

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.

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

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 6<sup>th</sup> 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 6<sup>th</sup> day of August, 2018.

  
\_\_\_\_\_  
Amy Wajen, Mayor

Attest:

  
\_\_\_\_\_  
Kathi Anderson, City Clerk

Approved as to Form:

  
\_\_\_\_\_  
Kevin Raymond, City Attorney