

RESOLUTION R-5324

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF KIRKLAND AT AN ELECTION TO BE HELD ON NOVEMBER 6, 2018 OF A PROPOSITION AUTHORIZING AN INCREASE TO THE SALES AND USE TAX IN KIRKLAND OF ONE-TENTH OF ONE PERCENT (0.1%) ON THE SELLING PRICE TO FUND ENHANCED POLICE SERVICES AND COMMUNITY SAFETY; SETTING FORTH THE TEXT OF THE BALLOT PROPOSITION; DIRECTING PROPER CITY OFFICIALS TO TAKE NECESSARY ACTIONS; AND PROVIDING FOR OTHER PROPERLY RELATED MATTERS.

1 WHEREAS, the City Council ("Council") of the City of Kirkland,
2 Washington ("City") has declared Kirkland a Safe, Inclusive and
3 Welcoming City; and
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5 WHEREAS, the Council's goal of keeping Kirkland Safe, Inclusive
6 and Welcoming is challenged as Kirkland experiences unprecedented
7 economic growth and redevelopment, with over 4,500 residential units
8 and over two million square feet of commercial and institutional
9 development currently under construction or at some phase in the
10 permitting system, bringing new jobs, shops, restaurants, services and
11 housing options, as well as more people, businesses and traffic, and
12 new types of commercial and residential structures that need police and
13 fire services; and
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15 WHEREAS, providing public safety services that match this
16 economic growth and redevelopment is further challenged by the
17 expiration of the annexation sales tax credit in 2021, resulting in the
18 loss of nearly four million dollars annually from the City's general fund;
19 and
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21 WHEREAS, to help keep the community safe the Council, over
22 the past five years, completed both a Police Strategic Plan and a Fire
23 Strategic Plan to identify needed investments in staffing, equipment and
24 technology to provide for more proactive community policing and better
25 response times for fire and emergency medical services, as well as
26 needed renovation and expansion of existing fire stations and the
27 construction of a new, relocated Fire Station 27 east of I-405; and
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29 WHEREAS, while the 2017-2018 City Work Program originally
30 called for the exploration of potential property tax measures for fire
31 station modernization and public safety operations, the Council deferred
32 this item in December of 2017 to at least 2020 due to resident concerns
33 about current property tax levels due to state and regional actions; and
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35 WHEREAS, as the Council considers how to meet these
36 challenges during the 2019-2020 Biennial Budget process, staff is

37 using the adopted public safety strategic plans to guide the next round
38 of public safety investments; and

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40 WHEREAS, the Police Strategic Plan's top priorities are additional
41 patrol officers as well as the full funding and activation of a ProAct Unit
42 focused on illegal drugs, car prowls, burglaries, mail theft, shoplifting,
43 and other property crimes, as well as enforcing extreme risk protection
44 orders and court-ordered gun forfeitures; and

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46 WHEREAS, The ProAct Unit requires five (5) positions, including
47 four (4) ProAct Police Officers and a support staff position with an
48 approximate cost of \$680,000 per year in ongoing expenditures, in
49 addition to one-time investments for vehicles and equipment; and

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51 WHEREAS, a top staffing priority of the Fire Strategic Plan is to
52 add five (5) additional Firefighter/EMTs to fully staff new Station 24 in
53 Juanita when it is completed in 2020, at an additional cost of
54 approximately \$590,000 per year in ongoing expenditures; and

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56 WHEREAS, on February 14, 2018, a mass shooting occurred at
57 Marjory Stoneman Douglas High School in Parkland, Florida, resulting in
58 seventeen students and staff killed and seventeen others wounded,
59 reigniting conversations across the nation about actions that could be
60 taken to reduce gun violence in the country and sparking strong activism
61 from students and parents of school age children; and

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63 WHEREAS, local groups including Kirkland Indivisible, Kirkland
64 Safe, Moms Demand Action for Gun Sense in America, LWPTSA Council,
65 Alliance for Gun Responsibility, the Forward Together Network, the
66 Iman Center, Lake Washington Christian Church, Kirkland Interfaith
67 Network, and the Lutheran Peace Fellowship, have asked to the Council
68 to identify actions that Kirkland can take to reduce gun violence in
69 Kirkland and Washington State; and

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71 WHEREAS, on March 14, 2018, the City Council welcomed over
72 70 parents from various Kirkland schools to City Hall to discuss actions
73 that could be taken to keep students safe from gun violence, and on
74 March 21, 2018 the Lake Washington School District and the City hosted
75 a community discussion about school safety and community action at
76 Lake Washington High School Theater and both events included
77 requests of the Council to work through Kirkland's state legislative
78 delegation to move legislation related to firearms safety and firearms
79 regulation; and

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81 WHEREAS, also in response to the Parkland and other school
82 shootings, the Lake Washington School District has proposed to share
83 the cost of adding four (4) new full-time school resource officers, one
84 officer each in the Finn Hill Middle School, Kamiakin Middle School,

85 Kirkland Middle School and the International Community School, all in
86 Kirkland; and

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88 WHEREAS, the City partners with the LWSD to help ensure that
89 the SRO program follows national best practices so that the SROs
90 protect, serve and improve the well-being of all of Kirkland's K-12 public
91 school student population, regardless of race, gender, sexual
92 orientation, religion, resident and immigration status, age or ability,
93 including enhanced training for SROs about operating in a school
94 environment, such as crisis intervention training and appropriate
95 interactions with students experiencing emotional and mental health
96 challenges, setting clear roles for SROs, focusing on the SRO roles as
97 counselor, educator and relationship builder, helping ensure that the
98 school administration maintains authority over school safety and
99 maintaining quality SRO accountability and assessment metrics; and

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101 WHEREAS, on April 23, 2018, the City Clerk received a petition,
102 now formally designated as Petition G-18-233, calling for the Council to
103 adopt a gun safety resolution at the May 1, 2018, Council meeting with
104 an addendum including additional signatures presented on April 30,
105 2018 for a total of 184 signatures and 58 letters of support; and

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107 WHEREAS, the Council adopted Resolution R-5312 on May 1,
108 2018, calling for further community engagement on the topics of gun
109 safety and community safety to provide feedback to the Council ahead
110 of the formation of the City's 2019 state legislative agenda and
111 supplement outreach efforts for the 2019-2020 biennial budget and
112 2019-2020 City Work Program; and

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114 WHEREAS, Resolution R-5312 authorized the City Manager to:
115 seek the community's input on the topics of gun safety and community
116 safety through a Town Hall and additional engagement strategies;
117 research methods of promoting safe and responsible gun ownership at
118 the state and local levels; collaborate with public and private partners
119 on possible state and local legislation around gun safety and community
120 safety; and report the results of these efforts to the Council, no later
121 than July 17, 2018, including options for potential changes to City
122 ordinances and policies, City budget initiatives, and the City's state
123 legislative agenda based on the community engagement results; and

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125 WHEREAS, at the Council's May 24, 2018 fiscal retreat, the
126 Council received a financial forecast that projects deficits of \$8.4 million
127 in the 2021/2022 biennium and \$17.9 million dollars in the 2023/2024
128 biennium, partially caused by the annexation sales tax credit expiration;
129 and

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131 WHEREAS, to sustainably fund these police investments,
132 community safety investments, school district investments and fire

133 investments would therefore require new revenues or a significant
134 reprioritization of existing general fund programs such as parks
135 maintenance and street maintenance; and
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137 WHEREAS, at the May 24, 2018 fiscal retreat, the Council
138 directed staff to engage the community through a survey and additional
139 outreach to help determine community priorities related to public safety
140 and community safety; and
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142 WHEREAS, police and community safety are significant elements
143 of the ongoing, local outreach efforts and the nationwide conversation
144 related to community safety, including in response to repeated acts of
145 gun violence, including in our community and schools and frequently
146 involving mental illness, domestic violence and suicides; and
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148 WHEREAS, on July 17, 2018, staff reported back to Council with
149 the results of the engagement program including a summary of the
150 community's desire for the City to take action now to implement
151 programs designed to make our schools safer, increase mental health
152 awareness programs, provide funding for firearms training and safe
153 storage programs, and improve the effectiveness of existing gun related
154 laws and policies, as well as the request by some members of the
155 community to effect changes to state and local legislation regulating
156 guns; and
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158 WHEREAS, in addition to a ProAct Unit and new school resource
159 officers, the City has identified that an effective action to reduce gun
160 violence includes the addition of one (1) full-time mental health
161 professional to help resolve police and emergency medical calls
162 involving individuals with mental health complications, including
163 domestic violence incidents, suicide attempts and assisting homeless
164 individuals; and
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166 WHEREAS, an additional effective action includes new dedicated
167 funding for the social and emotional health of children and teenagers,
168 and expanded funding for mental health, human services and after-
169 school programs that provide suicide prevention, domestic violence
170 prevention and drug addiction services; and
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172 WHEREAS, and additional effective action includes new annual
173 funding for firearms safety training in the community and safe storage
174 of firearms, including subsidized trigger locks and gun safes; and
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176 WHEREAS, a safe community must ensure that all residents, but
177 especially women and children, have adequate shelter and are safe from
178 hunger, illness, crime and weather exposure and a key component of
179 reducing homelessness is funding operations for the eastside women
180 and family shelter; and

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WHEREAS, the estimated annual cost of the police and community safety priorities referenced above is \$1.8 million in 2019 dollars; and

WHEREAS, RCW 82.14.450(2) authorizes the Council to submit an authorizing proposition to the Kirkland voters at an election and, if the proposition is approved by a majority of persons voting, to impose an additional sales and use tax of up to one-tenth of one percent (0.1%) of the selling price in the case of a sales tax or the value of the article used in the case of a use tax, provided that one-third (1/3) of all money received must be used solely for criminal justice purposes, fire protection purposes, or both; and

WHEREAS, such an increase in the sales tax in Kirkland is the equivalent of one penny on every ten dollar purchase, and would increase revenues to the City in the amount of approximately \$1.8 million per year in 2019 dollars.

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

Section 1. Purpose of Ballot Proposition. The City Council determines it to be in the public interest to fund, or in the case of school resources officers to share equally in the funding together with the Lake Washington School District, the following enhanced police and community safety services beginning as soon as practicable. The City plans that beginning in 2019, and within available resources, these services would include:

- A Police ProAct Unit consisting of (4) full-time police officers and one (1) support position focused on illegal drugs, car prowls, burglaries, mail theft, shoplifting, enforcing extreme risk protection orders and court-ordered gun forfeitures.
- Four (4) full-time school resource officers ("SROs") in Finn Hill Middle School, Kamiakin Middle School, Kirkland Middle School and the International Community School, with the costs shared equally by the City and the Lake Washington School District ("LWSD").
- One (1) additional Neighborhood Resource Officer to focus on community policing, code enforcement and emergency calls involving mental health complications.
- One (1) full-time mental health professional to help resolve police and emergency medical calls involving individuals with mental health complications, including domestic violence, suicide attempts and assisting homeless individuals. This service might also be contracted rather than hiring a new City employee.

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- Additional dedicated grant funding for the social and emotional health of children and teenagers and to expand existing mental health, human services and after-school programs that provide suicide prevention, domestic violence prevention and drug addiction services.
 - New annual funding for firearms safety training in the community and safe storage of firearms, including subsidized trigger locks and gun safes.
 - New annual funding to support women and family shelter operations, providing a safe place for women and families experiencing homelessness during their transition to stable housing.

242 The amounts collected pursuant to the sales tax increase authorized

243 shall be used solely for public safety purposes, which may include but

244 are not limited to personnel and related costs of recruiting, hiring,

245 training, equipping and employing the public safety professionals

246 described above, and to pay other related public safety expenses

247 including costs of enhanced mental health, human services and firearms

248 safety programs described above, and for any additional purposes

249 authorized by RCW 82.14.450; provided, however, that at least one-

250 third (1/3) of all money received under this section must be used for

251 criminal justice purposes. The Council reserves the right, in accordance

252 with its biennial budget process, to determine the levels of service to be

253 provided as permitted under applicable state law and within the

254 available revenues collected from this increase. If revenues are

255 sufficient, the Council reserves the right to use such additional funds to

256 contract for, or pay personnel and related costs of recruiting, hiring,

257 training, equipping and employing additional personnel in other

258 capacities authorized by RCW 82.14.450 and to further expand mental

259 health and human services programs.

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261 **Section 2. Calling of Election.** It is hereby found that the

262 best interests of the inhabitants of Kirkland require the submission to

263 the qualified electors of Kirkland for approval or rejection at the election

264 to be held on November 6, 2018 of a proposition authorizing an

265 additional sales and use tax of one-tenth of one percent (0.1%) on the

266 selling price in the case of a sales tax or the value of the article used in

267 the case of a use tax pursuant RCW 82.14.450(2)(a). King County

268 Elections, as *ex officio* supervisor of elections in the City, is hereby

269 requested to assume jurisdiction of and to submit to the qualified

270 electors of Kirkland the proposition hereinafter set forth.

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273 **Section 3. Submission of Ballot Title to the County.**

274 The City Clerk is hereby authorized and directed, not less than 84 days

275 prior to such election date (i.e., no later than August 7, 2018), to certify

276 the proposition to King County Elections in substantially the following
277 form, prepared pursuant to RCW 29A.36.071:

278 CITY OF KIRKLAND
279 PROPOSITION 1
280 ADDITIONAL SALES AND USE TAX FOR
281 ENHANCED POLICE SERVICES AND
282 COMMUNITY SAFETY
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284 The Kirkland City Council adopted
285 Resolution No. R-5324 concerning a
286 proposition for funding enhanced police
287 services and community safety. If
288 approved, this proposition would increase
289 the sales and use tax rate by one-tenth of
290 one percent (0.1%) to provide ongoing
291 funding for public safety purposes
292 permitted under RCW 82.14.450, planned
293 to include additional police officers, school
294 resource officers in Kirkland middle
295 schools, after school programs and
296 expanded mental health and human
297 services programs focusing on gun safety,
298 homelessness, domestic violence, suicide
299 prevention, and related public safety
300 issues. The increase would become
301 effective in 2019.

Should this proposition be:

APPROVED?

REJECTED?

302 For purposes of receiving notice of any matters related to the
303 ballot title, as provided in RCW 29A.36.080, the City hereby designates
304 its City Attorney (Kevin Raymond, 425-587-3031,
305 kraymond@kirklandwa.gov) and its Special Counsel, Stradling Yocca
306 Carlson & Rauth, PC (Alice Ostdiek, 206-829-3002, aostdiek@sycr.com),
307 as the persons to whom such notice shall be provided.

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309 Section 4. **Authorization of Local Voters' Pamphlet.**
310 The City Council authorizes preparation and distribution of a local voters'
311 pamphlet, including an explanatory statement and statements in favor
312 of and in opposition to the ballot measure, if any. The preparation of
313 explanatory statement, the appointment of pro/con committees and the
314 preparation of statements in favor or and in opposition to the ballot title

315 shall be in accordance with chapter 29A.32 RCW and the rules and
316 guidelines of the King County Elections Office.

317 Section 5. **General Authorization; Ratification.**
318 Certification of such proposition by the City Clerk to King County
319 Elections, in accordance with law, prior to the date of such election, and
320 any other acts consistent with the authority, and prior to the effective
321 date, of this Resolution, are hereby ratified. Other proper City officials
322 are authorized to perform such duties as are necessary or required by
323 law to the end that the ballot proposition described in this Resolution
324 shall be submitted to the voters of the City at the November 6, 2018
325 election. Any action taken consistent with the authority and prior to the
326 effective date of this Resolution is hereby ratified, approved and
327 confirmed.

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329 Passed by a majority vote of the Kirkland City Council in open
330 meeting this 6th day of August, 2018 and approved by the City Council
331 as required by law.

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333 Signed in authentication thereof this 6th day of August, 2018.




Amy Walen, Mayor

Attest:



Kathi Anderson, City Clerk

Approved as to Form:



Kevin Raymond, City Attorney