORY

Following the events in Ferguson, Missouri, approximately five years ago, the City first looked at deploying BWCs for police officers. Experience, best practices, and the legal environment concerning BWCs were under-developed and not well-defined at that time. Staff's recommendation was to defer consideration of body cameras in Kirkland until the legal environment stabilized and matured, and more experience was gained across the state and nation to identify best practices for the use of body cameras. With the passage of Resolution 5434 in August 2020, the City Council has affirmed their commitment to increasing mutual community and police safety, accountability and transparency through a BWC pilot program.

OVERVIEW OF BODY-WORN CAMERA PROGRAM

Nationally, according to the Bureau of Justice Statistics¹ published in November 2018, based on data collected in 2016, 47% of general-purpose law enforcement agencies had acquired BWCs. Of those, 80% of agencies listed the main reasons for BWCs were improving officer safety, increasing evidence quality, reducing civilian complaints, and reducing agency liability.

Mutual Safety, Accountability and Transparency

Body-worn camera deployment focuses on safety, accountability and transparency for both police officers and the community. In 2012, two agencies (Rialto Police, CA, and Mesa Police, AZ) conducted studies² on the deployment of BWCs in their agencies. Both agencies saw a reduction of citizen complaints and use of force incidents with officers that had BWCs. In these studies, police and city officials remarked that BWCs encouraged improved behavior from both citizens and officers. The ability to record interactions between police and the community is thought to hold officers more accountable for their behavior and promote professionalism in their actions.

Identifying and Correcting Internal Agency Issues

Body-worn cameras can also assist with the identification and correction of internal agency issues. Phoenix Police (AZ)³ and Daytona Beach Police (FL) publicly spoke about officers' dismissal after BWCs uncovered behavior contrary to their department policies. The use of BWCs can lead to greater transparency in department actions, while quelling unfounded community complaints.

Reducing Complaints

A National Institute of Justice Study on the Las Vegas Metropolitan Police Department⁴ published in December 2017 found that officers with BWCs generated fewer use-of-force reports and complaints from citizens than officers without BWCs. Additionally, officers with BWCs had higher numbers of arrests and citations than officers without BWCs.

¹ *Body-Worn Cameras in Law Enforcement Agencies, 2016*. U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. <https://www.bjs.gov/content/pub/pdf/bwclea16.pdf>

² *How police body cameras can improve behavior, ease tension*. (2016, October 21). San Diego Union Tribune. <https://www.sandiegouniontribune.com/opinion/commentary/sd-policy-body-cameras-20161021-story.html>

³ *Body-Worn Camera Toolkit*, Bureau of Justice Assistance. https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/BWC_FAQs.pdf

⁴ *The Benefits of Body-Worn Cameras: new findings from a randomized controlled trial at the Las Vegas Metropolitan Police Department*. <https://www.ncjrs.gov/pdffiles1/nij/grants/251416.pdf>

Evidentiary Outcomes

Body-worn cameras have significantly improved how officers capture evidence for investigations and court proceedings. BWCs record victim, witness, and suspect statements, use of force incidents, crime scene filming, and other interactions with the community. BWC also captures law enforcement contacts in recordings that can assist in complaint investigations, lawsuits, or other alleged police behavior claims.

CONSIDERATIONS

Privacy Concerns

Body-worn cameras raise many privacy concerns caused by the placement and mobility of BWCs. BWCs can simultaneously record both audio and video and capture close-up images that allow for the potential use of facial recognition technology. Due to the fluidity of law enforcement work, BWCs record more than public space stationary cameras. Officers could potentially record inside private residences and other non-public areas, and film sensitive situations that might emerge during calls for service. Significant privacy concerns can also arise when interviewing crime victims, particularly in situations involving rape, abuse, or other sensitive matters. When implementing BWCs, law enforcement agencies must balance these privacy considerations with the need for transparency of police operations, accurate documentation of events, and evidence collection. Research has shown that law enforcement agencies have taken many different approaches to address privacy concerns. Developing formal, comprehensive BWC policies specific to the City of Kirkland's unique needs will be essential in building the foundation that supports all aspects of a BWC program.

When to Record

A forefront question is when should BWCs be activated and deactivated. Certain situations encountered by officers may not be suitable or socially acceptable for recording. Community members may not accept being recorded during community contacts by police, such as bicycle patrol or foot patrol officers talking to neighborhood residents or park-goers.

It is generally up to each police department within Washington State to determine their BWC policy when cameras are activated/deactivated. However, RCW 10.109.010⁵ lays out what the policy needs to speak to concerning BWCs:

- (1) A law enforcement or corrections agency that deploys body worn cameras must establish policies regarding the use of the cameras. The policies must, at a minimum, address:

⁵ RCW 10.109.010 <https://app.leg.wa.gov/RCW/default.aspx?cite=10.109.010>

- (a) When a body worn camera must be activated and deactivated, and when a law enforcement or corrections officer has the discretion to activate and deactivate the body worn camera;
- (b) How a law enforcement or corrections officer is to respond to circumstances when it would be reasonably anticipated that a person may be unwilling or less willing to communicate with an officer who is recording the communication with a body worn camera;
- (c) How a law enforcement or corrections officer will document when and why a body worn camera was deactivated prior to the conclusion of an interaction with a member of the public while conducting official law enforcement or corrections business;
- (d) How, and under what circumstances, a law enforcement or corrections officer is to inform a member of the public that he or she is being recorded, including in situations where the person is a non-English speaker or has limited English proficiency, or where the person is deaf or hard of hearing;
- (e) How officers are to be trained on body worn camera usage and how frequently the training is to be reviewed or renewed; and
- (f) Security rules to protect data collected and stored from body worn cameras.

RCW 42.56.240(14)(a)⁶ implies that cameras may be activated in places where one has a reasonable expectation of privacy, including a person's home, by exempting such BWC footage from public disclosure. It is up to the department to decide whether to generally have BWCs activated in someone's home, whether to inform the person or request consent from them, and whether to activate or deactivate the BWC based on the individual's requests. One approach is to have officers record every encounter with the public. This is the approach advocated by the American Civil Liberties Union (ACLU), which stated in a report released in October 2013⁷, "If a police department is to place its cameras under officer control, then it must put in place tightly effective means of limiting officers' ability to choose which encounters to record. That can only take the form of a department-wide policy that mandates that police turn on recording during every interaction with the public." A more common approach requires officers to activate BWCs during any law enforcement activity, such as traffic stops, social contacts in the community, Terry stops (brief detention based on reasonable suspicion a crime has occurred), arrests, searches, etc. This approach would require defining a "law enforcement activity" and what should and should not be recorded. Limiting officer discretion would also need to be defined and

⁶ RCW 42.56.240 <https://app.leg.wa.gov/RCW/default.aspx?cite=42.56.240>

⁷ Jay Stanley, ACLU Senior Policy Analyst, *Police Body-Worn Mounted Cameras: With Right Policies in Place, a Win for All* (October 2013). https://www.aclu.org/files/assets/police_body-mounted_cameras.pdf

discussed, as broad or unclear guidelines on officer discretion for recording could lead to community inquiries and mistrust.

Consent

As Washington State is a two/all-party consent state when it comes to recordings, RCW 9.73.030(3)⁸ defines that advising a person they are being recorded is considered obtaining consent:

“Where consent by all parties is needed pursuant to this chapter, consent shall be considered obtained whenever one party has announced to all other parties engaged in the communication or conversation, in any reasonably effective manner, that such communication or conversation is about to be recorded or transmitted: PROVIDED, That if the conversation is to be recorded that said announcement shall also be recorded.”

This RCW also addresses that recordings “of an emergency nature, such as the reporting of a fire, medical emergency, crime, or disaster,” does not require all-party consent. BWCs may have a disproportionate impact on those with disadvantaged positions, such as people with mental illness, who are homeless, or who are otherwise in crisis. Their ability to acknowledge or consent to filming in personal situations may be hampered. In addition to comprehensive policies, effective BWC training programs prior to implementation are critical and cannot be understated.

Health Care Facilities

While Washington State law prohibits the disclosure of BWC recordings from medical facilities where an individual is receiving treatment or health care information, consideration should be made on whether to record non-law enforcement action in medical facilities and officers’ BWCs recording medical treatment on-scene of a call for service.

Retention

The retention of BWC recordings is an essential factor for the privacy of those recorded. The longer recorded videos are retained, the longer they are subject to public disclosure, which can be problematic if the video contains footage associated with privacy concerns. Community members’ concerns about police departments collecting their personal data can be lessened if the videos are not retained for long periods of time.

The City of Kirkland currently follows all State of Washington retention schedules. The Washington State Office of the Secretary of State provided clarification for BWC footage retention in accordance with RCW 40.14.070⁹:

⁸ RCW 9.73.030 <https://apps.leg.wa.gov/rCW/default.aspx?cite=9.73.030>

⁹ RCW 40.14.060 <https://apps.leg.wa.gov/rcw/default.aspx?cite=40.14.070>

If an incident (defined as a unique or unusual action from which litigation or criminal prosecution is expected or likely to result) is captured on a BWC, then any recording(s) must be retained until the matter has been resolved and the appeals process has been exhausted. Once the matter is resolved and there can be no further appeals, then the recording(s) must be destroyed. LE09-01-08 Rev. 3.¹⁰

If an incident as defined above is not captured on a BWC, then any recording(s) must be retained for 60 days from the date of recording. After 60 days from the time the footage was captured, the recording(s) can be destroyed. LE2016-001 Rev. 1.¹¹

Disclosure

Disclosure of BWCs can promote transparency and accountability but can also create privacy concerns for recordings of victims, sensitive incidents/investigations, or from private areas. BWC recordings, once released, may be posted online and circulated on social media by members of the public.

Washington State has RCWs speaking directly to the release of BWC recordings.

RCW 42.56.240 (14)¹² Body worn camera recordings to the extent nondisclosure is essential for the protection of any person's right to privacy as described in RCW 42.56.050¹³, including, but not limited to, the circumstances enumerated in (a) of this subsection. A law enforcement or corrections agency shall not disclose a body worn camera recording to the extent the recording is exempt under this subsection.

The Joint Legislative Task Force on the Use of Body-Worn Cameras¹⁴ states “invasion of a person’s right to privacy under the Public Records Act is defined to mean disclosure of information that would be both highly offensive to a reasonable person and not of legitimate concern to the public.”

Disclosure of a body worn camera recording is presumed to be highly offensive to a reasonable person under RCW 42.56.050¹⁵ to the extent it depicts:

- Any areas of a medical facility, counseling, or therapeutic program office where:

¹⁰ *How Long Do Police Body Cam Recordings Need to Be Kept?* (2018, October). Office of the Secretary of State Washington State Archives. [https://www.sos.wa.gov/assets/archives/recordsmanagement/advice-sheet-how-long-do-police-body-cam-recordings-need-to-be-kept-\(october-2018\).pdf](https://www.sos.wa.gov/assets/archives/recordsmanagement/advice-sheet-how-long-do-police-body-cam-recordings-need-to-be-kept-(october-2018).pdf)

¹¹ *Id.*

¹² RCW 42.56.240 <https://app.leg.wa.gov/RCW/default.aspx?cite=42.56.240>

¹³ RCW 42.56.050 <https://app.leg.wa.gov/RCW/default.aspx?cite=42.56.050>

¹⁴ WA State Joint Legislative Task Force on the Use of Body Worn Cameras(2017) <http://leg.wa.gov/JointCommittees/Archive/UBWC/Documents/UBWC-FinalRpt.pdf>

¹⁵ *Id.*

- A patient is registered to receive treatment, receiving treatment, waiting for treatment, or being transported in the course of treatment; or
- Health care information is shared with patients, their families, or among the care team; or
- Information that meets the definition of protected health information for purposes of the health insurance portability and accountability act of 1996 or health care information for purposes of chapter 70.02 RCW;
- The interior of a place of residence where a person has a reasonable expectation of privacy;
- An intimate image;
- A minor;
- The body of a deceased person;
- The identity of or communications from a victim or witness of an incident involving domestic violence as defined in RCW 10.99.020 or sexual assault as defined in RCW 70.125.030, or disclosure of intimate images as defined in RCW 9A.86.010. If at the time of recording the victim or witness indicates a desire for disclosure or nondisclosure of the recorded identity or communications, such desire shall govern; or
- The identifiable location information of a community-based domestic violence program as defined in RCW 70.123.020, or emergency shelter as defined in RCW 70.123.020.

The presumption of privacy in the above-listed cases may be rebutted by specific evidence in individual cases. See RCW 42.56.240(14)¹⁶(a) and (b) for full details.

RCW 42.56.240(14)(d)¹⁷ -A request for BWC recordings must:

- Specifically identify a name of a person or persons involved in the incident;
- Provide the incident or case number;
- Provide the date, time, and location of the incident or incidents; or
- Identify a law enforcement officer involved in the incident(s).

Any member of the public may request the BWC footage.

RCW 42.56.240(14)(e)¹⁸, the following people can rightfully make a public records request for BWC footage:

- A person directly involved in an incident recorded by the requested footage
- An attorney representing a person directly involved in an incident recorded by the BWC

¹⁶ [RCW 42.56.240](https://app.leg.wa.gov/RCW/default.aspx?cite=42.56.240). <https://app.leg.wa.gov/RCW/default.aspx?cite=42.56.240>

¹⁷ *Id.*

¹⁸ *Id.*

- An attorney representing a person regarding a potential or existing civil cause of action involving the denial of civil rights under the federal or state Constitution, or a violation of a US department of justice settlement agreement
 - To obtain the footage, the attorney must explain the relevancy of the requested BWC recording to the cause of action and specify that they are seeking relief from redaction costs under subsection (14)(e).
- The executive director from either the Washington state commission on African American Affairs, Asian Pacific American affairs, or Hispanic affairs

Any other member of the public may request the footage as well, as long as they comply with the requirements listed above. However, the police department may charge the individual for reasonable costs of redacting the video in that case; redaction may be necessary, as a member of the public who was not directly involved in the incident (or their attorney) does not automatically have the right to unedited footage, as that could violate the involved individuals' privacy. RCW 42.56.240(14)(e)¹⁹.

Data Storage and Management

Body-worn camera recordings are stored digitally and record a significant amount of footage requiring a large amount of digital media storage space. In addition to a comprehensive, secure digital media storage solution, direct media management and oversight is needed. Consideration for additional personnel to categorize recordings, determine retention schedules, perform redaction and transcription, and destroy media in a timely manner is imperative.

Community Input

The implementation of BWCs has led to concerns regarding the ability of police to build relationships while community members are being recorded. There are fears that people will be less likely to come forward to share information if they know their conversation is going to be recorded, particularly in high-crime neighborhoods where residents might be subject to retaliation if they are seen as cooperating with police.

Certain community groups may experience a disproportionate impact from BWCs, such as those with mental illness, who are homeless or are otherwise in crises. Depending on how data sharing policies are implemented, BWCs may be perceived as being used to target immigrant/non-citizen community member populations. BWCs may put victims or reporting parties at risk for identification, which could lessen the incentive to report criminal activity.

¹⁹ RCW 42.56.240. <https://app.leg.wa.gov/RCW/default.aspx?cite=42.56.240>

Per RCW 10.109.020²⁰ “a legislative authority of a city or town is strongly encouraged to adopt an ordinance or resolution authorizing the use of BWCs prior to their use by law enforcement or a corrections agency. Any ordinance or resolution authorizing the use of BWCs should identify a community involvement process for providing input into the development of operational policies governing the use of BWCs.” RCW 10.109.020 encourages community involvement for the implementation of BWCs. Transparency about the agency’s camera policies and practices, both prior to and after implementation, can help increase public acceptance and hold agencies accountable.

Community involvement as stakeholders prior to the implementation of a BWCs program is strongly encouraged. Engaging the community can help secure support for the program and increase the perceived legitimacy of the program in the community.

Officer Concerns

Any BWC program implementation will require discussions/collective bargaining with the Kirkland Police Guild. To be successful, officer support for a BWC program is needed. Officer concerns can include the additional level of scrutiny of their actions, the ability to review footage prior to writing reports, understanding policies on what is recorded and released, and the effects of public disclosure requests.

One of the factors that will need to be addressed is how the Department and City will use camera footage to monitor officer performance. Most agencies permit supervisors to review videos so they can investigate a specific incident or complaint, identify videos for training purposes, ensure the system is working, and monitor overall compliance with the camera program. However, whether supervisors should also periodically and randomly review videos to monitor officer performance may be a point of contention for officers. Some agencies allow periodic monitoring to help proactively identify problems and hold officers accountable for their performance. Other agencies permit periodic monitoring only in certain circumstances, such as when an officer is still in a probationary period, or after an officer has received a certain number of complaints.

Body-worn cameras would be considered a change in working conditions and would be subject to the collective bargaining agreement.

COST

A City of Kirkland Request for Information (RFI) for BWCs was opened August 19, 2020 – August 31, 2020. The RFI requested information in the following areas:

- General Body Camera Information
- Video and Optics

²⁰ RCW <https://app.leg.wa.gov/RCW/default.aspx?cite=10.109.020>

- Audio
- Data Upload
- Battery Information
- GPS
- Safeguards
- Video Data Storage Management
- Warranty and Maintenance Plans
- Costs

While eight BWC vendors responded to the RFI and provided valuable equipment and storage information, a Request for Proposal (RFP) would yield more detailed cost options specific to the Kirkland Police Department.

A BWC program's cost can be divided into three general cost categories, equipment, storage, and personnel.

Equipment

Although equipment costs appear to be relatively straightforward, there is a wide variety of camera options and camera components. Camera components include different mounts, adapters, docking stations, and portable chargers. And along with each piece of equipment comes a variety of warranty and technical support options.

Storage

Research suggests that many police departments have discontinued their BWC programs due to the on-going high cost of data storage. The eight RFI responses included a variety of different storage options. Some of the options included paying per terabyte of storage, paying storage per officer, free unlimited storage for a time period (90 days, one year), and unlimited storage per camera. The cost of data storage depends on how many videos are produced, how long the videos are kept, and where the videos are stored. To compound the issue of storage costs, retention requirements for BWC video are evolving and could directly impact the amount of video data required to be retained, increasing costs associated with storage. Unlimited storage per camera is recommended; however, the costs for unlimited storage per camera is dependent on the department's retention and Freedom of Information Act policies. Careful analysis of proposed contract storage costs and options, as well as assessing and reassessing the future storage needs of the department, will be crucial to the success of the program.

Personnel

Administering a BWC program requires ongoing financial and staffing commitments. Research suggests two of the most significant administrative costs associated with a BWC program are the program's overall management, including reviewing and categorizing thousands of hours of video, and the increase in disclosure requests from the public and the news media for BWC videos. An additional Evidence Technician FTE for managing the BWC program and an additional Public Records Analyst FTE are recommended as the current staff (one full time Public Records Analyst and two Evidence Technicians) could not absorb this work. This recommendation is based on the experience of other Departments who have implemented BWC programs due to the large volume of evidence that is created along with the need for redaction of video prior to release to the public.

A BWC program needs to be designed to meet the department's long-term goals beyond the initial five-year contract. Conceptual cost planning without detailed analysis and accurate forecasting is not an option. Careful consideration and scrutiny of vendor proposals is imperative.

Below is an initial high-level estimate of the cost associated with a BWC program that includes unlimited storage per camera for 130 cameras:

	Year 1	Year 2	Year 3	Year 4	Year 5
Equipment and Storage	365,000	215,000	200,000	200,000	200,000
FTE Evidence Technician	98,791	104,551	110,513	117,696	125,347
FTE Public Disclosure Analyst	109,772	116,175	123,174	131,180	139,707
Total Estimated Costs	573,563	435,726	433,687	448,876	465,054
Total Five Year Estimate	2,356,906				

REGIONAL BODY-WORN CAMERA PROGRAMS

The Department conducted a survey of agencies currently deploying BWC to include those that had participated in the Joint Legislative Task Force in 2016. The results show a wide variety of deployment to include programs that do not require every uniformed Officer to participate. Several agencies also integrate in-car camera systems with their BWC program. The current cost estimates only cover Officer worn BWC and do not include an integrated in-car camera system.

Auburn

- Every patrol vehicle has in-car camera.
- Officers who do not operate patrol vehicles with in-car cameras (traffic, parking enforcement, bicycle officers) are equipped with body cameras.

Bainbridge Island

- Began equipping some officers with BWCs in 2013 on a nonmandatory basis
- All officers are now required to wear BWCs.

- BWCs automatically activate when an officer draws a firearm, taser, or turns on emergency lights on a vehicle.

Bellevue Police Department

- Completed a pilot program
- Program was discontinued due financial cost and issues raised during collective bargaining

Bellingham Police Department

- Completed a limited pilot program
- Voluntary wear of BWC's began in early 2014
- Made BWCs mandatory for all uniformed patrol officers in 2016

Bothell Police Department

- Recently declined to implement BWC program due to financial cost

Bremerton

- Some officers began voluntarily wearing BWCs in 2011
- 6-week pilot program in 2014

Everett Police Department

- Completed a limited pilot program with 10 officers wearing BWCs for a 6-month trial period (period began December 2019, so it just concluded)
- City budgeted \$400,000 in 2020 for purchase of BWCs

Gig Harbor

- 3 BWCs deployed in 2016

Kent Police Department

- Completed a limited pilot program with 11 officers wearing BWCs for a 6-month trial period
- Now over 100 officers have BWCs

Lake Forest Park

- Certain Lake Forest Park officers have been wearing BWCs off and on since 2010

Mill Creek

- Started with a trial period in 2016
- Officers do not currently wear BWCs, but a BWC proposal will be made to the City Council on September 1, 2020.

Monroe

- Started with a 6-month trial period in 2016 using two BWCs
- As of 2017, they have five BWCs.
- The officers who wear the devices volunteer.

Redmond Police Department

- On June 16, 2020, the City Council declined to implement BWC program due to financial cost

Renton

- Pilot program in 2016
- Per the Renton Police Department policy, the “Renton Police Department may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties.”

Seattle Police Department

- Implemented a pilot BWC program in 2014
- Currently deploy both BWCs and in-car cameras

Spokane Police Department

- Instituted BWCs in 2015 after the Spokane City Council approved the purchase in 2013
- All officers wear BWCs, approximately 230 BWCS deployed daily
- Storage of approximately 137 TB of video on Axon’s website evidence.com (over 380,000 BWC videos)

Tacoma Police Department

- Expected to launch BWCs in 2021 and complete implementation in 2022

Tukwila Police Department

- Completed a limited pilot program first with 5 officers wearing BWCs
- Now over 70 officers with BWCs

Vancouver Police Department

- Considering a BWC program (per current timeline on website), but efforts have been paused due to COVID
- Pilot program in 2016

RECOMMENDED NEXT STEPS

Using the DOJ Bureau of Justice Assistance Body-Worn Camera Implementation Checklist²¹ as a guide, develop a three-phased project using a hybrid of adaptive and predictive methodologies. An Initiation Phase (outlined below), a Planning and Procurement Phase, and an Execution/Implementation Phase. Deliverables from each phase would be reviewed and

²¹ Bureau of Justice Assistance, U.S. Department of Justice Body-Worn Camera Toolkit
<https://bja.ojp.gov/sites/g/files/xyckuh186/files/bwc/pdfs/BWCImplementationChecklist.pdf>

approved before starting the next stage. The focus of the Initiation Phase would be concept development and feasibility. The estimated timeline for the Initiation Phase is 6-8 months.

Initiation Phase

- Identify initiation phase workgroups
- Identify key project stakeholders
- Plan and implement a community engagement strategy
- Develop an ordinance or resolution proposal for adoption
- Open a dialog with the Kirkland Police Department Guild
- Develop a communication system to inform officers and solicit input
- Perform a feasibility study to determine alignment with organizational strategic goals
- Document and monitor on-going environmental and organizational factors
- Prepare project charter
- Identify project objectives
- Develop project scope
- Research and develop policies for approval
- Identify risks and mitigation strategies
- Continue data collection from similar departments with BWC programs
- Further cost-benefit analysis and identify preliminary funding options
- Product vendor discussions and demonstrations
- Identify training program options
- Phase gate review and approval

The following information is provided as some of the reference material collected by the Department:

WASHINGTON LEGISLATIVE REPORT

Joint Legislative Task Force on the Use of Body Worn Cameras (BWCs) – 2017 Report²²
Task Force Concerns and Recommendations

1. Purpose of BWCs
 - a. Accountability
 - i. Minimize officer discretion on when to activate/turn off BWC in policy
 - b. Transparency
 - i. Seek community feedback and provide community education prior to implementing a BWC program

²² *Joint Legislative Task Force on the Use of Body Worn Cameras*. (2017). Washington State Legislature.
<http://leg.wa.gov/JointCommittees/Archive/UBWC/Documents/UBWC-FinalRpt.pdf>

- ii. Provide mechanisms for community questions and feedback during BWC program
 - c. Evidence
 - i. Do not allow BWC manufacturers to use and sell BWC data for potentially unfair purposes; do not contribute to biased input in algorithms [note: Axon intends to automate the function of policing, which could have impacts on future facial recognition software and predictive AI software]
 - ii. It may be helpful to have the BWCs default to on, rather than being turned on manually at the officer's discretion
 - d. Enhancement to public safety
 - i. Actively seek feedback from impacted communities
 - ii. It would be helpful if there were more concrete statewide rules to promote consistency and trust
- 2. Privacy
 - a. Concerns
 - i. The body worn cameras may have a disproportionate impact on those with mental illness (can they consent to filming in personal situations?)
 - ii. BWCs may be used to target immigrant populations (including data sharing)
 - iii. BWCs may put victims at risk for identification, which could lessen incentive to report criminal activity
 - iv. Ensure that BWCs do not enable voyeurism or commercialism
 - v. BWCs should not be used for general surveillance or private sector
 - b. Health information
 - i. An explicit presumption against disclosure of footage from within a healthcare facility strongly and specifically protects patients and families and provides guidance to law enforcement and those requesting records
 - ii. Officers should be careful with BWCs in situations where emergency medical services are being provided on a crime scene
- 3. Note on WASPC
 - a. WASPC was a part of this task force. A model policy was proposed by WASPC initially, but WASPC withdrew that policy from consideration prior to voting on recommendations, so that proposal was not included in this task force report.

SPECIFIC BWC STUDIES

University of Cambridge's Institute of Criminology Study (2016)²³

²³ Ariel, B., Sutherland, A., Henstock, D., Young, J., Drover, P., Sykes, J., Megicks, S., & Henderson, R. (2016). "Contagious Accountability." *Criminal Justice and Behavior*, 44(2), 293–316.
<https://doi.org/10.1177/0093854816668218>

1. What was recorded?
 - a. Citizen complaints
2. Method
 - a. The University of Cambridge's Institute of Criminology studied seven police departments from 2014-2015 in the United Kingdom and the United States. The study included over one million officer hours across over 4,000 shifts in jurisdictions that cover a total population of two million residents. Officers were randomly assigned into treatment (wearing BWCs) and control (not wearing BWCs) groups.
3. Results
 - a. Citizen complaints against the police decreased 93% when police wore BWCs.
4. Additional notes
 - a. Interestingly, post-test complaints (after the police had worn BWCs for a period and then stopped wearing them) remained lower than the pre-test level of complaints (before police had ever worn BWCs). The authors of the study theorize that this may be because the officers were better able to reflect on their actions after seeing the BWC footage, even when they were no longer wearing the BWC.

Rialto, CA study (2012 – one of the earliest major BWC studies)²⁴

1. What was recorded?
 - a. Police use of force
 - b. Civilian complaints
2. Method
 - a. Each week, all shifts were randomly assigned to treatment or control
 - b. On a treatment shift, all officers had to wear cameras, had to keep the cameras turned on for their whole shift and had to give verbal warnings to anyone they encountered that they were wearing a camera. On control shifts, no one wore cameras
 - c. The study then compared those shifts where cameras were being used to those where they weren't
3. Results
 - a. When officers were wearing cameras on shifts, police use of force against suspects was 50 percent lower.
 - b. Complaints against the police decreased 90% in the 12 months after the cameras were introduced.

²⁴ *How police body cameras can improve behavior, ease tension.* (2016, October 21). San Diego Union Tribune. <https://www.sandiegouniontribune.com/opinion/commentary/sd-policy-body-cameras-20161021-story.html>

- i. Specifically, complaints went from 0.7 complaints per 1,000 contacts without BWCs to 0.07 per 1,000 contacts with BWCs.
- c. When officers used their discretion to turn cameras on and off during their shifts, this was associated with an increased use of force.
- 4. Additional notes
 - a. It cannot be left to the officers to determine the shifts during which they will wear the cameras.
 - i. This assertion is supported by a 2016 study, which noted that use of force rates were 37% lower when officers had no discretion of when BWCs were turned on, as compared to a 71% increase in use of force rates when officer had full discretion of when to turn on/off BWCs.²⁵
 - b. Cameras must stay turned on for the entire shift

Proceedings of the National Academy of Sciences of the United States of America (PNAS) Study (2019)²⁶

- 1. What was recorded?
 - a. Police use of force
 - b. Civilian complaints
 - c. Policing activity category (traffic tickets, warnings, arrests, etc.)
 - d. Judicial outcomes
- 2. Method
 - a. Metro Police of Washington, D.C. had half of their patrol and station officers randomly assigned to wear BWCs, while the other half were not assigned to wear BWCs.
- 3. Results
 - a. There were no statistically significant effects of wearing in any of the four categories measured.
- 4. Additional notes
 - a. The authors of the study hypothesize that so many nonpolice cameras record incidents in D.C. (and in most large cities) now that BWCs may not make a huge difference, since police often have to assume, they are being filmed whether or not they wear a BWC.

²⁵ Ariel, B., Sutherland, A., Henstock, D. et al. Report: increases in police use of force in the presence of body-worn cameras are driven by officer discretion: a protocol-based subgroup analysis of ten randomized experiments. *J Exp Criminol* 12, 453–463 (2016). <https://doi.org/10.1007/s11292-016-9261-3>.

²⁶ Yokum, D., Ravishankar, A., & Coppock, A. (2019). A randomized control trial evaluating the effects of police body-worn cameras. *Proceedings of the National Academy of Sciences*, 116(21), 10329–10332. <https://doi.org/10.1073/pnas.1814773116>

1. What was recorded?
 - a. Officer behavior
 - b. Officer perceptions
 - c. Citizen behavior
 - d. Citizen perceptions
 - e. Police investigations
 - f. Police organizations
2. Method
 - a. 70 empirical studies of BWCs were examined.
3. Results
 - a. Citizen complaints
 - i. Officers who wear BWCs typically have fewer complaints lodged against them.
 - b. Officer use of force
 - i. Mixed findings
 - ii. Study findings do not show definitively that BWCs can reduce officers' use of force.
 - c. Officer decisions to arrest or cite
 - i. Mixed findings
 - d. Officer proactivity
 - i. Wearing BWCs did not have a significant impact on officer levels of proactivity.
 - e. Effect on disparate outcomes
 - i. Not enough data to determine at this point
 - f. Officers' attitudes toward BWCs
 - i. Officers tend to feel more positive about BWCs over time
 - ii. Common concerns about technical difficulties adding time to duties (downloading footage, reviewing footage when writing reports, etc.)
 - g. Citizen compliance
 - i. Mixed findings
 - h. Citizen willingness to call and cooperate with the police
 - i. Not enough data to determine at this point
 - i. Crime deterrence
 - i. BWCs do not appear to have a general deterrent effect.
 - j. Impact of BWCs on specific citizen-police encounters
 - i. Behavior of officer has more effect on citizens' impressions than the presence of a BWC.

²⁷Lum, C., Stoltz, M., Koper, C. S., & Scherer, J. A. (2019). Research on body-worn cameras. *Criminology & Public Policy*, 18(1), 93–118. <https://doi.org/10.1111/1745-9133.12412>

- k. Citizen attitudes toward BWCs re. privacy and fear
 - i. Not enough data to determine at this point
 - l. Impact of BWCs on criminal investigations
 - i. BWCs can have positive investigative effects
 - ii. Particularly useful in DV cases when victim is uncooperative
 - m. Effect of BWCs on police organizations
 - i. Training can be improved by using BWC footage for actual examples
- 4. Additional notes
 - a. Consider the community context when implementing BWCs.
 - b. Consider using BWCs internally in training, management, and internal investigations to promote internal systemic improvements throughout the agency.

STATEMENTS FROM SOCIAL JUSTICE ORGANIZATIONS

ACLU²⁸

- 1) Cameras alone do not improve accountability
- 2) A solid BWC program is most important
 - a) Need strong policies and institutional practices
- 3) Cameras should be used to increase transparency and oversight, NOT used to simply increase surveillance
- 4) Filming should start at the beginning of any law enforcement encounter
 - a) Peaceful protests should not be filmed
 - b) A protester arrested at a protest should be filmed. If tear gas is deployed, that should be filmed.
 - c) Test: is officer asserting their authority beyond just standing somewhere on standby? If so, then camera should be on.
- 5) Calls for a presumption against officers in litigation in cases where police should possess BWC footage but don't
- 6) Don't give officers discretion on when to record or release footage

Campaign Zero²⁹

- 1) BWCs (and dashboard cameras) should be mandatory for police
- 2) Establish BWC policies covering:
 - a) record all interactions with subjects who have not requested to be kept anonymous

²⁸ American Civil Liberties Union. (2020, June 25). *ACLU News & Commentary*. <https://www.aclu.org/news/privacy-technology/body-cameras-and-the-george-floyd-protests/>

²⁹ *Body Cams/ Film the Police*. (2020). Campaign Zero. <https://www.joincampaignzero.org/film-the-police>

- b) notify subjects that they have the option to remain anonymous and stop recording/storing footage if they choose this option
- c) allow civilians to review footage of themselves or their relatives and request this be released to the public and stored for at least two years
- d) require body and dash cam footage to be stored externally and ensure district attorneys and civilian oversight structures have access to the footage
- e) require police departments, whenever they want to deny a Freedom of Information Act (FOIA) request for body or dash cam footage, to prove in court that the footage constitutes a legitimate FOIA exemption (Ex: Illinois House Bill 4355)
- f) permanently delete footage after 6 months if this footage hasn't been specifically requested to be stored
- g) include a disciplinary matrix clearly defining consequences for officers who fail to adhere to the agency's body camera policy.
- h) consider whether cameras or mandated footage are tampered with or unavailable as a negative evidentiary factor in administrative and criminal proceedings
- i) prevent officers from reviewing footage of an incident before completing initial reports, statements or interviews about an incident
- j) prohibit footage from being used in tandem with facial recognition software, as fillers in photo arrays, or to create a database or pool of mugshots. (Ex: Baltimore PD Body Cam Policy)
- k) update privacy laws to protect civilians from having video or audio recordings released publicly that do not contain potential evidence in a use-of-force incident, discharge of a weapon or death.

NAACP³⁰

- 1) The NAACP calls for the use of BWCs for all officers.

Joint statement by Women Leaders of 13 African American Organizations³¹

- 1) Require all police officers to wear body cameras.
- 2) Terminate officers who intentionally turn off their cameras.

³⁰ N. (2020, June 3). *NAACP / Joint Statement by NAACP and The Links, Incorporated on Collective Outrage Regarding the Police Murder of George Floyd and other Victims of Law Enforcement*. NAACP. <https://www.naacp.org/latest/joint-statement-naacp-links-incorporated-collective-outrage-regarding-police-murder-george-floyd-victims-law-enforcement/>

³¹ Links, T. (2020, June 10). *Joint Statement by Women Leaders of 13 African-American Organizations*. Links. <https://linksinc.org/joint-statement-by-women-leaders-african-american-organizations/>

FEDERAL BILL

The George Floyd Justice in Policing Act of 2020³² (H.R.7120) was introduced in the U.S. House of Representatives in early June 2020. The bill passed in the House in late June 2020 and is now in the Senate. If enacted, the “Federal Police Camera and Accountability Act” section of the bill (Subtitle C, Part 1) would require federal law enforcement officers to wear a body camera. While this bill as currently written would not require city police officers to wear BWCs, this bill is worth noting in case states begin enacting similar bills.

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³² H.R.7120 - George Floyd Justice in Policing Act of 2020. <https://www.congress.gov/bill/116th-congress/house-bill/7120/actions>

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Step 1: Learn the Fundamentals	
	1.1. Become familiar with available materials
	Review Why Trust this Toolkit and the “ Implementation ” toolkit page
	Review the “ National Landscape ” materials to access the most up-to-date shared resources from across the country
	1.2. Build a basic understanding of body-worn cameras and related considerations
	Read through the background and essential reading materials on the “ Getting Started ” toolkit page
	Identify key links, available templates, and other resources available on the “ Research ” toolkit page
Step 2: Develop a Plan	
	2.1. Define program goals, objectives, and desired outcomes
	Review materials available on the “ Implementation ” toolkit page
	2.2. Understand program costs and identify potential funding sources
	Perform a search on “cost” in the toolkit and read the “ Implementation ” toolkit page materials about cost
	Seek out information about regional resource and partnership opportunities
	2.3. Identify stakeholders and define a stakeholder engagement/communication plan
	Engage law enforcement stakeholders and discover/seek champions for each community - Union, patrol, training, supervisors, legal, internal affairs, records, technology, research/planning
	Engage broader justice stakeholders and discover/seek champions for each community - Victim Services, city and county prosecutor, public defender, courts
	Engage external (non-justice) stakeholders and discover any obvious champions - City leadership, privacy/advocacy groups, community leaders, residents, media
	2.4. Build project plan and identify a project sponsor, project manager, and stakeholder leads
	Review the “ Implementation ” toolkit page materials and templates related to planning
	2.5. Develop a plan and identify research partner to document process and image of BWC program
	Implementation process, officer outcomes, departmental outcomes, case outcomes, citizen outcomes
Step 3: Form Working Group(s) and Identify Collaboration Opportunities	
	3.1. Identify any regional opportunities that offer economy of scale, program sponsorship, or governance
	Seek out whether any existing regional procurements, data storage capabilities, multi-disciplinary working groups, and/or community oversight/relation groups could offer opportunities for reduced cost or overhead

Law Enforcement Implementation Checklist

	3.2. Collaboratively build working groups and decision making process with stakeholders identified in 2.3	
		Define groups, group charters, decision making protocols, and communication guidelines
		Name working group leaders and administrators and assign leads for each stakeholder community
Step 4: Define Policies and Key Protocols		
	4.1. Understand local and state laws affecting video capture, use, and sharing	
		Understand laws or desired protocols around consent, audio/video recording, wiretapping
		Understand laws or desired protocols around public release of information, FOIA, etc.
	4.2. Review available policies	
		Review resources (association policies and sample state/local policies) on the " Policy " toolkit page.
	4.3. Develop written policy for all six policy areas	
		Review " Policy FAQs " on the " Policy " toolkit page and engage BWC Working Group(s) in policy discussions
		Define policy for (1) Video Capture (<i>activation, deactivation, consent</i>)
		Define policy for (2) Video Viewing (<i>superior, officer, and critical incident review</i>)
		Define policy for (3) Video Use (<i>evidence, custodial interviews, intelligence</i>)
		Define policy for (4) Video Release (<i>public release, FOIA inclusion</i>)
		Define policy for (5) Video Storage (<i>downloading, chain of custody, retention</i>)
		Define policy for (6) Process/Data Audits & Controls (<i>compliance monitoring, security, violations</i>)
	4.4. Gain buy-in and support for policies from directly impacted stakeholders	
		Engage key law enforcement units and labor organizations for final policy reviews
		Identify a BWC champion and early adopters within law enforcement unit(s)
Step 5: Define Technology Solution		
	5.1. Define general hardware and software requirements	
		Before reviewing specific products, define desired equipment specifications and features
		Collect key information about data storage requirements such as number of officers, retention guidelines, and state laws on retention and public release
		Decide how existing CAD, RMS, or CMS applications will be involved/impacted
	5.2. Assess current technical capabilities and regional opportunities	
		Understand and document current data storage capabilities, capacity, and scope (across judicial entities and law enforcement units) including time and effort to redact video material
		Understand court and prosecution technology capabilities and capacity
		Make decisions between on premise or cloud storage solution (understanding regional capabilities)

Law Enforcement Implementation Checklist

	5.3. Investigate BWC vendors and products	
		Review information about available commercial market product features and capabilities including redaction procedures
		Contact agencies with similar profile/legal environment to gain information about lessons learned
	5.4. Develop procurement strategy and select solution and vendor (consistent with local procedure)	
		Identify budget availability and limits (don't forget to include full life-cycle costs)
		Review RFPs and associated materials on the " Technology " toolkit page
	5.5. Select BWC hardware	
		Issue RFP and create an associated weighted/ranked scoring model for response evaluation
		Evaluate responses using a peer review process, interview short-listed vendors, and select solution
	5.6. Select data storage solution	
		Issue RFP and create an associated weighted/ranked scoring model for response evaluation
		Evaluate responses using a peer review process, interview short-listed vendors, and select solution
Step 6: Communicate and Educate Stakeholders		
	6.1. Disseminate policy to justice stakeholders	
		Work with law enforcement labor representatives and organizations to share and institute new policies
	6.2. Review and collect available education and training materials	
		Review training materials on the " Training " toolkit page and seek out information from other agencies
	6.3. Develop line officer and supervisor training plan and materials	
	6.4. Develop training plan and materials for prosecutor, court, and public defense personnel	
	6.5. Share information with advocacy groups/community/media (e.g. consent and retention guidelines, equipment capabilities, demonstration, etc.)	
Step 7: Execute Phase Rollout/Implementation		
	7.1. Deliver training to line officers	
	7.2. Outline detailed rollout plan and launch messaging campaign	
		Revisit the original plan and the " Implementation " toolkit page materials
	7.3. Implement focused pilot to assess protocols, training, and outcomes	
		Develop phased approach and assess early adopter outcomes and experiences making adjustments to protocols, processes, training, and messages as appropriate
	7.4. Continuously monitor program, outcomes, and compliance	
		Conduct monthly compliance reports, conduct three month post-implementation assessments, and continuously monitor for problems and challenges with periodic reviews of policy and training to incorporate lessons learned



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MEMORANDUM

To: Kurt Triplett, City Manager

From: Cherie Harris, Chief of Police
Melissa Petrichor, Civilian Administrative Commander
Shawn Stredwick, Jail Manager

Date: October 12, 2020

Subject: KIRKLAND JAIL COST UPDATE

RECOMMENDATION:

City Council receives an update on contract jail expenditures.

BACKGROUND DISCUSSION:

In preparation for the 2021-2022 budget, the Department identified areas of expenditure growth in the jail to include medical and outside contract jail costs. The contract jail costs continue to be of concern and the most difficult to manage for a variety of reasons that the Department will endeavor to explain in this memo.

The construction of the Kirkland Justice Center included a misdemeanor jail with 64 jail beds. The Kirkland Jail became fully functional in September 2014 and recently underwent a remodel of two unused "detox" cells that now allows for the use of 72 beds.

In the fall of 2016, the Police Department submitted an issue paper comparing actual jail expenditures versus estimates that were developed before the jail opened. The issue paper concluded that expenditures matched expectations in most areas except for outside contract jail costs, which exceeded expectations by a significant margin.

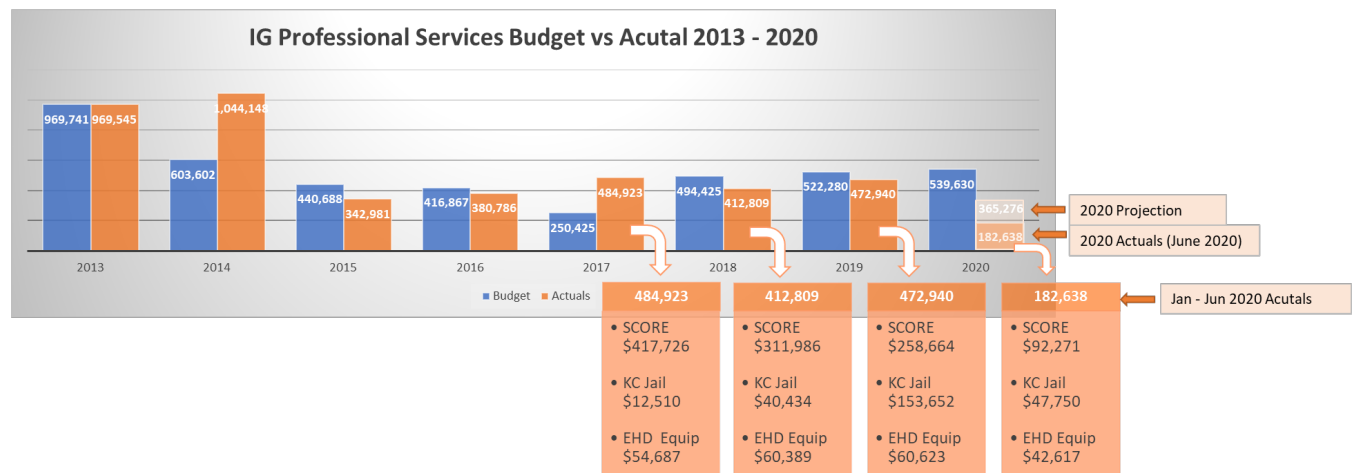
At the beginning of 2017, the Police Department began collecting data to identify why contract jail expenditures exceeded expectations. At the time of the 2016 update, the Department had just nine months of data available. In September 2018, with eighteen months of data available, the Department submitted an issue paper that described the challenges of housing subjects who have medical/mental health issues or are experiencing detoxification and are typically transferred to the South County Correctional Entity (SCORE), a facility with advanced services for inmates experiencing these types of issues.

Based on the analysis in this issue paper, the cost of contract beds in other facilities was predicted to be consistent through 2019-2020.

The Department now has 42 months of actual data from which to formulate better conclusions. This memo will provide an updated analysis based on the additional data available and changes that were made to the medical services provided within the jail that the Department believes will reduce the cost of contract beds. Overshadowing all of these changes is the COVID-19 Pandemic, which brought about significant changes in the number of arrests and bookings into all correctional facilities, closed the Kirkland Municipal Court and significantly reduced jail operations in the Department.

Contract Jail Expenditure Analysis

The graph below shows contract jail expenditures since 2013 and includes Electronic Home Detention (EHD) equipment. The Kirkland Jail became fully functional in September 2014, and the graph below shows a sizeable reduction in contract jail expenditures as a result. The graph also includes actual expenses for January – June 2020 with a projected cost estimate for all of 2020.

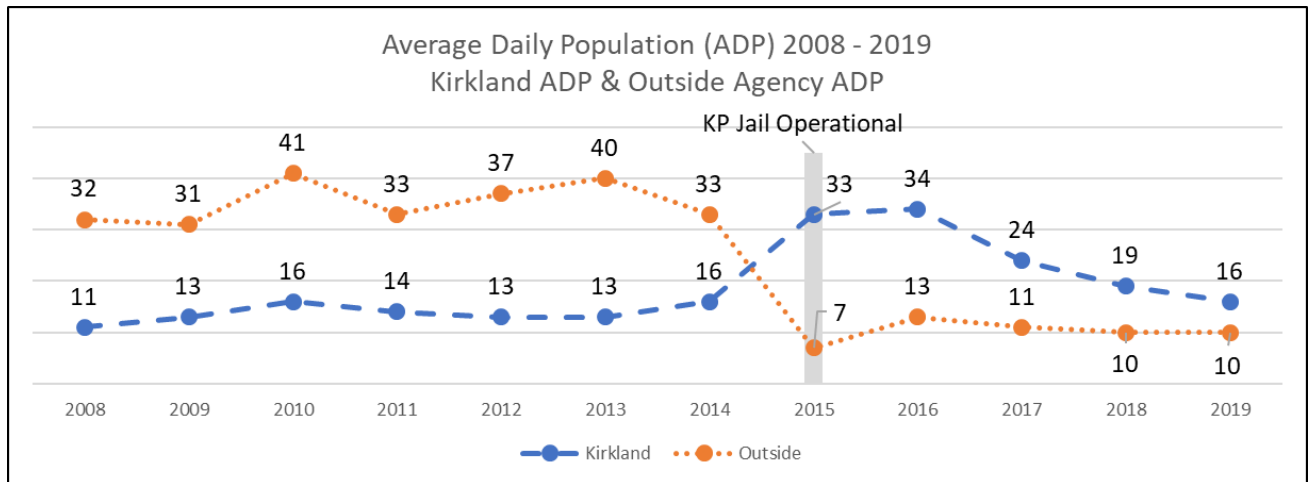


The dramatic reduction in contract jail expenditures for 2020 is directly related to COVID-19. In early 2020, just before COVID-19, the rarely used detox cells were remodeled into new housing space for inmates. The remodel created eight additional beds and gave greater housing flexibility. However, due to COVID-19, there is no statistical information on the impact these extra cells have had on the contract jail costs. However, during COVID-19, these additional units proved to be invaluable to quarantine inmates that showed cold or flu symptoms.

Other historical factors for the use of outside contract jail beds continue, such as the need for proper segregation by gender and type of offense, the Kirkland Corrections Staff can only house as many inmates as the "classification system" allows. For example, since female inmates must be housed away from male inmates, if there is only one female inmate, they may be occupying a six or eight-bed cell with the remaining beds in that cell vacant. Gender classification is another reason the two detoxifications cells were converted into individual housing units.

Jail Average Daily Population (ADP) Analysis

The following graph illustrates the ADP for both the Kirkland jail and the use of outside contract jail beds. Kirkland's overall Average Daily Population (ADP) has decreased and the Outside Agency ADP has stabilized.



Contracted beds are used for housing inmates that are not appropriate for the current facility, including inmates with medical, psychological, or behavioral issues.

Several other factors have been identified as attributing to the decrease in Kirkland Jail ADP since 2016. A change to the Driving While License Suspended 3rd (DWLS 3) law in 2016 accounted for a significant portion of the decrease; however, in 2019, several mitigation strategies were identified to increase and stabilize the Kirkland Jail ADP. These strategies included:

Woodinville Contract

A new contract was signed in November 2019, with the City of Woodinville made it possible for Woodinville PD, a neighboring agency that also contracts with the Kirkland Municipal Court, to house inmates in the Kirkland jail. The contract includes a minimum of one bed per day reserved for Woodinville, creating revenue of at least \$46,000 per year and an increase in ADP.

New Medical Provider Contract

In January 2020, the Kirkland Jail contracted with a new medical provider that was able to deliver additional daily coverage and provide a broader spectrum of inmate health services than the previous provider. These additional services include flu testing and inoculation, DUI blood draws, and additional medical screening. This new contract has allowed inmates with certain medical conditions to be housed at the Kirkland Jail rather than being transferred to SCORE or King County.

Opioid Use Disorder (MAT) Medication Program

After signing a contract with the new medical provider, the Department expressed interest in implementing a Medication-Assisted Treatment (MAT) program. A MAT program is the administration of specific medications by certified medical staff to treat individuals with Opioid Use Disorder (OUD) or Opioid addiction. MAT programs are currently viewed as one of the most effective treatments for OUD by medical professionals. After negotiations with the medical

provider, the Supervising Physician became certified to prescribe suboxone to inmates. This addressed two areas of need. First, recent litigation in Washington State suggested that all jails should provide a MAT program for inmates. Second, the Department had previously transferred inmates who were already prescribed MAT medications to SCORE or King County. This new program will potentially reduce contract jail expenses and increases the likelihood that those experiencing opioid addiction will continue with their current treatment program.

Amendments to housing contracts (Clyde Hill, Medina, and Woodinville)

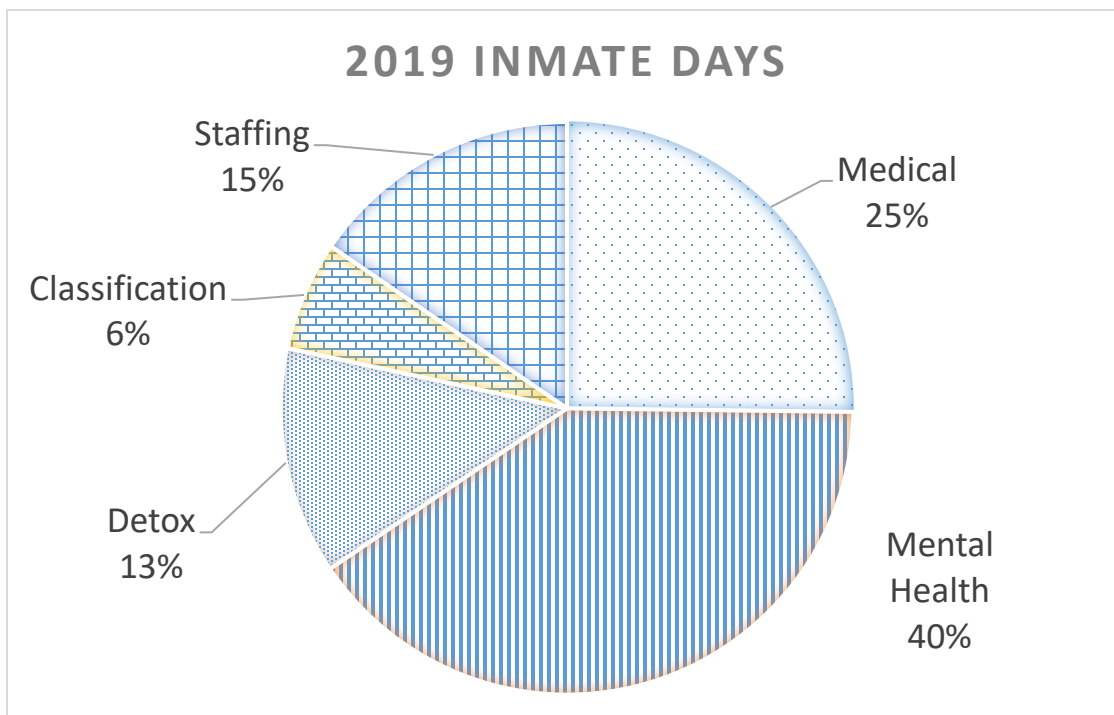
The Department amended the housing contracts with existing contract cities to provide additional services and expand the inmates that could be housed. The amendment offers blood draws, court transports, and housing for female inmates, which increases the possibility of revenue coming from the contracts and an increase in ADP.

SCORE Inmate Housing Analysis

There are approximately five conditions that drive the need for contracted beds. Inmates not appropriate for the current facility include inmates with significant medical, psychological, or behavioral issues or when inmate classification or staffing levels require external jail beds. The South Correctional Entity (SCORE) is the primary provider of contract beds for Kirkland. The cost of a single bed at SCORE is \$124.00 per day in 2020 and will increase to \$128.00 per day in 2021. SCORE will also implement a booking fee of \$35.00 beginning in 2022.

In addition to basic care and custody, SCORE charges additional fees for any medical or psychological procedures or specialty housing that are required while in their care or provided by an outside provider.

The pie chart below depicts the percentage of bed-days Kirkland inmates spent at SCORE in 2019 broken down by these five conditions:



The following is a description of each category and, where applicable, steps the Department has taken to mitigate expenditures.

The average length of stay varies based on the reason the inmate was transferred to SCORE, with relatively longer lengths of stay for those with significant medical or psychological problems.

Medical – 25% of Inmate Days

The Kirkland Jail contracts for eight hours, six days per week of medical care for low acuity medical conditions. Inmates transferred to SCORE for medical reasons require care beyond what the Kirkland Jail can offer. This includes medical care needed 24 hours per day. There are occasions in which an inmate's medical issues are so severe that SCORE is unable to provide enough care. In these instances, the inmate must be transported to a hospital or to the King County Jail, which is more expensive than SCORE.

The Department's ability to mitigate medical transfers to SCORE by changing to a full-service medical facility would be cost-prohibitive. However, the Department believes that the new medical provider will be key to reducing some of the costs associated with this category based on their increase in services and after-hours consultation that allows inmates to stay in Kirkland until the assigned nurse can examine them.

Mental Health – 40% of Inmate Days

Like Medical bookings, inmates sent to SCORE for mental health reasons require a level of care beyond what the Kirkland Jail offers or could offer in a cost-effective manner. Inmates that are suicidal or that have severe psychological disorders are transferred to SCORE.

This is a category that the Department has attempted to reduce using Mental Health Professionals (MHP) that have historically worked in the field as co-responders but are now also making contacts in the jail. Specifically, the MHP funded by Proposition 1, who started in July 2020, has responded on a number of occasions for inmates who are in crisis.

Temporary Detoxification – 13% of Inmate Days

There are inmates that, at the time of booking into the Kirkland Jail, are under the influence of alcohol and/or drugs such as heroin. These inmates require medical evaluation, medical attention, and continuous monitoring.

In addition to implementing the MAT program as previously described, this is a category that the Department believes will be reduced by the new medical provider who participates in after-hours consultation that allows inmates to stay in Kirkland until they can be examined further by the assigned nurse.

Staffing – 15% of Inmate Days

There are two different ways in which staffing can result in a booking at SCORE:

Re-booking – A re-booking is when an inmate is housed at SCORE on a warrant from another City, but when finished serving their time for that offense, they are re-booked into SCORE on a Kirkland warrant. If Kirkland does not have staff available to pick this inmate up from SCORE when they are re-booked, the inmate will stay at SCORE until staff is available to do so. The

Department can call an officer in on overtime to pick the inmate up, but one overtime shift (minimum of three hours per the labor agreement) costs more than one night at SCORE. The break-even point is about two nights, so for each re-book, the Department must decide whether it is cost-effective to call an officer in for overtime or wait with the expectation of sufficient staffing levels to allow transport the following day.

Same-Gendered Searches – These bookings generally occur when a female arrestee is brought into the jail. If there are no female employees available to perform a search, the inmate is transported to SCORE, where they can be seared and held. The Department policy and procedures related to same-gender searches comply with federal guidelines; *male corrections officers shall not search female inmates*. Kirkland Corrections staff will transfer the female inmates back from SCORE as soon as there is a female staff member available to perform a search.

The Department continues to utilize female Commissioned Police Officers for this function (when available) and continues to recruit female Corrections Officers.

Classification – 6% of Inmate Days

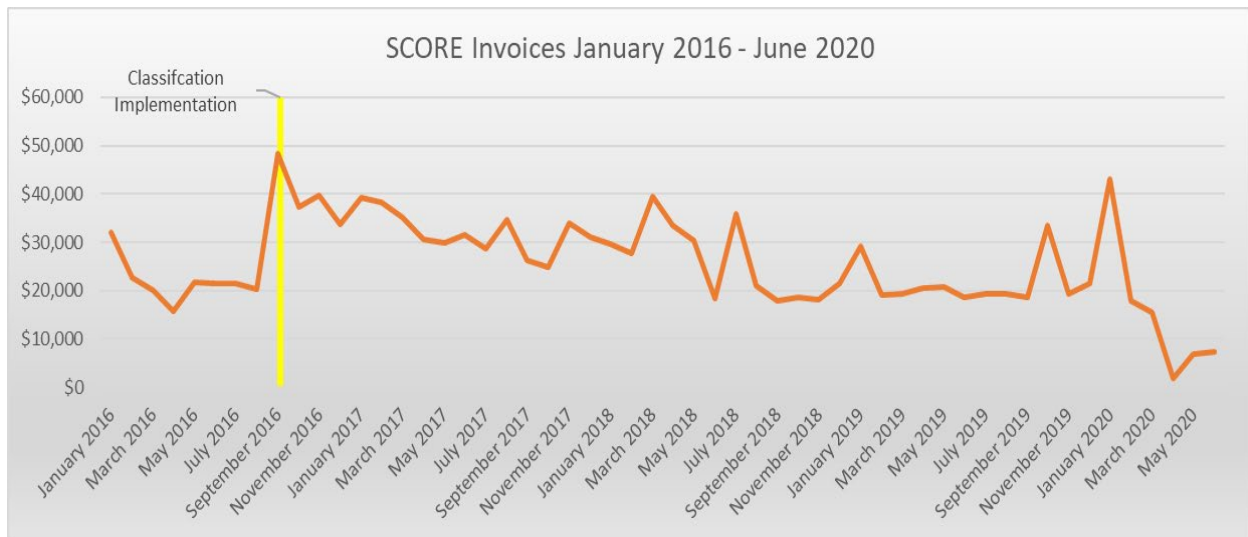
The previous Kirkland Jail was much smaller with a much less diverse jail population, and as such, the system of assigning inmate housing was very basic. The jail only housed male inmates and only those with a history of non-violent behavior.

The current jail includes six 8-person cells, two 6-person cells, two 4-person cells, and two 2-person cells. The 2016 Strategic Plan recommended that, to the degree possible, the Kirkland Jail should adopt state and national standards for jail operations. This included a standardized classification system that more accurately reflected the increased diversity of the inmate population and which would mitigate some of the risks associated with the larger jail facility. The ability to occupy all beds in each cell is significantly impacted by the inmate population and individual classifications. For example, if there are two inmates approved for work release, they might occupy an entire 6-person or 8-person cell. Standard classification rules dictate that work release inmates may not be housed with other inmates due to the possibility that they may bring contraband back into the facility.

An inmate's criminal history or gender has a similar impact. For instance, maximum-security inmates cannot be housed with minimum-security inmates, and female inmates must be housed away from male inmates.

In situations where just a few inmates affect the Department's ability to utilize available bed space in a cell fully, staff mitigates this by temporarily housing them at SCORE. When possible, staff continues to maximize housing efficiencies and mitigate external costs on a daily basis by reassessing and re-organizing inmate populations. To further maximize the use of jail cells and reduce the number of inmates sent to SCORE for classification reasons, the City Council approved converting each of the two detoxifications cells into individual housing units completed in 2019. These are spaces that provide greater flexibility for programs such as work release and reduce the frequency of external housing needs.

The below graph shows the initial implementation of classification procedures resulted in an initial spike in inmate days. With more experience, the staff has learned to manage the Jail population and minimize the impact of classification on contract jail expenses.



The spike in cost in January 2020 was directly related to a new SCORE billing structure that included additional daily surcharges in addition to the daily housing rates. The 2020 daily bed rate for SCORE was \$128.00 per day. These new 2020 surcharges are:

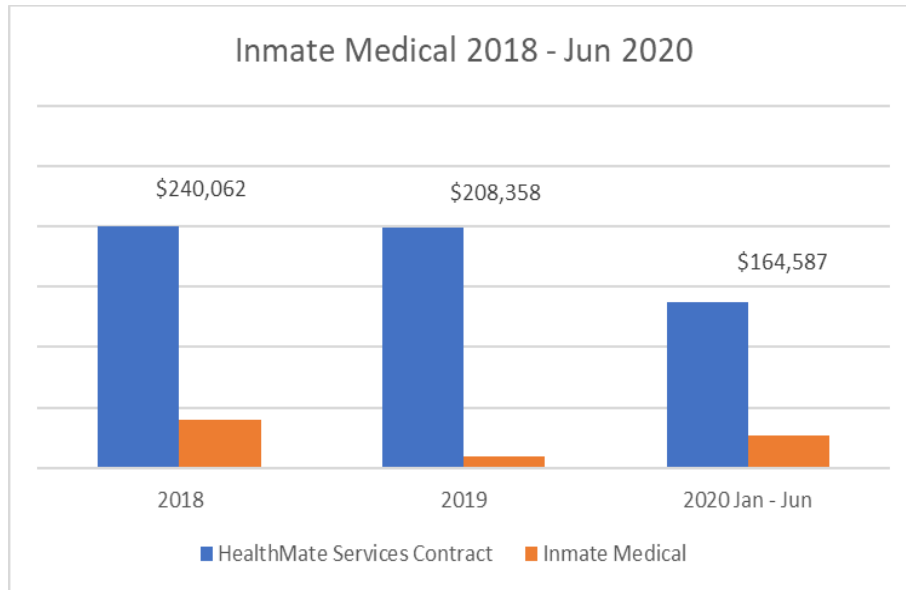
Mental Health – Residential Beds	\$159.00 additional per day
Medical – Acute Beds	\$217.00 additional per day
Mental Health Acute Beds	\$278.00 additional per day

The decrease in cost following January 2020 is directly related to the COVID19 pandemic.

Jail Medical Costs

The new two-year jail medical provider (HealthMate) contract was signed in November 2019 and then expanded to include the additional service previously discussed on February 01, 2020. The cost per year shall not exceed \$306,800. This is an increase over the last medical provider's (Occupational Health Services) contract by \$101,343. This new medical contract provides additional nursing hours in the jail and more medical services, including an after-hours on-call physician to assist with the triage of inmate medical issues. It is expected that fewer inmates will need to be housed at outside jail facilities for medical conditions that are now covered under the new contract. The additional medical contract cost is expected to be offset by lower contract jail expenses at SCORE.

The below chart outlines additional inmate medical costs. These medical costs resulting from an inmate needing emergency medical treatment, medical treatment while being housed at an outside jail, or from mandatory alcohol/drug screening fees. The chart below only reflects the year medical bills are paid. For example, \$7,591 of inmate medical was paid in January 2020 but was for services in 2019.



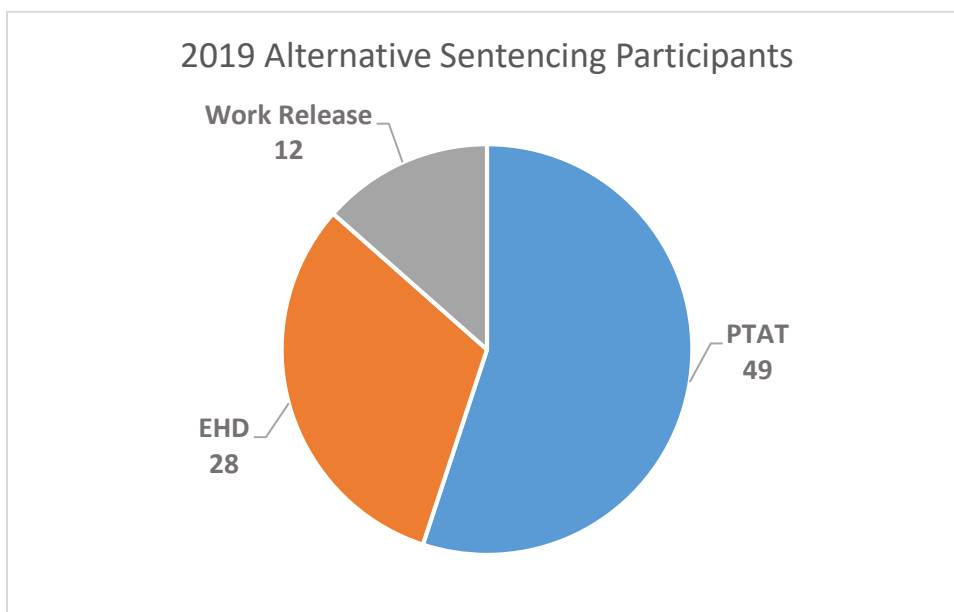
***Inmate medical bills are only paid after a 50% reduction in the original bill is negotiated and approved and can take several months to process the final payment.

Alternative Sentencing

The Kirkland City Jail offers several alternative sentencing programs in conjunction with the Kirkland Municipal Court.

- Electronic Home Detention (EHD) is an alternative sentencing program provided by the Kirkland Jail for individuals that have been sentenced to serve jail time. This program is granted by the Kirkland Municipal Court, and applications approved by the Kirkland Jail. Individuals can apply to serve their time electronically monitored outside of the jail facility. Individuals are restricted to their home residence and their workplace. In addition to location monitoring, alcohol monitoring can also be a program component required by the Kirkland Municipal Court. The individual pays an application fee of \$25 and a \$20 program fee per day. If an individual does not qualify or is not approved for this program, the individual serves their jail time in the Kirkland Jail. The monitoring equipment is leased through the Washington Association of Sheriffs and Police Chiefs (WASPC). An individual or the individual's attorney may request the court approve an outside vendor provide electronic home detention services.
- Pre-trial Alcohol Monitoring (PTAT) is an alcohol monitoring program ordered by the Kirkland Municipal Court. The court may require an individual to refrain from the use of alcohol and impose a condition of alcohol monitoring as part of a pre-trial release or as a condition of bond. The court may require the individual to participate in the PTAT program for any length of time up to case adjudication. Individuals are required to submit breathalyzer tests that are then evaluated by the Kirkland Corrections Officers and Administrative Assistant for compliance. The equipment is leased through the Washington Association of Sheriffs and Police Chiefs (WASPC). An individual or the individual's attorney may request the court approve a private vendor provide PTAT services.

- Work Release (WR) is a program at the Kirkland Jail that is designed to allow inmates to continue employment or schooling while also fulfilling the jail time in which they were sentenced. WR is a "jail alternative," which must first be authorized for screening by the court. The inmate must qualify based on the jail's acceptance criteria as well. The Kirkland Jail reviews several areas to determine if an inmate qualifies for WR. These include, in part, criminal history, current charge, jail behavior, a current job or enrollment in college, and the ability to pay the administrative cost of running the program. These standards were created to make sure that the inmates that are allowed out of the facility to go to work or school, pose the least possible threat to the community. In 2019, restrictions were adjusted on the WR program by removing a ten-day minimum sentence requirement. This increased the number of inmates that would qualify for WR. The program fee per day is two times the individual's hourly work rate (example: \$12.00 per hour = \$24.00 per day program fee).



Coronavirus 2020

In early 2020, concerns of COVID-19 increased significantly across the nation and rapidly turned into a global pandemic. In response, the staff implemented numerous procedures based on best practices to prevent the spread of the virus.

- Staff developed a rigorous disinfecting schedule that was implemented through the jail facility for the safety of both inmates and the staff.
- A detailed medical screening process was developed for all new bookings and included a list of questions and follow-up questions for the arrestee, which they must answer before entering the jail. These questions have been updated on several occasions as more information about the COVID-19 pandemic is learned.
- Specialized housing guidelines were designed to prevent the spread of the virus, including limiting the housing capacity for each cell to four inmates (50% capacity) to allow for better social distancing.
- Specific isolation cells are designated for inmates who report or show symptoms of illness.

- A 72-hour quarantine was implemented, requiring all inmates to spend at least that many hours in an intake cell before being housed in general population. These inmates are monitored for symptoms that may not have been present at the time of booking.
- All inmates are supplied with cloth masks. They are required to wear masks when they are out of their housing units. These masks are exchanged for clean masks every time the inmates receive laundry exchange, which is three times per week.
- Booking restrictions to reduce the number of inmates housed at one time was implemented, which the Department continues to monitor.

The expectation is that the correctional industry standards will change as a result of COVID-19 and that this “new normal” for future jail operations will impact jail ADP, revenue, and expenses.

Jail Accreditation

In January 2020, the Correction Unit began a WASPC Jail Accreditation project. This involves a complete policy review and update, process analysis and improvement, and alignment of departmental strategic goals. The estimated WASPC accreditation is 2021.

Conclusion

Medical, mental health, and detoxification issues continue to occur in a larger percentage of arrests that require care at alternate facilities. The data from 2019, is consistent with what was predicted in the analysis that occurred in September 2018. The changes introduced in early 2020, such as additional medical staff hours by nurses who were capable of providing proactive screening and implementing a Medication-Assisted Treatment (MAT) program were deliberate in an effort to reduce the number of inmates that were transferred to SCORE.

The COVID-19 pandemic has greatly affected the daily population of the jail. The current best practice is to restrict bookings in order to control the number of inmates in close contact with each other. In addition, the Court remains closed for routine business such as criminal trials which means that the Judge is not imposing jail time. The use of Pre-trial Alcohol Monitoring (PTAT) has significantly increased and that workload is now shared by the Corrections Administrative Support Associate and Corrections Officers. The impacts of COVID-19 make predictive analysis for future jail ADP, expenses, and revenue challenging to predict. The COVID-19 pandemic continues to affect operations and reshape the future. The Kirkland Corrections Unit will continue to improve and streamline operations, including video court options, alternative sentencing requirements, effective staffing models, new corrections schedules, updated classification processes, and advanced jail training.



MEMORANDUM

To: Kurt Triplett, City Manager

From: Andreana Campbell, Management Analyst
Tracey Dunlap, Deputy City Manager

Date: October 6, 2020

Subject: Fire and Emergency Medical Services Ballot Measure Issue Paper

BACKGROUND

Adopted at the July 21, 2020 Council Meeting, Ordinance O-4731 placed a permanent levy on the November 3, 2020 general election ballot to improve Fire and Emergency Medical Services (EMS). O-4731 approved a \$0.23513/\$1,000 of assessed valuation (AV) permanent levy which would generate roughly \$7.3 million dollars per year assuming AV at 2020 levels.

INVESTMENTS FUNDED BY THE MEASURE

At their February 21, 2017 Council Meeting, the Council adopted Resolution R-5239 which directed the City's 2017-2018 Work Program to "explore potential ballot measures for fire station modernization and public safety operations to further the goals of Public Safety, Dependable Infrastructure, and Financial Stability." For the past four years, the City Council has explored a potential Fire and Emergency Medical Services ballot measure to support the health and safety of our firefighter/Emergency Medical Technicians (EMTs) and response times throughout Kirkland. At their September 17, 2020 Council meeting, the Council adopted Resolution R-5386 which authorized City staff to engage a Community Safety Advisory Group (ComSAG) consisting of thirty community members who met for eight, three-hour long meetings over the course of five months to determine the most impactful investments for the community. The City Council deliberated in the months following the ComSAG's recommendation and ultimately approved R-5413 at their April 21, 2020 Council Meeting adopting the ComSAG's full report and recommendation of capital and operating investments listed on the following page.

The original ComSAG recommendation was to place two measures on the ballot, a permanent levy lid lift to support operations and an excess levy to support bonds to fund the capital projects, which would expire at the end of the bond term. The Council subsequently chose to put one combined permanent levy lid lift measure on the ballot to provide flexibility for future Councils to adapt to any necessary changes once the initial commitments have been achieved or in the event that some facility investments may prove infeasible or prohibitively expensive. During the Council deliberations it was acknowledged that an important consequence of this approach is that capital revenue would be generated more slowly over time. The "one measure"

option means it will take longer for the City to complete the entirety of the planned capital projects. In addition, the permanent nature of the levy requires that revenue growth from the levy lid lift is limited by state law to 1% growth plus new construction. This statutory limit means that the revenues will not likely keep pace with the growth of wages and benefits necessary to fully fund the firefighter/EMT positions over time.

To address the slower influx of revenue, City staff is working with bond counsel to bring financing recommendations to the Council that would allow the City to complete Stations 27 and 22 in the first three years of the permanent levy. The focus is on those two stations as they are the most expensive and, as the two busiest stations, the investments provide the greatest improvements to response times and firefighter health and safety.

Capital Elements*	Cost	
Juanita Station 27 design, build, and relocate east of I-405 in 2022	\$28,500,000	
Houghton Station 22 renovation and modernization in 2022	\$9,600,000	
Forbes Creek Station 21 renovation and modernization in 2025	\$6,100,000	
N. Rose Hill Station 26 renovation and modernization in 2024	\$8,400,000	
Temporary Fire Station Facility in 2022	\$3,200,000	
Total	\$55,800,000	
Operating Elements	FTEs	Annual Cost
Dedicated Aid Car at Fire Station 22 in Houghton	10	\$1,690,000
Cross staff new Station 24 in N. Juanita	5	\$845,000
Additional Firefighter/EMT	5	\$845,000
New Facilities Operating Costs	-	\$220,000
Total	20	\$3,600,000

* Each station's cost projections are based off the individual years in which their construction would begin as proposed by the Recommendation Review Team. If construction is delayed on these projects, they will become more expensive. Conversely, costs may be saved if construction begins earlier.

The 2021-2022 Preliminary Budget does not incorporate the revenue or expense impacts of the measure. Given the size and complexity of the measure and that the election will not occur until after the preliminary budget goes to print, the required budget adjustments will be brought forward in the first quarter of 2021 if the measure passes.

POTENTIAL 2021 REDUCTION IN ASSESSED VALUE (AV)

At the time Ordinance O-4731 was adopted, the City was only able to estimate what the Eastside's assessed valuation would be in 2021. In early July at a King County City Manager/City Administrator's virtual meeting and in subsequent press releases, the King County Assessor indicated that current information is that AV trends were showing a slight decrease in the high value areas on the Eastside, while south King County was increasing. What this means

is that if the AV in Kirkland decreases in 2021, the levy will not collect the projected revenue needed to fully fund the ballot measure investments expected by the voters.

On July 17, 2020, the Council was presented with options to mitigate the risk of a reduction in AV reducing the capability to deliver the program. The Council opted to add one cent to the levy, increasing it to \$0.23513/\$1,000 AV, to approximately offset up to a 5% reduction in AV.

It is important to note that Council directed that staff not to program additional revenues beyond the original levy of \$0.22513/\$1,000 AV should Kirkland's AV not decrease at all, or not decrease to an amount that the entirety of this additional penny will be needed. If the levy generates an amount greater than that needed for the program, staff will bring options for Council's consideration in the first quarter of 2021, as discussed further below.

ASSESSED VALUATION HOLDS STEADY OR INCREASES

On October 5, the City received a preliminary levy limit worksheet for Kirkland's 2021 AV that indicated AV will likely be about flat from 2020 levels. If these figures hold, the additional one cent added to the levy rate will collect about \$311,600 more revenue each year than projected to deliver the investments outlined in the ballot measure ordinance. Should this occur, the Council will have the option in 2021 to either invest the additional revenue to support the capital program, enhance services or not collect the additional revenue.

Any additional revenue generated by the levy must also comply with the categories outlined in the enacting ordinance. This means that additional revenue may only be spent on "fire and EMS services and facilities" as defined in Section 1 by the ordinance. These revenues may be invested in facilities, vehicles or operations. This includes enhancing any current or proposed services such as fire and EMS response related programs, fire station construction costs, mental health support services authorized by the Medic One levy, fire prevention or additional staffing.

The chart below shows the impact of rounding up the levy tax rate an additional \$0.01/\$1,000 AV from \$0.22513/\$1,000 AV. The chart assumes the assessed valuation in 2020 of \$31,160,621,400 (which includes RCW 84.36.381) holds steady.

2021	\$0.22513/ \$1,000 AV	\$0.23513/ \$1,000 AV	Difference compared to expected revenue
Est. Annual Revenue	\$7,015,191	\$7,326,797	\$311,606
Est. Impact Median- Valued Home (\$730,000)	\$164.34	\$171.64	\$7.30

The Council also has the option of not collecting the full levy amount. The City Council adopts the tax levy annually each December. Under state law, the Council may set the annual rate to collect less than the levy rate authorized by voters but cannot set it higher. One important consideration is that the revenue generated by the initial rate in the first year becomes the base for all future years. The 2021 total amount is then subject to the 1% property tax cap going forward. The Council cannot raise the rate back up in future years without voter approval.

The staff recommendation is not to decide whether to invest or return any potential additional revenues until the first quarter of 2021. Waiting provides the Council with more data to make a more informed choice. The Council will be able to see the final 2021 assessed valuation and learn what will happen to City revenues and the economy during the budget process. Once the City has this additional information, the Council can deliberate options to either invest or not collect the revenue in Q1 of 2021. If the Council elects to lower the tax rate, it may still do so in December of 2021.

SUMMARY OF BALLOT MEASURE BENEFITS

If the levy passes, the Kirkland Fire Department would hire an additional 20 firefighter/EMTs over the course of the next few years. Ten of these additional firefighter/EMTs would provide a dedicated aid car at station 22 in Houghton, the busiest station in the south half of the City. Of the remaining ten firefighter/EMTs, five would staff one position at the new station 24 in North Juanita, creating a fully cross-staffed crew of three, and the last five would provide a fourth firefighter/EMT at station 26 in Rose Hill. The department would also invest in replenishing and stockpiling personal protective equipment (PPE), to protect against a resurgence of COVID-19 in the winter or other types of outbreaks in the future.

Stations 21 in Forbes Creek, 22 in Houghton, and 26 in Rose Hill would undergo extensive renovations similar to the Finn Hill fire station 25 in 2018. These renovations would provide for greater seismic resilience, and improved levels of firefighter/EMT health and safety modernizations. Old station 27 in East Juanita would remain where it's currently located and provide a hub for the replenished and stockpiled PPE, the reserve apparatus, one of the City's fueling stations, and a potential quarantine facility as it has ten beds and would no longer be in service once a new station 27 is built. New station 27 would be built in Totem Lake, east of I-405 off of NE 132nd Street at the Evergreen Dental Building at 13118 121st Way NE. This new station would house eight firefighter/EMTs and provide the city with a second station east of I-405. These investments can be seen in detail on page 5, with new investments outlined with blue boxes.

IMPLEMENTATION PLANNING

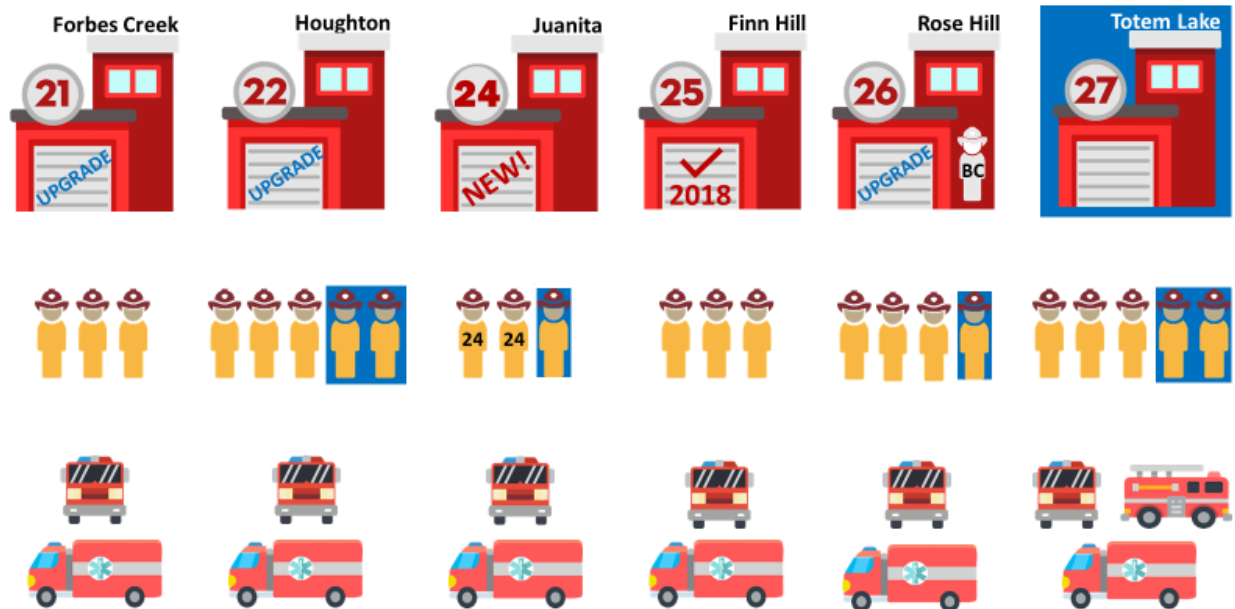
The City Manager has created a "Implementation Steering Team" of Fire, Finance, Public Works, Human Resources, and the City Manager's Office to actively plan for the measure implementation should it pass on November 3. Key deliverables including the following:

- Financing plan for the capital projects. This plan is needed to recognize that the single levy lid lift approach will likely extend the schedule for completion of the capital program. This plan will focus on fully funding new station 27 and improvements to station 22 (and the temporary station) as quickly as feasible, with the remaining projects occurring as funding permits.
- Hiring plan for 20 new firefighters. Given the limitations on spaces available to Kirkland in fire training academies and expected retirements of existing staff, the new firefighters will likely need to be phased in over a three-year period. The logistics and timing will also depend on when facilities are available. Hiring more women and people of color as firefighters will also be a key implementation goal.

- Operations plan. This plan will address how best to deploy the resources to maximize response times and manage the impacts of the capital program, including possible changes to the collective bargaining agreement to implement the plan.
- Communications plan. This plan will ensure the public is aware of the renovations and the temporary impacts that firefighter relocations may have and to establish how annual progress is reported.

Updates on these plans will be included when the required budget adjustment is brought forward in the first quarter of 2021.

The image below shows the current levels of staffing as well as the proposed investments from the ballot measure outlined in blue. The graphic does not show the investment in replenishing and stockpiling pandemic personal protective equipment (PPE), which would be stored at existing Fire Station 27 in Juanita.





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**CITY OF KIRKLAND**

Fire Department · 123 Fifth Avenue, Kirkland, WA 98033
425.587.3650 (Fire) · www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Dave Van Valkenburg, Deputy Fire Chief
Michael Olson, Director of Finance and Administration
Andrea Peterman, Budget Analyst
Nate Islip, Budget Intern
Radu Smintina, Budget Intern

Date: October 12, 2020

Subject: FIRE OPERATIONS OVERTIME

As part of the 2009-2010 and 2017-2018 Budget processes the Fire Department produced an issue paper looking at fire overtime and strategies to reduce future liabilities. Those issue papers made recommendations on the ideal staffing levels to cover overtime, as well as establishing a fire overtime reserve. While these measures helped to stabilize costs in the short term, overtime costs continue to fluctuate up significantly. The table below shows overtime costs for each of the past four years.

Fire Overtime Costs

	2017	2018	2019	2020 (Estimate)
Overtime	\$1,222,441	\$1,966,065	\$1,456,581	\$1,222,802

This issue paper is an updated analysis of the causes of fire overtime, and how they have contributed to the recent increase in costs. Additionally, this paper addresses how the COVID-19 pandemic and mobilization due to the wildfires in 2020 impacted overtime costs. Furthermore, this paper makes recommendations for actions that may help stabilize fire overtime.

Due to staffing policy changes in the last few years, our analysis will focus on the past two budget cycles, 2017-2018 and 2019-2020. In 2017, the department increased on-duty staffing levels from 19 to 20 at each station, so that a position previously filled with overtime hours would be staffed with regular shift hours. This was achieved through the addition of 5 new firefighters to fill one 24/7 position. The increased staffing was added to improve coverage to annexed neighborhoods previously covered by Woodinville Fire & Rescue.

Fire Operations Structure

Before looking at how and why overtime occurs, it is important to understand the shift structure of fire operations in Kirkland. The Kirkland Fire Department has a total of 105 firefighters. The vast majority of these (95) are assigned to operations and split evenly between three shifts (A/B/C), with each shift lasting 48 hours, beginning and ending at 7:00 am. Each shift is 24 hours, and two 24-hour shifts are worked consecutively to produce a 48-hour shift. An example two-week period from June 13, 2016 to June 26, 2016 is shown below. Shift A works from 7:00 am on Sunday the 13th until 7:00 am on Tuesday the 15th, at which point shift B takes over, and so on.

JUNE						
S	M	T	W	Th	F	S
13	14	15	16	17	18	19
20	21	22	23	24	25	26

A SHIFT - B SHIFT - C Shift

When the department is fully staffed, there are 31 or 32 firefighters assigned to each shift (two shifts have 32 firefighters, one has 31 firefighters). On each day the minimum staffing is 20, made up of a three-person crew at stations (21/22/26/27), a four-person crew at station 25, plus a second crew at Station 27, and the Battalion Chief at Station 26. As a result, on any given day 11-12 members of the shift can be absent before overtime is needed.

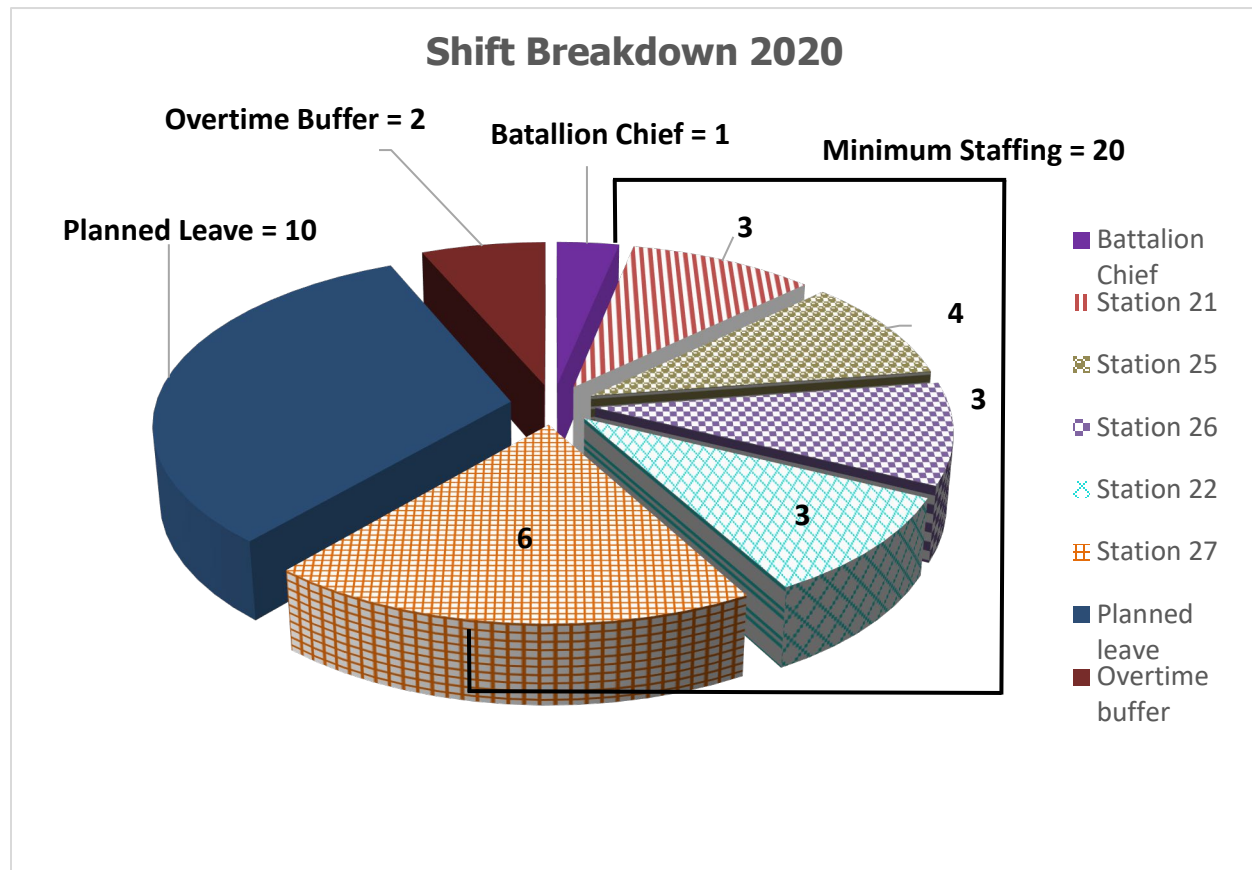
This structure is key to understanding the overtime issue. The requirement for minimum staffing creates the possibility of large amounts of overtime, while the ratio of total staffing, allowable leave, and required minimum staffing dictates the amount of overtime. For example, as there must always be 20 firefighters on shift, as well as the requisite number of company officers (those in charge at each station), each absence brings the total number of staff available closer to the minimum requirement. There are a wide variety of work absences, which are broadly broken down (by department policy and the labor contract) into two categories:

1. **Planned leave** – vacation, holiday and 'Kelly Days'¹
2. **Other leave** –
 - a. **Overtime-causing leave** -including sick leave, Family Medical Leave (FMLA), on or off duty injury, light duty, training backfill and other leaves which are not part of the bidding process
 - b. **Vacancies** – generally occurring due to retirements
 - c. **Pandemic** – due to COVID-19

To ensure firefighters can take leave they are contractually entitled to, 'planned leaves' account for nine or ten of the 11-12 available slots (depending on whether the shift is fully staffed at 31 or 32 firefighters). This leaves two slots for other leave, known as the 'overtime buffer'. The

¹ Kelly leave is common in fire departments. It provides for additional time off to ensure a shift structure remains compliant with the Fair Labor Standards Act (FLSA) guidelines governing overtime. In the case of Kirkland, each firefighter receives one shift off after 6 shifts of work. This makes work hours 48 hours per week on an annualized basis.

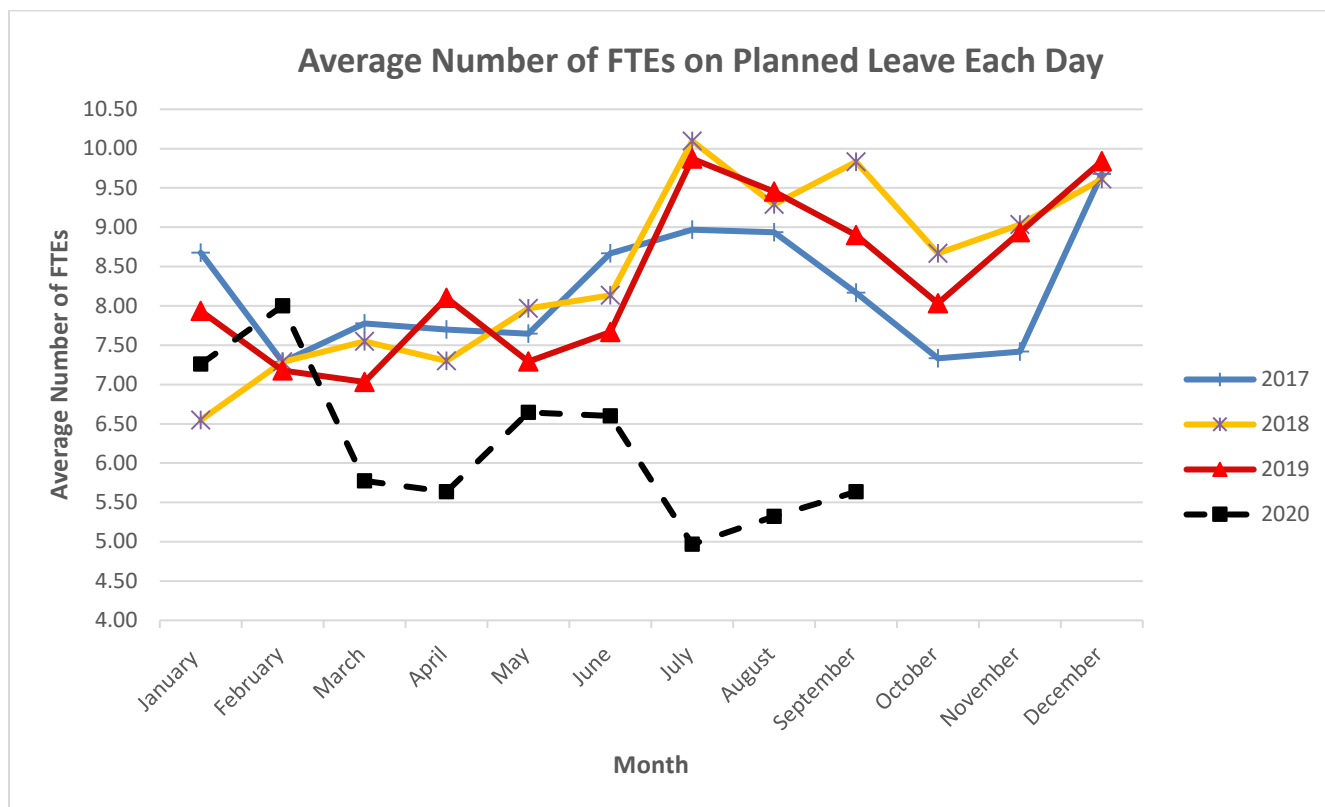
chart below shows the assumed allocation of staffing when the department is operating at minimum staffing.



1. Planned Leaves

As mentioned, assuming a fully staffed shift of 32, ten of the 12 slots above the required minimum staffing fall into the category of planned leave. These are split between Kelly Days, vacation days, and holidays, with most time being allocated through an annual bidding process, established in the collective bargaining agreement. Firefighters bid for Kelly Days annually, with a maximum of 5 people away on Kelly leave each day. Once Kelly Days have been issued there is a process of vacation and holiday bidding. Following this bid either all 10 slots are taken on a certain day, or the remainder are available for 'routine' vacation, which can be used as needed any time there is a spare planned leave slot.

Kelly Days fall on the same two days throughout the year for each individual. For example, if a firefighter bids and receives Saturday and Sunday, they would be off each time their shift rotation would have them working Saturday and Sunday (shift A on the June 19/20 in the example shown above). As there are a maximum of 5 slots per day, this gives 35 slots per week per shift. Historically, all 5 slots tend to be taken around the weekend, with fewer in midweek. Because Kelly shifts are the same two days throughout the year, there is no seasonal peak.



There is a clear seasonal trend to vacation leave, with the lowest amounts taken in winter and early spring, and peaks in July and December. The chart above shows the average number of people on planned leave, including Kelly, vacation and holiday leave, in each month from 2017 to September of 2020. The seasonal pattern is clearly visible in the chart, with the exception of 2020. The pandemic has lowered planned leave, and this makes sense as travel restrictions and social distancing policies have disincentivized people from taking vacation days.

Except for 2020, each year in February there were around seven people on planned leave. If there are no vacancies, sickness, or other unplanned leaves during this time of year, there would be 24 or 25 firefighters available for work, three or four more than required for minimum staffing. In contrast, in July, the average number of people away on leave was over nine. During this time period, if there are ever more than two people on any other leave, overtime would be required. This is significant, as there are times during the year when the city has a high risk of overtime being generated.

Current department practice works with the assumption that all nine or ten planned leave slots can be filled without causing overtime. While this is true, the seasonal increases in leave put pressure on the overtime buffer, helping to increase the amount of overtime in summer months. Strategies to help smooth out the seasonal trend in leave, such as pushing more leave into the spring months, could reduce overtime. This would require changes to the bidding system and would need to be negotiated between labor and management.

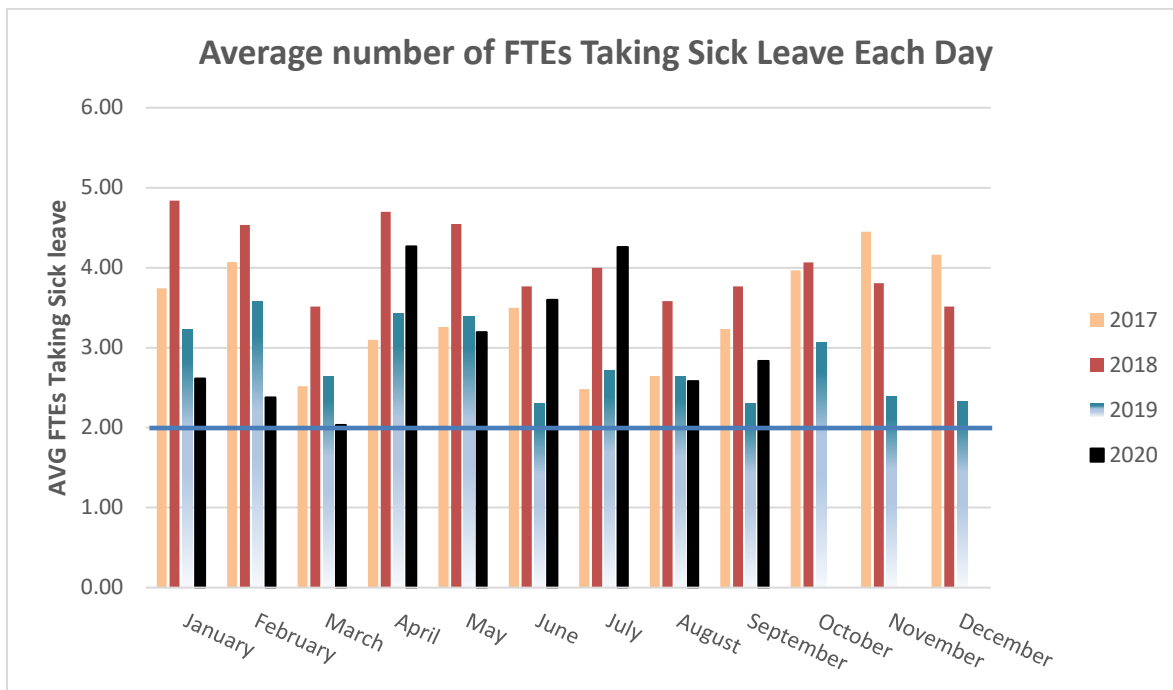
2. The Overtime Buffer

Under the current structure, if the maximum allowable number of firefighters are absent on planned leave, there are two remaining positions above minimum staffing. These slots constitute a buffer to protect the city from incurring overtime costs every time there is a vacancy or use of any 'overtime-causing leave'. This overtime buffer is used in two major ways:

a) Overtime-Causing Leave

Current department practice and policy separates the planned leaves described above from 'overtime causing leave', which is essentially any leave that is not part of a bidding process.² The most significant of these categories is sick leave. However, this also includes a range of other leaves such as light duty, on-duty injury, administrative, well child/FMLA, bereavement, and emergency leave.

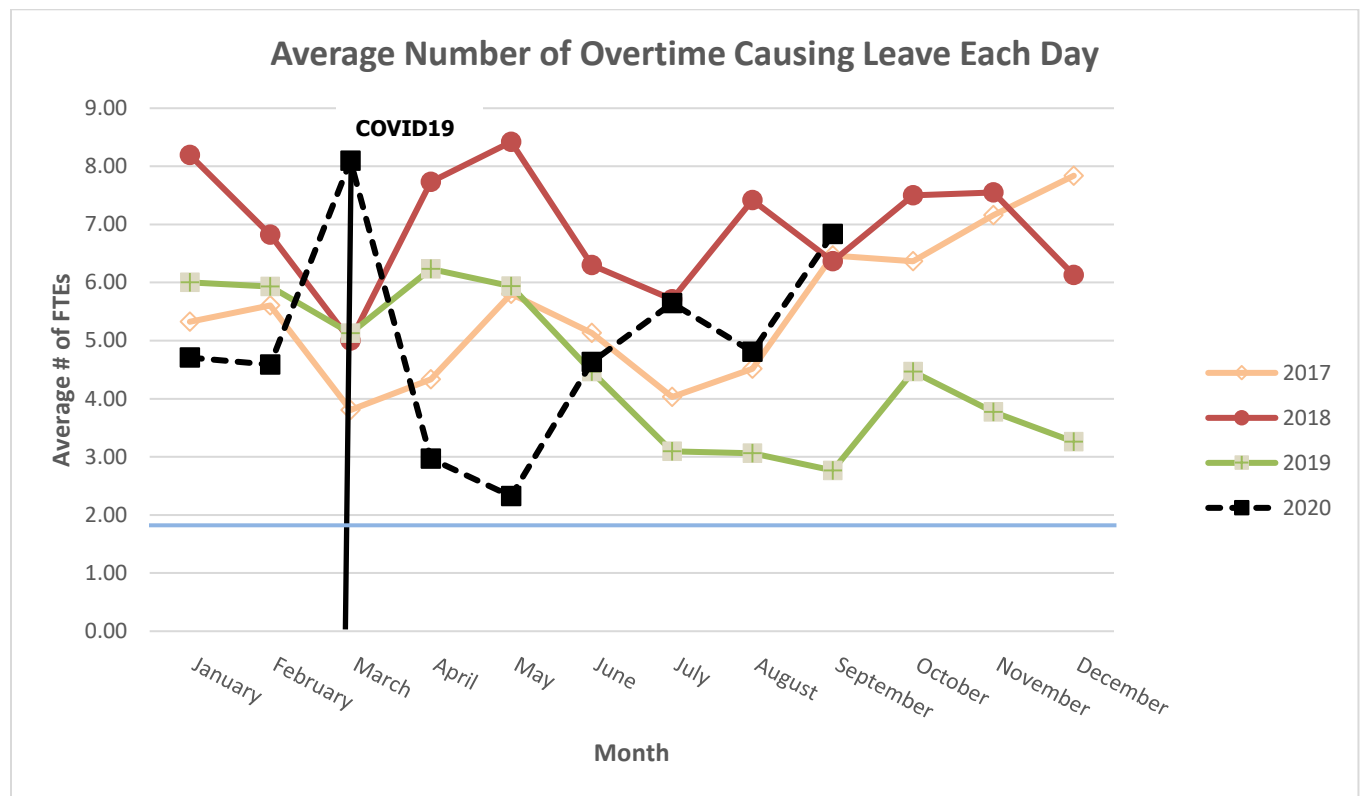
The bar graph below depicts the average number of FTEs taking sick leave per day from 2017 to 2020. Note, the bar graph includes family sick leave, but it does not depict the average number of FTEs taking pandemic leave. The line across the chart shows the 'overtime buffer', set at two, thus each time the bar chart is above that line the average number of people on sick leave triggers a need for overtime if all planned leave slots were taken. In 2018, there was a steady, high average of FTE fire fighters taking sick leave. Moreover, seasonal trends did not have a major impact on 2018 numbers. In all the other years (2017, 2019, and 2020) seasonal trends did follow. There tended to be a peak towards the end of the year, and a steady decline as the following year continued. 2020 followed a similar trend to 2019, with a few exceptions. Both April and June 2020 saw a dramatic increase in FTEs taking sick leave. Both instances could be explained by the presence of COVID-19. Between March and September of 2020, an average of 3.25 FTE took pandemic leave.



² This is defined in Department policy 3.001

The previous issue paper on fire overtime also highlighted the issue of a relatively high average FTE taking sick leave and suggested a long-term wellness strategy, working with employees to reduce sick leave usage over time. This option could still be explored as the department moves forward with staffing and other planning.

Below is a graph showing the average number of overtime-causing leave per day by month through September 2020. Overtime-causing leave consists of any unplanned leave. Since 2017, the average amount of overtime causing leave has exceeded the buffer of two FTEs. In addition to sick leave, unplanned leave consists of administrative leave, bereavement, emergency leave, light duty, military leave (paid/unpaid), and all on duty leave. Note, when COVID-19 impacted Kirkland, pandemic leave was coded as administrative leave. Like trends seen above with sick leave, 2018 showed a much higher average than other years. 2017 and 2019 showed a more consistent trend. However, 2020 showed sharp increases and decreases unlike the previous years. Most notably, March of 2020 showed a sharp increase then decrease going into April, and a steady increase since. Just as with sick leave, it is important to note that overtime causing leave averages exceed the daily buffer of 2.0 FTEs.



b) Vacancies

In the Kirkland Fire Department, most vacancies are the result of retirements, which, due to state retirement rules, generally happen between January and June. In addition, for the past few years, fire academy classes have run from January to March, often leading to long gaps between retirements and hiring. For example, if someone retires in February a replacement will not be hired until the following January and will not exit the academy until the end of March, with the intervening months covered by overtime. Unlike other types of leave, vacancies are at

least partially offset by salary savings, although this doesn't always show in the fire overtime budget.

There have also been temporary vacancies since 2013. For instance, in 2015, during the transitional period between Fire Chiefs, there were consecutive three-month periods during which a Battalion Chief from Operations was temporarily assigned as Deputy Chief of Administration, requiring backfill of those shifts on the line. In addition, as part of the Eastside Metro Training Group, Kirkland has provided an instructor to the academy for the three months between January and March. Some of these instructors have been taken from line positions, which also impacted the overtime buffer.

As there are three shifts, one vacancy means that two shifts will still have the full complement of staffing, and as there is no guarantee that retirements happen evenly across the three shifts, there can be multiple retirements from the same shift, leaving unbalanced shifts for long periods.

As mentioned above, each additional vacancy likely requires a greater percentage of shifts to be covered by overtime, as it reduces the overtime buffer. One option for overtime management is to recognize when overtime is less expensive than hiring a new staff member. Based on a model that calculates average overtime cost, and the ongoing salary and benefit cost of a firefighter, it is cheaper for the City of Kirkland to staff with overtime if fewer than 89% of shifts require overtime. The City could choose not to hire to full staffing levels and instead carry vacancies with the explicit recognition that salary savings would cover the increased overtime. Only after a certain number of vacancies are opened would the new hires be added. This would be a significant departure from current policy, and would require further study, and would need to be negotiated and bargained with the IAFF. However, as discussed above, on average all shifts currently require overtime which exceeds salary expenditures, as shown in the table below.

	Salary	Benefits	Total
Firefighter V max. Longevity	8,142	3,302	11,445
100% Overtime Coverage*	11,102	1,546	12,648

*Average overtime rate

As an interim policy solution, given the long lead times between retirements and the next year's academy, a service package was brought forward in the 2017-2018 budget process to authorize unfunded over-hire positions. The purpose of this service package was to offset the time between pending retirements and replacements. As a result, 3.0 FTE ongoing positions were added to the 2017-2018 budget. These positions are unfunded "over-hires" that allow the department to act on upcoming retirements and hire replacements to prevent long periods of understaffing. This helps by training replacement firefighters prior to the summer immediately following a retirement, when overtime tends to be highest.

Currently, there are three vacancies in Fire, two firefighter positions, and one office specialist. Furthermore, there are three firefighter over-hire positions. Again, these over hire positions serve the purpose of offsetting any effect future retirements and replacements may have on the department.

One way of measuring the impact of vacancies on overtime is to assume that most overtime caused by vacancies is offset by savings in regular salaries. Although the relationship isn't completely one for one, vacancies do create salary savings, and as the table above shows, they are of a similar magnitude to additional overtime. The table below shows how far under budget regular salaries have been from 2015 to 2020.³

Regular Salaries to Budget 2015-2020			
	Budget	Actuals	Difference
2015	\$ 8,681,315	\$ 8,499,244	\$ (182,071)
2016	\$ 8,898,109	\$ 8,521,752	\$ (376,357)
2017	\$ 10,139,403	\$ 10,027,353	\$ (112,050)
2018	\$ 9,833,202	\$ 9,624,614	\$ (208,588)
2019	\$ 9,967,324	\$ 9,846,710	\$ (120,614)
2020	\$ 10,572,208	--	--

C) Pandemic Leave and Wildfire Mobilization

In early March, the City of Kirkland was affected by COVID-19. In order to suppress the increasing impact of COVID-19 on the community, the Kirkland Fire Department was dispatched and frequently exposed to community members that tested positive for the virus. For instance, the Fire department responded to one of the earliest outbreaks in the U.S. at the Kirkland Life Care Center. This paper provides an update on how Kirkland's fire department has been impacted by COVID-19 and how pandemic leave has driven overtime costs throughout the period of the pandemic.

Pandemic leave is available at any time to all firefighters who believe they have been exposed to or are experiencing COVID-19 symptoms and must quarantine. Pandemic leave covers 48 hours of work, or an entire shift in terms of the firefighter's schedule. Note, pandemic leave is separate from sick leave, and planned leave.

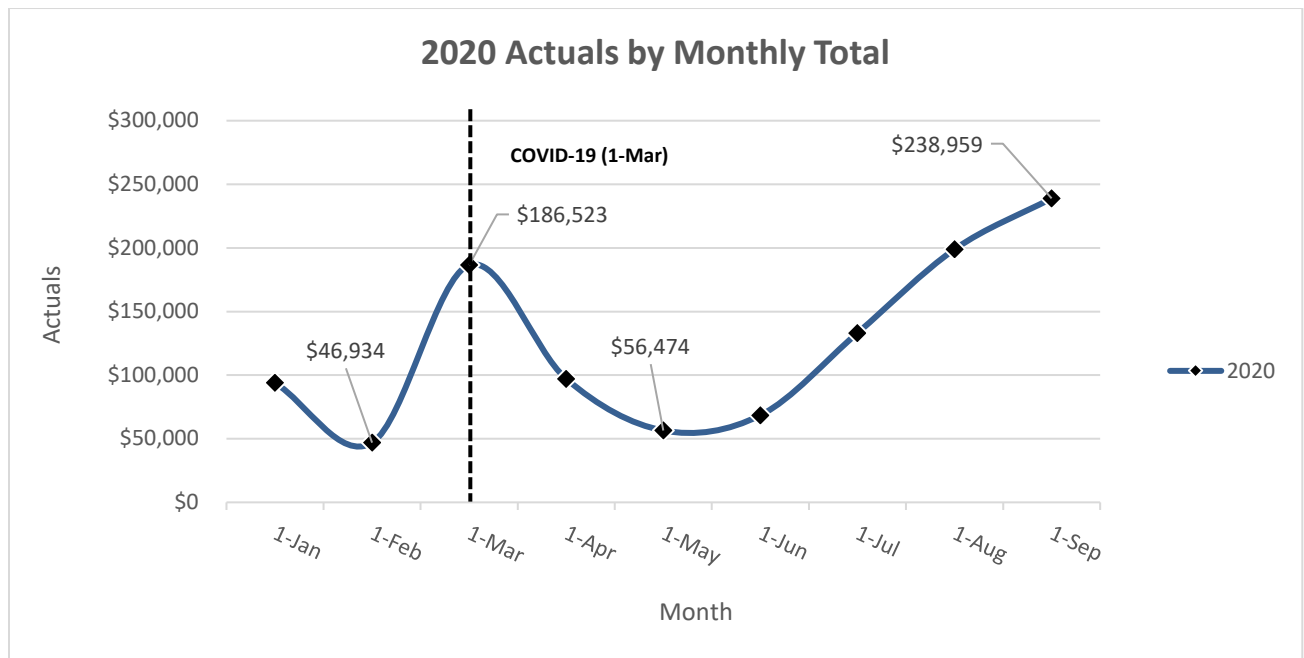
With an extended number of firefighters being exposed to COVID-19, 220 FTE-days of pandemic leave were taken. As with any type of leave, this caused reduced staffing for the Fire Department and inevitably forced the department to use overtime irregularly. The table below shows monthly actual amounts for 2020. During March, the Fire Department experienced significant overtime costs of \$186,523 or 16% of the total current year actuals (through September 2020), due to the initial outbreak of COVID-19. Fortunately, nearly all of the overtime costs driven by COVID-19 will be reimbursed by FEMA or federal/state CARES Act money allocated to cover municipal costs of responding to the pandemic.

³ 2020 actuals will be added at year's end. This will include reimbursement for FEMA pandemic leave and wildfire mobilization

Month	CY Actuals by Monthly Total
1-Jan	\$93,949
1-Feb	\$46,934
1-Mar	\$186,523
1-Apr	\$97,057
1-May	\$56,474
1-Jun	\$68,496
1-Jul	\$133,131
1-Aug	\$198,902
1-Sep	\$238,959
Total:	\$1,120,425

While COVID-19 has had a substantial impact on monthly overtime costs during 2020, it is not the only factor contributing to Fire overtime. Mobilizations to wildfires across the region caused significant overtime costs during the months of July, August, and September. The sum of July, August, and September contributed to 51% of the total 2020 actuals, to-date. However, the state reimburses for firefighters deployed, including firefighters used for backfilling. The rate is determined by the loaded pay rate for each employee deployed and the employee that works the backfill overtime.

The graph below uses the data provided above and depicts the monthly actual amounts for firefighter overtime from January 1, 2020 through September 1, 2020. There was an initial spike in overtime during the month of March. However, between April and June, overtime costs trended downward before incurring significant increases through the months of July, August, and September. This late and sharp increase in overtime pay could be explained by mobilizations responding to wildfires across the state of Washington and out of state.



Next Steps

There are a few actions that can be taken to help manage overtime in the next biennium.

1. Recognize salary savings created by vacancies

While it is currently recognized that vacancies create salary savings, this recognition is not always formalized in the budget adjustment process. In the future, staff could develop an estimate of the increased overtime costs that a vacancy will cause, meaning an adjustment could be made to the overtime line item. This would help clarify how much of the increase in overtime costs was the result of vacancies, and would improve the clarity of dashboards, and other tools that seek to assess fire overtime actuals against budget. More refined estimates such as these would help with long term planning.

2. Continue to authorize over-hire positions

Currently, the fire department budgets for supplies and academy costs under the assumption that there will be three retirements per year. Actual firefighter retirements are currently below this line as there are currently two firefighter vacancies. However, a significant challenge in replacing retired staff is the long lead time between retirements and getting a replacement trained and into a line position. This is in part because there is often only one academy per year, running from January to March. This means if there is a retirement in February, it can be over a year until a new firefighter is trained to take that place. Consequently, over-hire positions need to continue to account for this gap in firefighter turnover. The three over-hire positions are included in the 2021-2022 preliminary budget proposal.

3. Administrative changes

Fire Administration intends to implement a more robust on-the-job injury reporting system to gather more information on the reasons for injury and identify problem areas in the workplace. This is also a city-wide goal and one of the reasons for the City's decision to transition to the Association of Washington Cities (AWC) Worker Compensation Program in the fall of 2020. The AWC program will help make progress in this area. Identification of problem areas will allow for the department to develop strategies to address the cause of leave, particularly on-duty injuries. Additional administrative changes, many of which may require collective bargaining, are also being explored by Fire Administration.

Summary and Conclusion

Overtime in the fire department is a product of the requirement for minimum staffing and will always occur at some level. 2020 has been a particularly unique year for overtime costs due to the effects of the COVID-19 pandemic and the wildfires raging throughout the Pacific Northwest. However, overtime costs have been weighing on this department for several years as the average daily number of overtime-causing leave consistently exceeds the buffer of two FTEs. Overtime costs have not constantly risen from year to year, but the city has spent on average over \$1.46 million a year on fire overtime. There are some near-term actions that can help reduce this costly expenditure, but partnerships with the International Association of Firefighters are needed to identify longer term strategies to substantively address the issue.



MEMORANDUM

To: Kurt Triplett, City Manager

From: Michael Olson, Director of Finance and Administration
Sri Krishnan, Deputy Director of Finance and Administration
Greg Piland, Financial Operations Manager
Nate Islip, Budget Intern
Radu Smintina, Budget Intern

Date: October 8, 2020

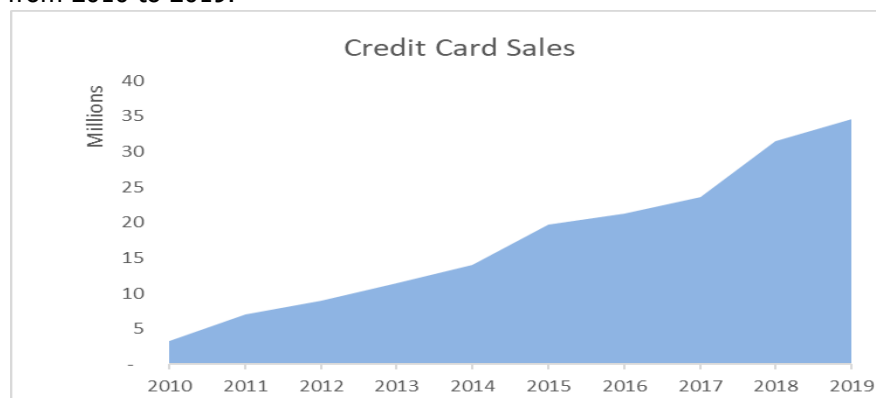
Subject: Credit Card Fees

The purpose of this memo is to provide background on credit card fees, describe the current status and provide an update to City Council to comply with the City's Fiscal Policy.

Background

The City's Fiscal Policies under Revenue and Expenditure Policies states that "Credit card fee surcharges, cash discounts and online payment methods shall be reviewed and evaluated every two years as part of the biennial budget process to ensure that the cost of service is being covered and the City is taking advantage of improving technology."

The City began accepting credit cards as an appropriate method of payment for services in 2005. Benefits for the City by accepting payment with credit card include: quicker payments for utilities, reduced number of shut-off for non-payment; convenience for the community in payment for Parks Programs, Moorage, Parking and other City services; reduced returned checks for non-payment as customers are much less likely to void a credit card charge than write a bad check; and increased collections from those who owe fees or late on payments to the City, because of the convenience of payment by credit card. Accepting payments by credit card results in the City incurring a variety of processing fees, the exceptions are the Court and Jail which use a third party for some services that charge fees. In most cases departments build an estimate of card fees into their budgets in order to pay these fees and these costs are built into fees for services charged to all customers. As the dollar volume of card payments increase, fees also increase and can result in the need to adjust budgeted amounts. Credit card fees are included in the full cost calculation of development fees, but in those cases the credit card fees are spread across all applicants not just those using credit cards. The use of credit cards for payments has increased over the years. The graph below shows how the dollar volume of receipts from credit card sales has grown from 2010 to 2019.



The City accepts card payments for utilities, fines and court payments, recreation programs, permits, and parking. Details for 2019 activity are listed in the table below.

	2019					
Division	Total Credit Card Sales	Transactions	Total Fees	Fees as a % of Sales	Total Revenue	Credit Receipts as a % of Total Revenue
Dev Svcs.	\$ 12,958,271	10,877	\$ 310,814	2.4%	\$15,000,000	86%
Cemetery - Licensing	\$ 379,483	1,615	\$ 7,503	2.0%	\$594,642	64%
Municipal Court	\$ 333,258	1,808	\$ 4,306	1.3%	\$1,507,519	22%
Utilities	\$ 18,032,849	77,342	\$ 209,794	1.2%	\$41,117,368	44%
Parking	\$ 273,232	192,297	\$ 60,222	14.9%	\$401,006	68%
Moorage	\$ 147,031	4,852	\$ 4,106	2.8%	\$156,582	94%
Parks & Rec	\$ 2,009,941	19,283	\$ 49,720	2.5%	\$3,407,258	59%
Pet Licensing	\$ 113,837	2,626	\$ 3,408	3.0%	\$207,610	55%
Total	\$ 34,247,902	310,700	\$ 649,873	1.9%	\$62,391,985	55%

In 2019, the City accepted a total of 310,700 card-based transactions. In 2019, the City incurred \$649,873 in fees for \$34,247,902 in receipts. Card servicing fees are expensed to the department accepting payment by card and are generally recovered by fees.

The number of transactions by credit card has more than tripled since 2010, primarily due to increased use of e-permits online and the acceptance of credit cards for permits at the counter. Fees associated with card transactions have grown more than 7 times since 2010 and do not appear to be leveling off. The last issue paper on credit card fees provided data from 2017. The increase in total credit card sales between 2017 and 2019 is 44.8 percent.

Convenience Fee and Surcharge Programs

Visa and MasterCard rules do not allow merchants to set monetary limits to transactions, nor do they allow the merchant to accept some card types and not others. Merchants who wish to avoid the negative stigma of charging transaction fees to card paying customers generally build such fees into the price of providing services. Therefore, all customers bear the burden of the fee. Wrestling with how to budget the transaction costs for credit cards, some municipalities began assessing transaction fees for services paid with cards. This practice ended in 1993 when Visa and MasterCard became aware of this practice and began enforcing their bylaws which prohibit such action. The result was that Visa and MasterCard ordered banks to cut off service to those entities assessing transaction fees.

Since that time Visa and MasterCard have both developed programs designed for higher education and government agencies to assess convenience fees to the public. The distinction between a transaction fee (surcharge) and a convenience fee is an important one because Visa and MasterCard have strict regulations regarding this issue. A transaction fee (surcharge) is a fee collected to directly offset the cost of allowing the customer to pay with a card. A convenience fee is a fee assessed to the customer for the convenience of using a specific payment mode. In order to participate in these programs, the City must be sponsored by their merchant services bank.

Credit Card Fee Recovery Policy Changes

In November 2012, the federal district court approved a settlement that resolves interchange and merchant acceptance rules in the U.S. and its territories via the *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation* (MDL 1720) class action suit against credit service providers. As a result of this settlement, merchants can now assess surcharge fees to credit card transactions, thereby allowing the merchant to offset the impact of fees incurred.

Regulations regarding this policy are stringent and would require an increased level of scrutiny when accepting card payments as regulations prohibit surcharges on debit cards regardless of the method used to process the card.

Neighboring Cities

The City of Kirkland often compares its policies and operations to those of Bellevue and Redmond in order to better determine regional municipal trends.

Bellevue does not charge additional fees for the use of credit cards for any city services, incorporating these costs into the service fees. Redmond also does not charge convenience fees or surcharges for customers paying with a credit card for city services. Credit card fees are considered part of the overall cost of providing a service and incorporates these costs into service fees.

Potential Impacts of Implementing Credit Card Acceptance Fees by Department

Shifting the cost of accepting credit cards for payment to the customer will have varied affects for each department. The following summarizes the input received from each department regarding the potential impacts of making this change. Regardless of the method, implementing credit card acceptance fees for payment could lead to increased customer complaints, decreased credit card usage and increased delinquencies and collections, which could create additional workload for staff. Implementing surcharge fees would also lead to increased administrative monitoring and scrutiny as staff ensures the City is correctly operating under Visa and MasterCard's complicated rules and regulations.

Utilities – The City is considered a “merchant.” Merchant accounts for utility payments are allowed a reduced fee for utility transactions. Currently the City uses a vendor who charges \$1.65 per \$250 transaction. The utility merchant account would no longer be eligible for the reduced fee if the City attached a convenience fee, resulting in overall fees of approximately 2.2 percent of receipts. Implementing an additional charge for credit card fees would result in some customers shifting to cash or check payments. The online payment portal for utilities allows a customer to pay via ACH, with a reduced fee of \$0.40 per transaction to the City. Currently 44 percent of all utility billings are paid by card. For some customers, the convenience of paying online will outweigh the impact of the fees on the individual and they will continue to pay by credit card. A portion of the utility customers could become quite upset and register their complaints with the City.

Development Services – Development services is an area of service where assessing credit card processing fees will not likely affect business as a whole. While some customers may complain, the department believes that additional fees will not significantly influence building or development services revenues. To provide additional options to customers, Development Services began accepting e-checks in August 2020, as described later in this issue paper.

Parks & Recreation – The business model for Parks and Recreation encourages people to use an online registration system for most parks and recreation programs, services, and rentals. This approach results in 83% of all transactions are completed online. Credit card payments comprise 60.5% of the department's revenue. Staff resources have been adjusted to accommodate primarily online registration. Resources might have to be increased if additional fees are assessed to the customer, which would result in serving more people in person. Considering the populations that participate in the City's recreational programs and services, an additional fee could result in disparate treatment for some, such as senior citizens, teens, and low-income individuals. Assessing a fee for credit card payments could alter these populations' habits but the effect is unknown at this time. Many customers might consider a different payment type or might choose to spend their recreation dollar elsewhere. Currently, prices are set to meet specific cost recovery targets defined by City Council. All costs, including credit card fees, are taken into consideration when setting fees.

Court Fines – Implementing additional fees for card payments received at the front counter could result in a greater number of unpaid fines and higher contesting rates. Unpaid fines would negatively affect the budget and increase the City employee workloads as collection attempts are made. The Court's customers are often upset about receiving fines and would be increasingly difficult to serve should additional fees be assessed. Jail and some court costs are collected through a third-party agency and would be unaffected by additional fees.

Cemetery & False Alarm Reduction Program – Implementing fees for the cemetery could result in decreased card payments as individuals who use this method for convenience would simply mail in a check instead. Customers that have time-sensitive needs would likely continue to make their payment via card over the phone as there is no online option. Last minute or urgent payments are often done over the phone and these customers are usually overwhelmed to begin with. The City could experience an increase in complaints and mailed payments.

Business Licensing - As of December 2018, the City of Kirkland moved to an online portal, managed by the Department of Revenue, for Kirkland business license fees. The Department of Revenue charges businesses a convenience fee of \$90 when applying for a new business license or City endorsement and \$10 when completing the annual renewal. The fees assessed by the Department of Revenue cover the merchant fee costs along with the maintenance of the online portal. The City of Kirkland is not charged any fees for credit card transactions for business licenses. Staff review applications and collect additional fees due for a Kirkland license for past years, if applicable. The implementation of additional fees could discourage timely credit card payments, leading to additional check payments being received. This potential increase would require additional staff time to receive and process.

Parking – Parking is driven by convenience and changes in pricing likely will not affect consumption. This being said, some people will choose to avoid increased parking fees and may avoid downtown or park on residential streets near their destinations creating additional congestion on those roads. The impact of adding fees to parking is more apparent than other categories because the fee as a percentage of revenue is much higher than other categories at 22 percent, due to the very small size of each transaction.

Moorage – Credit card payments comprise 94 percent of moorage revenues, the business model for which is similar to other parks and recreation programs. An additional fee for credit cards likely will not affect boat moorage in Kirkland due to the low cost of City-owned docks compared to local alternatives.

New Developments

As of August 1, 2020, the eCityGov Alliance has implemented eChecks as a form of payment for developers. eChecks, together with Paypal and MBP, allow developers and those paying for permits a streamlined payment process without the City incurring a credit card fee. With developers often having payments that would exceed a credit card limit, echecks now alleviate the need to mail or hand deliver a check to the City. This in turn could lower the City's administrative time spent handling checks. Instead of a credit card fee, there is a transaction fee based on the total dollar of payments processed. The City pays a monthly account fee of \$49.99 and a per transaction fee of \$0.50 for eChecks. In the first three weeks of the eCheck program, Kirkland received \$159,408 in payments using this transaction method. Staff are developing marketing materials to encourage developers to start using the eCheck payment method to decrease fees paid by the City.

Summary

Credit card fees are increasing as this payment method becomes more popular. Recent changes in industry policies now allow merchants to charge fees to offset the cost of providing card payment services but would result in more complicated administration within the City. Given the current impacts of the Covid-19 pandemic and the widespread adoption of credit card use, staff recommends not adding additional fees that would be incurred by Kirkland customers. This discussion will be revisited at the next biennium, as required by the City's fiscal policies.



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MEMORANDUM

To: Kurt Triplett, City Manager

From: Michael Olson, Director of Finance and Administration
Kathi Anderson, City Clerk/Public Records Officer
JamieLynn Estell, Deputy City Clerk
Anja Mullin, Deputy City Clerk

Date: October 9, 2020

Subject: Public Disclosure Resources Issue Paper

BACKGROUND:

At their July 16, 2013 City Council meeting, Council adopted Ordinance No. 4414 and Resolution No. 4987 related to public disclosure. The central purpose of the ordinance is twofold. The first is for the City Council to determine what comprises a reasonable commitment of resources to public records requests. The ordinance establishes that this determination shall be made during the biennial budget process when the Council balances all of the needs and priorities of the City. The second purpose is to enhance transparency and public confidence in the process through logs, best practices, and standardized communication with requestors so that requestors, Council and the public know the status of requests, the estimated time of response, and changes in status will be clearly tracked and communicated. The accompanying resolution updated the City's public records rules to be consistent with the ordinance, and further defined the City's process to help ensure compliance with the Public Records Act (PRA) and to prevent excessive interference with other essential functions of the City.

Public Disclosure Resources

One of the key objectives of the ordinance is to establish the level of effort devoted to public disclosure so that it does not create "excessive interference" with other essential functions of the agency. The primary purpose of the PRA is to create transparency and accountability in government. Since implementation of the program as achieved by the 2013 legislation, the City now has several years of actual expenditures as a base for ongoing resource budgeting estimates. The current estimates consider trends experienced in the current biennial budget period, which are subject to a number of factors outside the City's control, in particular both the number and complexity of the requests received in any year.

There is a slight increase in the recommended budget for the upcoming budget period in the table below, which reflects estimated increases in normal and routine resource investments

including salary expenditures and the continued and expanded support of GovQA public disclosure request management software.

The \$100,000 public records contingency fund remains unexpended to date. The fund was established by the Council at its November 8, 2017 meeting, to provide a conservative safety net if needed to meet any budgetary challenges due to complex records requests which cannot be reliably forecast.

	2019-2020	2021-2022
	Estimate	Recommended Budget
Public Disclosure Costs	\$625,250	\$636,605
Contingency Fund	\$100,000	\$100,000
Total	\$725,250	\$736,605

Public Disclosure program costs include the dedicated Deputy City Clerk for Public Disclosure and Police Public Disclosure Analyst, as well as significant portions of time from the City Clerk/Public Records Officer, the City Attorney, Police Records, Judicial support, Human Resources, Planning and Building and other departmental administrative and records management support positions. City staff believe the proposed level of investment is sufficient to maintain appropriate responsiveness to public records requests.

As previously reported to Council, State legislation in the form of House Bill 1594, effective July 23, 2017, requires that the City submit a report on specific metrics every year to the Joint Legislative Audit and Review Committee¹. These metrics provide us with data from the GovQA software to compare and more accurately estimate resource needs for biennial budget purposes.

The costs reflected in the budget estimates do not include the time spent each year by City staff members without specific public records responsibilities, who are nevertheless called upon to identify and produce records in response to requests when required. The City's ordinance provides that, for those City employees for whom responding to records requests is not among their primary assigned duties, the need to devote more than ten hours per month to records requests is presumed to interfere with their ability to perform essential functions. This provision does not mean that the staff member does not continue to respond, only that the response may be delayed in order to accommodate those essential functions, and that the requestor will then be notified of the delay.

The ordinance also provides that, starting with the 2015-2016 biennial budget process, the City Council shall biennially determine and establish the level of effort to be devoted to public records responses and the amount of resources to be allocated. This determination is informed, in part, by the semi-annual report to the Council also required by the ordinance. During these reports, the Council may review the number of requests, the average time it is taking the City to respond, and then determine if additional resources are necessary. The ordinance specifies that during the Council budget deliberations, a portion of a public work session must be devoted to public records response. This discussion will occur at the October 27, 2020 City Council Special Study Session on the 2021-2022 Preliminary Budget.

¹ JLARC report is attached as Appendix A

Public Records Requests Report for Kirkland for 2019

Baseline data

The reporting period is for the calendar year (January 1st to December 31st). [Click here](#) for guidance related to Baseline data.

Baseline data
<div>Total number of open public records requests at the beginning of the reporting period</div> <div>119</div>
<div>Of the number of requests open at the beginning of the reporting period, how many were closed during the reporting period?</div> <div>116</div>
<div>Total number of public records requests received during the reporting period</div> <div>4353</div>
<div>Total number of public records requests closed during the reporting period</div> <div>4136</div>

Metric 1

Total number of requests closed within five days. [Click here](#) for guidance related to Metric 1.

Number of requests closed within five days
<div>Number of requests closed within five days</div> <div>2485</div>
<div>If your agency feels the data provided for this metric is unduly influenced by a small number of unusually large requests, you may provide additional explanation here</div>

Metric 2

The number of requests where an estimated response time beyond five days was provided. [Click here](#) for guidance related to Metric 2.

Number of requests where an estimated response time beyond 5 days was provided
<div>Number of requests where an estimated response time beyond five days was provided</div> <div>1868</div>
<div>You may provide additional explanation here for the data provided for this metric</div>

Metric 3

Average and median number of days from receipt of request to the date of final disposition of request. [Click here](#) for guidance related to Metric 3.

Average and median number of days from receipt to final disposition
IP-81

Number of requests with final disposition
4252
Number of days to final disposition
43248
Median number of days to final disposition
6
Average number of days to final disposition (calculated)
10.2
If your agency feels the data provided for this metric are unduly influenced by a small number of unusually large requests, you may provide additional explanation here

Metric 4

Number of public records requests for which the agency formally sought additional clarification from the requester. [Click here](#) for guidance related to Metric 4.

Number of requests for which additional clarification was sought
Number of requests with additional clarification sought
387
You may provide additional explanation here for the data provided for this metric

Metric 5

Number of requests denied and the most common reasons for denying requests. [Click here](#) for guidance related to Metric 5.

Number of requests denied in part or in full.
Number of closed requests that were denied in full
105
Number of closed requests that were partially denied or redacted
2409
Please provide the 5 to 10 most common reasons for denying requests during this reporting period
Reason 1
42.56.240
Reason 2
42.56.230
Reason 3
42.56.250
Reason 4
5.60.060(2)(a)
Reason 5

42.56.070

Reason 6

Reason 7

Reason 8

Reason 9

Reason 10

You may provide additional explanation here for the data provided for this metric

Metric 6

Number of requests abandoned by requesters. [Click here](#) for guidance related to Metric 6.

Number of requests abandoned by requesters
Number of requests abandoned by requesters
142
You may provide additional explanation here for the data provided for this metric

Metric 7

Number of requests, by type of requester. [Click here](#) for guidance related to Metric 7.

Number of requests, by type of requesters	
Requester type	Individuals
Other (please explain)	
Total requests	914
Requester type	Law firms
Other (please explain)	
Total requests	374
Requester type	Organizations
Other (please explain)	
Total requests	274
Requester type	Insurers
Other (please explain)	
Total requests	76

Requester type	Governments
Other (please explain)	
Total requests	187
Requester type	Incarcerated persons
Other (please explain)	
Total requests	3
Requester type	Media
Other (please explain)	
Total requests	56
Requester type	Current or former employees
Other (please explain)	
Total requests	10
Requester type	Anonymous
Other (please explain)	
Total requests	2394
Requester type	Other
Other (please explain)	It's a designated option on the dropdown
Total requests	65

You may provide additional explanation here for the data provided for this metric

Metric 8

Percent of requests fulfilled electronically compared to the percent of requests fulfilled by physical records. [Click here](#) for guidance related to Metric 8.

Percent of requests fulfilled electronically compared to percent fulfilled by physical records	
Number of requests fulfilled electronically	3172
Number of requests fulfilled by physical records	248
Number of requests fulfilled by electronic and physical records	202
Number of requests closed with no responsive records	IP-84

630

Percent of requests fulfilled electronically (calculated)

75%

Percent of requests fulfilled by physical records (calculated)

6%

Percent of requests fulfilled by electronic and physical records (calculated)

5%

Percent of requests closed with no responsive records (calculated)

15%

You may provide additional explanation here for the data provided for this metric

Metric 9

Number of requests where one or more physical records were scanned to create an electronic version to fulfill disclosure. [Click here](#) for guidance related to Metric 9.

Number of requests where records were scanned

Requests scanned

2499

You may provide additional explanation here for the data provided for this metric

Metric 10

Average estimated staff time spent on each public records request. [Click here](#) for guidance related to Metric 10.

Average estimated staff time spent on each request

Estimated total staff time in hours

3912

Average estimated staff time in hours per request (calculated)

1

If your agency feels the data provided for this metric is unduly influenced by a small number of unusually large requests, you may provide additional explanation here

Metric 11

Estimated total costs incurred by the agency in fulfilling records requests, including staff compensation and legal review and average cost per request. [Click here](#) for guidance related to Metric 11.

Estimated total costs incurred

Estimated total cost

\$301,248

Average estimated cost per request (calculated)

IP-85

\$67.36

☒ Our agency applied an overhead rate in our calculation of estimated costs.

You may provide additional explanation here for the data provided for this metric

1. Took the 11 most prolific users of our records request software + the City Attorney 2. Took the mid step of each position multiplied by loaded rate of 2.04. 3. Divided that number by the 12 staff to calculate the average hourly rate. 4. Ran a report out of our system that calculates time spent per request = 4035.16 hours 5. 4035.16 hours multiplied by the average hourly rate (\$288,007.53) + the cost of GovQA from for 2019 (\$13,240.88) = \$301,248.41 6. \$301,248.41/4353 requests = \$69.20

Metric 12

Number of claims filed alleging a violation of Chapter 42.56 or other public records statutes during the reporting period, categorized by type and exemption at issue (if applicable). [Click here](#) for guidance related to Metric 12.

Number of claims filed alleging a violation of Chapter 42.56 RCW

There were no claims filed alleging a violation of Chapter 42.56 RCW.

You may provide additional explanation here for the data provided for this metric

Metric 13

Costs incurred by the agency litigating claims alleging a violation of Chapter 42.56 RCW or other public records statutes during the reporting period, including any penalties imposed on the agency. [Click here](#) for guidance related to Metric 13.

Costs incurred litigating claims alleging a violation of Chapter 42.56 RCW

Total litigation costs

\$0

You may provide additional explanation here for the data provided for this metric

Metric 14

Estimated costs incurred by the agency with managing and retaining records, including staff compensation and purchases of equipment, hardware, software, and services to manage and retain public records. [Click here](#) for guidance related to Metric 14.

Estimated costs incurred managing and retaining records

Cost of agency staff who manage/retain records

\$3,971,037

Cost of systems that manage/retain records

\$308,141

Cost of services purchased for managing/retaining records

\$44,559

Total estimated cost for managing and retaining records (calculated)

\$4,323,737

☒ Our agency applied an overhead rate in our calculation of estimated costs.

You may provide additional explanation here for the data provided for this metric

Metric 15

Expenses recovered by the agency from requesters for fulfilling public records requests, including any customized charges. [Click here](#) for guidance related to Metric 15.

Expenses recovered from requesters

Total Expenses Recovered	\$244
Customized Service Charges	
Description of Service Charges	

You may provide additional explanation here for the data provided for this metric

Scanning and hard copy costs



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MEMORANDUM

To: Kurt Triplett, City Manager

From: Kyle Butler, Financial Planning Supervisor

Date: October 10, 2020

Subject: HEALTHCARE PROGRAM UPDATE

BACKGROUND

In April 2015, the City of Kirkland implemented an innovative employee healthcare program, the Healthy Kirkland Initiative. The objectives of the program were to improve employee health while mitigating the rising cost of health care and to avoid liability under the Affordable Care Act "Cadillac Tax". The "Cadillac Tax" is now fully repealed as of December 20, 2019 and will not go into effect, nevertheless, the Healthy Kirkland Initiative has realized successes in improving employee health and managing growth in health care costs. In December 2015, the City Council received a comprehensive briefing on the evolution of the City's program and this memorandum will summarize some of the highlights of that report and provide an update on the program's impact on the budget since that point in time. The full 2015 briefing (170 pages including attachments) is available on the City's website at: https://www.kirklandwa.gov/Assets/City+Council/Council+Packets/120815+SpecMtg/3a_StudySession.pdf

The background that follows is a description of the initiative and the plan design excerpted from the 2015 briefing:

The Healthy Kirkland Initiative

The City opted for a "full systems approach" dubbed the Healthy Kirkland Initiative that included:

- 1) individual economic incentives to better empower individuals to make more informed medical decisions and improve the likelihood of health savings;
- 2) increased market transparency so employees could be more informed in those decisions;
- 3) unlimited primary care services, free to employees and qualified dependents, to promote proactive healthy behavior, and ensure participants had ample opportunity to get the critical on-demand primary care necessary to help ensure healthier lives.

Each element of the Initiative has been done successfully somewhere in the United States. What differentiated the City's new approach was not so much the implementation of any of these ideas separately as isolated efforts to improve care. Rather what was unique to the City's strategy was implementing each of these elements together, at the same time, as *interdependent* parts of a full health care delivery system.

How Does the Healthy Kirkland Initiative Work?

High Deductible Health Plan

First, the City moved to a high deductible health plan. Establishing a high deductible framework created the necessary structure to incorporate real economic decision making to everyone participating in the new plan. With a high deductible plan, participants are required to pay a much larger portion of their initial health costs, emphasizing the need to make informed decisions on nearly every element of their care.

HRA VEBA

To offset the new financial exposure to employees, the City created an expansive Health Reimbursement Voluntary Employee Benefits Association (HRA VEBA) benefit contribution, essentially matching annually the cost of the entire deductible for both individuals and families. HRA VEBA's, unlike traditional HRA's, are savings accounts that stay with employees and eligible dependents and accumulated account balances roll over from year to year. With this new approach, employees are given both a new economic exposure (the higher deductible) combined with a new financial incentive to save (the HRA VEBA contribution). In order to fully match the annual cost of the high deductible as part of their HRA VEBA contribution, however, most employees and their spouses/domestic partners have to complete a wellness incentive program. These activities include a biometric screening, health risk assessment, visiting with a health provider and meeting with a health coach.

Financial Exposure		
	Healthy Kirkland Plan	
	Employee Only	Family
Deductible	1500	3000
Out-Of Pocket Max	2500	5000
VEBA Contribution	1200	2400
Wellness Contribution	600	600
Total VEBA Contribution	1800	3000
Maximum Exposure	700	2000

Thus, the new framework provides an incentive to engage in healthy behavior and make more judicious decisions regarding the utilization of care, supporting the notion put forth by economist Milton Friedman when he stated "nobody spends somebody else's money as carefully as they spend their own."

Vera Whole Health Near Site Primary Care Clinic

The final element of the full systems approach was the creation of a near site primary care health center, free to employees and qualified dependents. The City chose Vera Whole Health Services as the operator of the health center. The Kirkland Vera clinic is located in the Totem Lake area, just a short drive from the Evergreen Hospital Emergency Room. Parking at the facility is free, and it is open to employees and their family members who are enrolled in the City's health plan. The health center provides preventative and same day

acute care (immunizations, check-ups, limited prescriptions, etc.) along with behavioral and lifestyle health coaching, all at no cost to the employee. The health professionals at the clinic provide care that includes both coaching and education, so employees can schedule appointments for a variety of preventative and acute services, as well as wellness and nutritional consultations. Finally, Vera was chosen as the clinic provider because it provides reciprocity among its clinics. Kirkland employees and qualified dependents can visit any Vera clinic for free. Currently there are several clinics in Seattle and a clinic in Everett in addition to the Kirkland location and as more clinics are added, access for Kirkland employees and their families to high quality, free health care will only increase.

The health center is a critical component of the entire system. The reasons for this are several. First, because primary care is free to employees and convenient, employees and qualified dependents have a powerful financial incentive to use the clinic to save their HRA VEBA balances and be more active in maintaining their health. Second, because the operation of the clinic is informed by an employee advisory group, the quality and availability of care is part of a participatory process that encourages employee engagement and oversight. Finally, because the Vera model involves unlimited free access to a health coach, the clinic could become a catalyst for cultural change at the City that promotes more healthy proactive living as part of the employment experience.

Each element of the Healthy Kirkland Initiative taken alone would likely be an important improvement to an existing health care plan. Taken together and implemented as part of a comprehensive system however, each element is enhanced to realize much more of its full potential providing entirely new opportunities for participants to improve health, increase savings and enjoy a better quality of life.”

PROGRAM UPDATE SINCE 2015

Initially, the City’s AFSCME, PSEU, and Teamster bargaining units and Management and Confidential staff joined the program in 2015 and subsequently the remaining Police bargaining units joined as well. Effective in 2017, the firefighter’s union (IAFF) opted to participate in a plan outside the City’s system sponsored by the LEOFF Trust PFP for which the City pays the premiums.

Initial results from the Healthy Kirkland Initiative were promising. The 2016 recommended contribution to the self-insurance fund for the program decreased 4.5% at a time that the national average for health care costs was a 6% increase and the Association of Washington Cities increase for its high deductible plan similar to the City’s increased 9.1%.

The 2015-2016 Budget assumed zero percent growth in the health benefits fund as a result of higher than expected health cash reserves from the early results of the program and in anticipation of continued success of the Healthy Kirkland Plan.

The 2017-2018 Budget assumed no increase to the contribution to the health care fund in 2017 and a 2% increase in 2018, still well below the national average and AWC plan increases (AWC’s HDHP premium increased 13.2% from 2017 to 2018). The premiums paid to LEOFF Trust in 2018 increased 13%.

The 2017-2018 assumptions recognized that the reserve maintained in the health care fund was substantially above the state required minimum of 16-weeks of claims data. This balance was the result of several dynamics:

- By diverting claims to the clinic, the 16-week rolling average of claims was substantially lowered.
- The amount set aside for claims is based on an actuarial analysis. In the early years of the program, claims performed better than the calculated actuarial result.
- A \$1 million contingency had been added to the reserve in the beginning of the City's self-insurance program as a hedge against higher than expected claims growth, which has proven to be unnecessary after the first year of self-insurance in 2011. This amount was reallocated to help fund the replacement of the City's core financial and human resources system.

To begin to draw down the reserve balances, the 2017-2018 rates were set below the actuarial recommendation which in fact did draw down the balance in 2017 while 2018 balances grew, indicating that costs rose at a slower rate than revenues. Note that a portion of the reserve draw down in 2017 reflects the "run off" of claims for IAFF members, which is the amount of claims incurred in 2016, but paid out in 2017 when they were no longer part of the City's plan.

Rate assumptions made in the 2019-2020 budget began a multi-year plan to raise rates to bring them in line with actuarially forecasted cost growth, with annual increases of 9.5% and a planned use of reserves as rates were brought in line with expenses over several years. Actual results in 2019 resulted in a use of \$443,476 in reserve balance, which was about \$180,000 better than forecast, while the 2020 projections are on pace to use \$242,446 of reserve balance, about \$247,000 better than the forecast. This outcome indicates that the 9.5% annual raises had gained more ground relative to expenses than originally assumed, allowing Kirkland more flexibility in setting rate growth at a lower level for 2021-2022.

Category	Actuals					Projected					
	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
Starting Reserve Balance	6,639,981	7,214,986	7,130,429	5,172,161	5,772,934	5,329,458	5,087,011	5,166,712	5,156,671	5,066,950	4,918,309
Use/Addition to Reserves	575,005	(84,557)	(958,269)	600,773	(443,476)	(242,446)	79,701	(10,041)	(89,722)	(148,641)	(220,854)
Contingency Reserve*			(1,000,000)								
Ending Reserve Balance	7,214,986	7,130,429	5,172,161	5,772,934	5,329,458	5,087,011	5,166,712	5,156,671	5,066,950	4,918,309	4,697,454
16-Week Requirement (Average)	2,239,440	1,945,999	1,868,942	1,298,074	1,477,168	1,691,952	1,805,313	1,926,269	2,055,329	2,193,036	2,339,969
16 Week Total "Max" Liability	2,444,125	2,348,502	2,084,905	2,056,492	1,755,058	2,100,466	2,241,197	2,391,357	2,551,578	2,722,534	2,904,944

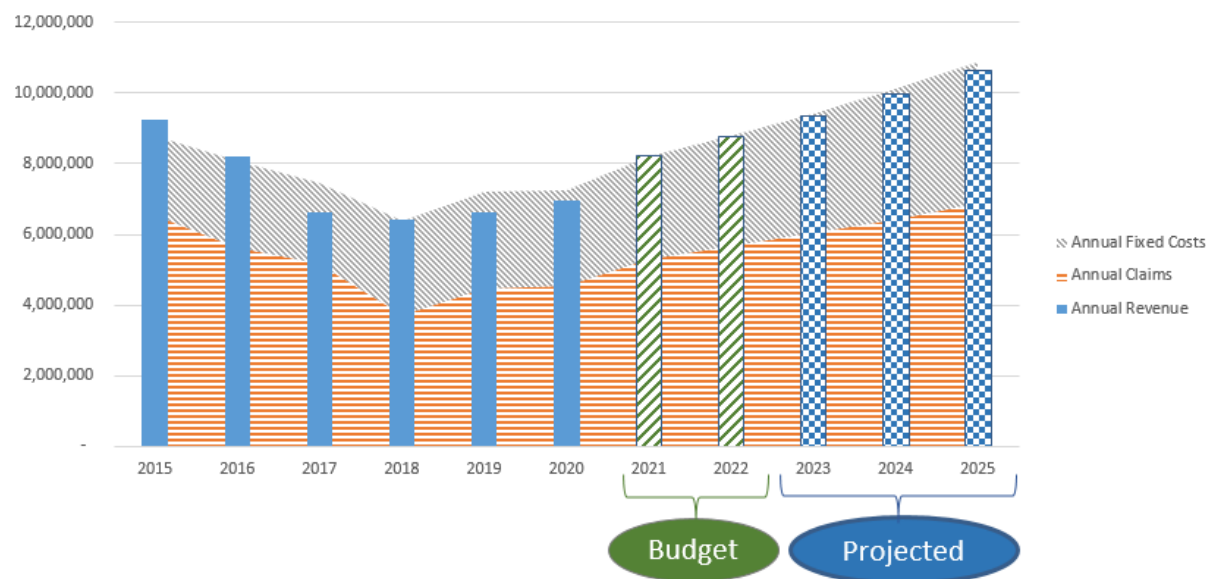
*Contingency was transferred to the Finance System Replacement CIP project

A portion of the reserve is a mandated 16-week minimum claims balance. This amount is estimated as part of the budgeting process, it declined in recent budget cycles due to the Healthy Kirkland Initiative's successes and the withdrawal of the IAFF union members from this plan. Staff is now assuming that 2019 is the baseline for the reserve.. In order to ensure conservative budgeting practices, staff has assumed that the 16-week minimum reserve requirement is estimated to grow by the actuarial claim's growth percentage of 6.7% annually, which was used in setting the 2021-2022 budget targets. As an additional check for conservative rate setting, staff analyzed the highest 16 week claims total from 2019-20 and created a secondary informational target of 16 week "Max" liability to keep the five year projected ending reserve balance above, the current rate proposal maintains reserves above both the required and the assumed "Max" 16-week claims levels.

Looking forward to the 2021-2022 budget and beyond, the most recent actuarial analysis indicates that a cumulative five-year increase of approximately 40% (approximately 8% per year) in the claims-related premium contribution might be necessary to bring the premiums in line with costs. However, Kirkland's actual claims experience and trends have so far indicated lower costs than actuarial projections have forecast. Given that the current reserve is still in excess of the required minimum, and wider budget considerations due to the economic challenges of the COVID-19 pandemic staff has laid out a plan to raise those premiums in line with projected costs covered by those premiums in 2021-2022 while beginning to draw down on reserves in future years. This approach still maintains balances above the required 16-week minimum claims balance.

The preliminary 2021-2022 budget reflects a 6.7% premium increase that closes the current gap between claims and fixed costs and medical premiums for 2021-2022, but does project to collect slightly less revenues than expenses in future years if continued at 6.7% rate growth as illustrated in the table above and the following graphic. This assumption can be revisited and adjusted as necessary in the 2023-2024 budget process to react to trends observed in 2021-2022. Reserve balances are projected to remain above the 16-week minimum claims balance through the end of 2025 even assuming this draw down.

2015-2025 Premium Revenues vs Expenses Paid from Premiums



To put these figures into context, the 6.7% increase does not relate to all healthcare expenses, just those tied to claims-related costs. It excludes costs such as the clinic and HRA/VEBA related to the Healthy Kirkland Plan that represent relatively fixed costs. The cost growth assumptions in the overall Healthy Kirkland plan is summarized in the table below.

Healthy Kirkland Plan Components

Assumptions for 2021-2022		
	% Increase	
Category	2021	2022
Fully Insured Equivalent (Medical Claims)	6.7%	6.7%
Vera Clinic	4.5%	4.5%
HRA/VEBA	0.0%	0.0%
Third Party Administration/Stop Loss	12.0%	12.0%
Overall Increase to Self Insurance Budget	7.1%	7.2%

Further, the City's overall healthcare expenditures includes premiums associated with the Kaiser managed care plan offered by the City, the LEOFF PFP plan costs, dental benefits, and internal staff costs associated with administering the program. The table below summarizes the increase in overall healthcare expenditures reflected in the preliminary budget (note that the LEOFF PFP increase is an estimate as the plan has not yet published its 2021 rates). The average benefit costs per FTE increase approximately 4.4% in 2021 and 4.8% in 2022, excluding pension costs which are not discussed in this issue paper. The one-time decrease in Kaiser rates represents an overall rate reduction from that insurer across the board. Note that the 2022 factors are the best estimates available at this time and will be refined as part of the mid-biennial budget update in the Fall of 2021.

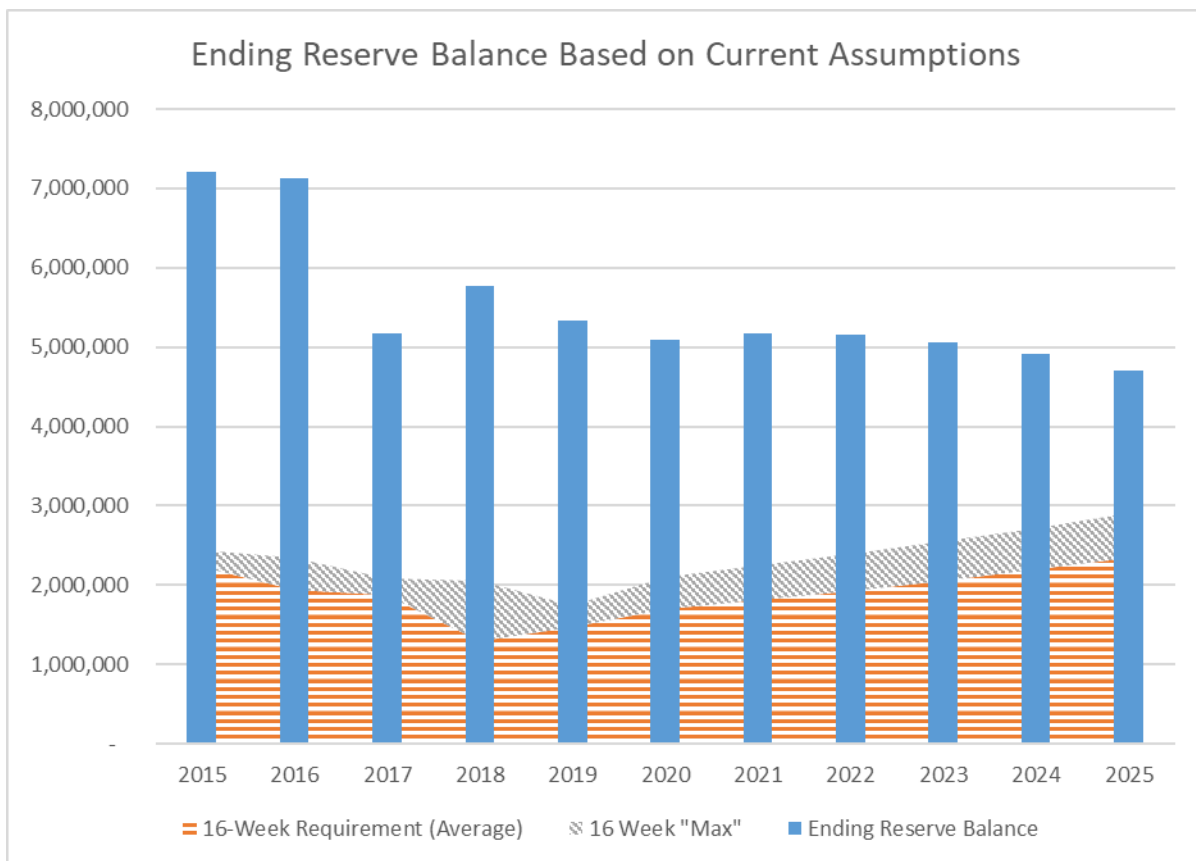
Overall Healthcare Expenditure Changes		
	2021	2022
Premiums and Premium Equivalent		
HDP	6.7%	6.7%
Kaiser	-5.0%	8.0%
IAFF PFP	8.0%	8.0%
Willamette	0.0%	3.8%
Delta Dental	0.0%	3.8%
Vision	0.0%	2.0%
Other Fees		
HRA/VEBA	0.0%	0.0%
Clinic Fee	4.5%	4.5%
Other Costs	1.0%	1.0%
Workers Compensation	0.0%	0.0%
Avg. Change Per FTE from Prior Year	4.4%	4.8%

CONCLUSION

The Healthy Kirkland Initiative has been successful in working toward all three objectives – economic incentives to promote informed health care choices, market transparency and promotion of health behaviors. While it is difficult to judge the overall health of the employee population, participation in the clinic and wellness incentive programs is the highest that the providers have experienced. We have “bent the trend” in healthcare cost growth and these measures to control costs allowed the City significant flexibility when setting rates for 2021-

2022 to help alleviate cost pressures on operating fund budgets that were facing reduced revenue budgets due to the economic effects of the COVID-19 pandemic. Another illustration of the success of the strategy is that the employee balances in their HRA/VEBA accounts are in excess of \$3.6 million as of June 2020. This gives employees and their families a financial buffer against unexpected medical costs that was not possible prior to the Healthy Kirkland Initiative.

Phasing in the claims-related premium increase should still maintain a healthy reserve and allows the decisions in future budget cycles to recognize actual claims trends. The five-year strategy would result in a planned reserve drawdown illustrated below. The projected reserve above the minimum also acts as a hedge against worse than expected performance or the need to increase the reserve in the event that the IAFF returns to the City's plan.





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**CITY OF KIRKLAND****Department of Parks & Community Services****123 5th Avenue, Kirkland, WA 98033 425.587.3300****www.kirklandwa.gov****MEMORANDUM**

To: Kurt Triplett, City Manager
Michael Olson, Director of Finance & Administration

From: Lynn Zwaagstra, Director
Leslie R. Miller, Human Services Supervisor

Date: October 4, 2020

Subject: HUMAN SERVICES ISSUE PAPER

City of Kirkland Funding for Human Services

This issue paper focuses on human services grant funding, but to provide the appropriate context, staff has included a summary of the overall human services funding below that the City provides in the budget document. Funding for Human Services is incorporated into a variety of operating and non-operating budgets.

Program/Funding Source	2019-2020 Budget	2021-2022 Budget¹
Human Services Program grants (including CDBG) ²	2,497,847	2,577,838
Prop 1: Women and Family Shelter Operations	106,634	200,000
Prop 1: Mental Health and Human Services Programs	373,219	420,000
State HB 1406: Rental Assistance	0	423,336
Human Services Forum and Other Regional Programs	20,000	18,028
Human Services Coordination (including CDBG)	505,140	584,664
Prop 1: Mental Health and Human Services Program Coordination	-	280,000
Senior Center Operations	790,011	596,582
King County Alcohol Treatment Programs	46,700	48,000
A Regional Coalition for Housing (ARCH) ³	1,320,574	1,486,561
Community Youth Services Program/Teen Center ⁴	577,158	742,666
Rent Subsidy for Youth Eastside Services ⁵	78,000	78,000
Community Safety Initiative: 4 Community Safety Responders	0	1,430,494
Community Safety Initiative: MIH-Funded Firefighters/EMT and Social Worker	0	648,376
Domestic Violence Advocacy in the Police Department	904,742	996,089
Prop 1: Mental Health Professional and Neighborhood Resource Officer ⁶	180,000	240,000
Police School Resource Program (City-funded portion)	56,718	377,928
Prop 1: 4 SROs in Kirkland Middle Schools (City-funded portion)	672,528	755,856
Senior Discounts for Utility and Garbage Services	91,402	97,475
Kirkland Cares (assistance with utility bills from utilities customer donations)	6,450	6,450
Recreation Class Discounts	6,000	14,000
Total Human Services Funding	8,689,902	11,926,704

TOTAL SPENDING PER CAPITA 2019-2020: \$93.91**TOTAL SPENDING PER CAPITA 2021-2022: \$131.55**

¹ As proposed in the City Manager's 2021-2022 budget.

² Additional Human Services funding approved by the Council is not included in these figures. The Council approved almost \$900,000 of CARES Act finding for Human Services needs, which is expected to be supplemented from additional CARES Act funds of up to \$300,000. All of these funds need to be obligated before the end of 2020.

³ 2019-20 ARCH funding reflects the base budget amount of \$234,550, ongoing funding of \$256,024 from Community Development Block Grants (CDBG), and one-time service package funding of \$830,000. In addition to these amounts, Affordable Housing in Lieu fees totaling \$3,711,000 are expected to be remitted to ARCH or directly invested in affordable housing in 2019-20 that are not reflected in the table above. The 2021-2022 Preliminary Budget includes the same funding elements with adjusted base budget (\$360,689) and CDBG (\$295,872) amounts.

⁴ 2021-22 Budget includes the full expenses of running the Kirkland Teen Union Building after the end of the YMCA contract.

⁵ Rent is waived completely; figure represents a conservative market rent equivalent.

⁶ 2019-20 funding only included one and a half years of proposed mental health response services from Prop 1. Two full years of services are incorporated in 2021-2022 Preliminary Budget.

Current Human Services Grant Funding

The City supports human services grants by providing leadership, facilitation and funding regionally. This regional approach to funding and providing human services allows the City to act as a catalyst for improving the quality of life for Kirkland residents and makes the City's dollars go farther. Kirkland has worked with other King County cities to help agencies access regional funding more easily by:

- ✓ Providing an on-line joint funding application with 16 other King County cities;
- ✓ Launching a regional online data collection system that allows for consistent information and a better alignment of programs and funding;
- ✓ Participating in a pooled funding program with some north and east city funders to streamline the invoicing process for some of the programs the cities jointly fund.

Within its overall human services funding commitment, the City allocates funds to outside agencies to provide a variety of human services programs.

City funding for grant programs has been derived from both ongoing funds approved in the Parks and Community Services Department's base budget, as well as one-time supplemental funding as authorized by the City Council during each budget cycle. The funding sources are described below and summarized in the table on the following page. The on-going annual base budget is \$969,237. In the last few years, the City of Kirkland has added several sources of funding streams to support human services for Kirkland residents.

Community Development Block Grant (CDBG)

Since it became a Joint Agreement City in the King County Urban Consortium in 2015, the City has been able to allocate part of its share of the public services funds from federal Community Development Block Grant (CDBG) program. These dollars serve as an additional revenue source that may not supplant any ongoing city funding. The estimated amount for 2021 is \$38,931.

Enhanced Police Services and Community Safety Ballot Measure (Prop 1)

In 2018 Kirkland voters approved a 0.1% public safety sales tax that provided additional funding for police and human services initiatives, including enhanced police services, school

resource officers, a Mental Health Professional and a second Neighborhood Resource Officer, a gun safety program, operating support for the women and family shelters, and human services funding to address mental health needs, domestic violence and suicide prevention for youth. The funding available to support human services grants for 2021 is expected to be \$310,000 (\$100,000 for shelter operations and \$210,000 for grants).

State House Bill 1406

At its May 19, 2020 meeting, City Council passed Ordinance O-4727 establishing a local sales and use tax for affordable and supportive housing as allowed by Substitute House Bill 1406. The funds are restricted to benefit people with an income at or below 60 percent of King County median income. Revenues will be received for 20 years. The City Manager is recommending that these funds be utilized in 2021 and 2022 for rental assistance due to the impact of the COVID-19 pandemic on low income tenants. In future years the funds are likely to be allocated to Kirkland affordable housing efforts coordinated through A Regional Coalition for Housing (ARCH). The collection cap for the City of Kirkland in 2021 is estimated to be \$211,749.

Multi Family Tax Credit Agreement with Kirkland Sustainable (MFTE)

In the fall of 2019, the City entered into an agreement with Kirkland Sustainable Investments, LLC (KSI) to offer new affordable rental housing units and City (and other public sector) employee rental housing units in downtown Kirkland. Part of this agreement called for "the payment to the City of 65% of KSI's property tax savings for use by the City to invest in low-income housing programs and in support of the Eastside Women and Family Shelter." For the first three years of this agreement the City is supporting housing navigators and client move-in assistance to families and women staying at the new Kirkland Place for Families and Women. The amount in 2021 is expected to be \$38,862.

The total funding proposed in the City Manager's budget for 2021 and 2022 is \$3,197,838 (\$1,598,919 per year).

The following table provides overall approved funding amounts made available for grants since 2013.

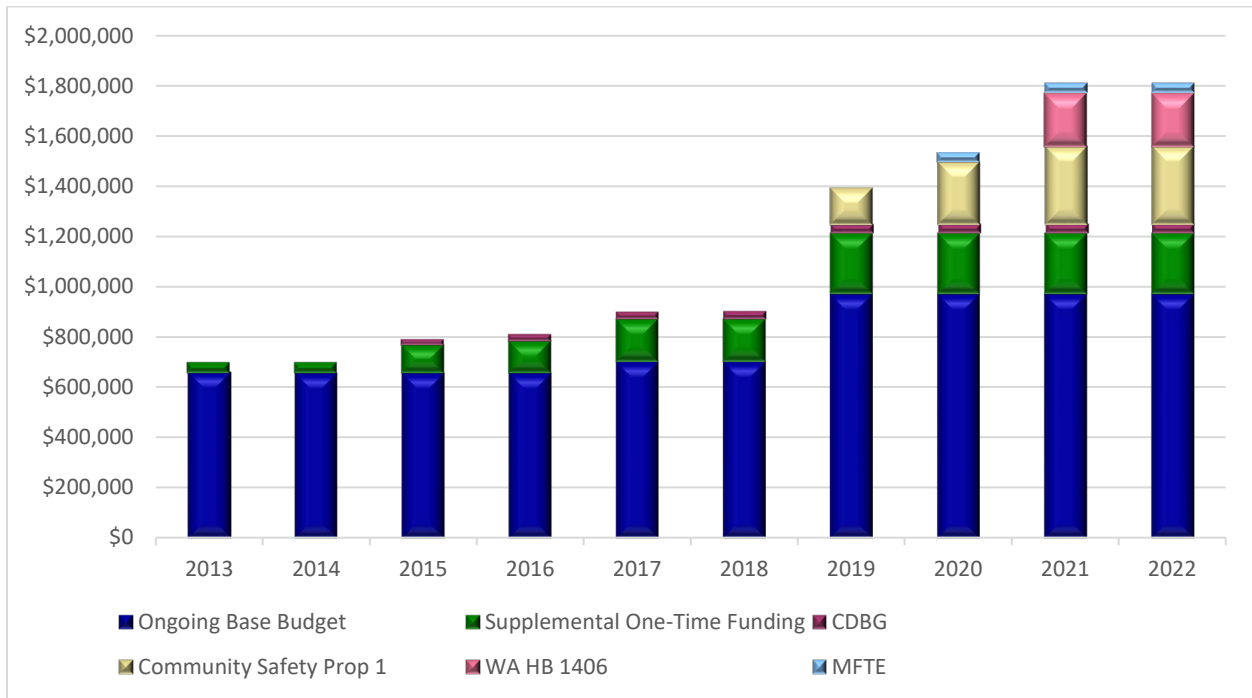
City of Kirkland Funding for Human Services Grants 2013 – 2022

Year	Population	Ongoing Base Budget	Supplemental One-time Funding	CDBG	Community Safety Prop 1	WA HB 1406	MFTE	Total Funding	Per Capita
2013	81,730	\$656,944	\$44,814	\$0	\$0		\$0	\$701,758	\$8.59
2014	82,590	\$656,944	\$44,814	\$0	\$0		\$0	\$701,758	\$8.49
2015	83,460	\$656,944	\$114,679	\$24,470	\$0		\$0	\$796,093	\$9.54
2016	84,680	\$656,944	\$129,679	\$29,892	\$0		\$0	\$816,515	\$9.64
2017	86,080	\$701,758	\$171,149	\$30,691	\$0		\$0	\$903,598	\$10.50
2018	87,240	\$701,758	\$171,149	\$33,687	\$0		\$0	\$906,594	\$10.39
2019	88,940	\$969,237	\$241,889	\$36,664	\$148,818		\$0	\$1,396,608	\$16.01
2020	90,660	\$969,237	\$241,889	\$38,931	\$248,818		\$38,862	\$1,537,737	\$16.96
2021	90,660	\$969,237	\$241,889	\$38,931	\$310,000	\$211,668	\$38,862	\$1,810,587 ¹	\$19.97
2022	90,660	\$969,237	\$241,889	\$38,931	\$310,000	\$211,668	\$38,862	\$1,810,587 ¹	\$19.97

¹ As proposed in the City Manager's 2021-2022 budget

Kirkland's total funding amount for human services grants has increased annually, as shown in the chart on the next page.

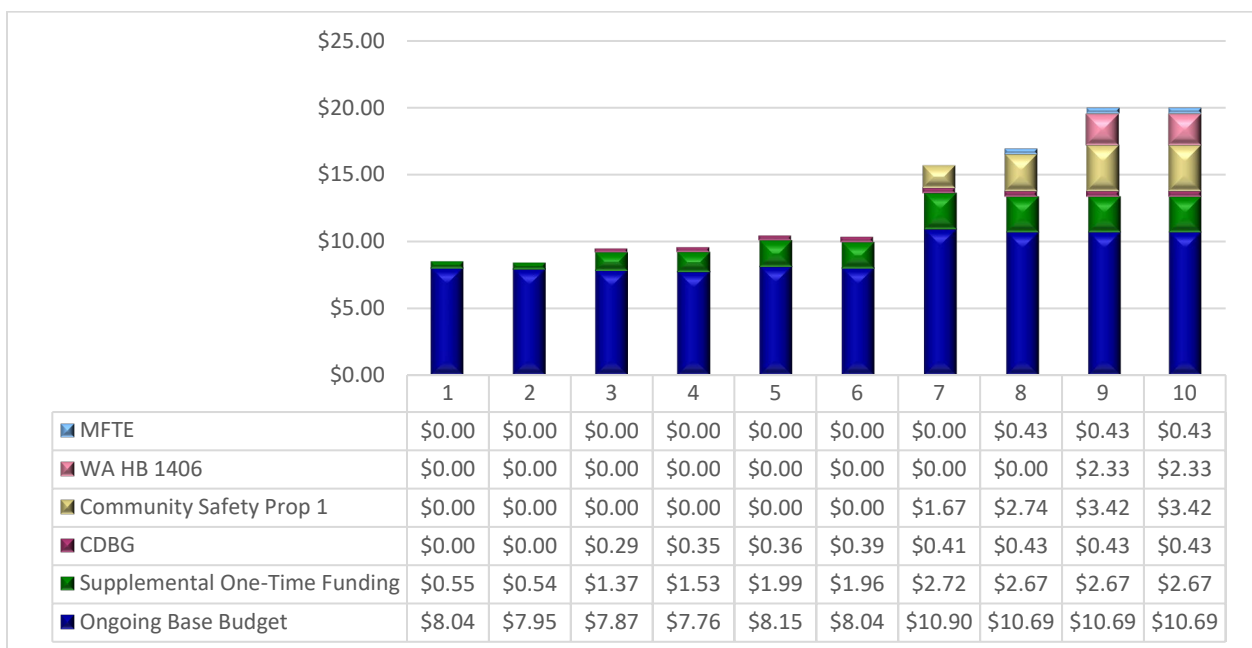
City of Kirkland's Total Human Services Grant Funding since 2013



Note: 2021 and 2022 as proposed

Below is an expression of grant funding level by a per capita measurement.

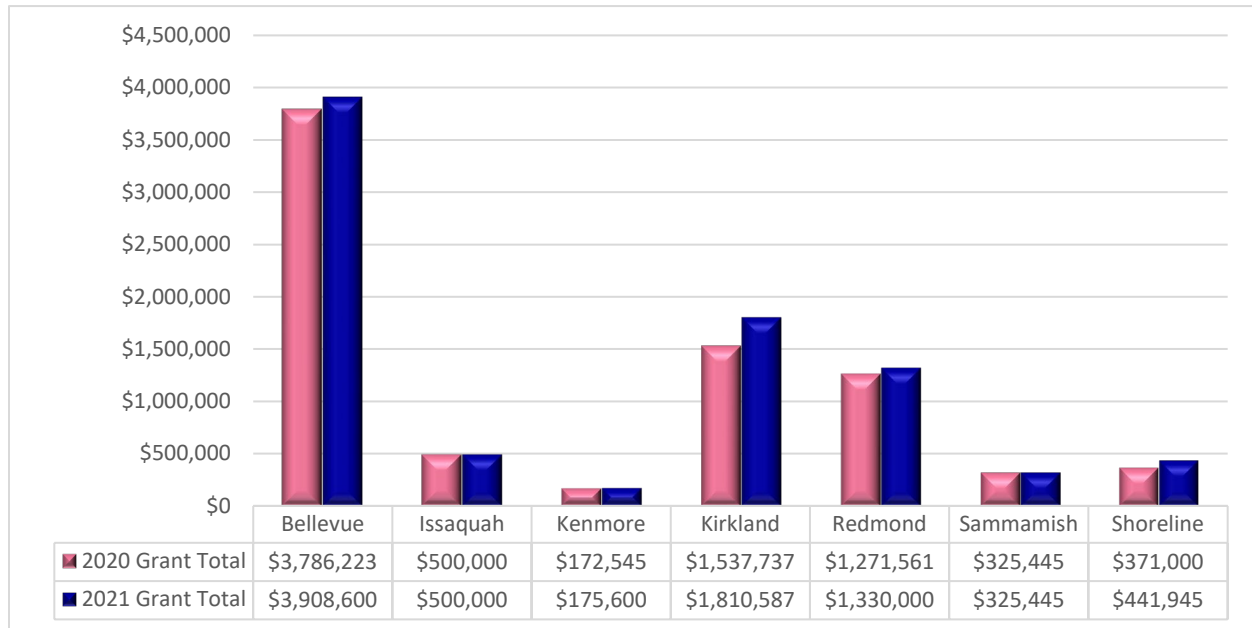
City of Kirkland's Annual Human Services Grants Per Capita Allocation Since 2013



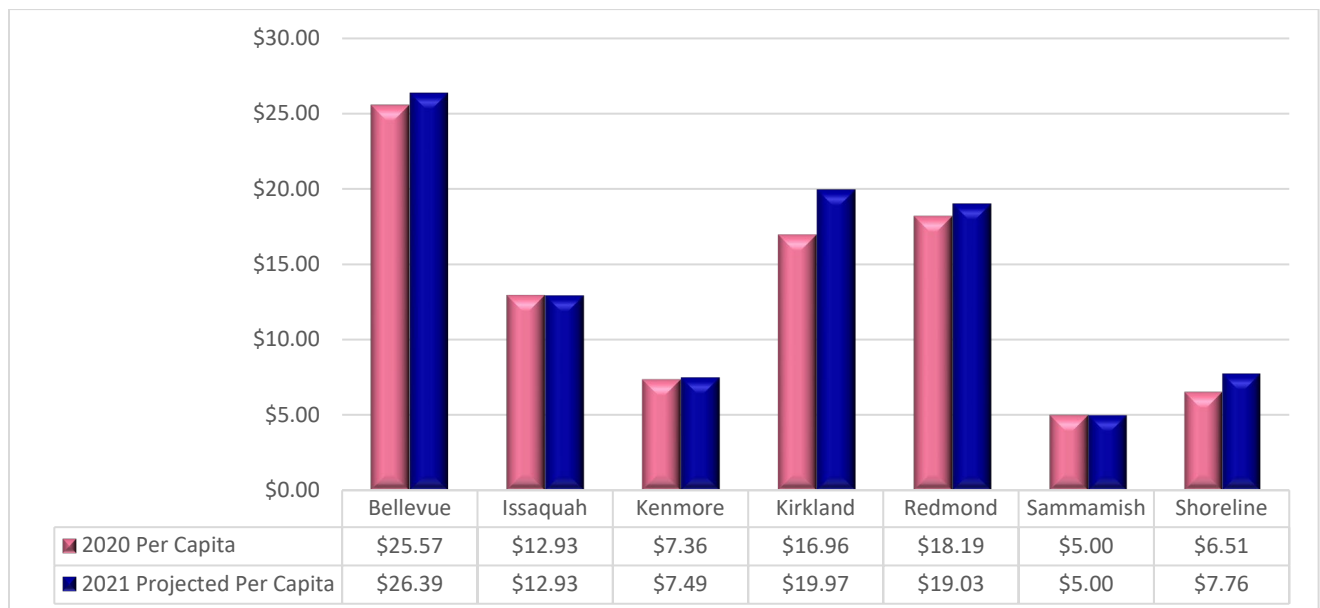
Comparison with Neighboring Cities

The charts below provide a comparison of Kirkland and neighboring cities funding allocations for human services grants by total of dollars and by a per capita basis. The 2020 numbers are actual dollars and the 2021 numbers are the projected totals.

**Human Services Grant Funding Totals for 2020 & 2021
for North and East King County Cities**



**Human Services Grant Funding on a Per Capita for 2020 & 2021
for North and East King County Cities**



The economic disruption due to COVID-19, changes in federal, state and regional allocations, and the scarcity of affordable housing in our community has led to an increase in the number of residents with unmet basic needs. These trends are reflected in the number and total amount of requests for funding from the many agencies serving Kirkland residents. The City received 99 applications with requests for \$4,741,854 for the upcoming biennium (\$2,370,927 annually).

Comparison of Funds Requested to Funds Available since 2013

Budget Period	Kirkland Funds Requested	Kirkland Funds Available	Percentage of Requests Funded
2013-14	\$1,794,000	\$1,403,516	78.2%
2015-16	\$2,354,298	\$1,597,608 ¹	67.9%
2017-18	\$2,848,644	\$1,810,192 ¹	63.5%
2019-20	\$4,080,740	\$2,934,345 ²	71.9%
2021-22	\$4,741,854	\$3,197,838 ³	67.4%

¹ Includes CDBG

² Includes CDBG and Prop 1 funding

³ Includes CDBG and Prop 1 funding; as requested and proposed in 2021-2022

Human Services Commission Update

The City formed a Human Services Advisory Committee in 1986 in order to provide funding recommendations to the City Council for the distribution of grants to agencies providing human services to Kirkland residents. The Committee's role was limited to this purpose. In 2018, the City Council established a Human Services Commission like those in Bellevue, Issaquah, Redmond, and Sammamish. The Commission meets regularly to stay well versed in the community needs, available community programs and the impact of these programs. In addition, the Commission is available to provide additional policy guidance to Council and staff.

The City Council charged the commission with using their knowledge to create a defined strategy to meet specified high priority needs in the Kirkland community. According to this guidance, the Commission provided recommended priority areas for the 2019-2020 grant awards as well as a proposed significant increase in the level of funding for grants. The City Council accepted the priority areas and fully funded the Commission's recommendations.

While the Human Services Commission went on hiatus for much of 2020 due to the need for staff to redirect its attention to the COVID-19 pandemic response, the Commission provided valuable input this summer to the 2021-2022 grant recommendations. Commission members are eager to return to meeting monthly in 2021.

Like other official City advisory boards and commissions, the Human Services Commission has required staff support from the Parks and Community Services Department. A service package for one-time funding was approved for 2017-2018 and 2019-2020. Correspondingly, a service package has again been submitted for 2021-2022 funding to support the Human Services Commission and the growing grant program. The City Manager is recommending this support as outlined below.

Recommended Human Services Staff Support

The Human Services Element of the City's Comprehensive Plan calls for the City to create a community in which all members are able to meet their basic physical, economic and social needs, and the opportunity to enhance their quality of life. The City serves as facilitator and coordinator in addition to funder to meet this goal. City staff in the human services division are directed in the plan to do the following:

1. Regularly assess local human service needs and provide leadership in the development of services to address newly identified needs.
2. Promote community awareness of human service needs, the resources available to meet those needs and the gaps in services.
3. Provide funding for local nonprofit organizations serving the needs of Kirkland residents.
4. Maintain and support a Human Services Commission.
5. Commit Community Development Block Grant Funds (CDBG) to affordable housing and house repairs for low- and moderate-income residents.
6. Participate and provide leadership in local and regional human service efforts.
7. Encourage the development of partnerships among the City, schools, human services providers and others, to address the needs of children and families within the school setting.
8. Ensure human service programs are available and financially accessible.
9. Prior to adoption, consider impacts to human services of any proposed legislation, including City codes and regulations.
10. Administer community donation programs.

In order to fulfill the Comprehensive Plan, the Parks & Community Services Department and the City Manager are recommending reclassifying the human services' administrative position to a higher-level coordinator position and adding an additional coordinator position using some of the Prop 1 enhanced community safety sales tax funds. These two positions, in addition to the current supervisor and youth services coordinator will allow the human services division to more fully and meaningfully meet the community's human services needs.

Current Human Services Team	Proposed Human Services Team
Human Services Supervisor	Human Services Supervisor
Youth Services Coordinator	Human & Youth Services Coordinator
Senior Office Specialist	Human Services Equity Coordinator
	Human Services Well Being Coordinator

Each position would share the responsibilities of grant management, supporting the Human Services Commission, supporting the Council and city staff, and regional coordination. Each position would focus their work on one of the following four goal areas:

#1 Equitable Delivery of Human Services for Residents

- Residents have access to human services programs that serve them effectively, whether they are a person of color or white, and access to the data that shows program outcomes disaggregated by race (R-5434).
- Residents who have often been denied opportunities to thrive because of structural racism have access to human services programs that support them.

- Residents have knowledge of human services programs available to meet their human services needs.

What is required:

- Collaboration with other funders and service providers to document program outcome metrics by race.
- Development of and support for programming for residents whose opportunities have been limited by racism. This needs to be done in collaboration with community members.
- Development of meaningful connections and relationships to ensure that those most in need of human services know about services that exist.

#2 An Emotionally Resilient Community

- Residents have access to programs that improve their ability to cope with the ongoing stresses of life as well as trauma they have experienced. Residents wellbeing will improve, with a corresponding decrease in substance use, anxiety, depression, suicide and domestic violence.

What is required:

- Collaboration between human services providers, the City, the school district, the hospital and community organizations to ensure that residents have meaningful access to needed supports.
- The City provide educational opportunities to supplement gaps in services.

#3 A Community in Stable Housing

- Residents who have lost housing are safe and have assistance with finding housing.
- Residents who are struggling to remain housed have access to legal, financial and case management services needed to do so.

What is required:

- Advocacy for sufficient funding for Eastside homeless prevention and homeless services.
- Collaboration between the police department, service providers and human services staff to make sure that all unhoused people receive appropriate assistance.
- Convene providers of services for those unstably housed to ensure best practices are followed.

#4 A Supported Youth Population

- Kirkland's youth have opportunities to meet their potential, feel welcomed and included in the community and to have opportunities to contribute to its vibrancy.

What is required:

- Create opportunities for young people to advise the city on issues of special concern to them and supported participation in the city's community engagement processes.
- Provide the infrastructure needed for a teen center
- Provide connections for youth to the community

- Provide access to information and services for Kirkland youth
- Promote healthy lifestyles
- Offer positive opportunities to connect with the justice system, such as Teen Traffic Court

The above outcomes address priorities identified by the City Council, the community, and the Human Services Commission as outlined in recent Council work plans and discussions, the creation and passage of the 2018 Enhanced Police and Community Safety Ballot Measure, the City's Comprehensive Plan and Resolutions R-5240 and R-5434.

The increased investment in both the human services grant program and the coordination of human services recommended in the City Manager's Preliminary 2021-2022 budget recognizes the significant needs of Kirkland residents and takes a significant step forward in addressing those needs.



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CITY OF KIRKLAND

City Manager's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3001

www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: David Wolbrecht, Neighborhood Services Outreach Coordinator
Chris Hendrickson, Web and Multimedia Content Specialist

Date: September 17, 2020

Subject: 2021-2022 OUTSIDE AGENCY AND TOURISM BUDGET

The City Manager's Office allocates Outside Agency Funding based on the following categories:

- **Partner Agencies** – Organizations that operate an ongoing program or facility owned by the City or provide services on behalf of the City. This designation was given to the Kirkland Performance Center and the Kirkland Downtown Association. The Bellevue YMCA as the contract operator of the Kirkland Teen Union Building (KTUB) also had this designation in previous budgets, however, that contract was not renewed after it expired in June of 2020 as discussed further below.
- **Special Events** – Events that have significant public appeal and are substantially funded and staffed by the City. In 2014, the City Council adopted a policy identifying a category of "Community Events" that are significant community events primarily intended for Kirkland residents and that do not require an admission fee to attend. The City Council designated the 4th of July Celebration, Summer Concert Series, and the Winterfest events as Community Events.
- **Tourism Funding** – The Tourism Development Committee (TDC), acting as the Lodging Tax Advisory Committee (LTAC), develops a recommendation to the City Council for the Explore Kirkland Tourism Program Budget for tourism projects and activities and funding for outside agencies producing tourism events.

Looking Back at 2019 and 2020

Special Events

In 2013–2014, Waste Management, the City's contracted waste hauler, agreed to contribute \$224,000 over seven years (\$32,000 per year) to help fund Community Events. This contribution launched in 2014, and the City Council annually allocated the funds as follows:

- 4th of July Celebration: \$16,000
- Summer Concert Series: \$8,000
- Winterfest: \$8,000

Since 2015, the City Council has matched the Waste Management contributions to support those same events at the same allocation amount. The City matched Waste Management's contribution with one-time funding for 2019–2020 for a total of \$64,000 (\$32,000 per year).

[Note that a portion of the City's annual Partner Agency support to the Kirkland Downtown Association of \$45,000 also supports event organization and promotion.]

Tourism Funding

The Tourism Development Committee awarded \$60,000 per year for tourism events and activities that attracted visitors from more than 50 miles away. In 2019, the \$60,000 was distributed among 12 nonprofits and event organizations which coordinated a total of 20 events in the City of Kirkland.

Like in 2019, the TDC distributed \$60,000 to 12 nonprofits and event organizations to help fund a total of 21 events scheduled for 2020. With the appearance of the COVID-19 pandemic in Kirkland, most TDC-funded events were cancelled. The most notable cancellation was the summer Junior League Softball World Series, which was cancelled for the first time in 73 years.

As of October 2020, the status is as follows: a total of 13 events were cancelled with their grant awards unencumbered, four events were completed, and two are still pending. Two events – 7 Hills of Kirkland and Kirkland Art Center's Speak Up – were "repurposed" and transformed to digital events, with the applicants submitting revised applications to the TDC for its review and consideration. The TDC held thoughtful and deliberate discussion about funding events that transition to "virtual," as they are technically not in alignment with the mission of attracting visitors from over 50 miles away. Consensus among TDC members was to consider each change of scope on a case by case basis, as successful virtual events can be viewed as "banked" tourism capital and a good investment in the future of events in Kirkland.

Looking Ahead to 2021-2022

Partner Agency

Agency	2019–2020 Approved	2021–2022 Requested	2021–2022 Recommended	Source
Kirkland Downtown Association	\$90,000	\$90,000	\$90,000	Ongoing General Fund
Kirkland Performance Center	\$100,000	\$100,000	\$100,000	One-Time General Fund
YMCA/Kirkland Teen Union Building	\$320,000	\$0	\$0	Ongoing General Fund

The 2021-2022 Budget continues to support the KDA and the KPC as partner agencies through the biennium. As noted earlier, the Bellevue YMCA as the contract operator of the Kirkland Teen Union Building (KTUB) also had this designation in previous budgets and received \$160,000 per year to maintain the facility and contribute toward the cost of programming. The ten-year lease with the Bellevue YMCA expired at the end of June of 2020. The contract was not renewed as KTUB was anticipated to be used to support COVID-19 homelessness response efforts. The building will be maintained by the City using a portion of this funding while future options for programming are being evaluated. A Request for Proposals (RFP) to provide services at the KTUB will be issued in 2021 once the continuing impacts of the pandemic to the community are understood. The YMCA and other non-profits will have the opportunity to submit proposals in response to the RFP. The City will also develop in-house options for consideration.

Special Events

Although there is uncertainty around special events due to the pandemic, the 2021-2022 Budget continues to support special events. One difference from 2019-2020 is the Waste Management funding amounts for 2021-2022 total \$48,000 (\$32,000 in 2021 and \$16,000 in 2022, pro-rated for their contract expiring June 30, 2022). The City also received additional one-time funding of \$39,000 from Waste Management in 2020. The City Manager is recommending that this amount be carried forward to 2021-2022 to help offset the decreased funding from Waste Management in 2022. The City Manager is recommending that the City's one-time funding of \$64,000 from 2019-2020 be maintained at that level through the 2021-2022 biennium and supplemented with the amount carried forward from 2020. Based on these recommendations, and using the same allocation formula, the funding allocated by event and year from both the City and Waste Management will be as follows:

Community Event	2021	2022	2021-2022	Source
4 th of July	\$16,000	\$8,000	\$24,000	Waste Management
Summer Concert Series	\$8,000	\$4,000	\$12,000	Waste Management
Winterfest	\$8,000	\$4,000	\$12,000	Waste Management
Total	\$32,000	\$16,000	\$48,000	Waste Management

Community Event	2021	2022	2021-2022	Source
4 th of July	\$16,000	\$24,000	\$40,000	One-Time General Fund; WM 2020 Carry Forward
Summer Concert Series	\$8,000	\$12,000	\$20,000	One-Time General Fund; WM 2020 Carry Forward
Winterfest	\$8,000	\$12,000	\$20,000	One-Time General Fund; WM 2020 Carry Forward
Total	\$32,000	\$48,000	\$80,000	One-Time General Fund; WM 2020 Carry Forward

2021-2022 Tourism Budget

The Explore Kirkland tourism program is funded by the Lodging Excise Tax of 1 percent collected from short-term accommodations as authorized by state statute RCW 67.28. The City Manager's Office oversees the Explore Kirkland tourism promotion program with the primary goal of attracting visitors to Kirkland in order to sustain a vibrant and healthy economy.

The City Manager's Office provides staff support to the Tourism Development Committee (TDC), which acts as the Lodging Tax Advisory Committee as required by statute. The role of the TDC is to provide recommendations on the use of the lodging tax funds and help guide Explore Kirkland tourism program goals and priorities.

The presence of COVID-19 in the Kirkland community has had a dramatic impact on Lodging Tax revenues, which immediately plummeted due to halted leisure travel, worldwide stay at home orders, and reduced business travel. The TDC took note of this in early March and directed staff to work with the City's Finance & Administration staff to gather timely lodging tax revenue projections for its review and analysis. The TDC continued to meet on a monthly basis via Zoom to examine the acute impacts COVID-19 was having on City events, the tourism budget, and the tourism industry. Lodging tax revenue projections were compared to actuals as data became available to inform the ongoing discussion.

Because of the broad range of complexities associated with COVID-19, the TDC launched its budgeting process in April, working to reduce expenditures in 2020 and to budget conservatively for the 2021-2022 biennium. In June, the TDC discussed whether to hold the 2021 tourism funding grant process. The TDC carefully evaluated the growing number of 2020 events that had been cancelled, recognizing that the previously awarded grant funding would be unencumbered and returned to the TDC's budget. Based on the actual and projected unencumbered 2020 grant funds, 2020 expenditure reductions, and satisfactory reserve levels, the TDC achieved consensus that the 2021 grant funding process should proceed as normal.

The Tourism Development Committee (TDC) recommends continuing to 2021-2022 the base budget approved for 2019-2020, with the following changes and reductions to reflect completed projects and alterations made to accommodate the City's reduced Lodging Excise Tax revenues:

Explore Kirkland Additional Staffing - \$70,224

The base budget includes .31 FTE Special Projects Coordinator staff and .20 FTE Administrative Assistant staff, which are proposed to continue in 2021-2022. The 2019-2020 budget included an additional 0.40 FTE temporary staffing for the Special Projects Coordinator from two sources: 0.25 from a 2019-2020 service package and 0.15 from a reallocation of the vacated Economic Development Manager position. Both sources will end on December 31, 2020. Due to the uncertainty of future events in 2021 and the unpredictability of COVID-19 and its impacts on the tourism landscape, the TDC decided to only request a temporary 0.25 FTE staff increase for Special Projects Coordinator staffing in 2021-2022 instead of the full 0.40 service FTE increase that was in the 2019-2020 budget.

Explore Kirkland Website Hosting - \$46,000

The Explore Kirkland website (www.explorekirkland.com) has been completely redesigned and rolled out to the community in a "soft launch." The soft launch approach was strategic and in alignment with current social distancing guidelines and prohibitions on group gatherings. A formal launch is planned once the future of tourism events has more clearly defined parameters. The TDC is recommending \$46,000 for web hosting in the upcoming biennium.

Tourism Outside Agency Funding - \$60,000

The Tourism Development Committee recommends continued funding of \$60,000 for outside agencies producing tourism events in hopes of a robust comeback in 2021, while acknowledging the possibility that prohibitions and/or limitations on large group gatherings could continue to impact tourism events. Staff opened the funding application process in June and accepted applications through 5 p.m. on August 7, 2020. The City received a total of 18 applications for funding totaling \$123,900. The TDC held a Zoom conference on August 21, 2020 to view each organization's presentation and learn more about the events, including two brand new events by new applicants that resulted from staff outreach. The TDC met on September 3, 2020 to discuss the applications and make its final funding recommendation.

Criteria

In addition to State requirements, the TDC used supplemental criteria in evaluating and ranking the applicants. Three new opportunities for bonus points were introduced in 2020 to reflect the COVID-19 landscape, encourage events in Totem Lake, and to emphasize the City's commitment to be a safe, inclusive and welcoming place for all people. Additionally, the TDC approved a new section in the application meant to encourage event planners to remain cognizant of the unpredictability of COVID-19 and to stay informed about the most current health and safety recommendations.

The TDC used the following criteria to rate applications:

Tourist Attraction and Marketing - 50 points

The extent to which the event/program demonstrates the ability to attract visitors from 50 miles or more away and generate overnight stays.

Project Scope - 20 points

The extent to which the event/program improves the City's overall image by providing a positive visitor experience and/or promoting the area's existing attractions including the Kirkland Waterfront and Cross Kirkland Corridor.

Economic Impact - 10 points

The extent to which the event/program will generate a positive economic impact by increasing visitor expenditures in Kirkland.

Project Success and Sustainability - 10 points

The extent to which the applicant has a proven track record of implementing a successful event/program including contract and permit compliance. The ability of the event to secure additional funding sources beyond City of Kirkland tourism funding.

Community Collaboration - 10 points

The extent to which the applicant partners and collaborates with other Kirkland events and organizations in leveraging resources and marketing efforts.

Bonus Points: New Event - 15 points

New event/programs that have been in existence for less than three years qualify for up to 15 bonus points.

Bonus Points: Shoulder Season Impact - 10 points

Events that take place in the shoulder season (October-April) qualify for up to 10 bonus points.

Totem Lake Events—10 points

Events that take place within the boundaries of the Totem Lake Urban Center, qualify for up to 10 bonus points. For more information about the Totem Lake Urban Center, visit the [Totem Lake webpage](#).

Welcome Back / Re-opening Themed Events—10 points

Events that strongly promote and embrace COVID-19 recovery/welcome back as the overarching theme qualify for up to 10 bonus points.

Safe, Inclusive, and Welcoming Events—10 points

Events that have a stated purpose that reinforces the City's commitment to being a safe, inclusive, and welcoming place for all people, with particular focus on increasing awareness of and/or celebrating cultural, ethnic, and/or racial diversity, qualify for up to 10 bonus points.

The scores were recorded and averaged, and the totals were shared with the group. The Committee then determined the levels of funding based on the scores and criteria. The Committee voted unanimously to recommend the distribution of \$60,000 in tourism funding to organizations producing the events identified in the table on the following page.

2021 Tourism Funding Applications	Past Tourism Awards		TDC Scores and Recommended Funding	
Event	2020 Awarded Amount	2020 Amount Expended	2021 Funding Requests	2021 Recommended Funding
Junior Softball World Series	\$10,500	\$0	\$11,000	\$10,500
Kirkland Downtown 3-on-3 Basketball Tournament **	0	NA - new event	13,300	8,000
Mexican Serenata at Marina Park **	0	NA - new event	12,600	5,000
Kirkland Uncorked	4,500	0	14,000	5,000
Kirkland Oktoberfest	4,500	0	10,000	5,000
Kirkland Summerfest	4,000	0	10,000	5,000
7 Hills of Kirkland	3,000	pending	5,000	3,000
Celebrate Kirkland 4th of July	3,000	0	8,000	0
12Ks of Christmas	3,000	pending	3,000	1,800
Mother's Day Half Marathon	3,000	213	1,200	1,200
Kirkland Performance Center KPC at Home***	3,000	3,000	3,500	5,000
SRJO with Christian McBride*	1,000	0	3,000	1,000
Kirkland Waterfront Car Show	4,500	0	6,400	4,500
Kirkland Winterfest and Tree Lighting	1,500	pending	8,400	0
Pumpkins in the Park	2,000	pending	2,000	2,000
Studio East Summer Teen Show	1,000	0	5,000	1,000
Kirkland Summer Concert Series	1,000	0	3,000	0
Kirkland Quarterly Wine Walks	2,000	pending	4,500	2,000
Total Outside Agency Funding	\$51,500	\$3,213	\$123,900	\$60,000

*Different performance.

**New event.

Summary of Recommended Funding

The following tables provide a summary of the recommended funding levels by type of funding. Partner Agencies and Special Events are funded in 2021 and 2022. Tourism funding is recommended for 2021 only; however, the 2021 budget includes the recommended allocation of \$60,000 to be distributed in 2022.

2021–2022 Funding Requests and Recommendations

Source: General Fund	2019–2020 Approved	2021–2022 Requested	2021–2022 Recommended
Partner Agency - Ongoing	\$410,000	\$90,000	\$90,000
Partner Agency - One-time	\$100,000	\$100,000	\$100,000
Special Events (City Portion Only)	\$64,000	\$80,000	\$80,000
Subtotal General Fund	\$254,000	\$270,000	\$270,000

2021 Funding Requests and Recommendations

Source: Lodging Tax	2020 Approved	2021 Requested	2021 Recommended
Tourism Funding	\$60,000	\$123,900	\$60,000

State law guides that any modification to the TDC's proposed budget must be referred back to the TDC for review and endorsement.