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.

WHEREAS, the City Council ("Council") of the City of Kirkland, Washington ("City") has declared Kirkland a Safe, Inclusive and Welcoming City; and

WHEREAS, the Council's goal of keeping Kirkland Safe, Inclusive and Welcoming is challenged as Kirkland experiences unprecedented economic growth and redevelopment, with over 4,500 residential units and over two million square feet of commercial and institutional development currently under construction or at some phase in the permitting system, bringing new jobs, shops, restaurants, services and housing options, as well as more people, businesses and traffic, and new types of commercial and residential structures that need police and fire services; and

WHEREAS, providing public safety services that match this economic growth and redevelopment is further challenged by the expiration of the annexation sales tax credit in 2021, resulting in the loss of nearly four million dollars annually from the City's general fund; and

WHEREAS, to help keep the community safe the Council, over the past five years, completed both a Police Strategic Plan and a Fire Strategic Plan to identify needed investments in staffing, equipment and technology to provide for more proactive community policing and better response times for fire and emergency medical services, as well as needed renovation and expansion of existing fire stations and the construction of a new, relocated Fire Station 27 east of I-405; and

WHEREAS, while the 2017-2018 City Work Program originally called for the exploration of potential property tax measures for fire station modernization and public safety operations, the Council deferred this item in December of 2017 to at least 2020 due to resident concerns about current property tax levels due to state and regional actions; and

WHEREAS, as the Council considers how to meet these challenges during the 2019-2020 Biennial Budget process, staff is
using the adopted public safety strategic plans to guide the next round
of public safety investments; and

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, to sustainably fund these police investments, community safety investments, school district investments and fire
investments would therefore require new revenues or a significant
re prioritization of existing general fund programs such as parks
maintenance and street maintenance; and

WHEREAS, at the May 24, 2018 fiscal retreat, the Council
directed staff to engage the community through a survey and additional
outreach to help determine community priorities related to public safety
and community safety; and

WHEREAS, police and community safety are significant elements
of the ongoing, local outreach efforts and the nationwide conversation
related to community safety, including in response to repeated acts of
gun violence, including in our community and schools and frequently
involving mental illness, domestic violence and suicides; and

WHEREAS, on July 17, 2018, staff reported back to Council with
the results of the engagement program including a summary of the
community's desire for the City to take action now to implement
programs designed to make our schools safer, increase mental health
awareness programs, provide funding for firearms training and safe
storage programs, and improve the effectiveness of existing gun related
laws and policies, as well as the request by some members of the
community to effect changes to state and local legislation regulating
guns; and

WHEREAS, in addition to a ProAct Unit and new school resource
officers, the City has identified that an effective action to reduce gun
violence includes the addition of one (1) full-time mental health
professional to help resolve police and emergency medical calls
involving individuals with mental health complications, including
domestic violence incidents, suicide attempts and assisting homeless
individuals; and

WHEREAS, an additional effective action includes new dedicated
funding for the social and emotional health of children and teenagers,
and expanded funding for mental health, human services and after-
school programs that provide suicide prevention, domestic violence
prevention and drug addiction services; and

WHEREAS, and additional effective action includes new annual
funding for firearms safety training in the community and safe storage
of firearms, including subsidized trigger locks and gun safes; and

WHEREAS, a safe community must ensure that all residents, but
especially women and children, have adequate shelter and are safe from
hunger, illness, crime and weather exposure and a key component of
reducing homelessness is funding operations for the eastside women
and family shelter; and
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.
• 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.

The amounts collected pursuant to the sales tax increase authorized shall be used solely for public safety purposes, which may include but are not limited to personnel and related costs of recruiting, hiring, training, equipping and employing the public safety professionals described above, and to pay other related public safety expenses including costs of enhanced mental health, human services and firearms safety programs described above, and for any additional purposes authorized by RCW 82.14.450; provided, however, that at least one-third (1/3) of all money received under this section must be used for criminal justice purposes. The Council reserves the right, in accordance with its biennial budget process, to determine the levels of service to be provided as permitted under applicable state law and within the available revenues collected from this increase. If revenues are sufficient, the Council reserves the right to use such additional funds to contract for, or pay personnel and related costs of recruiting, hiring, training, equipping and employing additional personnel in other capacities authorized by RCW 82.14.450 and to further expand mental health and human services programs.

Section 2. Calling of Election. It is hereby found that the best interests of the inhabitants of Kirkland require the submission to the qualified electors of Kirkland for approval or rejection at the election to be held on November 6, 2018 of a proposition authorizing an additional sales and use tax of one-tenth of one percent (0.1%) on the selling price in the case of a sales tax or the value of the article used in the case of a use tax pursuant RCW 82.14.450(2)(a). King County Elections, as ex officio supervisor of elections in the City, is hereby requested to assume jurisdiction of and to submit to the qualified electors of Kirkland the proposition hereinafter set forth.

Section 3. Submission of Ballot Title to the County.
The City Clerk is hereby authorized and directed, not less than 84 days prior to such election date (i.e., no later than August 7, 2018), to certify
the proposition to King County Elections in substantially the following form, prepared pursuant to RCW 29A.36.071:

CITY OF KIRKLAND
PROPOSITION 1
ADDITIONAL SALES AND USE TAX FOR
ENHANCED POLICE SERVICES AND
COMMUNITY SAFETY

The Kirkland City Council adopted Resolution No. R-5324 concerning a proposition for funding enhanced police services and community safety. If approved, this proposition would increase the sales and use tax rate by one-tenth of one percent (0.1%) to provide ongoing funding for public safety purposes permitted under RCW 82.14.450, planned to include additional police officers, school resource officers in Kirkland middle schools, after school programs and expanded mental health and human services programs focusing on gun safety, homelessness, domestic violence, suicide prevention, and related public safety issues. The increase would become effective in 2019.

Should this proposition be:

APPROVED? .................  ☐

REJECTED? .................  ☐

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

Section 4. **Authorization of Local Voters’ Pamphlet.** The City Council authorizes preparation and distribution of a local voters’ pamphlet, including an explanatory statement and statements in favor of and in opposition to the ballot measure, if any. The preparation of explanatory statement, the appointment of pro/con committees and the preparation of statements in favor or and in opposition to the ballot title
shall be in accordance with chapter 29A.32 RCW and the rules and
guidelines of the King County Elections Office.

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

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

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

[Signature]
Amy Walen, Mayor

Attest:

[Signature]
Kathi Anderson, City Clerk

Approved as to Form:

[Signature]
Kevin Raymond, City Attorney