

## City of Kenmore

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City of Kenmore - 18120 68th Avenue NE Kenmore, WA 98028 Phone: 425-398-8900  
Agendas also available at [www.kenmorewa.gov](http://www.kenmorewa.gov) E-mail: [cityhall@kenmorewa.gov](mailto:cityhall@kenmorewa.gov)

### **City Council Special & Regular Meeting**

**January 24, 2022 - 6:30 p.m.**

**VIA ZOOM - LINK: <https://us02web.zoom.us/j/88588695508>**

**US: +12532158782,,88588695508# or +13462487799,,88588695508#**

**Or Telephone: Dial US: +1 253 215 8782**

**Webinar ID: 885 8869 5508**

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**I. CALL SPECIAL MEETING TO ORDER - 6:30 PM**

**II. ROLL CALL**

**III. EXECUTIVE SESSION**

- A. Pursuant to RCW 42.30.110(1)(b), the City Council will enter an executive session to consider real estate acquisition. The session is expected to last approximately 30 minutes.

**IV. POSSIBLE ACTION RELATING TO EXECUTIVE SESSION**

**V. ADJOURN SPECIAL MEETING**

**VI. CALL REGULAR MEETING TO ORDER - 7 PM**

**VII. FLAG SALUTE**

**VIII. AGENDA APPROVAL**

**IX. PROCLAMATION**

- A. In Honor of Black History Month (February)  
[Proclamation - Black History Month February 2022](#)

**X. PRESENTATIONS**

- A. Inclement Weather and Snow-Removal Response, presented by Jennifer Gordon, Public Works Operations Manager  
[December 2021 Snow Response Presentation](#)

- B. Bus Service Update - Sound Transit Presentation and Discussion with guest Luke Lamon, Sound Transit Government and Community Relations Corridor Manager

[Agenda Bill - Sound Transit Bus Service Update January 2022](#)  
[Kenmore City Council -522 Service Presentation](#)

- C. Regional Homelessness Services and Coordination, presented by Alexis Rinck, Sub-Regional Planning Manager, King County Homelessness Authority  
[King County Regional Homelessness Authority - Severe Weather Shelter Summary](#)

## **XI. PUBLIC COMMENTS**

- A. We welcome our community members to the Council's meeting. In this forum, the Council does not engage or dialogue with the public; the primary role of the Council is to listen. Please use the "raise hand" feature now if you wish to speak. Guest must address comments to the Mayor and City Council. The Clerk will acknowledge your request and call your name when it is your turn. Your time will start when we confirm that we can hear you. Please state your name and city of residence for the record and keep your comments to the allotted time. We will not split your time with others or reset your time except by express approval of the Presiding Officer. Screen-sharing is not allowed; you can submit materials to the Council or Clerk in advance. Please do not comment about pending development projects on which the Council will make future decisions as those are quasi-judicial matters, and Councilmembers must limit their communications about such matters. This meeting is being recorded. Thank you for taking the time to express your comments.

## **XII. CONSENT AGENDA**

- A. Approve Minutes:

[City Council January 18, 2022 Special Meeting Minutes](#)  
[City Council January 10, 2022 Special Meeting Minutes](#)

- B. Approve Total Check #s 48775 through 48842 totaling \$268,455.02 and Total Payroll/Taxes/Flexible Spending/Retirement & Health Savings Account Electronic Deposits Dated 12/31/21 in the amount totaling \$182,763.48 and an ACH Payment to KBA Inc. in the amount of \$80,187.43, and an ACH Payment to Road Construction NW, Inc. in the amount of \$569,220.64, and ACH Payment to US Bank Purchase Cards in the amount of \$7,003.88.

[Voucher Approval Report Dated 1/13/2022](#)

- C. Authorize the City Manager to execute Contract No. 20-C2229, Amendment No. 2 with Cascadia Law Group, PLLC to Provide Special Council on Heavy Manufacturing Business Activities

[Agenda Bill - Cascadia Law Group Amendment No. 2](#)

[Attachment 1- 20-C2229 Cascadia Law Group Contract](#)

[Attachment 2- Amendment No. 2 to Contract No. 20-C2229 - Cascadia Law Group](#)

- D. Authorize and Approve Revisions to the Diversity, Equity, and Inclusion (DEI) Community Advisory Task Force Recruitment Process and the DEI Community Advisory Task Force Charter for the development and implementation of a DEI Policy

[Agenda Bill - DEI Community Task Force Revised Charter for 2022](#)

[DEI Community Task Force Charter 2022 REVISED](#)

### **XIII. PUBLIC HEARING**

- A. Automated Traffic Photo Enforcement Safety Program, Ordinance 22-0542, presented by Tobin-Bennett Gold, Traffic Engineer, *for a Public Hearing*

[Agenda Bill - Traffic Photo Enforcement Program Public Hearing](#)

[Tech Memo - Photo Enforcement Changelog](#)

[Tech Memo - Photo Enforcement](#)

[Ordinance 22-0542 Automated Traffic Safety Cameras Draft](#)

[Attachment A - KMC Automated Traffic Safety Cameras - Chap 10.45](#)

### **XIV. BUSINESS AGENDA**

- A. Initiative and Referendum Powers, Resolution No. 22-375, presented by Policy Analyst Garrett Oppenheim, *for Discussion and/or Approval*

[Agenda Bill - Initiative and Referendum Resolution](#)

[Local Initiative and Referendum Powers Staff Memorandum](#)

[Resolution 22-375 Initiative and Referendum Council Resolution](#)

- B. Rhododendron Park Boathouse Fundraising Quarterly Update, presented by Rob Sayre-McCord, City Project Manager and Nell Aiello, Director of Communications of the George Pocock Rowing Foundation, *for Information*

[Agenda Bill- Rhododendron Boathouse Fundraising Committee Update](#)

- C. 2022 Annual Docket for the Planning Commission, presented by Debbie Bent, Development Services Director and Lauri Anderson, Principal Planner, *for Discussion and Approval*

[Agenda Bill - Planning Commission Docket 2022](#)

[Attachment 1 - 2022 Docket Analysis](#)

[Attachment 2 - Preliminary 2022 Docket 12.28.21](#)

### **XV. STAFF REPORT**

### **XVI. COUNCILMEMBER REPORTS & COMMENTS**

### **XVII. ADJOURNMENT**

**UPCOMING MEETINGS:**

- A. February 14, 2022 Regular Meeting
- February 21, 2022 - *Tentatively Cancelled*
- February 28, 2022 Regular Meeting

## City of Kenmore, Washington Proclamation

**WHEREAS**, Black History Month is meant to recognize and pay tribute to the many contributions of Black and African Americans to the history, society, and culture of the United States of America; and

**WHEREAS**, through bravery, perseverance, faith, and resolve - often in the face of prejudice and hardship - Black and African Americans have enhanced and advanced every aspect of American life; and

**WHEREAS**, for over two and a half centuries, Black and African Americans have struggled against the cruelties of slavery; discrimination in housing, the workplace, academic institutions, colleges, and universities; have faced disproportionately economic hardships and social inequalities; and

**WHEREAS**, despite extraordinary human trials, Black and African Americans have fiercely, lovingly, and courageously shaped American society and values through service, leadership, intellectual power, and the development of moral character in every walk of life, enterprise; and

**WHEREAS**, this nation is strengthened and enriched by citizens of every race, religion, color, and creed; this February, we celebrate the cultural heritage, diverse contributions, and unbreakable spirit of Black and African Americans; and

**WHEREAS**, Black History Month challenges us to learn from the deeds of people of national and local renown, as well as Black and African Americans in every walk of life who have contributed to their country and communities in ways that make them American heroes; and

**WHEREAS**, Black History Month summons every member of our Kenmore community to strive to build on our togetherness and cultural awareness; celebrate our diversity and intersectionality, and to create a future that does not compromise any American's right to equality or access to the quest for knowledge, economic achievement, spiritual development, and cultural richness;

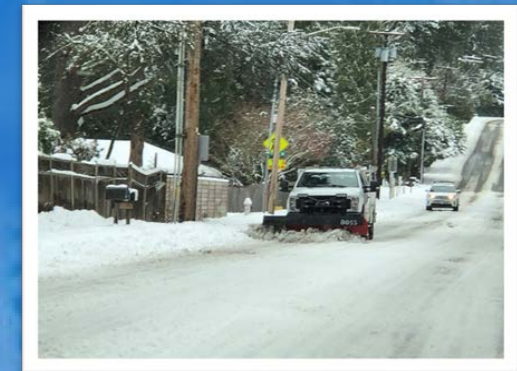
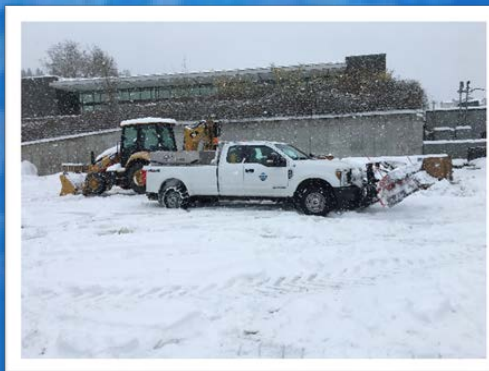
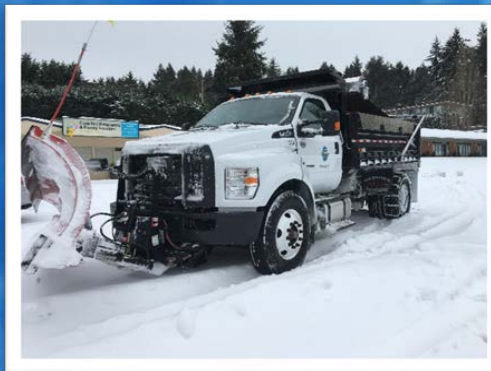
**NOW, THEREFORE**, I, Nigel Herbig, Mayor of the City of Kenmore, on behalf of the City Council, do hereby proclaim February 2022 "*Black History Month*" in the City of Kenmore. The City makes this proclamation to celebrate the Black and African American community and as an affirmation of the City's commitment to protect and serve everyone who resides in, works in, or visits Kenmore without discrimination, and of its belief in the dignity, equality, and civil rights of all people.

**IN WITNESS WHEREOF**, signed this 24<sup>th</sup> day of January 2022.



Signed: \_\_\_\_\_  
Mayor Nigel Herbig

Attested: \_\_\_\_\_  
City Clerk Anastasiya Warhol



# December 2021 Snow & Ice Response

Jennifer Gordon  
Public Works Operations Manager



# Kenmore Resources

Kenmore Crew	Northshore Utility District Crew
6 Crew Members/3 per 12-Hour Shift	Pool of 10 Crew Members/3 per 12-Hour shift
<b>6 Person Crew Responding Around the Clock</b>	
Total Kenmore Crew Hours 326.25	Total NUD Crew Hours 205.25

Kenmore Equipment	NUD Equipment
Ford F-750 w/5 Yard Sander &10' Plow	NUD Truck w/Kenmore owned Plow
Ford F-550 Flatbed w/ 400-gallon De-icer	NUD Truck w/Kenmore owned Plow
Ford F-350 w/ 2 Yard Sander & 9' Plow	NUD Truck w/NUD Plow
Ford F-350 w/2 Yard Sander & 9' Plow	*Access to full size dump truck

## Snow & Ice Duration

	Sun 12/26	Mon 12/27	Tues 12/28	Wed 12/29	Thurs 12/30	Fri 12/31	Sat 1/1	Sun 1/2	Mon 1/3	Tues 1/4
Day Shift	KEN	KEN & NUD	KEN & NUD	KEN & NUD	KEN & NUD				KEN & NUD	KEN & NUD
Night Shift	KEN & NUD	KEN & NUD	KEN & NUD	KEN & NUD	Callout					

Calls for Service: 19



# Kenmore Resources

Materials Storage Capacity	
Sand	15-30 Yards*
Salt	15-30 Yards*
Liquid De-Icer	4,400 Gallon Storage Tank

Materials Applied
20 Yards of Sand
35 Yards of Salt
400 Gallons De-Icer

\*Limited storage capacity for materials at temporary public works yard location

# How do we compare?

	Kenmore	Bothell	Kirkland
Population	23,914	48,161	92,175
Lane Miles	145	250-300 of 365	250
Crew Response	12 (6 Kenmore/6 NUD)	14	38

## After the Storm...

- › **Excess Snow & Slush Cleanup**
- › **Flood Response** – localized flooding caused by melting snow.
- › **Damage Control** – Respond to damage caused by storm ~ Vegetation & Potholes.
- › **Street Sweeping** – cleanup sand that was deployed to prevent it from going into our catch basins.
- › **Equipment and Yard Cleanup** – Cleanup equipment, make any necessary repairs, & cleanup public works yard.
- › **Debrief & Prepare** – Discuss and evaluate how we did; lessons learned and prepare for the next event.
- › **Catch up** – Get caught up on the routine work that was missed during the snow event and get back to our normal routine.



# QUESTIONS?



**City Council Business Agenda Item**  
**City of Kenmore, WA**

<p><b>Subject/Topic:</b></p> <p>Bus Service Update: Sound Transit Presentation and Discussion</p>          <p><b>Proposed Council Action/Motion:</b></p> <p>N/A : Presentation and Discussion</p>	<p>For Council Meeting Agenda of: January 24, 2022</p> <p>Department: Executive</p> <p>Prepared by: Nancy Ousley, Assistant City Manager</p> <table style="width: 100%;"> <tr> <td></td> <td style="text-align: right;"><u>Initial &amp; Date</u></td> </tr> <tr> <td>Approved by Department Head:</td> <td style="text-align: right;">NKO 1/12/22</td> </tr> <tr> <td>Approved by City Attorney:</td> <td style="text-align: right;">N/A</td> </tr> <tr> <td>Approved by Finance Director:</td> <td style="text-align: right;">N/A</td> </tr> <tr> <td>Approved by City Manager:</td> <td style="text-align: right;">RK/NKO 1/12/22</td> </tr> </table> <p><b>Exhibits/Attachments:</b></p>		<u>Initial &amp; Date</u>	Approved by Department Head:	NKO 1/12/22	Approved by City Attorney:	N/A	Approved by Finance Director:	N/A	Approved by City Manager:	RK/NKO 1/12/22
	<u>Initial &amp; Date</u>										
Approved by Department Head:	NKO 1/12/22										
Approved by City Attorney:	N/A										
Approved by Finance Director:	N/A										
Approved by City Manager:	RK/NKO 1/12/22										
<p><u><b>INFORMATION/BACKGROUND:</b></u></p> <p>Brian de Place, Sound Transit Director of System Planning will provide an update on current and planned bus service between Kenmore and Seattle, including Downtown Seattle. Luke Lamon, Sound Transit Government and Community Relations Corridor Manager and additional Sound Transit staff will participate in the presentation.</p>											
<p><u><b>FISCAL CONSIDERATION:</b></u></p>											
<p><u><b>COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:</b></u></p> <p><b>Council Goal 6.</b> Focus on and emphasize multimodal transportation in the City of Kenmore with a specific focus on pedestrian, bicycle and other means of travel.</p>											

# ***ST Express Route 522***

*Kenmore City Council*

*01/24/22*



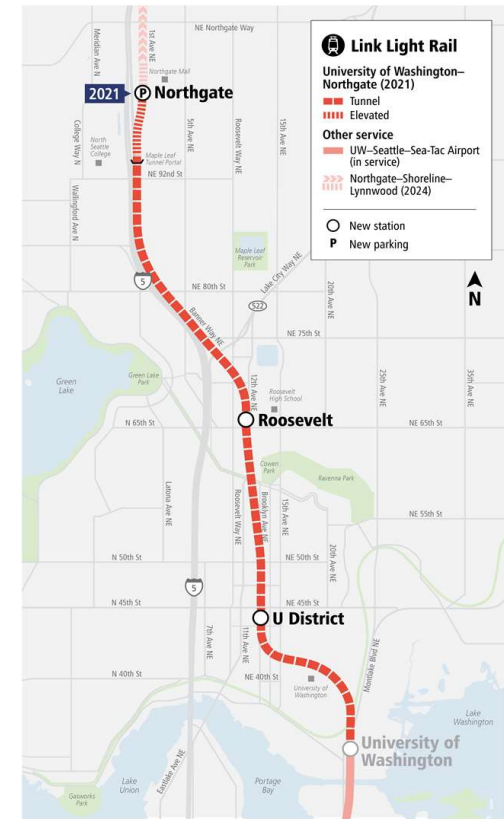
## Northgate Link opening drives bus service restructure

Planning and outreach between Sound Transit, King County Metro, Community Transit in 2019.

In 2020, Sound Transit Board approved rerouting ST Express Routes 511, 512, 513, 522, 542, 555, 556 to connect to expanded Link system.

Coordinated changes with KCM

- Some increase in peak travel time on SR 522
- Improved all-day frequency, access

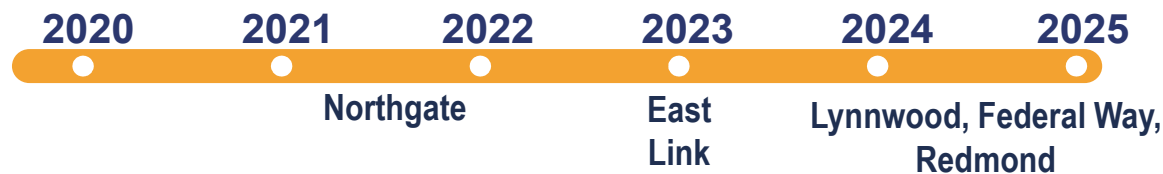




## ***Restructure aligns with future plans***

### ***Upcoming ST Express changes build a more connected future network***

- Link & BRT completely or partially replace ST Express routes
- Creates new connections to reliable, high-capacity service
- ST3 plan funds existing service levels on remaining routes
- Northgate Link restructure interim condition until Lynnwood Link



## ***What we have heard since implementation***

***Impact to travel times, particularly during the peak periods***

***“Timed transfer” between Link and ST Express Route 522 could be improved***

***Staffing issues due to COVID results in longer wait times***

***Online trip planners show longer travel times***

***Need better amenities while waiting for bus***

## *How we are responding*

### *Adjusting schedules to improve connection between light rail and bus*

- New Link schedule went into effect on January 8<sup>th</sup>.
- More adjustments on ST Express Route 522 to go into effect in March

### *Improving bus stop amenities*

- New bus shelter added at the outbound stop
- Southbound stop at Roosevelt NE/NE 66<sup>th</sup> St is temporary;
- SDOT to deliver in Q1 2022
  - New stop with better amenities and location
  - improved signalized crossing at NE 67<sup>th</sup> St

## *How we are responding*

### *Continuing to monitor and manage COVID-related staffing levels*

### *Improving Online Trip Planners*

- Sound Transit and KCM trip planners reflect accurate travel times
- Working with third party trip planners better reflect transfers between bus and rail

### *Online survey to ensure we are understanding all the issues*

- Currently processing results
- Planning focus group with 522 riders

*Thank you.*



 [soundtransit.org](https://www.soundtransit.org)



# Regional Severe Weather Response

Alexis Mercedes Rinck, Sub-Regional  
Planning Manager



**KCRHA**  
King County Regional Homelessness Authority

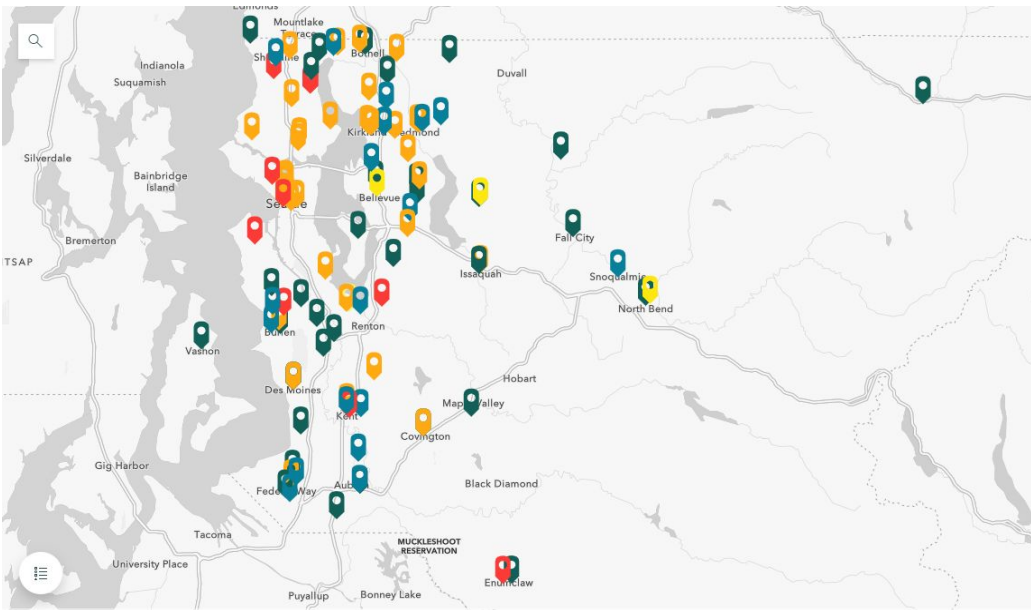
## The Landscape - East, South, North King County

- Existing Emergency Shelters
- Existing Emergency Shelters with expanded capacity
- Severe Weather Shelters
- Warming Centers
- Public Spaces that function as warming centers
  - King County Library Locations
  - City Halls
  - Community Centers





## The Landscape



## Overnight Space By the Numbers

Seattle - 6 sites

South King County - 12 sites

East King County - 7 sites, 2 safe parking programs using hotels

North King County - 3 sites

Snoqualmie Valley - 1 site



## By the Numbers

### Throughout the event

- Sites Operating: 27 sites
- Number of Operators: 19 operators
- Total Capacity: When fully activated over 900 units (beds/rooms)
- Added SWS Capacity: Over 260 additional units (beds/rooms)

Data limitation: Hotel numbers



## Timeline - 10 Days

### **12/23 - 12/25**

- 21 sites operating, 5 SWS sites and expansions activated

### **12/26 - 12/29**

- 27 sites operating, 6 SWS sites and expansions activated

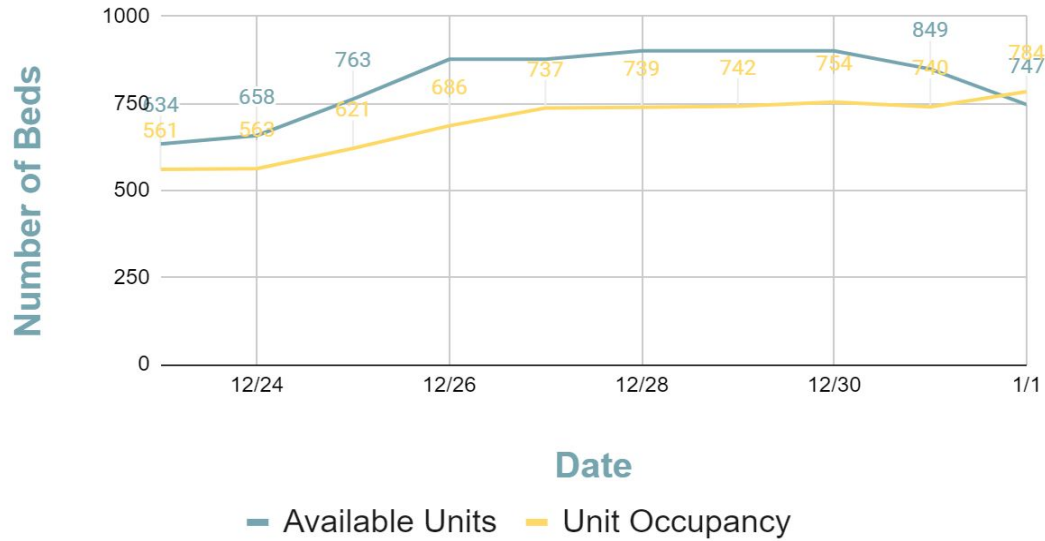
### **12/30 - 1/1**

- Slow deactivation; 22 sites operating by final day.



# Timeline

## Severe Weather Shelter Bed Availability Timeline



## Support throughout the Event

- Daily Sub-Regional Calls
  - Coordination with city partners, providers, advocates and faith-based partners
- Support for new sites
- Activation of food access and justice networks
- Delivery of materials



## Challenges

- Transportation
- Food/Meal Access
- Holiday Weekends limiting available indoor day spaces
- Staffing
- COVID omicron exposure and needs around testing





## Next Steps

- Debrief sub-regional sessions
- Improved communication, coordination and planning with PHSKC and KC Metro and other transportation partners, and city emergency management offices
- Re-connecting with activated sites to confirm their participation for the rest of the winter season
- Identification of strategies to support workforce/volunteer base.



**City of Kenmore  
City Council Meeting  
Special Meeting Minutes  
January 18, 2022**

These minutes are created to capture Council action. This is not a verbatim transcript. Meeting video and audio is available on the City YouTube channel.

**CALL SPECIAL MEETING TO ORDER:**

Mayor Herbig called the virtual meeting to order at 6 :00 p.m.

**PRESENT:**

Councilmembers: Mayor Nigel Herbig  
Deputy Mayor Melanie O’Cain  
Councilmember David Baker  
Councilmember Joe Marshall  
Councilmember Debra Srebnik  
Councilmember Corina Pfeil  
Councilmember Angela Kugler

Staff: City Manager Rob Karlinsey  
Assistant City Manager Nancy Ousley  
City Clerk Anastasiya Warhol  
Assistant City Manager/ARPA Administrator Stephanie Lucash  
Community Development Director Debbie Bent  
Recreation Coordinator Rita Moreno

Speaking Guests: Dr. Devin Byrd, Bastyr University President  
Dr. Jeanne Galloway, Vice President for Advancement and  
Enrollment Services, Bastyr University

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- A. Bastyr Community Initiatives with Dr. Devin Byrd, University President, and Dr. Jeanne Galloway, Vice President for Advancement and Enrollment Services

[City of Kenmore & Bastyr University - Community Proposal](#)

Dr. Devin

Byrd and Dr. Jeanne Galloway of Bastyr University presented to the City Council Bastyr’ s community engagement programs and asked the City to consider financially supporting Bastyr as they aim to roll out the following types of programs:

- Health and wellness programming for youth
- Summer camps focusing on holistic sport, nutrition, and mind-body connectedness
- Nutrition and cooking classes
- Farming/Gardening with a Hydroponics Lab
- STEM Mobile Food Lab emphasizing Botanical Medicine and Nutrition

**ADJOURNMENT**

Mayor Herbig adjourned the meeting at 6:50 p.m.

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Nigel Herbig, Mayor

**ATTEST:**

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Anastasiya Warhol, City Clerk

**City of Kenmore  
City Council Meeting  
Special Meeting Minutes  
January 10, 2022**

These minutes are created to capture Council action. This is not a verbatim transcript. Meeting video and audio is available on the City YouTube channel.

**CALL SPECIAL MEETING TO ORDER:**

Mayor Baker called the virtual meeting to order at 6 :00 p.m.

**PRESENT:**

Councilmembers: Mayor David Baker  
Deputy Mayor Nigel Herbig  
Councilmember Joe Marshall  
Councilmember Debra Srebnik  
Councilmember Corina Pfeil  
Councilmember Angela Kugler  
Councilmember Melanie O'Cain

Staff: City Manager Rob Karlinsey  
Assistant City Manager Nancy Ousley  
City Clerk Anastasiya Warhol  
City Attorney Dawn Reitan  
Assistant City Manager/ARPA Administrator Stephanie Lucash  
Development Services Director – Bryan Hampson  
Kinnon Williams – City Legal Representative

**EX**  
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**ON**

Pursuant to RCW 42.30.110(1)(b), the City Council entered an executive session to consider real estate acquisition. The session lasted approximately 30 minutes. No Action was taken.

**ADJOURNMENT**

Mayor Baker adjourned the meeting at 6:32 p.m.

\_\_\_\_\_  
David Baker, Mayor

**ATTEST:**

\_\_\_\_\_  
Anastasiya Warhol, City Clerk



## Voucher Certification and Approval

City of Kenmore

DATE RANGE:

12/24/2021 - 12/31/2021

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and the the claim is a just, due and unpaid obligation against the City of Kenmore and that I am authorized to authenticate and certify to said claim. The following checks and electronic payments are approved for payment:

Total Check #s 48775 through 48842: \$268,455.02

Total Payroll/Taxes/Flexible Spending/Retirement & Health Savings Acct Electronic Deposits Dated: 12/31/2021: \$182,763.48

ACH Payment to KBA Inc.: \$80,187.43

ACH Payment to Road Const. NW, Inc.: \$569,220.64

ACH Payment to US Bank Purchase Cards: \$7,003.88

Nancy Ousley (Jan 13, 2022 13:17 PST)

Jan 13, 2022

City Manager / Date

[Signature] 1/13/2022

Finance Director / Date

Accountant 1/13/2022

Vendor Name	Check #	Date	Description	Amount
KBA INC.	1052	12/31/2021	18-C1846 Nov. W Samm.Bridge Construction Mgmt.	80,187.43
ROAD CONSTRUCTION NW, INC.	1053	12/31/2021	21-C2669 11/25-12/31 Log Boom Park Project	569,220.64
U.S. BANK PURCHASE CARDS	1054	12/31/2021	Hangar Maintenance & Office Supplies	7,003.88
AWC EMPLOYEE BENEFIT TRUST	48775	12/30/2021	Employee Health Insurance	76,290.58
DEPARTMENT OF LABOR AND INDUSTRIES	48778	12/31/2021	City of Kenmore	1,548.67
EMPLOYMENT SECURITY DEPARTMENT	48779	12/31/2021	Paid Family & Medical Leave	603.46
ICMA RETIREMENT C/O ALLFIRST BANK / 109964	48780	12/31/2021	City of Kenmore 401a	16,674.58
ICMA RETIREMENT TRUST 457 / 304745	48781	12/31/2021	ICMA 457 Deferred Comp	8,393.09
STATE OF FLORIDA DISBURSEMENT UNIT	48782	12/31/2021	Employee Deduction	275.00
UNITED WAY OF KING COUNTY	48783	12/31/2021	Employee Charitable Contribution	49.23
ALPHAGRAPHS	48784	12/31/2021	Business Cards	239.70
BOTHELL KENMORE CHAMBER OF COMMERCE	48785	12/31/2021	Kenmore Business Alliance Support	300.00
BRIEN, GAYLYNN	48786	12/31/2021	Dec. Data Conversion Svcs for Oct. Sales Tax	50.00
CALPORTLAND COMPANY	48787	12/31/2021	Sand for Snow & Ice Response	290.73
CANON FINANCIAL SERVICES, INC.	48788	12/31/2021	2nd Floor Copier Lease	266.08
CASCADIA LAW GROUP	48789	12/31/2021	Dec. Special Counsel - Cadman Asphalt	4,077.00
CHICAGO TITLE	48790	12/31/2021	NOA Mailing Labels PRJ21-0085	3.86
FERGUSON ENTERPRISES INC #3011	48791	12/31/2021	Surface Water Project Materials	140.68

XII. B. Approve Total Check #s 48775 through 48842 totaling \$268,455.02 ...

FOSTER GARVEY PC	48792	12/31/2021	Nov. Atty Svcs - Ben Holt Ind. Prop. Acquisition	2,978.00
FOSTER GARVEY PC	48793	12/31/2021	Nov. Attorney Services - Moore Condemnation	715.00
GORDON THOMAS HONEYWELL	48794	12/31/2021	Dec. 2021 Governmental Affairs Services	3,900.00
GRAINGER	48795	12/31/2021	Surface Water Drainage Pipe Supplies	727.55
HONEY BUCKET	48796	12/31/2021	Log Boom Park Portable Toilet Rental	1,116.50
HONEY BUCKET	48797	12/31/2021	Squire's Landing Portable Toilet Rental	240.35
INSLEE, BEST, DOEZIE & RYDER, P.S.	48798	12/31/2021	November Legal Services	22,042.09
KARLINSEY, ROB	48799	12/31/2021	Meeting Software & Mileage Reimbursement	1,145.00
KENMORE HERITAGE SOCIETY	48800	12/31/2021	Q4 2021 Kenmore History Book Sales	25.00
KENMORE MIDDLE SCHOOL	48801	12/31/2021	Q4 2021 Kitchen Table Tutoring	2,650.00
KING COUNTY ANIMAL SVCS	48802	12/31/2021	King County Pet Licenses & Renewals Remittance	135.00
KING COUNTY FINANCE	48803	12/31/2021	King County Road Services	10,948.29
KING COUNTY FINANCE	48804	12/31/2021	Dec. Indigency Screening	81.00
KING COUNTY SHERIFF	48805	12/31/2021	Nov. School Resource Officer Overtime	908.12
KING COUNTY SHERIFF	48806	12/31/2021	Nov. Parking Emphasis Overtime	1,110.77
LIGHTHOUSE CONSULTING INC	48807	12/31/2021	Dec. 2021 Hosting/Backup/Protection/Archiving Services	8,315.03
LIGHTHOUSE CONSULTING INC	48808	12/31/2021	Dec. 2021 IT Consulting Services	2,224.12
MILLER STEPHENS, MARY	48809	12/31/2021	Dec. Public Defense Svcs @ SCORE	1,250.00
MINUTEMAN PRESS	48810	12/31/2021	Park Closure Postcard Mailer	1,301.14
NORTH AMERICAN SAFETY, INC.	48811	12/31/2021	Target Zero Safety Vests	199.60
NORTH AMERICAN SAFETY, INC.	48812	12/31/2021	Target Zero Safety Vests	1,596.60
NORTHSHORE SCHOOL DISTRICT	48813	12/31/2021	December 2021 School Impact Fee Remittance	35,128.00
OFFICE DEPOT	48814	12/31/2021	Office Supplies	94.85
OFFICE DEPOT	48815	12/31/2021	Misc. Office Supplies	21.05
OFFICE DEPOT	48816	12/31/2021	Notebook/Post It Notes	19.36
OFFICE DEPOT	48817	12/31/2021	Highlighter Pens	5.70
OFFICE DEPOT	48818	12/31/2021	Finance - Bookshelf	143.12
OFFICE DEPOT	48819	12/31/2021	Pens/Highlighters	34.77
PACE ENGINEERS, INC.	48820	12/31/2021	Nov. 2021 Engineering Support Services	760.00
PACIFIC OFFICE AUTOMATION	48821	12/31/2021	Facial Recognition Scanner Maintenance	92.04
PIPER SANDLER	48822	12/31/2021	W&W Bond Sale Financial Advisory Services	23,920.00
PSR MECHANICAL	48823	12/31/2021	Sr Center HVAC Upgrades Down Payment	15,932.93
PUGET SOUND ENERGY	48824	12/31/2021	School & Crosswalk Signs Electricity	76.88
PUGET SOUND ENERGY	48825	12/31/2021	Kenmore Parks Electricity	592.30
PUGET SOUND ENERGY	48826	12/31/2021	Radar Speed Signs	88.66

XII. B. Approve Total Check #s 48775 through 48842 totaling \$268,455.02 ...

PUGET SOUND ENERGY	48827	12/31/2021	Tree Receptacles Electricity	82.06
PUGET SOUND ENERGY	48828	12/31/2021	Traffic Signals Electricity	551.96
RED BARN ENGINEERING, INC.	48829	12/31/2021	Dec. 2021 Engineering Inspection Services	5,786.25
SHRED IT, C/O STERICYCLE, INC>	48830	12/31/2021	Document Shredding Services	88.91
SMS CLEANING, INC.	48831	12/31/2021	City Hall, Hangar, & PW Office Janitorial Services	6,495.00
STEPHANIE LUCASH	48832	12/31/2021	Business Meeting Mileage Reimbursement	126.56
T MOBILE USA, INC.	48833	12/31/2021	Staff Cell Phones & Data Plans	1,158.23
TRC ENVIRONMENTAL CORPORATION	48834	12/31/2021	Dec. 2021 Special Counsel	1,147.43
TRC ENVIRONMENTAL CORPORATION	48835	12/31/2021	Nov. 2021 Special Counsel	867.12
VERIZON WIRELESS	48836	12/31/2021	Staff Cell Phones & Data Plans	133.77
WA STATE DEPT OF TRANSPORTATION	48837	12/31/2021	Nov. 2021 Traffic Signal Maintenance	1,293.61
WAPRO	48838	12/31/2021	WAPRO Annual Membership	25.00
WASHINGTON STATE OFFICE CASH MGMT	48839	12/31/2021	Q4 2021 WA State Building Permit Fees Remittance	610.50
WESTLAKE HARDWARE WA-153	48840	12/31/2021	City Hall & Hangar Maintenance Supplies	64.14
ZIPLY FIBER	48841	12/31/2021	PW Temporary Office Internet	153.00
MARIA SZABLYA RIVAS	48842	12/31/2021	Replacement Ck. - Refund Hangar Rental Deposit 2/22/20	150.00
DRS 457	DFT0001180-1181	12/31/2021	DRS 457 Deferred Comp	1,150.99
AVIDIA HEALTH	DFT0001182	12/31/2021	Employee Health Savings Contribution	100.00
DEPARTMENT OF RETIREMENT SYSTEMS	DFT0001183-1188	12/31/2021	Public Employees Retirement	29,666.53
NAVIA	DFT0001189	12/31/2021	Employee Flexible Spending Account	516.54
BANK OF AMERICA 941	DFT0001190	12/31/2021	Federal Taxes	23,229.93
PAYROLL	Electronic Dep.	12/31/2021	Direct Deposit	128,099.49
TOTAL				<u><u>1,107,630.45</u></u>

XII. B. Approve Total Check #s 48775 through 48842 totaling \$268,455.02 ...





City of Kenmore

## Vendor Purchasing Report

For Date Range 01/01/2021 - 01/07/2022

Vendor Set: Vendor Set 01

Vendor	Name	Volume
0014	AMERICAN PLANNING ASSOCIATION	1468
0022	ASSOCIATION OF WA CITIES	13400
0024	BAKER, DAVID	745
0037	BASTYR UNIVERSITY	100000
0054	BULGER SAFE & LOCK, INC.	164.63
0064	CASCADE PEST CONTROL	1786
0067	CENTER FOR HUMAN SERVICES	25650
0076	CITY OF BELLEVUE	169276.68
0081	CITY OF KENMORE	827.21
0083	CITY OF LAKE FOREST PARK	49950
0092	CODE PUBLISHING COMPANY	5032.71
0099	CONSOLIDATED PRESS	18185.64
0106	CROWN PRODUCTS LLC	514.2
0109	DAILY JOURNAL OF COMMERCE	3367.05
0111	DEPARTMENT OF ECOLOGY	29650.42
0121	REPUBLIC SERVICES	12167.53
0130	EMPLOYMENT SECURITY DEPARTMENT	17511.89
0134	EVERGREEN PRINT SOLUTIONS	335.37
0137	FERGUSON ENTERPRISES INC #3011	2878.85
0145	FRUHLING SAND & TOPSOIL	1785.48
0151	CALPORTLAND COMPANY	4901.57
0169	HERRERA ENVIRONMENTAL CONSULTANTS	16957.3
0173	HOME DEPOT CREDIT SERVICES	4220.35
0184	INSLEE, BEST, DOEZIE & RYDER, P.S.	262146
0189	INTERNATIONAL CITY/CNTY MGMT ASSOC	4144.62
0191	INTERNATIONAL INST OF MUNI CLERKS	210
0197	JET CITY PRINTING	1192.04
0205	KENMORE HERITAGE SOCIETY	125
0206	KENMORE MIDDLE SCHOOL	13350
0212	KING COUNTY FINANCE W.L.R.D.	3765.86
0213	KING COUNTY ANIMAL SVCS	815
0217	KING COUNTY DISTRICT COURT	32134
0218	KING COUNTY FINANCE	5069.98
0219	KING COUNTY FINANCE	148761.72
0230	KING COUNTY RADIO COMM SERVICES	1202.28
0233	KING COUNTY SHERIFF	3300873.89
0235	KING COUNTY TREASURY	41217.28
0251	LIGHTHOUSE CONSULTING INC	154420.82
0260	MEEHAN, NANCY	104.75
0261	PENDLETON CONSULTING LLC	4087.5
0267	MR. T'S TROPHIES & AWARDS LLC	381.31
0285	NORTHSHORE FIRE DEPT	2160
0286	NORTHSHORE SCHOOL DISTRICT	495461
0287	NORTHSHORE SENIOR CENTER	36900
0288	NORTHSHORE UTILITY DIST	166582.02
0292	HONEY BUCKET	14505.41
0299	EBIX, INC.	118.38
0300	OFFICE DEPOT	4007.95
0304	OLYMPIC ENVIRONMENTAL RESOURCES INC	36105.14
0310	PACIFIC TOPSOILS	10233.78
0327	PUGET SOUND CLEAN AIR AGENCY	19396
0328	PUGET SOUND ENERGY	334600.82

XII. B. Approve Total Check #s 48775 through 48842 totaling \$268,455.02 ...

## Vendor Purchasing Report

For Date Range 01/01/2021 - 01/07/2022

Vendor Set: Vendor Set 01

Vendor	Name	Volume
1003	IWORQ SYSTEMS	2800
1010	WESTLAKE HARDWARE WA-153	2332.13
1034	EMERALD FIRE LLC	3363.92
1045	HORIZON DISTRIBUTORS INC	3504.55
1047	SARAH ROBERTS	129354.94
1052	FIRE PROTECTION, INC	17685.87
1068	WA STATE DEPT OF LABOR & INDUSTRIES	147.2
1123	AM TEST, INC	2550
1140	PAWS	1200
1148	AGORA REFRESHMENTS	478.32
1152	WASHINGTON ENERGY SERVICES CO. LLC	268.8
1168	SCHINDLER ELEVATOR CORPORATION	11468.23
1197	MILLER STEPHENS, MARY	15000
1215	STATE OF FLORIDA DISBURSEMENT UNIT	7150
1216	ADVANCE TESTING & SERVICE INC	1626
1222	OLSON BROTHERS PRO VAC	26247.17
1226	CONTECH ENGINEERED SOLUTIONS, INC	9270.43
1248	KENMORE AIR	10258.75
1257	BROADCAST MUSIC, INC.	368
1267	AUTOMATED CONTROLS/ALBIREO ENERGY	7048.6
1297	GOVERNMENT FINANCE RESEARCH GROUP	1995
1299	VERIZON WIRELESS	2868.33
1309	BANNER BANK BAKER	7203.88
1311	WASHINGTON STATE PATROL	2385.92
1313	BOTHELL KENMORE CHAMBER OF COMMERCE	6000
1326	JOYCE ZIKER PARKINSON	2550
1331	KBA INC.	1022123.25
1337	STATE OF WA DEPT. OF LICENSING	0.4
1339	STATE OF WA DEPARTMENT OF LICENSING	20
1342	PETERSON, JANET	700
1345	SHERWIN WILLIAMS CO. #8099	830.76
1356	KARLINSEY, ROB	1269
1358	ALPHAGRAPHS	1440
1359	EVERGREEN FIRE AND SAFETY, INC.	466.95
1372	AAA PRINTING	412.87
1383	CHICAGO TITLE	250038.6
1385	CITYWORKS/ AZTECA SYSTEMS INC.	33030
1387	ST OF WA DEPT OF FISH & WILDLIFE	40
1390	UTILITIES UNDERGROUND LOCATION CTR	2678.04
1403	OSBORN CONSULTING INC.	395218.88
1431	BRIEN, GAYLYNN	600
1452	CITY OF KENT	500
1456	HESTON VISUAL ARTS	358.15
1457	LANGUAGE LINE SERVICES, INC.	36.49
1459	FLEMINGS HOLIDAY LIGHTING LLC	7023.7
1464	ROAD CONSTRUCTION NW, INC.	1412111.15
1482	HIGHWIRE	543.12
1492	MACDONALD MILLER FACILITY SOLUTIONS	14493.68
1500	MARINE FLOATS CORPORATION	6795.23
1504	SCORE	111463.57
1524	GRANICUS LLC	20140.46
1525	PACIFICA LAW GROUP LLP	41000
1544	METROPOLITAN TRANS. COMMISSION	1500
1550	THE EVP GROUP	17125.89
1555	LINCOLN NATIONAL LIFE INSURANCE	17977.36
1580	NORTHWEST TROPHY	165
1591	ULINE	594.34
1644	PASIFIKA ARTIST NETWORK LLC	1000

## Vendor Purchasing Report

For Date Range 01/01/2021 - 01/07/2022

Vendor Set: Vendor Set 01

Vendor	Name	Volume
2048	SMS CLEANING, INC.	77940
2079	ZESBAUGH, INC.	638.58
2081	SHANNON & WILSON, INC.	8300.5
2095	TRANSPO GROUP USA INC.	13992
2096	TUPLING, SANDRA	146.5
2097	ROBINSON AND NOBLE, INC.	2850
2109	SEATOWN DEVELOPMENT GROUP	7500
2110	WILLIAM GARZA CREATIVE	165.15
2113	WA ASSOC. OF SHERIFFS & POLICE CHIEFS	180
2142	ICMA RETIREMENT C/O ALLFIRST BANK / 109964	488976.39
2145	NORTHWEST ELECTRIC AND SOLAR	536.74
2149	CLIFTON, CURTIS	102
2157	SOUND SAFETY PRODUCTS CO.	1060.7
2159	TRAILER BOSS	9032.1
2175	ELECTRONIC BUSINESS MACHINES	2213.55
2176	CANON FINANCIAL SERVICES, INC.	2926.88
2183	SISKUN POWER EQUIPMENT	5984.14
2184	DIVERSIFICATION INC.	2855.55
2187	CORAL SALES CO.	8040
2209	MORUP SIGNS, INC.	5273.8
2211	PRECISION FUEL SOLUTIONS	1684.53
2215	INTERSECTION MEDIA, LLC	979.15
2221	O'REILLY/FIRST CALL	261.6
2224	BROWN, STEPHANIE	128.15
2226	QUANTUM HOMES	7500
2227	EARTHCORPS	4461.8
2236	COMCAST	26716.28
2242	MARY'S PLACE	29750
2249	KING COUNTY BAR ASSOCIATION	750
2250	NAMI EASTSIDE	2250
2252	TRUGREEN	3473.4
2254	U.S. BANK PURCHASE CARDS	143237.21
2256	FLYNN BEC LP	3479.16
2259	MINUTEMAN PRESS	20657.35
2262	DILIGENT CORPORATION	17220.25
2270	LAKESIDE INDUSTRIES	2255.44
2282	STEVE BURNSTEAD CONSTRUCTION, LLC	308.89
2285	QUALITY WATER FINANCIAL	1993.08
2288	NORTHWEST PAVEMENT MANAGEMENT ASSOCIATIO	150
2298	WAPRO	145
2299	OFFICE OF MINORITY & WOMEN'S BUSINESS ENTERPI	150
2308	OSTROMS	39
2312	GOOD, MICHAEL J.	250
2315	NATIONAL RECREATION & PARK ASSOC.	175
2318	PIXEYES GRAPHICS & DESIGN	780
2327	PACIFIC AIR CONTROL, INC.	20837.83
2340	MOJO STRATEGIES	1562.5
2353	NORTHSHORE SCHOOLS FOUNDATION	683338
2362	CHASEWEST VENTURES, INC.	2175
2379	JENNIFER DIXON	43363.15
2381	NORTHLAKE LITTLE LEAGUE	110
2382	FOCUS TOOLS & ENGINEERING, INC.	11723.4
2385	TACOMA SCREW PRODUCTS, INC.	47.75
2386	CECCANTI, INC.	15270394.04
2392	DEPARTMENT OF COMMERCE	21885.05
2393	SEATTLE PUMP & EQUIPMENT CO./JETTERS NORTHW	1304.69
2396	ZIPLY FIBER	9398.13
2402	PACIFIC OFFICE AUTOMATION	1054.32

## Vendor Purchasing Report

For Date Range 01/01/2021 - 01/07/2022

Vendor Set: Vendor Set 01

Vendor	Name	Volume
2550	THOMAS & MARIANNE IVEY	7500
2551	MICHAEL O'LEARY	171.68
2552	WEINSTEIN AU LLC	10943.55
2553	TICOR TITLE	250000
2554	ECONOMY FENCE CENTER	9459.11
2555	VTO SCULPTURE	37551.5
2557	NOVA BUILD INC	7500
2558	FOREMOST PROMOTIONS	1171.9
2559	KING COUNTY DEPT OF ADULT & JUVENILE DETENTIO	736.53
2561	PRR, INC	109494.07
2562	ABS VALUATION	11000
2563	BELMONT HOMES	7500
2564	DAVID CHAMBLISS	496.65
2565	KNOCKOUT PLUMBING & MECHANICAL LLC	235.2
2566	AMERICAN CITY BUSINESS JOURNALS, INC.	135
2569	FUN TIMES ICE CREAM	300
2570	H.D. FOWLER COMPANY	3144.54
2571	AJ LEE & BLUE SUMMIT	1000
2572	TIMBERLAND CONSTRUCTION	421.4
2573	WHISTLE WORKWEAR	610.47
2574	WANKER PRODUCTIONS	2500
2575	EPIC EVENTS AND PROMOTION, INC.	3192.9
2576	TRADE ROOT MUSIC GROUP LLC	2200
2577	APPLEONE EMPLOYMENT SERVICES	6456.83
2578	CENTRICITY GIS, LLC	1500
2579	CHANIN KELLY-RAE CONSULTING LLC	55525
2580	FURNITURE PROS	1596.46
2581	83RD KENMORE LLC	7500
2584	AQUALIS	35582.3
2585	CONFIDENTIAL DATA DISPOSAL	450
2586	C-N-I LOCATES LTD.	405
2587	EMILY BENNETT	12500
2589	ABRACADABRA PRINTING	830.18
2590	OAPA	150
2591	JASA PROPERTIES LLC	8200
2592	GWYNN RUCKER	1287
2593	JAFCO COMPANY LLC	194.25
2594	KANNAN PARAMESWARAN	131.25
2595	LACINDA GIBBS	298.2
2596	L W PRODUCTS CO.	8334.57
2597	THE UW IDL	100
2598	WAGNER ARCHITECTS	39525
2599	CEDAR GROVE COMPOSTING, INC.	71.56
2600	DONE RIGHT PLUMBING & SEWER REPAIR LLC	268.8
2601	MESSERAT WOLDE TATO	63308
2604	ISMAEL CIBRIAN	177.45
2605	GRASS MASTER	715.65
2606	TOLL BROS. INC.	7500
2607	THE DOWNTOWN MOUNTAIN BOYS	1000
2608	A PERFECT SHINE	3859.45
2609	DTG RECYCLE	138.88
2610	SPECIALTY DOOR SERVICE, INC.	199.28
2611	NOVELTY HILL DEVELOPMENT LLC	7500
2612	KENMORE WATERFRONT ACTIVITIES CENTER	6944.5
2613	DEBBIE LAM I.C.	1648.06
2614	SEATOWN ELECTRIC, PLUMBING, HEATING & AIR	343.35
2615	TRIBAL LINES	35932.17
2616	PRIME ELECTRIC LLC	2033.55

<p><b>Subject/Topic:</b> Cascadia Law Group, PLLC Contract</p>  <p><b>Proposed Council Action/Motion:</b>          Authorize City Manager to execute Contract No. 20-C2229, Amendment No. 2 with Cascadia Law Group, PLLC to Provide Special Council on Heavy Manufacturing Business Activities</p>	<p><b>For Council Meeting Agenda of:</b> <u>January 24, 2022</u></p> <p><b>Department:</b> <u>Development Services</u></p> <p><b>Prepared by:</b> <u>Bryan Hampson, Director</u></p> <div style="float: right; text-align: right;"> <b><u>Initial &amp; Date</u></b>              Approved by Department Head: <u>B.H. 1/7/22</u>              Approved by City Attorney: <u>D.R. 1/7/22</u>              Approved by Finance Director: _____              Approved by City Manager: <u>NKO 1/14/22</u> </div> <p><b>Exhibits/Attachments:</b></p> <ol style="list-style-type: none"> <li>1. Contract No. 20-C2229</li> <li>2. Contract No. 20-C2229, Amendment No. 2</li> </ol>
<p><b><u>INFORMATION/BACKGROUND:</u></b></p> <p>On December 4, 2020, the City entered a contract with Cascadia Law Group to provide specialized legal counsel and air expertise to review the emissions test report(s) and respond to PSCAA's Notice of Construction (NOC) permit.</p> <p>Since the execution of the contract, Cascadia Law Group, and their air experts (TRC) has been reviewing the application materials submitted by Cadman to the PSCAA for the NOC permit; meeting and explaining the materials to City staff, Council and members of the public. Following discussions with staff, Council and some members of the public Cascadia Law Group has been responding to the PSCAA on the City's behalf.</p> <p>In addition to the NOC permit, Cascadia Law Group and TRC has been assisting the city with odor complaints and possible testing scenarios.</p> <p>We anticipate the Draft NOC will be issued soon. Once the Draft NOC is issued, there will be a comment period. Following the comment period, we anticipate there will be a public hearing. We will need Cascadia Law Group's and TRC's assistance reviewing the Draft DOC, and participation in the public hearing, if necessary.</p> <p>Amendments to the Contract, (Amendment No. 2) Include:</p> <ul style="list-style-type: none"> <li>Extending the contract through 2022;</li> <li>Increasing the Not to Exceed amount to \$150,000.</li> </ul>	
<p><b><u>FISCAL CONSIDERATION:</u></b></p> <p>The Contract is for a sum not to exceed \$150,000. The proposed 2021-2022 biennium budget includes funds for this purpose, funded in the Strategic Opportunities Fund.</p>	
<p><b><u>COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:</u></b></p> <p>Sustainable, healthy environment and the preservation of natural resources</p>	

City of Kenmore Contract No. 20-C2229

**CONTRACT FOR PROFESSIONAL SERVICES**

This Agreement is entered into by and between the City of Kenmore, Washington, a municipal corporation ("City"), and Cascadia Law Group, PLLC, ("Consultant") whose principal office is located at 1201 Third Avenue, Suite 320, Seattle, WA 98101.

WHEREAS, the City has determined the need to have certain services performed for its citizens but does not have the manpower or expertise to perform such services, and

WHEREAS, the City desires to have the Consultant perform such services pursuant to certain terms and conditions,

NOW THEREFORE, in consideration of the mutual benefits and conditions hereinafter contained, the parties hereto agree as follows:

1. Scope and Schedule of Services to be Performed by Consultant. The Consultant shall perform those services described in Exhibit "A" of this Agreement. In performing such services, the Consultant shall at all times comply with all Federal, State, and local laws and regulations applicable to the performance of such services. The Consultant shall perform the services diligently and completely and in accordance with professional standards of conduct and performance. The Consultant shall request and obtain prior written approval from the City if the scope or schedule is to be modified in any way.

2. Compensation and Method of Payment. The Consultant shall request payment for work performed using the billing invoice form at Exhibit "B".

The City shall pay Consultant [Check applicable method of payment]:

X  According to the rates set forth in Exhibit "A".

X  A sum not to exceed \$100,000.

     Other (describe): \_\_\_\_\_

The Consultant shall complete and return to the City Exhibit "C", federal tax Form W-9, prior to or along with the first billing invoice. The City shall pay the Consultant for services rendered within ten (10) days after City Council voucher approval.

3. Duration of Agreement. This Agreement shall be in full force and effect for a period commencing November 2020 and ending, December 31, 2021, unless sooner terminated under the provisions of this Agreement. Time is of the essence of this agreement in each and all of its provisions in which performance is required.

4. Ownership and Use of Documents. Any records, files, documents, drawings, specifications, data or information, regardless of form or format, and all other materials produced by the Consultant in connection with the services provided to the City, shall be the property of the City, whether the project for which they were created is executed or not.

5. Independent Consultant. The Consultant and the City agree that the Consultant is an independent Consultant with respect to the services provided pursuant to this Agreement. The Consultant will be solely responsible for its acts and for the acts of its agents, employees, subconsultants or representatives during the performance of this Agreement. Nothing in this Agreement shall be considered to create the relationship of employer and employee between the parties. Neither Consultant nor any employee of Consultant shall be entitled to any benefits accorded City employees by virtue of the services provided under this Agreement. The City shall not be responsible for withholding or otherwise deducting federal income tax or social security or contributing to the State Industrial Insurance Program, or otherwise assuming the duties of an employer with respect to the Consultant, or any employee of the Consultant.

6. Indemnification.

A. Consultant shall protect, defend, indemnify, and hold harmless the City, its officers, officials, employees, agents and volunteers from any and all costs, claims, injuries, damages, suits, losses or liabilities of any nature, including attorneys' fees, to the extent arising out of or to the extent in connection with the negligent acts or errors or omissions of the Consultant, its officers, employees and agents in performing this Agreement.

B. Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Consultant and the City, its officers, officials, employees, and volunteers, the Consultant's liability, including the duty and cost to defend hereunder shall be only to the extent of the Consultant's negligence.

C. It is further specifically and expressly understood that the indemnification provided herein constitutes the Consultant's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties.

D. The provisions of this section shall survive the expiration or termination of this Agreement.

7. Insurance. The Consultant shall procure and maintain for the duration of this Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees.

A. Minimum Scope of Insurance. Consultant shall obtain insurance of the types described below:

1. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.
2. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent Consultants and personal injury and advertising injury. The City shall be named as an additional insured under the Consultant's Commercial

General Liability insurance policy with respect to the work performed for the City.

3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.
4. Professional Liability insurance appropriate to the Consultant's profession.

B. Minimum Amounts of Insurance. Consultant shall maintain the following insurance limits:

1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.
2. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate.
3. Professional Liability insurance shall be written with limits no less than \$1,000,000 per claim and \$1,000,000 policy aggregate limit.

C. Other Insurance Provision. The insurance policies are to contain, or be endorsed to contain, the following provisions for Automobile Liability, Professional Liability, and Commercial General Liability insurance:

1. The Consultant's insurance coverage shall be primary insurance as respects the City. Any insurance, self-insurance or insurance pool coverage maintained by the City shall be in excess of the Consultant's insurance and shall not contribute with it.
2. The Consultant's insurance shall be endorsed to state that coverage shall not be canceled by either party except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.

D. Verification of Coverage. The Consultant shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to, the additional insured endorsement, evidencing the insurance requirements of the Consultant before commencement of the work.

8. Record Keeping and Reporting.

A. The Consultant shall maintain accounts and records, including personnel, property, financial and programmatic records which sufficiently and properly reflect all direct and indirect costs of any nature expended and services performed pursuant to this Agreement. The Consultant shall also maintain other such records as may be deemed necessary by the City to ensure proper accounting of all funds contributed by the City to the performance of this Agreement.

B. The foregoing records shall be maintained for a period of seven (7) years after the termination of this Agreement unless permission to destroy them is granted by the Office of the Archivist in accordance with RCW Chapter 40.14 and by the City.



9. Audits and Inspections. The records and documents with respect to all matters covered by this Agreement shall be subject at all times to inspection, review or audit by the City during the performance of this Agreement.

10. Termination. This Agreement may at any time be terminated by the City giving to the Consultant thirty (30) days written notice of the City's intention to terminate the same. Failure to provide products on schedule may result in contract termination. If the Consultant's insurance coverage is canceled for any reason, the City shall have the right to terminate this Agreement.

A. The City reserves the right to terminate or suspend this Agreement at any time, with or without cause, upon thirty (30) days prior written notice. In the event of termination or suspension, all finished or unfinished documents, data, studies, worksheets, models, reports or other materials prepared by the Consultant pursuant to this Agreement shall promptly be submitted to the City.

B. In the event this Agreement is terminated or suspended, the Consultant shall be entitled to payment for all services performed and reimbursable expenses incurred to the date of termination.

C. This Agreement may be canceled immediately if the Consultant's insurance coverage is canceled for any reason, or if the Consultant is unable to perform the services called for by this Agreement.

D. The Consultant reserves the right to terminate this Agreement with not less than thirty (30) days written notice, or in the event that outstanding invoices are not paid within sixty (60) days.

E. This provision shall not prevent the City from seeking any legal remedies it may otherwise have for the violation or nonperformance of any provisions of this Agreement.

11. Discrimination Prohibited. The Consultant shall not discriminate against any employee, applicant for employment, or any person seeking the services of the Consultant under this Agreement, on the basis of race, color, religion, creed, sex, sexual orientation, age, national origin, marital status, presence of any sensory, mental or physical disability, or other circumstance prohibited by federal, State or local law or ordinance, except for a bona fide occupational qualification.

12. Assignment and Subcontract. The Consultant shall not assign or subcontract any portion of the services contemplated by this Agreement without the written consent of the City.

13. Conflict of Interest. The Consultant represents to the City that it has no conflict of interest in performing any of the services set forth in Exhibit "A." In the event that the Consultant is asked to perform services for a project with which it may have a conflict, Consultant will immediately disclose such conflict to the City.

14. Confidentiality. All information regarding the City obtained by the Consultant in performance of this Agreement shall be considered confidential. Breach of confidentiality by the Consultant shall be grounds for immediate termination.

15. Non-appropriation of Funds. If sufficient funds are not appropriated or allocated for payment under this Agreement for any future fiscal period, the City will so notify the Consultant and shall not be obligated to make payments for services or amounts incurred after the end of the current fiscal period. This Agreement will terminate upon the completion of all remaining services for which funds are

allocated. No penalty or expense shall accrue to the City in the event that the terms of the provisions are effectuated.

16. Entire Agreement. This Agreement contains the entire agreement between the parties, and no other agreements, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or bind either of the parties. If there is a conflict between the terms and conditions of this Agreement and the attached exhibits, then the terms and conditions of this Agreement shall prevail over the exhibits. Either party may request changes to the Agreement. Changes which are mutually agreed upon shall be incorporated by written amendments to this Agreement.

17. Notices. Notices to the City of Kenmore shall be sent to the following address:

Bryan Hampson  
Development Services Director  
18120 68<sup>th</sup> Ave. NE  
City of Kenmore  
Kenmore, Washington 98028-0607

Notices to the Consultant shall be sent to the following address:

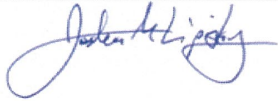

Dennis J. McLerran  
1201 3<sup>rd</sup> Ave, Suite 320  
Seattle, WA 98101  
Phone No.: 206-292-6300

18. Applicable Law; Venue; Attorney's Fees. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. In the event any suit, arbitration, or other proceeding instituted to enforce any term of this Agreement, the parties specifically understand and agree that venue shall be exclusively in King County, Washington. The prevailing party in any such action shall be entitled to its attorney's fees and costs of suit, which shall be fixed by the judge hearing the case, and such fee shall be included in the judgment.

19. Severability. Any provision or part of this Agreement held to be void or unenforceable under any law or regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon the City and the Consultant, who agree that the Agreement shall be reformed to replace such stricken provision or part with a valid and enforceable provision that comes as close as reasonably possible to expressing the intent of the stricken provision.

CONSULTANT:

CITY OF KENMORE:

By:		By:	
Title:	Joshua M. Lipsky, Managing Partner	Title:	Rob Karlinsey, City Manager
Date:	December 3, 2020	Date:	December 4, 2020

# EXHIBIT A

November 9, 2020

Via Email (rkarinsey@kenmorewa.gov)



Rob Karlinsey  
City Manager  
City of Kenmore  
18120 68th Ave NE  
Kenmore, WA 98028

RE: *Legal Representation of City of Kenmore*

Dear Mr. Karlinsey:

On behalf of Cascadia Law Group PLLC, I would like to thank you for selecting us to represent the City of Kenmore. Our ultimate goal is to give you legal representation that provides value to your city. If at any point in this engagement you have questions about our work on your behalf, do not hesitate to call me directly at (206) 292-2646. Again, thank you for selecting Cascadia Law Group.

The remainder of this letter sets forth the basic terms upon which you have engaged us to represent the City of Kenmore.

1. Scope of Engagement. In general, you have requested that we help the City of Kenmore with reviewing and responding to air quality issues related to Cadman Asphalt and the Puget Sound Clean Air Agency (PSCAA). You have also indicated that this matter may involve hiring air experts from a subcontractor to our firm to provide technical analysis of issues associated with the air permit application under review by PSCAA.

2. Billing Policies and Procedures. Enclosed is a copy of our firm's Billing Policy Statement, which explains the basis of our bills. This Policy Statement describes the manner in which we compute our fees, the relevance of hourly rates, and other factors used to determine a reasonable fee for our services, the payment of disbursement items, the timing and content of billing statements, and the expected payment period. As noted in our Policy Statement, we do not pass on charges to our clients for routine in-office copying, telephone calls, or faxes. We also afford our clients the opportunity to make value adjustments to their bills, either up or down.

Cascadia Law Group PLLC  
cascadialaw.com

**SEATTLE**  
1201 Third Avenue  
Suite 320  
Seattle, WA 98101  
(206) 292-6300 voice  
(206) 292-6301 fax

**OLYMPIA**  
606 Columbia Street NW  
Suite 212  
Olympia, WA 98501  
(360) 786-5057 voice  
(360) 786-1835 fax

Rob Karlinsey, City of Kenmore  
November 9, 2020  
Page 2

3. Hourly Rates: Hourly rates are the major determinant of our fees, as explained more fully in the enclosed Billing Policy Statement. Our hourly rates presently range from \$205 per hour for paralegals to \$600 per hour for our most senior and experienced attorneys. We presently anticipate that the primary services will be performed by me and my colleague, Valerie Fairwell. Because our firm understands the financial needs of government clients, we offer a 10% discount on all attorneys' rates. This discount will be entered in our billing system for all of your bills. Our current hourly discounted rates are \$540 and \$297, respectively. Staffing decisions will be made by me, after consultation with you, with the objective of rendering services to you on the most efficient and cost-effective basis.

We reassess our hourly rate schedules from time to time, and adjustments are made when we believe such adjustments are appropriate. These adjustments may be reflected in the billing rates utilized to determine our charges to you during the course of our engagement.

4. General Responsibilities of Attorney and Client. Cascadia Law Group will provide the above-described legal services for your benefit, for which you will be billed in the manner set forth above. We will keep you apprised of developments as necessary to perform our services and will consult with you as necessary to ensure the timely, effective, and efficient completion of our work.

We understand that you will provide us with such factual information and documents as we require to perform the services, will make any business or technical decisions and determinations as are appropriate to facilitate the completion of our services, and will remit payment of our billing statements within thirty (30) days of receipt, in accordance with the procedures described above.

5. Waiver of Conflicts. As we discussed, Cascadia Law Group has represented the Weidner Apartment Homes with environmental liability issues arising from a development project in the City of Kenmore. That project is not related to our work for the City, and Weidner Apartment Homes has confirmed in a written waiver letter that our proposed work on behalf of the City of Kenmore is wholly unrelated to our representation of Weidner Apartment Homes. They have waived any conflict that may exist based on our representation of the City of Kenmore in this matter. There is the possibility, though unlikely, that conflicts of interest could arise for our firm. Out of an abundance of caution, we have created an ethical wall within our firm to facilitate avoidance of any potential conflicts.



Rob Karlinsey, City of Kenmore  
November 9, 2020  
Page 3

The City of Kenmore's signature to this engagement letter will confirm that the City agrees to waive any conflicts of interest based on Cascadia Law Group's continued representation of Weidner Apartment Homes in the unrelated matter.

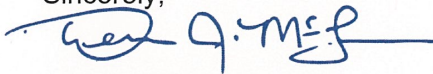
6. Waiver of Future Conflicts. This will also confirm that you have retained us only with respect to the Scope of Engagement described in Paragraph 1, above. We would, of course, be interested in establishing a broader relationship with you; however, in light of the limited representation involved in this matter, we would appreciate confirmation that we are free to represent clients or take positions adverse to the City of Kenmore in matters that are not substantially related to matters for which you have retained us.

We are delighted to be asked to provide legal services to you, and we are looking forward to working with you on this engagement. Should you ever wish to discuss any matter relating to our legal representation, please do not hesitate to call me directly or to speak to one of our other attorneys who is familiar with the engagement.

While ordinarily we might prefer a less formal method of confirming the terms of our engagement, it has been our experience that a letter such as this is useful both to the firm and to the client. Moreover, in certain instances, the firm is required by law to memorialize these matters in writing. In any event, we ask that you review this letter and the enclosed Billing Policy Statement carefully and, if it comports with your understanding of our respective responsibilities, so indicate by returning a signed copy of this letter to me at your earliest convenience. Obviously, if you have any questions concerning these matters, please let me know promptly.

We look forward to serving you and thank you for looking to us to assist you in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dennis J. McLerran", with a stylized flourish at the end.

Dennis J. McLerran  
Direct Line: (206) 292-2646  
Email: dmclerran@cascadialaw.com  
Office: Seattle

Enclosure

cc: (w/ encl.) Dawn Reitan, Inslee Best (via email, dreitan@insleebest.com)

Rob Karlinsey, City of Kenmore  
November 9, 2020  
Page 4

APPROVED AND AGREED TO:

*CITY OF KENMORE*

_____	By _____
<i>Date</i>	<i>Name</i> _____
	<i>Title</i> _____



TO: OUR CLIENTS

RE: BILLING POLICIES AND PROCEDURES

Thank you for asking Cascadia Law Group PLLC to help you with your legal needs. Our attorneys and professional staff strive to provide each of our clients with unparalleled legal services and to deliver success in each and every case. We back this up with a billing system, described below, that allows each client to make adjustments to its bills based on its degree of satisfaction with the value received from our services.

Of course, if at any point in this engagement you have questions about these billing policies and procedures or about our work on your case/matter, please do not hesitate to contact the attorney responsible for your case or matter, Dennis J. McLerran, at (206) 292-2646 or [dmclerran@cascadialaw.com](mailto:dmclerran@cascadialaw.com).

\*\*\*\*

#### **Describing Services and Value**

A key dimension of our commitment to client service is ensuring that the fees we charge our clients are consistent with the value we bring to each project. In order to determine the value of our services, we ask each lawyer, paralegal, and other professional staff member to submit detailed time records for each specific task when they provide legal services. Before a bill is rendered, all time records are reviewed by the attorney responsible for the engagement and by each attorney and paralegal who worked on the matter. This is meant to ensure the accuracy and fairness of the time billed.

Each individual who submits time records has an hourly billing rate that we believe is a fair reflection of his or her knowledge, skill, and experience. Billing rates are generally reviewed and evaluated annually and may be adjusted based on our evaluation. Adjustments to rates may also occur, after consultation with the client, due to other circumstances relevant to the engagement. We view billing rates as a benchmark, and not as the sole determinant of the value of our services for billing purposes. Our billing statement will reflect the fair value of our services as determined by the billing attorney, taking into account the time records for the matter, the types of services we have been asked to perform, any special level of expertise required, any unusual time pressures, the size and scope of the matter, and other relevant circumstances.



### **Alternative Billing Arrangements**

This memo describes our approach to pricing under the more traditional “rate times hours” approach (with appropriate value adjustments). Increasingly, however, we have found that clients can benefit from alternative pricing methodologies. We encourage our clients to work with us to establish creative billing arrangements. We focus on getting results, and we are confident enough about our abilities that we want to share in the risks and rewards of our clients' cases. Therefore, in appropriate circumstances, we offer alternative billing arrangements to underscore our commitment to superior client service, and we encourage you to approach us with proposals for non-hourly pricing.

### **Disbursements**

In addition to our legal fees, we charge separately for certain costs and expenses incurred on your behalf. Unlike most law firms, we do not charge for many basic costs, including in-house photocopying and faxing. We also do not charge for routine postage or long-distance telephone calls. When we do bill for other items such as conference calls, computerized research on commercial databases, messengers, filing fees, deposition transcripts, etc., we will only bill you for our actual costs and will not add an administrative overhead fee. Under some circumstances, we may ask that you advance funds for certain large disbursements such as experts, large filing fees, etc., outside our normal monthly billing cycle.

We make every effort to post timely disbursement expenses in the billing statement covering the month in which they were incurred. However, some disbursements may not be available in the billing system until the following month and will be included during the next billing cycle. If the billing is transactional in nature, an estimate of unposted disbursements in addition to an estimate for unposted fees may be included in the closing bill.

### **Advance Fee and Cost Deposits**

It is our policy to obtain an advance fee and cost deposit from new clients and, in some instances, from existing clients. The amount and terms of the deposit are determined by our Business Review Committee in consultation with the attorney responsible for your case or matter. These funds will be held in our client trust account in compliance with policies and procedures established by the Washington State Bar Association.

It may be necessary to require an advance deposit after the commencement of the engagement or request that a prior deposit be increased depending on payment history or the scope of the work. For example, prior to a lengthy trial, we may require an advance deposit sufficient to cover expected legal fees and costs or in certain business transactions, we may ask that a deposit be submitted for substantial out-of-pocket costs incurred on your behalf.

### **Experts and Consultants**

We are willing to hire experts or consultants directly in order to preserve the attorney-client privilege for your benefit. However, while we may contract with these experts or consultants ourselves, we expect them to look to you for payment. We will gladly forward all invoices and documentation to assist your accounting department in making payment to them.

### **Fee Estimates**

Upon your request, we will provide you with an estimate of anticipated fees. Any such estimate, whether for budgeting purposes or otherwise, is only a preliminary approximation based on facts that are currently available and the currently anticipated level of work required to complete the engagement. In no event is an estimate to be construed as a commitment of the firm to render services at a minimum or maximum cost.

### **Billing**

Generally, our billing statements are prepared and forwarded to you on a monthly basis covering time and costs for the prior month. Our billing statements may include a "cost of funds" charge on those matters that are not billed monthly, which covers our carrying costs, or we may ask for progress payments. All progress payments will be reflected on the closing bill that will be rendered at the completion of the transaction.

If requested, we will forward our billing statement to a third party designated by you who is assuming payment responsibility of your legal bills (for example, an insurance carrier who holds your liability coverage). In the event that timely payment is not received from the third party, we will look to you for payment of our legal fees.

### **Value Adjustments to Our Bills**

Client satisfaction is our number one goal. Towards this end, our billing system is designed to allow our clients to make adjustments to our bills based on their satisfaction with the value they received from our services. Consequently, when you receive our bill you may mark the bill down or up to reflect your degree of satisfaction with the value received. You may do so without calling the attorney in charge of your case or matter, though we would, of course, appreciate any substantive input—whether positive or negative—that you would be willing to share. Feel free to call our Executive Director, Eric Giles, at (206) 292-2616 if you wish.

**Payment Terms**

Our billing statements are due and payable within thirty (30) days of receipt. Clients whose statements are not paid within this period may have a late charge assessed on the unpaid balance at the rate of 1% per month. The intent of the late charge is to assess on an equitable basis the additional costs incurred by the firm in carrying past due balances. All payments should be sent directly to the following address: Cascadia Law Group PLLC, 1201 Third Avenue, Suite 320, Seattle, Washington 98101.

\*\*\*\*

We assure you that it has always been and will continue to be our goal to provide legal services to you on the most cost-efficient basis possible. If at any time you wish to discuss our billing policies and procedures or a specific bill, we encourage you to contact the attorney responsible for your case or matter. Our Executive Director, Eric Giles, can also provide general assistance in responding to billing inquiries. His direct dial number is (206) 292-2616.

Once again, thank you for turning to Cascadia Law Group PLLC for your legal representation. We look forward to a productive and enjoyable relationship with you.

# EXHIBIT B

**EXHIBIT B**

**CITY OF KENMORE  
BILLING INVOICE**

To: City of Kenmore  
18120 68<sup>th</sup> Ave. NE  
Kenmore, Washington 98028  
Phone: (425) 398-8900  
Fax: (425) 481-3236

Specific Project: \_\_\_\_\_

Contract No.: \_\_\_\_\_

Invoice Number: \_\_\_\_\_ Date of Invoice: \_\_\_\_\_

Contractor: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone: ( ) \_\_\_\_\_

Contract Period: \_\_\_\_\_ Reporting Period: \_\_\_\_\_

Amount requested this invoice: \$ \_\_\_\_\_

**Attach itemized description of services provided.**

\_\_\_\_\_  
Authorized signature

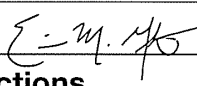
*For Department Use Only*

-----  
**BUDGET SUMMARY**

Total contract amount	\$ _____
Previous payments	\$ _____
Current request	\$ _____
Balance remaining	\$ _____

\_\_\_\_\_  
Approved for Payment by: \_\_\_\_\_ Date: \_\_\_\_\_

# EXHIBIT C

Form <b>W-9</b> (Rev. October 2018) Department of the Treasury Internal Revenue Service	<b>Request for Taxpayer Identification Number and Certification</b>  ▶ Go to <a href="http://www.irs.gov/FormW9">www.irs.gov/FormW9</a> for instructions and the latest information.	Give Form to the requester. Do not send to the IRS.																																																													
1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. <b>Cascadia Law Group PLLC</b>																																																															
2 Business name/disregarded entity name, if different from above																																																															
Print or type. See Specific Instructions on page 3.	3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only <b>one</b> of the following seven boxes.																																																														
	<div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Individual/sole proprietor or single-member LLC   <input checked="" type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ <b>P</b>  <small><b>Note:</b> Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is <b>not</b> disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.</small> </div> <div> <input type="checkbox"/> C Corporation    <input type="checkbox"/> S Corporation    <input type="checkbox"/> Partnership    <input type="checkbox"/> Trust/estate   <input type="checkbox"/> Other (see instructions) ▶         </div> </div>																																																														
	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):  Exempt payee code (if any) _____  Exemption from FATCA reporting code (if any) _____ <small>(Applies to accounts maintained outside the U.S.)</small>																																																														
	5 Address (number, street, and apt. or suite no.) See instructions. <b>1201 Third Ave, STE 320</b> 6 City, state, and ZIP code <b>Seattle, WA 98101</b> 7 List account number(s) here (optional)																																																														
<b>Part I Taxpayer Identification Number (TIN)</b> Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see <i>How to get a TIN</i> , later.  <b>Note:</b> If the account is in more than one name, see the instructions for line 1. Also see <i>What Name and Number To Give the Requester</i> for guidelines on whose number to enter.																																																															
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="10" style="text-align: center;"><b>Social security number</b></td> </tr> <tr> <td style="width: 30px; height: 30px;"></td> <td style="width: 30px; height: 30px;"></td> <td style="width: 30px; height: 30px;"></td> <td style="width: 30px; height: 30px;"></td> <td style="width: 30px; height: 30px;"></td> <td style="width: 30px; height: 30px;"></td> <td style="width: 30px; height: 30px;"></td> <td style="width: 30px; height: 30px;"></td> <td style="width: 30px; height: 30px;"></td> <td style="width: 30px; height: 30px;"></td> </tr> <tr> <td colspan="3"></td> <td style="text-align: center;">-</td> <td colspan="3"></td> <td style="text-align: center;">-</td> <td colspan="3"></td> </tr> <tr> <td colspan="10" style="text-align: center;"><b>or</b></td> </tr> <tr> <td colspan="10" style="text-align: center;"><b>Employer identification number</b></td> </tr> <tr> <td style="width: 30px; height: 30px; text-align: center;">5</td> <td style="width: 30px; height: 30px; text-align: center;">2</td> <td style="width: 30px; height: 30px; text-align: center;">-</td> <td style="width: 30px; height: 30px; text-align: center;">7</td> <td style="width: 30px; height: 30px; text-align: center;">2</td> <td style="width: 30px; height: 30px; text-align: center;">5</td> <td style="width: 30px; height: 30px; text-align: center;">6</td> <td style="width: 30px; height: 30px; text-align: center;">4</td> <td style="width: 30px; height: 30px; text-align: center;">0</td> <td style="width: 30px; height: 30px; text-align: center;">5</td> </tr> </table>			<b>Social security number</b>																							-				-				<b>or</b>										<b>Employer identification number</b>										5	2	-	7	2	5	6	4	0	5
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<b>Part II Certification</b> Under penalties of perjury, I certify that: <ol style="list-style-type: none"> <li>The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and</li> <li>I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and</li> <li>I am a U.S. citizen or other U.S. person (defined below); and</li> <li>The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.</li> </ol> <b>Certification instructions.</b> You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.																																																															
<b>Sign Here</b>	Signature of U.S. person ▶ 																																																														
	Date ▶ 1/8/20																																																														
<b>General Instructions</b> Section references are to the Internal Revenue Code unless otherwise noted.  <b>Future developments.</b> For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to <a href="http://www.irs.gov/FormW9">www.irs.gov/FormW9</a> .  <b>Purpose of Form</b> An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following. <ul style="list-style-type: none"> <li>Form 1099-INT (interest earned or paid)</li> <li>Form 1099-DIV (dividends, including those from stocks or mutual funds)</li> <li>Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)</li> <li>Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)</li> <li>Form 1099-S (proceeds from real estate transactions)</li> <li>Form 1099-K (merchant card and third party network transactions)</li> <li>Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)</li> <li>Form 1099-C (canceled debt)</li> <li>Form 1099-A (acquisition or abandonment of secured property)</li> </ul> Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN. <i>If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.</i>																																																															

**CITY OF KENMORE CONTRACT NO. 20-C2229  
AMENDMENT NO. 2**

The following section of the contract dated December 4, 2020, between the City of Kenmore and Cascadia Law Group, PLLC is amended to read in its entirety as set forth (i.e. below or in attachment). All other terms and conditions of the underlying contract shall remain in full force and effect.

Section 2. Compensation and Method of Payment. The Consultant shall request payment for work performed using the billing invoice form at Exhibit "C".

The City shall pay Consultant [Check applicable method of payment]:

X According to the rates set forth in Exhibit "A".

X A sum not to exceed \$150,000.

\_\_\_\_ Other (describe): \_\_\_\_\_

Section 3. Duration of Agreement. This Agreement shall be in full force and effect for a period commencing November 2020 and ending, December 31, 2022, unless sooner terminated under the provisions of this Agreement. Time is of the essence of this agreement in each and all of its provisions in which performance is required.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

CONSULTANT:

BY: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Phone No.: \_\_\_\_\_

CITY OF KENMORE:

BY: \_\_\_\_\_

Rob Karlinsey

City Manager





**City Council Consent Agenda Item**  
**City of Kenmore, WA**

<p><b>Subject/Topic:</b>  Approval of the of Diversity, Equity, and Inclusion (DEI) Charter revisions and Community Advisory Task Force recruitment process.</p> <p><b>Proposed Council Action/Motion:</b>  Authorization to approve the revisions of the recruitment and selection process of the DEI Community Advisory Task Force Charter for the development and implementation of the DEI policy.</p>	<p><b>For Council Meeting Agenda of:</b> January 24, 2022</p> <p><b>Department:</b> Human Resources</p> <p><b>Prepared by:</b> Leonora Palaña, Human Resources Manager</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 70%;"></td> <td style="text-align: right;"><b><u>Initial &amp; Date</u></b></td> </tr> <tr> <td><b>Approved by Department Head:</b></td> <td style="text-align: right;">LP 1/20/22</td> </tr> <tr> <td><b>Approved by City Attorney:</b></td> <td style="text-align: right;">N/A</td> </tr> <tr> <td><b>Approved by Finance Director:</b></td> <td></td> </tr> <tr> <td><b>Approved by City Manager:</b></td> <td style="text-align: right;">RK 1/24/22</td> </tr> </table> <p><b>Exhibits/Attachments:</b>  DEI Community Advisory Task Force Charter</p>		<b><u>Initial &amp; Date</u></b>	<b>Approved by Department Head:</b>	LP 1/20/22	<b>Approved by City Attorney:</b>	N/A	<b>Approved by Finance Director:</b>		<b>Approved by City Manager:</b>	RK 1/24/22
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<b>Approved by Finance Director:</b>											
<b>Approved by City Manager:</b>	RK 1/24/22										
<p><b><u>INFORMATION/BACKGROUND:</u></b></p> <p>The DEI Task Force was to be initially comprised of about eight (8) advisory members, who were to be appointed by the City Council. The task force, with the Human Resources Manager and the consultant, are to engage the community in developing recommendations on the DEI Policy for City Manager review, and Council consideration. Their length of service will be from the date of their appointment, until policy implementation.</p> <p>Due to the abundance of the diverse candidate pool, instead of identifying eight (8) advisory members, fourteen (14) were identified. The DEI Consultant in collaboration with City of Kenmore staff identified additional members of the community, who contribute to a well-rounded task force, representing the diversity of the community.</p> <p>To assist Task Force Members with removing potential barriers that may impede on their participation in monthly meetings, a pilot stipend of an \$80 flat amount per-meeting will also be available for task force members who may need assistance in order to equitably contribute and attend the monthly meetings. Task Force members will also have the opportunity to opt-out if they do not wish to receive the stipend. At the conclusion of the Contract, the Community Diversity Advisory Task Force will be retired and as well as the stipend. The stipend may be reviewed for future consideration.</p>											



Charter for  
**City Diversity, Equity, and Inclusion (DEI) Task Force**

**MISSION**

The City of Kenmore has a strong commitment to making Kenmore an open, safe, inclusive, and welcoming place for all. Developing a DEI policy is for the benefit of the city organization and the Kenmore community. The DEI task force is a limited term advisory body, that provides advisory reports and recommendations to the City Manager on the following tasks: (1) Development of a DEI Policy that furthers accountability and equitable delivery of city services (2) Strategies and methods to implement DEI Policy and (3) Inclusive community engagement during development of the DEI Policy.

**BACKGROUND**

**A. DEI Framework**

On September 14, 2020 the Kenmore City Council adopted Resolution 20-348 approving a framework to develop and implement policies that foster and create a safe, inclusive, and welcoming community through continuing actions that improve DEI. The resolution authorized the City Manager to:

1. Lead a process to develop a DEI Policy and implementation strategy
2. Develop human resource strategies to increase recruitment and retention of a diverse workforce
3. Develop accountability strategies to assess equitable delivery of city services and other possible changes to organizational structures, policies, and programs
4. Develop engagement and decision-making strategies to facilitate DEI
5. Develop funding strategies to develop and implement a DEI framework
6. By November 9, 2020 return to Council with a draft DEI policy development timeline including a plan for community engagement and funding recommendations for Council authorization to implement the elements of the framework of the resolution

At the November 9<sup>th</sup> Council meeting the City Manager presented a DEI policy development timeline and a two-track process with proposed actions leading to DEI policy development by year-end 2021. Council approved the City Manager's recommendations.

Track #1 includes recruitment of a Human Resources Manager by April 2021 whose responsibilities include:

1. Managing the DEI policy development process (April 2021-December 2021)
2. Conducting a Request for Proposals and managing a consultant hired to lead the DEI development process (December 2020-April 2021)
3. Staff support to the DEI Task Force (April 2021-December 2021)
4. Managing a DEI training schedule for the City organization (April 2021 ongoing)

Track #2 includes training:

1. A training schedule for the City organization starting with Council and staff training in November of 2020 by The Roots of Us LLC
2. A staff DEI committee will be formed in 2021 led by the Human Resources Manager (April 2021 ongoing)
3. The Human Resources Manager will manage DEI training for the city organization including hiring a consultant if needed (April 2021 ongoing)

#### **B. Budget:**

On November 23, 2020 Council adopted the 2021-2022 Biennial Budget (Ordinance 20-0517). The City Manager's budget message provides important context to the issue of systemic racism and the need to act at the local level in Kenmore. The City Manager urges the need to take actionable steps as a community, producing real deliverables that will help change the system including Kenmore's systems and institutions. The adopted budget includes \$100,000 for consultant assistance to develop the DEI Policy and implementation strategies and \$30,000 for City organization training. The budget also includes a new Human Resources Manager position to manage human resources and training for the City organization and manage DEI policy development and implementation.

#### **C. Human Resources Manager Recruitment and Consultant Selection:**

Recruitment for a Human Resources Manager began December 2020 and the position was filled April 26, 2021. A Request for Proposal (RFP) for consultant assistance to develop the DEI policy was issued April 12, 2021. On , 2021 the Council authorized the City Manager to execute a professional services contract (Contract 21-2713) with Chanin Kelly-Rae Consulting to (1) develop a diversity, equity and inclusion (DEI) policy to further accountability and equitable delivery of city services (2) identify strategies and methods to implement the DEI policy (3) identify monitoring tools for measuring progress and (4) inclusive community engagement during development of the DEI policy, including working with a DEI Community Task Force.

#### **D. Task Force Selection and Membership**

On November 9, 2020, Council approved the City Manager's recommendation for a seven-member advisory Task Force to be appointed by the Council. The Task Force, with the help of the consultant and Human Resources Manager, engages the community in developing recommendations on DEI Policy for City Manager review and Council consideration.

1. October 2021 to November 2021: The City may advertise (through the City website, social media channels, newsletters etc.) requests for applications from interested

community members. Translation into other languages as required. Candidates must meet the following qualifications to be considered:

- The community member must be a resident of the City of Kenmore or own/work at a business physically located within the city
  - The community member must be 16 years of age or older
  - The community member has relevant DEI experience through education, work, or volunteering. Relevant experience is a consideration but not required
  - The community member has relevant experience through education, work, or volunteering in policy and/or strategy development or community engagement. Relevant experience is a consideration but not required
  - A community member has other connections to Kenmore and/or life experiences that would contribute to the DEI process
2. December 2021 to January 2021: The City Council will review applications from community members and based on responses, will identify task force members, ensuring that the Task Force represents Kenmore's diverse community. Following the review process, the Council may appoint six community members to the DEI Task Force. In the interest of seating a fair, diverse and balanced DEI Task Force, the DEI Consultant shall collaborate with City of Kenmore staff to ensure that there are additional members of the task force (bringing the total number to 14) that represent the lived experience, insight, and perspectives that may not be represented by the 6 members seated by the Kenmore City Council.

#### **TASK FORCE ORGANIZATION**

- A. **Membership:** A fourteen-member, limited term, Community Diversity Advisory Task Force appointed by the Council. The task force members' life experiences and connections to Kenmore are all the qualifications necessary to serve well on this task force and provide valuable, thoughtful insights on an important community issue. There will be no alternates appointed for this task force, so if a member cannot attend a meeting, they should either ask another member to represent their view for that meeting or submit written comments in advance. At the conclusion of Contract 21-2713, the Community Diversity Advisory Task Force will be retired.
- B. **Meetings:** The Task force will not exceed twice monthly meetings, and will likely take place weekday evenings to complete the mission and responsibilities. Meetings will be held in the Zoom format until restrictions related to Covid-19 are lifted to allow in-person meetings.
- C. **Compensation:** To remove potential barriers that may prohibit Task Force members from fully participating in monthly meetings, as a pilot part of the program, the City will provide a stipend of an \$80 flat amount per-meeting to task force members who may need assistance in order to equitably contribute and attend the monthly meetings. Task Force members will also have the opportunity to opt-out if they do not wish to receive the stipend.

- D. **Facilitator:** The Human Resource Manager will staff and convene the meetings to ensure: (1) all voices are heard, (2) that the task force functions smoothly, (3) that there can be productive discussion between task force members on DEI topics, and (4) to give the task force enough technical support (including consultant support) to provide feedback to the City Manager on the issues in the timeframe requested.
- E. **Agenda, Minutes, and Reports:** The facilitator's responsibilities are: (1) produce meeting agendas and take minutes of the meetings. When the task force approves these, they will be posted on the City website, (2) coordinate with the consultant for obtaining meeting materials and other information, and (3) assist the Task Force in recommendations for the City Manager's consideration.
- F. **Conduct:** Task force members are expected to do the following:
- Read agenda materials and come prepared to task force meetings
  - Treat one another, City staff members, and the public with respect, courtesy, and civility
  - Listen with an open mind
  - Ask questions to facilitate improved understanding of the issues and options
  - Think independently and speak on their own behalf as informed citizens, not as a designated representative of an organized group in the community
  - Share their viewpoint
  - Work together with other task force members to develop an advisory report of recommendations to the City Manager in the time available.
  - Maintain focus on *public benefit to all in the Kenmore community* in this work.
- G. **Guests at Meetings:** Guests are welcome to observe task force meetings. There will also be a period for public comment at task force meetings. Guests can also provide written comments in advance of the meeting which will be compiled and given to the task force. The public can also provide comments directly to the City Council via email or at public comment periods at regular City Council meetings at any time through this process.

#### **TASK FORCE AUTHORITY AND RESPONSIBILITIES**

The work of the Task Force will be brief, focused, and advisory in nature. The City Council retain decision-making authority. The Task Force provides recommendations to the City Manager and it is at the City Manager's discretion whether such recommendations are presented directly to the City Council for consideration. The Task Force will present the draft DEI Policy and Implementation Strategy Report directly to Council.

The following tasks will be the responsibilities of the Task Force to complete by April / May 2022.

- A. **Background:** The consultant will provide and summarize information on DEI approaches taken by other Cities and public organizations in comparison to Kenmore's approach to DEI. This information will be given to provide context to the Task Force to assist in the development of Kenmore's approach.

- B. **Advise on and Assist with a Public Engagement Process:** The Task Force will provide input, feedback, and advise on an appropriate process for this work. The Task Force will review a public engagement plan prepared by the consultant. The engagement plan must be inclusive and innovative and use a variety of tools/techniques for sharing and receiving information. The Task Force will present a recommendation to the City Manager on a public engagement plan by April / May 2022 prior to Council consideration.

The task force will review all public input and assist in synthesizing the information into useful formats for the City Manager's review prior to City Council consideration.

- C. **Community Profile:** The Task Force will provide feedback to the consultant on potential data sources and other factors to consider in developing an accurate community profile. The Task Force will then review the community profile prepared by the consultant and provide a recommendation to the City Manager on the profile by April / May 2022 prior to Council review.
- D. **Gap Analysis Report for City Services:** The Task Force will provide feedback to the consultant on City services and delivery methods. The consultant will assess city services and delivery methods and prepare a "gap analysis" report with respect to DEI. The Task Force will review and provide input and feedback to the consultant on the report. The Task Force will provide a recommendation to the City Manager on the gap analysis report by April / May 2022 prior to Council review.
- E. **Gap Analysis Report for City Policies, and Programs:** The Task Force will provide feedback to the consultant on City policies and programs. The consultant will assess city policies and programs and prepare a "gap analysis" report with respect to DEI. The Task Force will review and provide input and feedback to the consultant on the report. The Task Force will provide a recommendation to the City Manager on the gap analysis report by April / May 2022, prior to Council review.
- F. **DEI Policy and Implementation Strategies:** The consultant will prepare a draft DEI Policy and Implementation Strategies Report. This report is based on consideration of public and Task Force input, the community profile, and results of the two gap analysis reports. The report must include a DEI toolkit for use in policy and implementation decisions and/or recommendations. The report must identify reporting and measurement tools to assess progress in furthering implementation of DEI policy. The report must also identify strategies to ensure ongoing public participation and stakeholder involvement during DEI policy implementation.

The Task Force will review and provide input and feedback to the consultant on the draft DEI Policy and Implementation Strategy Report. The Task Force will provide a recommendation on the report to the City Manager by April / May 2022 and present the draft report directly to Council.



**City Council Business Agenda Item  
City of Kenmore, WA**

<p><b>Subject/Topic:</b> Photo Enforcement Program Public Hearing</p> <p><b>Proposed Council Action/Motion:</b> No Action/Motion. Hold public hearing on Ordinance 22-0542 adopting new chapter 10.45 of the Kenmore Municipal code to establish proposed photo enforcement program.</p>	<p><b>For Council Meeting Agenda of:</b> 01/24/2022</p> <p><b>Department:</b> <u>Engineering – Public Works</u></p> <p><b>Prepared by:</b> <u>Tobin Bennett-Gold, Traffic Engineer</u></p> <p><b>Approved by Department Head:</b> <u>JV</u></p> <p><b>Approved by City Attorney:</b> <u>N/A</u></p> <p><b>Approved by Finance Director:</b> <u>N/A</u></p> <p><b>Approved by City Manager:</b> <u>NO 1.14.22</u></p> <p><b>Exhibits/Attachments:</b> Attachment A: Changelog for Photo Enforcement Technical Memorandum Attachment B: Photo Enforcement Technical Memorandum Attachment C: Draft Ordinance 22-0542 Attachment D: Draft KMC Code Language</p>
<p><b><u>INFORMATION/BACKGROUND:</u></b></p> <p>A public hearing is being held to receive and respond to public comments regarding the proposed photo enforcement program. Staff will seek council approval of Ordinance 22-0542 and on the Photo Enforcement Policy at the February 14<sup>th</sup> Council Meeting.</p> <p>On November 8<sup>th</sup>, 2021, staff presented the program goals for photo enforcement in Kenmore. In addition to increased traffic safety and providing funding for safety and maintenance investment in our roads, a successful photo enforcement program must solicit public buy-in from Kenmore residents through practices which are transparent, fair, and equitable for all residents and road users affected by the program.</p> <p>On December 6<sup>th</sup>, 2021, staff responded to comments and questions submitted by council based on the information presented in the November 8<sup>th</sup> presentation as well as the accompanying technical memorandum detailing program and policy proposals, and relevant supporting information. Staff provided discussion and examples of how fair and equitable program practices were reflected in the proposed fine schedule as well as travel speed and red-light violation trigger thresholds. The proposed warning period for school zone photo enforcement was revised to better accommodate driver expectations with the start-and-stop nature of photo enforcement which follows the school year cycle. Site selection criteria was also presented in detail, and it was recommended by staff that the initial photo enforcement locations be 73<sup>rd</sup> Av in the Kenmore Elementary school zone, Juanita Dr in the Arrowhead Elementary school zone, and 61<sup>st</sup> Av and SR 522 intersection for eastbound-to-northbound left-turn red-light violations.</p> <p>On February 14<sup>th</sup>, 2022, staff plans to present to council for approval the following:</p> <ul style="list-style-type: none"> <li>Automated photo enforcement be implemented for school zone speed violations on 73<sup>rd</sup> Ave NE in the Kenmore Elementary school zone</li> </ul>	

- Automated photo enforcement be implemented for school zone speed violations on Juanita Dr NE in the Arrowhead Elementary school zone
- Automated photo enforcement be implemented for eastbound-to-northbound left-turn red-light violations at the intersection of 61<sup>st</sup> Ave NE and NE Bothell Way (SR522)
- The fine schedule for infractions detected by automated photo enforcement as follows:
  - Automated Red-Light Enforcement
  - \$100 Failure to Stop at a Red Light
  - Automated School-Zone Enforcement
  - \$100 Exceeding the School Zone Speed Limit by 6+ MPH When School Zone is Active
  - \$250 Exceeding the Regulatory Speed Limit 6+ MPH When School Zone is Active
- The schedule for implementation of photo enforcement as follows:
 

Nov '21 – Dec '21	Council discussion on proposed new traffic photo enforcement program
Jan '22	Public hearing
Feb '22	Council vote to approve photo enforcement program
Feb '22 – Mar '22	RFP and selection of contractor for lease and operation of cameras
Mar '22	Council award of photo enforcement contract
Apr '22	Installation of advanced warning signs for photo enforcement locations, installation of photo enforcement cameras
Apr '22	Start of warning period: photo enforcement cameras become active and warnings are issued in lieu of notices of infraction.
Summer '22	Automated red-light enforcement warning period ends no sooner than 2 months after cameras become active. School-zone speed enforcement cameras not active during summer.
Fall '22	Automated speed enforcement warning period ends, cameras begin issuing fines at start of school year. Photo enforcement program is now fully implemented.
- Photo enforcement policy based on the attached technical memorandum
- Ordinance to adopt changes to Kenmore Municipal Code allowing for implementation of the proposed automated photo enforcement program

**FISCAL CONSIDERATION:**

Low-range for estimates based on the recommended locations are projected to meet or exceed \$1.7M net revenue annually, meeting or exceeding estimates included in the 2020 Financial Sustainability Plan approved by Council.

Exclusion of photo enforcement revenue from the City budget would leave a \$1.7M shortfall in revenue proposed in the Financial Sustainability Plan for traffic engineering, traffic safety, and pavement preservation budgets.

**COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:**

Goal #6: Focus on and emphasize multimodal transportation in the City of Kenmore with a specific focus on pedestrian, bicycle, and other means of travel.





## **City Of Kenmore, Washington**

### *Technical Memorandum*

**TO:** City of Kenmore City Council

**FROM:** Tobin Bennett-Gold, PE  
City of Kenmore Traffic Engineer

**DATE:** November 19<sup>th</sup>, 2021

**SUBJECT:** Changelog for Photo Enforcement Technical Memorandum

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11/19/2021

- P1 Date of memorandum updated to November 19, 2021
- P12 Bullet and footnote added regarding warning period at beginning of school year



## City Of Kenmore, Washington

### Technical Memorandum

**TO:** City of Kenmore City Council

**FROM:** Tobin Bennett-Gold, PE  
City of Kenmore Traffic Engineer

**DATE:** November 19<sup>th</sup>, 2021

**SUBJECT:** Proposed Photo Enforcement Policy and Program Structure

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#### Executive Summary

Kenmore City Council included automated photo enforcement as part of the 2020 Financial Sustainability Plan (FSP), and photo enforcement was a safety recommendation of the 2014 Pedestrian and Bicycle Safety Task Force. In the state of Washington, automated photo enforcement is permitted for use only to enforce red-light violations and school zone speeding violations<sup>1</sup>. If implemented correctly, photo enforcement can be an effective tool for reducing crash risk for all road users as well as providing a stable, long-term revenue source for investment in our transportation infrastructure. Careful attention to the details of program implementation can help create a program that not only reduces crash risk in areas where photo enforcement is implemented, but also promotes equity and travel safety city-wide through judicious application of the revenue generated.

Historically the largest obstacle to photo enforcement programs is lack of public buy-in, and so the implementation of a successful and long-lived photo enforcement program will require explicit measures to promote fair practices, transparency, and communication. If done well, the photo enforcement program can be an instrument of positive public safety and equity in the City as a whole. If done poorly, the City is at risk of implementing a program that is unpopular, short-lived, and closes the door to future attempts at photo enforcement when trust is lost between City Hall and Kenmore residents.

The proposed photo enforcement timeline includes extensive council discussion and input before voting whether to approve a proposed photo enforcement program. The activation of photo enforcement cameras can be completed by April of 2022, followed by a warning period during

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<sup>1</sup> Other use-cases are permitted for conditions which do not exist the City of Kenmore, e.g. railroad crossings.

which warnings will be issued in lieu of notices of infraction. After the conclusion of the warning period, notices of infraction will be issued and revenue will be generated from fines consistent with projections made in the FSP. Every step of program implementation will be accompanied by extensive public outreach and communication.

### Legal Framework and Regional Precedent for Photo Enforcement

The restrictions and requirements of the use of photo enforcement in the State of Washington are set forth by the Revised Code of Washington (RCW) 46.63.170 which restricts use of photo enforcement (“traffic safety cameras” in the language of the RCW) for issuance of notices of infraction for red-light violations at signalized intersections of two or more arterial streets, and for issuance of notices of infraction for school speed zone violations. Other requirements that a program must meet are the following:

- The city must prepare an analysis of the locations where automated photo enforcement is proposed to be located.
- The city must enact an ordinance allowing for the use of traffic safety cameras.
- Locations where photo enforcement is to be installed must be clearly marked thirty days prior to activation of cameras.
- The city must post an annual report which at minimum states the number of notices of infraction issued and the number of crashes which occurred for each location where traffic safety cameras are in use.
- For automated red-light enforcement, yellow-phase intervals must be at least as long as the minimums set by the Manual on Uniform Traffic Control Devices, and the interval may not be shortened after photo enforcement is implemented.

Per the process outlined in the RCW, all violations must be reviewed by a law enforcement officer, and it is the law enforcement officer who then issues the notice of infraction. The RCW additionally states that the notice of infraction is to be mailed to the registered owner of the vehicle within 14 days of the violation, and includes requirements for what documentation will be provided to the registered owner of the vehicle. The RCW also stipulates the process by which the vehicle’s registered owner may overcome presumption of fault<sup>2</sup>. Though it is not stated in the RCW, instructions for contesting the violation or for overcoming the presumption of fault are

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<sup>2</sup> Primarily, reference is made to RCW 46.63.075(2) which states “This presumption may be overcome only if the registered owner states, under oath, in a written statement to the court or in testimony before the court that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner.”

often included in the documentation provided to the vehicle's registered owner along with the notice of infraction.

The RCW additionally states that Infractions generated by photo enforcement may not become part of a driver or vehicle owner's driving record, and must be processed in the manner of parking fines. The implications of this are that red-light violations and speeding violations are not treated as moving violations when identified through a photo enforcement program, and as such do not contribute to the suspension of a person's drivers license. Additionally, collections of outstanding fines and reporting of outstanding fines for the purpose of placing a hold on vehicle registration are at the discretion of the city<sup>3</sup> and may be subject to the city's policy on reporting outstanding tickets to the Department of Licensing.

Although not mentioned in the RCW with regards to photo enforcement, flashing school zone beacons (which are active exclusively during times when the school-zone speed limit is in effect) have become established regional precedent for signaling drivers when automated enforcement is active for school zones (in addition to standard signing which is required by the RCW).

Cities with Photo Enforcement	School Zone Hours per Day
Bellevue	1.50
Issaquah	9.00
<b>Kenmore</b>	<b>3.00</b>
Kent	2.00
Kirkland	2.00
Lake Forest Park	8.50
Renton	3.25
Seattle	2.75

Hours during which school-zone speed limits are active are the discretion of the city, and school-zone speed limit hours vary widely across the region. School zone hours for Kenmore are currently 75 minutes before start of classes until 15 minutes after start of classes, and 15 minutes before dismissal until 75 minutes after dismissal, for a total of 90 minutes twice per day. These cover 15 minutes of school commute activity before the start of the earliest campus activities until 15 minutes after most after-school campus activities have ended.

Fines for violations detected by photo enforcement and threshold speed for issuing a notice of infraction are also at the discretion of the city, as is the fine structure (fixed value or graduated by speed). The RCW states that the

City	Speed Threshold	Fine Schedule	Fine Amount
Bellevue	28 mph	Fixed	\$124
Des Moines	26 mph	26-30 31+	\$210 \$250
Edgewood	24 mph	24-30 31+	\$166 \$250
Federal Way	26 mph	26-30 31+	\$210 \$250
Issaquah	27 mph	Fixed	\$124
Kent	26 mph	26-30 31+	\$136 \$248
Kirkland	26 mph	26-30 31+	\$136 \$250
Lake Forest Park	26 mph	Fixed	\$136
Lynwood	26 mph	26-35 36+	\$124 \$250
Renton	28 mph	26-35 36+	\$124 \$250
Seattle	26 mph	Fixed	\$237

<sup>3</sup> The jurisdictional agency for a photo enforcement program in the State of Washington is not required to be a city, but for the sake of brevity the jurisdictional agency will be referred to as "the city" for the purposes of this memorandum.

maximum permissible fine for infractions issued by photo enforcement may not exceed the value of fines issued for parking infractions<sup>4</sup>, although regionally fines do not typically exceed \$250.

The city operating the photo enforcement program retains 100% of all fines collected. The contractor selected to install and operate the photo enforcement system will be paid a fixed fee; the RCW explicitly prohibits compensation paid to contractors based upon a portion of the revenue generated. Although not paid directly from the fine amount, the increase in court services amounts to a cost of approximately \$30 per infraction processed, on average. Across programs regionally, a non-payment rate of roughly 30% is typical, either through failure to respond to a notice of infraction, or through successful contestation of the infraction, or by overcoming the presumption of fault. The cost of court services related to forms of non-payment are included in the estimated cost of court services per notice of infraction issued.

The following is the proposed fine schedule for an automated photo enforcement program in Kenmore:

Automated Red-Light Enforcement

\$100 Failure to Stop at a Red Light

Automated School-Zone Enforcement

\$100 Exceeding the School Zone Speed Limit by 6+ MPH When School Zone is Active

\$250 Exceeding the Regulatory Speed Limit 6+ MPH When School Zone is Active

In this graduated fine structure, the lower tier fine would be triggered when traveling at 26+ mph through any active school zone with photo enforcement<sup>5</sup>, and the higher tier fine would be triggered by traveling 31+ mph through an active school zone on a road with a 25 mph regulatory speed limit, 36+ mph on a road with a 30 mph regulatory speed limit, and 41+ mph on a road with a 35 mph regulatory speed limit. Speed limits in the City of Kenmore are representative of land use, mobility, and infrastructure context, and thereby serve well as relative-risk indicators for determining what constitutes reckless and egregious speeding behavior. By contrast, the lower tier fines for speeding at 6+ mph in excess of the school zone speed limit and for failing to stop at a red light (which most frequently occurs shortly after the yellow-light phase) correspond to more commonly occurring violations and violations associated with inattention to speed control, poor judgment of signal control, or low respect for compliance with signal control. Setting a relatively low value for the fines which impact the most drivers reduces the risk of placing undue financial burden on individuals belonging to economically vulnerable households. Lower values for the fines which will impact most drivers will also be more favorable for soliciting buy-in from residents and road users, and help to explicitly demonstrate the intention of the City

<sup>4</sup> In Kenmore, the highest fine for a parking infraction is \$450, which corresponds to "Parking in a Disabled Zone without a Disabled Placard/Plate".

<sup>5</sup> All school zones speed limits are 20 mph per the RCW.

to minimize the impact and the burden placed on drivers who are issued notices of infraction by the photo enforcement system.

Low-end revenue estimates for implementing automated photo enforcement at three locations within Kenmore indicate that the revenue expectations set in the FSP and the biennium budget are met under the proposed fine schedule even given conservative assumptions for number of notices of infraction issued and rates of non-payment.

## Crash Risk Reduction

### Crash Risk Reduction from Automated Speed Enforcement

Reducing the mean speed of travel on a roadway is directly effective at reducing the risk of crashes occurring and reducing the risk of injury in crashes that do occur. Lower travel speeds result in drivers having more time to perceive and react to hazards or conflicts in order to avoid or reduce the severity of crashes, and vehicles traveling at lower speeds carry less kinetic energy, which in turn reduces the distance and braking power required to bring a vehicle to a stop and reduces the amount of energy dissipated destructively by vehicles and victims in the event that a crash does occur. A substantial body of research exists which shows that reducing the mean speed of a roadway will result in a proportional reduction in expected crash frequency, a reduced risk of crash injury proportional to the square of the speed reduction, and a reduction in risk of fatal crash injury even more substantially.<sup>6</sup> A reduction in mean speed from 35 mph to 20 mph (approximately a speed reduction of 40%) for example would result in roughly a 40% reduction in expected crash frequency, a 70% reduction in expected frequency of injury crashes, and a 90% reduction in expected frequency of fatal crashes.

This reduction in crash risk and risk of crash injury is a benefit to the safety of all road users traveling in a reduced speed environment, but the road users most vulnerable to severe and fatal injury during a crash are cyclists and pedestrians, and young students walking or biking to and from school are more vulnerable still. In crashes where a pedestrian is struck by a vehicle, the pedestrian will suffer fatal injury in roughly two out of three crashes when the vehicle is traveling 35 mph, but a pedestrian will suffer fatal injury in roughly only one out of ten crashes when the vehicle is traveling 20 mph.

Although the safety benefit of photo enforcement is most appropriately described in terms of reduced mean travel speed, the criteria by which photo enforcement programs are measured is most commonly in terms of the reduction in violations in the enforcement area. The typical effectiveness of automated speed enforcement regionally is that school zones in which photo enforcement is implemented experience a 40% reduction in school-zone speeding violations in the first year of implementation, and then a further 40% reduction in school-zone speeding

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<sup>6</sup> Elvik, R. (2005). Speed and Road Safety: Synthesis of Evidence from Evaluation Studies. Transportation Research Record, 1908(1), 59–69.

violations over the following several years, resulting in an overall long-term reduction in school-zone speeding violations of around 64%.

To estimate the safety benefit of a specific site, a conservative assumption is that the mean speed is reduced only enough to reduce the frequency of school-zone speeding violations by 64%, and only for the vehicles which would exceed the threshold for enforcement, while the speed of other vehicles is assumed to remain unchanged. It is proposed that sites in Kenmore should be considered for automated speed enforcement if they meet at least one of two criteria: school zones which are on arterial or collector streets, and school zones which have experienced at least one crash in the past five years. The safety benefit of implementing photo enforcement at these sites is expressed as the estimated absolute reduction in expected crashes per year. The sites that would meet these criteria for consideration and the estimated safety benefit of implementing automated speed enforcement are as follows:

Location	Current Mean Speed	Estimated Mean Speed Reduction	Estimated Reduction in Crash Risk All / Injury / Fatal	Historical Observed Annual Crashes <sup>7</sup>	Expected Annual Crash Reduction <sup>8</sup>
Juanita Dr near 153rd Pl	37.0 mph	20%	5% / 7% / 11%	2.2	0.11
153rd Pl east of Juanita Dr	29.9 mph	10%	3% / 4% / 6%	0.4	0.01
84th Av north of 150th St	32.7 mph	14%	4% / 5% / 9%	0.2	0.01
71st Av south of Kenmore Elem.	24.0 mph	3%	2% / 3% / 6%	0.2	0.00
73rd Av south of 192nd St	30.4 mph	11%	3% / 4% / 7%	1.0	0.03
192 <sup>nd</sup> St east of 73 <sup>rd</sup> Av	24.0 mph	3%	2% / 3% / 6%	0.4	0.01
202nd St west of 68th Av	34.7 mph	18%	4% / 6% / 10%	0.4	0.02

Based on total crash reduction, it is proposed that automated speed enforcement be implemented initially at two locations:

1. Arrowhead Elementary school zone on Juanita Drive near Arrowhead Drive
2. Kenmore Elementary school zone on 73rd Avenue near 71st Avenue

It is worth noting that school-zone speed limits are in effect only during a short number of hours per day, only during weekdays, and only during the school year. Most school zones in Kenmore are active a total of three hours per school day, which amounts to just below 7% active time overall annually, affecting approximately 20% of daily traffic volume on school days and approximately 10% of the traffic volume traversing the facility each year. Current school zone

<sup>7</sup> Based on crashes which occurred within school-zone extents in the 5 year period from 2015 through 2019.

<sup>8</sup> In the case of automated speed enforcement, the safety benefit of speed reduction is prorated according to the hours when school zone speed limits are in effect.

hours are scheduled to cover times when parent and student school commute traffic is most likely to be present in the school zone, but adjusting the active times for school-zone speed limits can have dramatic effects on the safety benefit provided to other road users, and to vulnerable road users that may be present in the facility outside of school commute hours.

Also worth noting is that speed reduction measures during times of high traffic volumes have a magnified effect: Unless passing is possible, drivers can only travel as fast as the vehicle in front of them. In this case, successfully slowing one vehicle can slow an entire platoon of vehicles and extend the speed reduction effects far beyond the immediate area where the speed reduction treatment has been applied. The estimates for speed reduction and crash reduction do not factor in magnified effects of speed reduction during higher volume hours and so these estimates are likely to be conservative with regards to the geographic area which will benefit from speed reduction and crash risk reduction.

#### Crash Risk Reduction from Automated Red-Light Enforcement

A red-light violation occurs when a driver enters a signalized intersection after the traffic signal controlling their lane has turned red. Vehicles which already occupy the intersection when the signal transitions from yellow to red are not committing a red-light violation. The most common types of red-light violations are ones in which queued traffic continues to enter the intersection through the yellow-light phase and continuing into the red-light phase (sometimes with multiple consecutive vehicles continuing to enter the intersection into the red-light phase), and ones which happen very shortly after the signal transition from yellow to red (within 2 seconds or less) when drivers attempting to enter during a yellow phase misjudge the timing and instead enter during the red phase. Crashes caused by red-light violations are often angle-crashes and turning-crashes, both of which carry the highest risk of severe and fatal injury of any crash by type (compared to, for example, rear-end crashes and side-swipe crashes, which have very low relative risk of fatal and serious injury compared to crashes of other types).

The specific geometry and signal phasing of an intersection can also affect the crash risk associated with red-light violations. In the case of 61<sup>st</sup> Avenue and Bothell Way, a high frequency of red-light violations for left-turn traffic on eastbound Bothell Way presents a high frequency of conflicts with pedestrians entering the crosswalk during the protected pedestrian crossing phase on the north leg of the intersection. A pedestrian conflict is defined as when a legally-crossing pedestrian must alter their path to avoid a vehicle (either by stopping in their path or accelerating to clear the conflict area). Pedestrian conflicts represent “near-misses” which, in unluckier circumstances, may have escalated to pedestrian crashes; in areas where pedestrian conflicts are frequent, the risk of pedestrian crashes is high. A pedestrian conflict study conducted in 2019 at the intersection of 61<sup>st</sup> Avenue and Bothell Way indicated that during peak volume hours pedestrian conflicts were experienced by over 80% of pedestrians crossing the north leg of the intersection. The baseline rate for pedestrian conflicts at a signalized or stop controlled intersection is very low – other studies conducted in the City of Kenmore typically show pedestrian crossing conflicts at a rate of 0% to 5% during the peak volume hours.



Automated red-light enforcement has been shown to be very effective at reducing red-light violations, varying from a 40% reduction in red-light violations that occur within 0.5 seconds of the light transitioning to an 86% reduction in red-light violations which occur 1.5 seconds or more after the light transitioning. Although studies show that automated red-light enforcement unequivocally reduces the frequency of red-light violations and the frequency of crashes related to red-light violations, there is also consistent evidence showing that automated red-light enforcement increases the frequency of rear-end crashes (as might be related to sudden braking to avoid a red-light violation). The safety value of implementing red-light cameras therefore is based on the difference between the value of the crashes prevented and the cost of the crashes which may be introduced. For this reason, automated red-light enforcement is not a one-size-fits-all solution for improving intersection safety, and careful engineering analysis is required to determine where and how automated red-light enforcement can be applied to best improve intersection safety. The following criteria must be assessed when considering whether automated red-light enforcement is appropriate for a given location:

- Whether or not there is an elevated risk of crashes associated with red-light violations.
- To what degree is the implementation of automated red-light enforcement likely to increase rear-end collisions.
- To what degree are the types of red-light violations observed at this location likely to be correctable by photo enforcement.

In the case of the 61<sup>st</sup> Avenue and Bothell Way intersection, although there is a high frequency of pedestrian conflicts observed directly relating to right-light violations, the crash history of the intersection does not suggest that red light violations are contributing to other types of crash risk. Observation of the intersection indicates that red light violations occur almost exclusively due to queueing in the eastbound left-turn lane when drivers continue to make eastbound-to-northbound left-turns even after the signal has changed. When police presence was dispatched to address the concern, the occurrence of red-light violations stopped completely, though only when police were conspicuously present. Based on these factors, there is an opportunity to precisely right-size photo enforcement for this intersection by applying automated red-light enforcement only to the eastbound-to-northbound left-turn lane where the occurrence of red-light violations is high, but because of the nature of queued traffic being slow-moving the risk of increasing the frequency of rear-end crashes is very low. Because of the driver response to conspicuous enforcement, it is expected that photo enforcement at this location would be near-completely effective at eliminating pedestrian conflicts, providing substantial safety value and greatly reducing the risk of a pedestrian crash due to red-light violations occurring at this location in the future.

Based on these factors, it is proposed that automated red-light enforcement be initially implemented for east-bound left-turn movements at the intersection of 61<sup>st</sup> Avenue and Bothell Way (SR 522).

Other locations in Kenmore may also be suitable for implementation of automated red-light enforcement, for the purposes of reducing risk to vulnerable road users, to motor vehicle traffic, or both. The changes to traffic patterns and travel volumes which accompanied the COVID-19 pandemic, however, have made it impossible to determine where these problems may be occurring under normal traffic conditions.<sup>9</sup> As travel volumes continue to recover other locations suitable for automated photo enforcement may become apparent through continued study and observation of signalized intersections in the City of Kenmore.

### Fairness, Transparency, and Public Buy-In

The single characteristic which is almost universally prevalent in failed photo enforcement programs is lack of public buy-in. Either through working with their council or legislature representation or through voter-driven initiatives, countless photo enforcement programs regionally and nationally have been ended by grass-roots political action spearheaded by residents who feel that photo enforcement does not serve their interests or impacts them unfairly. In some cases the residents taking issue with photo enforcement programs may have well-founded concerns with how the program is being delivered, but many well-intentioned programs have also been toppled by misinformation, poor communication, and insufficient transparency. If the City of Kenmore is to put in place a photo enforcement program that is well intentioned and well implemented, it is still critical that communication with residents address the concerns that residents have and communicate the benefits they receive in order for the program to have the public buy-in required for its long-term success.

One of the most ubiquitous criticisms of photo enforcement is that it is used as a fundraising tool while disingenuously being presented as a traffic safety program. The traffic safety benefits of photo enforcement programs are well documented regionally, nationally, and world-wide, and the benefits of implementing a photo enforcement program in Kenmore will be evident in the changes in driver behavior and reduction in crash frequency in the years following implementation. The minimum reporting requirements by state law are that a city using photo enforcement publish the number of crashes and number of notices of infractions issued in photo enforcement areas annually. Above and beyond this requirement, city staff has already created a website detailing the timeline and progress leading up to photo enforcement implementation,

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<sup>9</sup> Important to note is that under pandemic traffic conditions the extensive queueing and high frequency of red-light violations and subsequent pedestrian conflicts at 61<sup>st</sup> Avenue and Bothell Way has all but evaporated. Because the volume of traffic has been the only change to this intersection, however, it is reasonable to expect that when higher traffic volumes return the problematic behavior will return as well.

and this website will serve as the nexus for all information related to photo enforcement within the City. Information available on this website will include at least the following:

- Detailed explanation of site selection process
- Annual frequency of speeding and red-light violations beginning at the time of photo enforcement implementation
- Travel speed statistics for school zones, including historical speed statistics from before the implementation of photo enforcement, and speed statistics from school zones not receiving photo enforcement
- Annual crash frequency and number of notices of infractions issued for photo enforcement areas per RCW reporting requirements
- Annual revenue generated by each photo enforcement location
- High-level overview accounting for how photo enforcement revenues are used
- List of projects planned and delivered using photo enforcement revenue

The revenue generated by photo enforcement can be substantial even when fines are modest, but implementation of photo enforcement as a means of generating revenue is a common thread in negative sentiment surrounding photo enforcement programs. There is evidence that Kenmore residents are open to a photo enforcement program part of the City's revenue plan; during the development of the Financial Sustainability Plan (FSP), the "Balancing Act Budget Simulator Tool" available on the City's website showed photo enforcement as the single most popular revenue enhancement strategy. This sentiment can be built upon – tying photo enforcement specifically to the maintenance of public roads and improvement of transportation safety throughout the City is an important facet of soliciting public buy-in and addressing concerns about photo enforcement as a revenue-generating tool by committing that revenue to furthering the goal of providing a safe and effective transportation environment for all road users. Covering these expenditures is the purpose for which the photo enforcement program was introduced into the FSP, and clear and consistent messaging can underscore the transportation safety and operational benefit residents are receiving from photo enforcement revenue.

The goal of effective photo enforcement is to reduce red-light violations or to reduce dangerous speeding behavior, but enforcement (including photo enforcement) is the tool of last resort for achieving these goals. When public buy-in is critical to the success of a program, it is important that drivers have every opportunity to avoid or self-correct problematic behavior or be otherwise deterred before being penalized with a fine. If photo enforcement is perceived to "create" the problem it is solving, for example by suddenly reducing the speed limit immediately before

issuing a fine for not traveling at the reduced speed, then photo enforcement will not be viewed as a tool for improving transportation safety but rather as a deceitful method of extracting revenue from drivers. The paradox of creating a photo enforcement program which solicits public buy-in is that the photo enforcement program must take all reasonable steps to minimize the number of violations issued by the program. In service of this goal, it is proposed that the City of Kenmore photo enforcement program take the following steps to allow drivers to self-correct problematic driving behavior before they are issued a notice of infraction by the photo enforcement program:

For all photo enforcement locations:

- New photo enforcement locations will be advertised widely using the City's available outreach tools, including but not limited to the City website, social media accounts, and quarterly newsletters.
- Advance signing will be present for all locations clearly indicating the presence of photo enforcement on the upcoming facility. Signing will be installed at least thirty days before equipment is activated (as required by the RCW) and will be marked with high-visibility flags for a period of at least thirty days after photo enforcement becomes active.
- After installation of photo enforcement devices, each new photo enforcement location will issue warning letters to violators in lieu of notices of infraction for a period of at least two months before notices of infraction and associated fines are issued to violators. For the initial implementation of photo enforcement in the City of Kenmore, warning periods will be substantially longer.
- All traffic movements which are detected as likely violations will be reviewed by Kenmore police officers before a notice of infraction is issued for the violation.

For automated school zone speed enforcement:

- All school zones with automated speed enforcement will be delimited with flashing school-zone beacons, and photo enforcement will be active exclusively at times during which the beacons are active.
- Speed feedback signs will be present in advance of school zones to notify drivers of their current speed and allow drivers to moderate their speed before approaching an automated enforcement area.
- A graduated fine system will issue a fine of \$100 for exceeding the school zone speed limit by more than 5 mph (i.e. fines beginning at 26 mph), and a \$250 fine for exceeding the regulatory speed limit by more than 5 mph (i.e. beginning at 41 mph if the regulatory

speed limit is 35 mph). The tiered fine structure allows for only moderate fines for “accidental” or “inattentive” speeding in school zones in order to facilitate driver awareness, while still allowing punitive fines for reckless speeding more in line with what would be issued by in-person enforcement for school zone offenses.

- Automated school zone speed enforcement will issue warnings for the calendar week which includes the first day of school for the Fall semester each year.<sup>10</sup>

For automated red-light enforcement:

- Stop bars for photo-enforced lanes will be clearly marked.
- Actuation zones for red-light violations will be set at the point where the photo-enforced lane would enter a conflict with opposing traffic. In the case of eastbound left-turn traffic this is roughly one car-length past the stop bar, and in a case where there is a crosswalk present, this would include encroachment in the crosswalk. This allows for a more forgiving stop location than if enforcement were triggered just past the stop bar.
- The photo enforcement program will issue a fixed fine of \$100 for red-light violations, a value moderately lower than what would be issued by in-person enforcement for a first-time offense.

Providing substantial warning periods and public outreach, advanced signing indicating the presence of photo enforcement, advanced flashing beacons and speed feedback signs at entry to automated speed enforcement zones, forgiving enforcement zoning for red-light enforcement, police review before notices of infraction are issued, and moderate values for fine amounts will help underscore the position that revenue generated from photo enforcement is in support of creating a safe and effective traffic environment and not for the sole purpose of extracting fines from drivers.

### Driver Impact and Equity

It is critical that the photo enforcement program clearly and unequivocally support the City of Kenmore’s social and economic equity values and goals in each way that it interacts with individuals as well as social and governance systems, including but not limited to the financial impact on drivers, driver interaction with law enforcement and court systems, and infrastructure

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<sup>10</sup> The first day of school is typically the first Wednesday in September; this accommodation means that notices of infraction would not be issued for the Wednesday, Thursday, and Friday of the week when school starts for the Fall semester. Notices of infraction will be issued per normal beginning the following week. This special warning period will recur each year, and is not limited to the year the site first received automated photo enforcement.

investment from revenue generated by photo enforcement. The nature of photo enforcement has several intrinsic characteristics which are positive for equity:

- Road users most likely to incur fines are drivers of personal vehicles, a group which has disproportionately low representation of individuals belonging to economically vulnerable households.<sup>11</sup>
- Detection of violations and issuance of notices of infraction are done based on objective criteria and without access to personally identifying information, removing the most substantial avenues for introduction of implicit bias into enforcement practices.
- Notices of infraction are processed in the manner of parking tickets, rather than moving violations; photo enforcement therefore will not contribute to a driver's license suspension and risk impacting that driver's access to transportation and mobility.

In addition to these characteristics which are intrinsic to any photo enforcement program which meets the requirements stated in the RCW, other practices which support equity can be explicitly included in the City of Kenmore's photo enforcement policies and practices.

- The fine schedule can be set such that fines most commonly incurred by drivers are set at a level that does not present undue financial burden for individuals belonging to economically vulnerable households.
- The revenue generated by photo enforcement can be used to provide traffic safety improvements in areas which do not directly benefit from the crash reduction effect of photo enforcement.

<sup>11</sup> Puget Sound Regional Council (PSRC) Spring 2019 Travel Survey. As a percentage of trips, households with an income of \$25,000 or less have the lowest rate of personal vehicle usage by percent-of-trips, with 75% of trips (cont'd on p13)

(cont'd from p 12)

made by car, compared to 85% of trips made by car for households with an income of \$25,000 to \$74,999, and 80% of trips by car made by households with an income of \$75,000+. Although this still represents a high percent of trips completed by personal vehicle for lower- and middle-income groups, higher-income households (with household income of \$100,000 or more) are responsible for approximately 50% of all trips made regionally, and responsible for more than three times the number of trips as lower-income households (with household income less than \$50,000). On a statistically representative road, it can be expected that slightly more than half of all personal vehicle trips are made by drivers belonging to households with incomes of \$100,000 or more, and less than 20% of personal vehicle trips are made by drivers with incomes below \$50,000. Households with incomes of \$100,000 or more make up 40% of the households included in the PSRC Travel Survey, while households with incomes less than \$50,000 make up 24% of households included in the survey, indicating that in addition to being the majority share of personal vehicle drivers on the road, higher-income households are also over-represented in personal vehicle travel (50% of car trips made by 40% of households), while lower-income households are under-represented (20% of car trips made by 24% of households).

- For city expenses which must be funded and which may be funded by photo enforcement revenue, photo enforcement revenue can replace the need to enact other fundraising measures which may have regressive impacts on lower-income households.

Importantly, the substantial revenue generated by photo enforcement is a lever for implementing traffic safety and infrastructure maintenance throughout the City, and the application of that revenue can be employed dynamically as the equity needs of the City shift and evolve throughout the life of the photo enforcement program. If careful attention is given to the direct impact on drivers by the inception of the photo enforcement program, and continued attention is given to equitable use of the revenue generated by photo enforcement, then the proposed photo enforcement program can be an instrument of positive public safety and equity in the City as a whole.

### Proposed Photo Enforcement Timeline and Public Outreach

The proposed timeline for implementation of photo enforcement is as follows:

Nov '21 – Dec '21	Council begins discussion on proposed new traffic photo enforcement program
Jan '22	Public hearing, and council vote to approve photo enforcement program
Jan '22 – Feb '22	RFP and selection of contractor for lease and operation of cameras
Mar '22	Council award of photo enforcement contract
Mar '22	Installation of advanced warning signs for photo enforcement locations, installation of photo enforcement cameras
Apr '22	Start of warning period: photo enforcement cameras become active and warnings are issued in lieu of notices of infraction.
Summer '22	Automated red-light enforcement warning period ends no sooner than 2 months after cameras become active. School-zone speed enforcement cameras not active during summer.
Fall '22	Automated speed enforcement warning period ends, cameras begin issuing fines at start of school year. Photo enforcement program is now fully implemented.

Each step in the proposed timeline will be accompanied by updates to the photo enforcement website which will reflect the most current photo enforcement news and timeline. Public hearing and council approval will be accompanied by a press release. A city-wide mailer describing photo

enforcement program and schedule will be sent out prior to cameras becoming active. The beginning of warning period, end of warning period for automated red-light enforcement, and end of warning period for automated speed enforcement will each be accompanied by social media release. Each monthly E-news and Kenmore Quarterly will have updates regarding the state of photo enforcement information. Already, several photo enforcement updates have been released in E-news and Kenmore Quarterly publications this year, and a social media release was made regarding the launch of the photo enforcement website.

The website for photo enforcement was created in May '21 and is currently active; the website is updated frequently with changes to the photo enforcement timeline. In addition to the estimated timeline, the website contains frequently-asked-questions (FAQ) regarding the City's purpose for photo enforcement, ticketing practices, site selection, and common concerns addressing misinformation about photo enforcement programs. The FAQ will continue to be updated as more common concerns are brought to the City. Details on site selection will be available on the website after they are presented to council. Once cameras are active, the photo enforcement website will also describe the process for responding to a notice of infraction. Once the program is active, information will be available for each photo enforcement location including at the least information about crash frequency and number of notices of infractions issued.



**CITY OF KENMORE  
WASHINGTON  
ORDINANCE NO. 22-0542**

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**AN ORDINANCE OF THE CITY OF KENMORE,  
WASHINGTON, ADOPTING A NEW CHAPTER 10.45 OF  
THE KENMORE MUNICIPAL CODE TO ESTABLISH AN  
AUTOMATED TRAFFIC SAFETY CAMERAS  
ENFORCEMENT PROGRAM AND REGULATIONS  
RELATING TO THE SAME; PROVIDING FOR  
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE  
DATE.**

WHEREAS, RCW 46.63.170 authorizes the City Council, as the local legislative body, to adopt an ordinance establishing an automated traffic safety cameras program and the regulations relating to the same; and

WHEREAS, pursuant to RCW 46.63.170, the City has prepared an analysis of the locations within the City of Kenmore where automated traffic safety cameras are proposed to be located; and

WHEREAS, in 2014 the Ad Hoc Committee on Pedestrian and Bicycle Safety recommended the implementation of automated traffic safety cameras enforcement; and

WHEREAS, revenue from automated traffic safety cameras enforcement was included in the 2020 Financial Sustainability Plan adopted by City Council; and

WHEREAS, City staff has proposed the adoption of use of automated traffic safety cameras for enforcement of red light violations and school zone speed violations; and

WHEREAS, on November 8, 2021, the City Council was presented with and considered the proposed automated traffic safety cameras enforcement program, entitled "Proposed Photo Enforcement Policy and Program Structure" ("Program"); and

WHEREAS, on December 6, 2021, the City Council was presented with and considered the Program and proposed new Chapter 10.45 KMC, which includes, among other things, the restrictions and provision of public notice and signage as set forth in RCW 46.63.170; and

WHEREAS, on January 24, 2022, the City Council held a public hearing in order to take public testimony regarding the adoption of proposed Chapter 10.45 KMC; and

WHEREAS, the City Council finds it in the interest of the public welfare to adopt this ordinance and implement the proposed Program in the City of Kenmore;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE,  
WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings. The City Council adopts the recitals set forth above, incorporated herein by reference, as findings in support of this ordinance.

Section 2. Adoption. The City Council adopts a new Chapter 10.45 to the Kenmore Municipal Code, entitled “Automated Traffic Safety Cameras” as set forth in Attachment A, attached hereto and incorporated herein by reference.

Section 3. Annual posting. Pursuant to RCW 46.63.170, the City Manager, or designee, is directed to post an annual report of the number of the traffic accidents that occurred at each location where an automated traffic safety camera is located as well as the number of notices of infraction issued for each camera and any other relevant information about the automated traffic safety cameras that the City deems appropriate on the City’s website.

Section 4. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 5. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE \_\_\_\_TH DAY OF \_\_\_\_\_, 2022.

CITY OF KENMORE

\_\_\_\_\_  
Nigel Herbig, Mayor

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Anastasiya Warhol, City Clerk

Approved as to form:

\_\_\_\_\_  
Dawn Reitan, City Attorney

Filed with the City Clerk:  
Passed by the City Council:  
Ordinance No.:  
Date of Publication:  
Effective Date:

**Chapter 10.45**  
**AUTOMATED TRAFFIC SAFETY CAMERAS**

Sections:

- 10.45.001 Purpose**
- 10.45.010 Authorized use of automated traffic cameras**
- 10.45.020 Notice of infraction**
- 10.45.030 Adjudication of infraction – Procedures**
- 10.45.040 Violation - presumption**
- 10.45.050 Infractions processed**
- 10.45.060 Nonexclusive enforcement**
- 10.45.070 Definition of automated traffic safety camera.**
- 10.45.080 Penalties.**
- 10.45.090 Authorization for use of electronic signatures.**

**10.45.001 Purpose.**

The City recognizes the value of implementing an automated traffic enforcement program in furtherance of city goals of creating safer environment for its citizens. Consistent with the council's direction and intent in adopting the policy and procedures of the photo enforcement program, the department is hereby authorized to develop public rules and make minor changes to the policies and procedures of the photo enforcement program, in order to better implement photo enforcement and as needed to stay current with changing technology and methods.

**10.45.010 Authorized use of automated traffic safety cameras.**

A. Pursuant to RCW 46.63.170, law enforcement officers of the City of Kenmore and persons commissioned by the police chief are authorized to use automated traffic safety cameras and related automated systems to detect one or more of the following:

1. Stoplight violations; and
2. School speed zone violations.

B. The use of automated traffic safety cameras is subject to the following restrictions:

1. Use of automated traffic safety cameras is restricted to intersections of two or more arterials, and school speed zones.
2. Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. Pictures taken by the automated traffic safety camera may not reveal the face of the driver or of passengers in the vehicle.

C. The City shall clearly mark all locations where automated safety cameras are in use by placing signs in locations that clearly indicate to a driver that the driver is entering a zone where traffic laws are enforced by an automated traffic safety camera.

**10.45.020 Notice of infraction.**

A. Whenever any vehicle is photographed by an automatic traffic safety camera, a notice of infraction shall be mailed to the registered owner of the vehicle within 14 days of the violation, or to the renter of the vehicle within 14 days of establishing the renter's name and address under subsection (B) of this section.

B. If the registered owner of the vehicle is a rental car business, the law enforcement agency shall, before a notice of infraction is issued, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within 18 days of receiving the written notice, provide to the issuing agency by return mail:

1. A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or
2. A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft; or
3. In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty. Timely mailing of this statement to the issuing law enforcement agency relieves a rental car business of any liability under this chapter for the notice of infraction.

C. The law enforcement officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, or electronic images produced by an automated traffic safety camera, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter.

D. All photographs, microphotographs, or electronic images, or any other personally identifying data prepared under this chapter are for the exclusive use of law enforcement in the discharge of duties under this chapter and, as provided in RCW 46.63.170(1)(g), are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this chapter. No photograph, microphotograph, or electronic image, or any other personally identifying data may be used for any purpose other than enforcement of violations under this chapter nor retained longer than necessary to enforce this chapter.

**10.45.030 Adjudication of infraction – Procedures.**

A. A person receiving a notice of infraction based on evidence detected by an automated traffic safety camera may respond to the notice by mail or request a hearing. The King County District Court shall adjudicate all requests for a hearing to mitigate or contest the notice of infraction.

B. The photographs, microphotographs, or electronic images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction.

**10.45.040 Violation - presumption.**

A. In a traffic infraction case involving an infraction detected through the use of an automated traffic safety camera under this chapter and/or RCW 46.63.170, proof that the particular vehicle described in the notice of traffic infraction was in violation of this chapter and/or RCW 46.63.170, together with proof that the person named in the notice of traffic infraction was at the time of the violation the registered owner of the vehicle, constitutes in evidence a prima facie presumption that the registered owner of the vehicle was the person in control of the vehicle at the point where, and for the time during which, the violation occurred.

B. This presumption may be overcome only if the registered owner states, under oath, in a written statement to the court or in testimony before the court that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner.

**10.45.050 Infractions processed.**

Infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras under this chapter shall be processed in the same manner as parking infractions, including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(2).

**10.45.060 Nonexclusive enforcement.**

Nothing in this chapter prohibits a law enforcement officer from issuing a notice of traffic infraction to a person in control of a vehicle at the time a violation occurs under RCW 46.63.030(1)(a), (b), or (c).

**10.45.070 Definition of automated traffic safety camera.**

For the purposes of this ordinance, "automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system, or a speed measuring device, and a camera synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a motor vehicle at the time the vehicle fails to stop when facing a steady red traffic control signal, or exceeds a speed limit in a school zone as detected by a speed measuring device.

**10.45.080 Penalties.**

A. The penalty for red-light infractions committed pursuant to the provisions of this chapter shall be \$100.00.

B. The penalty for school speed zone infractions committed pursuant to the provisions of this chapter shall be as follows:

Speed of Violation	Fine Amount
Exceeding the School Zone Speed Limit by 6+ MPH	\$100.00
Exceeding the Regulatory Speed Limit 6+ MPH	\$250.00

C. Fees and penalties for failure to respond shall follow the standard court schedule for infractions.

**10.45.090 Authorization for use of electronic signatures.**

In connection with the traffic safety camera program, the police chief, or his or her designee, is authorized to utilize electronic signatures in accordance with the provisions of Kenmore Resolution No. 20-351, and the Uniform Electronic Transactions Act.



## City Council Business Agenda Item City of Kenmore, WA

<p><b>Subject/Topic:</b> Local Initiative and Referendum Powers</p> <p><b>Proposed Council Action/Motion:</b> Discussion and/or Motion to Approve Resolution 22-375, Declaring the City Council's Intent to Adopt for the City the Powers of Initiative and Referendum; Providing for Publication of This Resolution; Providing Notice That Upon the Expiration of the 90th Day from, but Excluding the Date of First Publication of the Resolution, If No Timely and Sufficient Referendum Petition Is Filed Pursuant to Law, the Intent Expressed in This Resolution Shall Be Effected by an Ordinance Adopting the Powers of Initiative and Referendum</p>	<p><b>For Council Meeting Agenda of:</b> 1/24/22</p> <p><b>Department:</b> <u>City Manager's Office</u></p> <p><b>Prepared by:</b> <u>Garrett Oppenheim</u></p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"></th><th style="text-align: right;"><u>Initial &amp; Date</u></th></tr> </thead> <tbody> <tr> <td>Approved by Department Head:</td><td></td></tr> <tr> <td>Approved by City Attorney:</td><td style="text-align: right;">1/14/22</td></tr> <tr> <td>Approved by Finance Director:</td><td style="text-align: right;">NA</td></tr> <tr> <td>Approved by City Manager:</td><td style="text-align: right;">NKO 1/14/22</td></tr> </tbody> </table> <p><b>Exhibits/Attachments:</b> Attachment 1: Resolution No. 22-375 Attachment 2: Initiative and Referendum Memo by Garrett Oppenheim (presented to City Council 12/20/21)</p>		<u>Initial &amp; Date</u>	Approved by Department Head:		Approved by City Attorney:	1/14/22	Approved by Finance Director:	NA	Approved by City Manager:	NKO 1/14/22
	<u>Initial &amp; Date</u>										
Approved by Department Head:											
Approved by City Attorney:	1/14/22										
Approved by Finance Director:	NA										
Approved by City Manager:	NKO 1/14/22										
<p><b>Council Action:</b> At the January 24, 2022 council meeting, staff recommends that the City Council vote on Resolution No. 22-375, as authorized by RCW 35A.11.080 and 35A.02.030, to declare its intention to adopt initiative and referendum powers.</p> <p><b>Background:</b> The resolution method for acquiring initiative and referendum powers is detailed in RCW 35A.02.030 and allows a majority of the city council to initiate the process of adopting the powers by enacting a resolution declaring its intention to do so. Within ten days of adoption, the resolution must be published at least once in a newspaper of general circulation within the city.</p> <p>If 90 days pass after the resolution has been published and a petition for referendum has not been filed, the City Council must, at the next regular meeting, enact an ordinance adopting initiative and referendum powers. Pursuant to RCW 35A.02.035, if a referendum is filed within the 90-day period and contains signatures from qualified electors in the amount of 10% of the votes cast in the last general election, an election must be held on whether to adopt initiative and referendum powers. If there is a general election scheduled in the 180 days following the filing of the petition, the issue of whether to adopt initiative and referendum powers will be decided at the general election, or a special election must be called for that purpose.</p> <p>Once adopted, the use of initiative and referendum is limited by RCW 35A.11.090 to the enactment of ordinances, such that initiative and referendum powers cannot be used on other legislative enactments like motions, orders, and resolutions. RCW 35A.11.090 also exempts the following from initiative and referendum powers:</p> <ol style="list-style-type: none"> <li>1. Ordinances initiated by petition;</li> <li>2. Ordinances necessary for immediate preservation of public peace, health, and safety or for the support of city government and its existing public institutions which contain a statement of urgency and are passed by unanimous vote of the council;</li> </ol>											

I:/City Clerk/Agenda Items/Templates

3. Ordinances providing for local improvement districts;
4. Ordinances appropriating money;
5. Ordinances providing for or approving collective bargaining;
6. Ordinances providing for the compensation of or working conditions of city employees; and
7. Ordinances authorizing or repealing the levy of taxes.

In addition to these statutory exemptions, Washington courts have held that the powers of initiative and referendum do not apply to: i) administrative actions; and ii) legislative actions that have been granted to a city's legislative authority (the city council) instead of the city as a corporate entity.

Courts have generally applied two tests in determining whether an action is administrative or legislative. The first test determines whether legislative enactments relate to subjects of a permanent and general character (legislative), or temporary and special character (administrative). The second test distinguishes between actions that prescribe new policy or plans, which are legislative, and those that merely carry out and execute laws or policy already in existence, which are administrative.

In order to distinguish whether authority has been granted to the city as a corporate entity or as a legislative body, one looks to the underlying statutory grant of authority to see where the State Legislature has embedded the decision-making power; if it has given it directly to the municipal legislative body with regard to the relevant subject, it has preempted the initiative and referendum process.

Once the powers of initiative and referendum have been adopted, RCW 35A.11.100 requires noncharter code cities such as Kenmore to exercise them in the same manner as prescribed for commission cities in RCW 35.17.240-.360. One minor difference is that in commission cities the petition must include a number of signatures no less than 25% of the votes cast for mayor at the last municipal election, while RCW 35A.11.100 requires that in noncharter code cities, the petition must include a number of signatures no less than 15% of the total number of registered voters within the city on the day of the last preceding city general election.

The process for enacting an ordinance by initiative is governed by RCW 35.17.260-360. If the petition accompanying the proposed ordinance contains the requisite number of signatures as required by RCW 35A.11.100 and is filed with the municipal officer designated to receive it, usually the city clerk, then the officer must transmit it to the county auditor for determination of sufficiency. Upon completing the review, the county auditor must attach a certificate of whether or not a sufficient number of registered voters have signed it and return the petition to the city officer with whom the petition was originally filed.

If the county auditor has determined that the number of signatures is sufficient, city council has two options under RCW 35.17.260, either to pass the proposed ordinance without alteration within twenty days of receiving the county auditor's certificate of sufficiency or submit the measure to the people for a vote.

If the city council elects not to pass the ordinance itself and there is a general election scheduled to occur between 45 and 90 days from the same date, the measure is to appear on the ballot then a special election must be held on one of the special election dates identified by state law. RCW 35.17.310 requires the city clerk to publish any ordinance required to be submitted to the voters in a daily newspaper between five and twenty days prior to the election.

If there is to be a vote of the people, the city attorney prepares a ballot title under RCW 29A.36.071, composed of three elements: an identification of the enacting legislative body and statement of subject matter, a concise statement describing the measure that may not exceed seventy-five words, and a question asking whether the enactment should be approved or rejected by the voters.



If the initiative receives a majority of the votes cast, under RCW 35.17.310 the proposed measure is adopted and becomes an effective city ordinance immediately upon certification of the election results. The ordinance cannot be repealed or amended except by a vote of the people, which the city council can initiate and submit to the people.

The referendum process begins with the passage of an ordinance subject to referendum, which does not go into effect until thirty days after passage. If a petition for referendum is filed with the city clerk and found by the county auditor to be sufficient, the city council has two options under RCW 35.17.240, to either reconsider the ordinance within twenty days and repeal it in its entirety or to submit the ordinance to a vote of the people to approve or reject it.

RCW 37.17.250 states that all provisions applicable to a petition for an initiative in terms of the signatures required, the examination and certification, and the submission to the people for a vote also apply to a petition for a referendum and the ordinance it seeks to invalidate. The rules governing the ballot title, publication in a newspaper in general circulation, and the election are the same as under an initiative so if a majority of votes favor repeal of the proposed ordinance it is deemed repealed and does not become effective.

**FISCAL CONSIDERATION:**

King County Elections provided estimated ranges of the costs for Kenmore to place a local initiative or referendum on the ballot based on historical actual costs and known future costs. General elections in odd-numbered years are the least expensive because there are other local Kenmore races on the ballot. General elections in even-numbered years and spring elections in February and April are more expensive because Kenmore would not otherwise have any races on the ballot.

Estimated ranges for the additional costs to Kenmore for placing an initiative or referendum on the ballot can be summarized as such:

- General Election, odd-numbered years: \$0
- General Election, even-numbered years: \$35,591 to \$43,500
- Spring Election, any year: \$35,591 to \$39,545

The lone exception to Kenmore's exclusive participation in odd-numbered year elections was in 2016 when the local measure Proposition No. 1, General Obligation Bonds, Walkways and Waterways Improvements, appeared on the ballot. The cost to Kenmore for that election was \$20,250.

**COUNCIL PRIORITY/BUDGET OBJECTIVE BEING ADDRESSED:**

Service Vision: Propelling Kenmore Upward: We create a thriving community where all people love where they live.



## City of Kenmore, Washington

### Memorandum

Date: December 13, 2021  
To: Rob Karlinsey, City Manager  
From: Garrett Oppenheim, Policy Analyst Intern  
Regarding: Local Initiative and Referendum Powers

#### I. Definitions

The initiative power gives authority to the voters of a city to directly enact new laws or change existing ones.<sup>1</sup> The referendum power, on the other hand, allows voters to approve or reject measures that have been enacted by the city council before they become law.<sup>2</sup> Washington became one of the first states to adopt these direct democratic features of government in 1912 at the state level and has subsequently also made allowances for them at the local level.<sup>3</sup>

#### II. Code Cities Authority and Acquiring the Power

Code cities, such as Kenmore, do not automatically have the powers of initiative and referendum, but RCW 35A.11.080 grants that the “qualified electors or legislative body of a noncharter code city may provide for the exercise in their city of the powers of initiative and referendum, upon electing so to do (...)” by either the petition method or the resolution method.

Whether a code city has adopted initiative and referendum powers or not, its city council has the authority to submit an issue to the public on an advisory basis.<sup>4</sup> The result of an advisory election, unlike an initiative or a referendum, is not binding on the city council.<sup>5</sup>

##### i. Petition Method

RCW 35A.02.020 identifies the procedures required to initiate the petition method. First, the registered voters of the city must file a petition with the city requesting the adoption of initiative and referendum powers. The petition must be signed by registered voters equal to “not less than fifty percent of the votes cast at the last general municipal election.” Then, the city must transmit the petition to the county auditor to verify the signatures.

If the county auditor finds that the petition is sufficient, the auditor will file a certificate of sufficiency with the city council. The city council must then adopt a resolution declaring the city’s intention to adopt initiative and referendum powers. The resolution must be published within ten days of passage at least once in a newspaper of general circulation. If 90 days pass after the resolution is published and no referendum petition has been filed, the city council must enact an ordinance that formally adopts initiative and referendum powers.

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Pursuant to RCW 35A.02.025, if a referendum petition signed by qualified voters in the amount of 10% of the votes cast in the last general election is filed within 90-days, an election must be held on whether to adopt initiative and referendum powers. If there is a general election scheduled in the 180 days following the filing of the petition, the issue of whether to adopt initiative and referendum powers will be decided at the general election, or a special election must be called for that purpose.

#### ii. Resolution Method

The resolution method is detailed in RCW 35A.02.030 and allows a majority of the city council to initiate the process by enacting a resolution declaring its intention to adopt initiative and referendum powers. Within ten days of adoption, the resolution must be published at least once in a newspaper of general circulation within the city.

As is the case in the petition method, if 90 days pass after the resolution has been published and a petition for referendum has not been filed, the city council must, at the next regular meeting, enact an ordinance adopting initiative and referendum powers. Pursuant to RCW 35A.02.035, if a referendum is filed within the 90-day period and contains signatures from qualified electors in the amount of 10% of the votes cast in the last general election, an election must be held on whether to adopt initiative and referendum powers. The terms of that election are the same as under the petition method.

### III. Limitations

#### a. Statutory Limitations

RCW 35A.11.090 limits initiative and referendum powers to the enactment of ordinances, stating that “[o]rdinances of noncharter code cities [...] shall not go into effect before thirty days from the time of final passage and are subject to referendum during the interim[.]” As such, initiative and referendum powers cannot be used on other legislative enactments, including motions, orders, and resolutions.<sup>6</sup>

RCW 35A.11.090 also exempts the following from initiative and referendum powers:

1. Ordinances initiated by petition;
2. Ordinances necessary for immediate preservation of public peace, health, and safety or for the support of city government and its existing public institutions which contain a statement of urgency and are passed by unanimous vote of the council;
3. Ordinances providing for local improvement districts;
4. Ordinances appropriating money;
5. Ordinances providing for or approving collective bargaining;
6. Ordinances providing for the compensation of or working conditions of city employees; and
7. Ordinances authorizing or repealing the levy of taxes.

b. Judicial Limitations

In addition to these statutory exemptions, Washington courts have held that the powers of initiative and referendum do not apply to: i) administrative actions; and ii) legislative actions that have been granted to a city's legislative authority (the city council) instead of the city as a corporate entity.

i. Legislative versus Administrative Actions

Courts have generally applied two tests in determining whether an action is administrative or legislative. The first test determines whether legislative enactments relate to subjects of a permanent and general character (legislative), or temporary and special character (administrative).<sup>7</sup> The second test distinguishes between actions that prescribe new policy or plans, which are legislative, and those that merely carry out and execute laws or policy already in existence, which are administrative.<sup>8</sup>

ii. To Whom Is the Legislative Power Granted?

Not all legislative actions are subject to the initiative and referendum process. Courts find:

[A] distinction between a grant of authority by the state legislature to the city as a corporate entity and to its legislative and other corporate authorities. If the grant of power is to the city as a corporate entity, direct legislation is permissible insofar as the statute is concerned. On the other hand, if the grant of power is to the legislative authority of the city, the initiative and referendum are prohibited.<sup>9</sup>

In order to distinguish whether authority has been granted to the city as a corporate entity or as a legislative body, one looks to the underlying statutory grant of authority to see where the State Legislature has embedded the decision-making power; if it has given it directly to the municipal legislative body with regard to the relevant subject,<sup>10</sup> it has preempted the initiative and referendum process.

To summarize, citizens may exercise the initiative and referendum powers only where the subject is legislative in nature and the decision-making authority on that topic has not been exclusively granted to the city council.<sup>11</sup>

IV. Process

RCW 35A.11.100 requires noncharter code cities (e.g. Kenmore) to exercise the powers of initiative and referendum in the same manner as prescribed for commission cities in RCW 35.17.240-.360. One minor difference is that in commission cities the petition must include a number of signatures no less than 25% of the votes cast for mayor at the last municipal election, while RCW 35A.11.100 requires that in noncharter code cities like Kenmore, the petition to include a number of signatures no less than 15% of the total number of registered voters within the city on the day of the last preceding city general election.

i. Initiative

The process for enacting an ordinance by initiative is governed by RCW 35.17.260-360. If the petition accompanying the proposed ordinance contains the requisite number of signatures as

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required by RCW 35A.11.100 and is filed with the municipal officer designated to receive it, usually the city clerk, then the officer must transmit it to the county auditor for determination of sufficiency.<sup>12</sup> Upon completing the review, the county auditor must attach a certificate of whether or not a sufficient number of registered voters have signed it and return the petition to the city officer with whom the petition was originally filed.<sup>13</sup>

If the county auditor has determined that the number of signatures is sufficient, city council has two options under RCW 35.17.260, either to pass the proposed ordinance without alteration within twenty days of receiving the county auditor's certificate of sufficiency or submit the measure to the people for a vote.

If the city council elects not to pass the ordinance itself and there is a general election scheduled to occur between 45 and 90 days from the same date, the measure is to appear on the ballot then.<sup>14</sup> a special election must be held on one of the special election dates identified by state law.<sup>15</sup> RCW 35.17.310 requires the city clerk to publish any ordinance required to be submitted to the voters in a daily newspaper between five and twenty days prior to the election.

If there is to be a vote of the people, the city attorney prepares a ballot title under RCW 29A.36.071, composed of three elements: an identification of the enacting legislative body and statement of subject matter, a concise statement describing the measure that may not exceed seventy-five words, and a question asking whether the enactment should be approved or rejected by the voters.

If the initiative receives a majority of the votes cast, under RCW 35.17.310 the proposed measure is adopted and becomes an effective city ordinance immediately upon certification of the election results. The ordinance cannot be repealed or amended except by a vote of the people, which the city council can initiate and submit to the people.

## ii. Referendum

An ordinance subject to referendum does not go into effect until thirty days after passage.<sup>16</sup> If a petition for referendum is filed with the city clerk and found by the county auditor to be sufficient, the city council has two options under RCW 35.17.240, to either reconsider the ordinance within twenty days and repeal it in its entirety or to submit the ordinance to a vote of the people to approve or reject it.

RCW 37.17.250 states that all provisions applicable to a petition for an initiative in terms of the signatures required, the examination and certification, and the submission to the people for a vote also apply to a petition for a referendum and the ordinance it seeks to invalidate. The rules governing the ballot title, publication in a newspaper in general circulation, and the election are the same as under an initiative so if a majority of votes favor repeal of the proposed ordinance it is deemed repealed and does not become effective.

## V. Abandonment of the Power

RCW 35A.11.080 refers to RCW 35A.06.030 in reference to a city's ability to repeal initiative and referendum powers. Repeal is permitted but a city must wait six years after implementing them. No code city has attempted to repeal its initiative and referendum powers. If a code city desired to repeal such powers, there are two methods: either the city council must pass a

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resolution of its intention, proposing the abandonment of the powers or the citizens petition for abandonment of the powers. The petition must be signed by qualified electors not less than 10% of the votes cast at the last general election.<sup>17</sup> An election would be held in accordance with RCW 29A.04.330 and if a majority of voters favored repeal of the initiative and referendum powers, they would be repealed.

#### VI. Examples of Municipal Initiatives and Referenda

In February 2017, Wenatchee held a special referendum election to decide on Propositions 1 and 2 whether to approve the annexations of Maple Island and Walnut/McKittrick Island. Both were overwhelmingly rejected by voters.<sup>18</sup>

In November 2011, with 67% support, Bellingham voters passed Initiative 2011-01 to remove automated cameras that had been installed to issue tickets for violations at red lights, rail crossing, and in school zone; to prohibit any more from being installed without voter approval; and to limit the fines. The initiative was struck down by the Washington Court of Appeals as being beyond the scope of initiative and referendum powers so its effect was instead a non-binding advisory vote which nonetheless had the effect of the city council cancelling its camera contract.<sup>19</sup>

Seattle voters passed Initiative Measure No. 124 in November 2016 with 77% of the vote. The initiative required hotels of a certain size to keep lists of accused guests to protect their employees against assault, sexual harassment, and injury; to limit workloads; to improve healthcare access; and to provide job security when ownership changed hands.<sup>20</sup>

In 2015, Issaquah voters rejected Proposition 1, an initiative to repeal the city's ordinance that banned lightweight plastic bags and imposed a five-cent charge on paper bags. The ordinance remained in place as only 48% of voters supported the initiative.<sup>21</sup>

#### VII. Cost<sup>22</sup>

King County Elections provided estimated ranges of the costs for Kenmore to place a local initiative or referendum on the ballot based on historical actual costs and known future costs. General elections in odd-numbered years are the least expensive because there are other local Kenmore races on the ballot. General elections in even-numbered years and spring elections in February and April are more expensive because Kenmore would not otherwise have any races on the ballot.

Estimated ranges for the additional costs to Kenmore for placing an initiative or referendum on the ballot can be summarized as such:

- General Election, odd-numbered years: \$0
- General Election, even-numbered years: \$35,591 to \$43,500
- Spring Election, any year: \$35,591 to \$39,545

The lone exception to Kenmore's exclusive participation in odd-numbered year elections was in 2016 when the local measure Proposition No. 1, General Obligation Bonds, Walkways and Waterways Improvements, appeared on the ballot. The cost to Kenmore for that election was \$20,250.

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## VIII. Cities That Have Adopted Initiative and Referendum Powers

a. First Class Cities<sup>23</sup>

Aberdeen	Seattle
Bellingham	Spokane
Bremerton	Tacoma
Everett	Vancouver
Richland	Yakima

b. Code Cities<sup>24</sup>

Battle Ground	Gig Harbor	Olympia
Bellevue	Goldendale	Port Angeles
Black Diamond	Issaquah	Puyallup
Blaine	Kahlotus	Rainier
Bonney Lake	Kelso	Redmond
Bothell	Kent	Renton
Brier	La Center	Ridgefield
Burien	Lakewood	Sammamish
Camas	Lake Forest Park	SeaTac
Chelan	Longview	Sequim
Cheney	Lynnwood	Shoreline
Clarkston	Mercer Island	Spokane Valley
Des Moines	Mill Creek	Tukwila
Edgewood	Monroe	Walla Walla
Edmonds	Mountlake Terrace	Washougal
Ellensburg	Mukilteo	Wenatchee
Federal Way	North Bend	Woodinville
Ferndale	Ocean Shores	

<sup>1</sup> Washington State Office of the Secretary of State. “Initiatives and Referenda in Washington State.” Accessed November 8, 2021 at [https://www.sos.wa.gov/\\_assets/elections/initiatives/initiative%20and%20referenda%20handbook%202017%20.pdf](https://www.sos.wa.gov/_assets/elections/initiatives/initiative%20and%20referenda%20handbook%202017%20.pdf)

<sup>2</sup> Id.

<sup>3</sup> Id.

<sup>4</sup> MRSC. “Initiative and Referendum Guide for Washington Cities and Charter Counties.” April 2018. Accessed November 2, 2021 at <https://mrsc.org/getmedia/18593ba0-fa89-4776-84dc-3dcab86b3449/Initiative-And-Referendum-Guide.pdf.aspx?ext=.pdf> (hereinafter “MRSC Initiative & Referendum Guide”).

<sup>5</sup> Id.

<sup>6</sup> Id. at 11.

<sup>7</sup> Id.

<sup>8</sup> Id.; *Ruano v. Spellman*, 81 Wn.2d 820, 823-24 (1973).

<sup>9</sup> *Leonard v. Bothell*, 87 Wn.2d 847, 852-853 (1976), *quoting* Trautman, Initiative and Referendum in Washington: A Survey, 49 Wash. L. Rev. 55, 82-83 (1973).

<sup>10</sup> MRSC Initiative & Referendum Guide.

<sup>11</sup> Id.

<sup>12</sup> RCW 35A.01.040(4).

<sup>13</sup> Id.

<sup>14</sup> RCW 35.17.260(2).

<sup>15</sup> RCW 29A.04.330

<sup>16</sup> RCW 35.17.230, RCW 35A.11.090.

<sup>17</sup> MRSC Initiative & Referendum Guide.

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<sup>18</sup> MRSC. “Initiative and Referendum Powers.” November 8, 2021. Accessed November 10, 2021 at <https://mrsc.org/Home/Explore-Topics/Governance/Special-Topics/Cities-and-Counties-That-Have-Powers-of-Initiative.aspx#examples>

<sup>19</sup> Id.

<sup>20</sup> Id.

<sup>21</sup> Id.

<sup>22</sup> Adams, William. Email to Garrett Oppenheim. November 10, 2021.

<sup>23</sup> Initiative and Referendum Guide for Washington Cities and Charter Counties.

<sup>24</sup> Id.



RESOLUTION NO. 22-375

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, DECLARING THE CITY COUNCIL'S INTENT TO ADOPT FOR THE CITY THE POWERS OF INITIATIVE AND REFERENDUM; PROVIDING FOR PUBLICATION OF THIS RESOLUTION; PROVIDING NOTICE THAT UPON THE EXPIRATION OF THE 90<sup>th</sup> DAY FROM, BUT EXCLUDING THE DATE OF FIRST PUBLICATION OF THE RESOLUTION, IF NO TIMELY AND SUFFICIENT REFERENDUM PETITION IS FILED PURSUANT TO LAW, THE INTENT EXPRESSED IN THIS RESOLUTION SHALL BE EFFECTED BY AN ORDINANCE ADOPTING THE POWERS OF INITIATIVE AND REFERENDUM.

**WHEREAS**, the City of Kenmore is a noncharter code city, and RCW 35A.11.080 authorizes the City Council to provide for the exercise of the powers of initiative and referendum within the City; and

**WHEREAS**, RCW 35A.11.080 specifies that such process shall be done pursuant to RCW 35A.02.020-.035, which includes initiating the process by way of resolution; and

**WHEREAS**, the City Council determines that it would serve the best interest and general welfare of the City to extend the powers of initiative and referendum to the voters of the City of Kenmore; and

**WHEREAS**, the City Council desires to adopt this resolution and initiate the process to establish the powers of initiative and referendum within the City;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:**

Section 1. Declaration of intent. The City Council of the City of Kenmore, Washington, a non-charter optional municipal code city, declares its intention to adopt the power of initiative and referendum pursuant to RCW 35A.11.080, which authorizes the adoption of such powers in accordance with the provisions of state law set forth in RCW 35A.02.020 et seq.

Section 2. Publication. Within ten (10) days after the passage of this resolution the City Clerk shall cause this resolution to be published at least once in a newspaper of general circulation within the City, to wit: the *Seattle Times*.

Section 3. Notice. Notice is given that upon the expiration of the 90<sup>th</sup> day from, but excluding the date of first publication of the resolution, if no timely and sufficient referendum petition has been filed pursuant to RCW 35A.02.035, as determined by RCW 35A.29.170, the intent expressed in this resolution shall, at the next regular meeting of the City Council, be effected by an ordinance adopting for the City the powers of initiative and referendum.

**RESOLVED** by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2022.

APPROVED:

\_\_\_\_\_  
MAYOR NIGEL HERBIG

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
CITY CLERK, ANASTASIYA WARHOL

\_\_\_\_\_  
CITY ATTORNEY, DAWN REITAN

FILED WITH THE CITY CLERK:  
PASSED BY THE CITY CLERK:  
RESOLUTION NO. 22-375

**Subject/Topic:** Rhododendron Park Boathouse Fundraising Update

Department: Community Development

Initial & Date

Approved by City Attorney: N/A

Approved by Finance Director: N/A

Approved by City Manager: NKO for RK 11Jan2022

Proposed Council Action/Motion:  
None, informational only

### Project Budget and Budget Gap:

On 3/9/20, Council voted to accept the staff recommendation to move forward with construction of the Rhododendron boathouse and award the construction contract to GenCap in an amount of \$1,195,826. Council also agreed the City would temporarily fund the budget gap of \$340,000 using Strategic Opportunity Funds on the condition that that amount be subsequently raised by the boathouse fundraising committee and paid back to the City.

The boathouse management agreement also gives the city the right to institute a monthly or quarterly rent if the Fundraising Committee is not on pace to replenish the budget funds after a predetermined amount of time.

The fundraising committee is comprised of members from the George Pocock Rowing Foundation (GPRF), Kenmore Rowing Club (KRC), Northshore School District Athletic Booster Clubs, and other local rowing representatives. The committee disbanded during the pandemic but has reformed and is in the process of

formulating a fundraising strategy. The re-formed committee held its first meeting in mid-January 2022 and will update Council on their plans moving forward.

The effects of the pandemic have been far-reaching on the philanthropic scene and so the fundraising campaign has been delayed and the fundraising strategy is being reconfigured to address the current landscape more appropriately. The committee had previously targeted October 2021 to raise the \$340,000 but provided an updated timeline at the 9/13/21 meeting for raising the \$560,000. The fundraising committee outlined their commitment to raise the funds and commitment to provide quarterly reports to the Council on the status of fundraising efforts.

**FISCAL CONSIDERATION:** March 2020, the City committed \$340,000 of Strategic Opportunity Funds, to fund the budget gap at the time of bid award to be paid back with the funds raised by the fundraising committee. This amount has grown to approximately \$560,000. The Strategic Opportunity fund budgeted 2020 end-fund balance is \$3,200,363. An additional \$220,000 of Strategic Opportunity Funds was allocated to temporarily fill the budget gap.

The amended six-year CIP budget (approved 9/9/19 Ordinance 19-0487) for the years 2019-2024 for the boathouse included \$1,185,019 including the following funding sources. Prior year expenditures of \$56,800 gave a total project budget of \$1,245,018.

State Capital Budget SI889 – \$242,500  
 Northshore School District – \$250,000 towards tenant improvements  
 King County Youth Sports Grant – \$611,000  
 City Park Impact Fees – \$46,094  
 City Real Estate Excise Tax – \$12,800

The six-year CIP budget approved CIP (ordinance 20-0512) 10/12/20 includes \$16,000 of King County park levy funds for the cost of the required 5-year mitigation monitoring costs.

**COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:**

2021—2022 Council Priorities:  
 Council Priority #9 – Implement the Economic Development Plan  
 Council Priority #10 Foster and Create More Fun

**Subject/Topic:** 2022 Annual Docket for the Planning Commission

**Department:** Community Development

**Initial & Date**

Approved by City Attorney: N/A

**Approved by City Manager: RK, 1/10/22**

**Proposed Council Action/Motion:** Council authorization of the Planning Commission's 2022 docket.

1. Staff Analysis and Recommendations for the 2022 Docket
2. Draft Docket/Work Program Prioritization List

- 2024 Comprehensive Plan Update: continued development of recommendations for the Land Use and Housing Elements, including an evaluation of the Transit-Oriented Development District (TOD) and “Missing Middle” housing. Evaluation of the land use classification for the Public Works Shop is included. The project incorporates Zoning Code amendments related to TOD and “Missing Middle” housing.
- 2024 Comprehensive Plan Update: Transportation Element
- 2024 Comprehensive Plan Update: Economic Development, Public Services and Utilities Elements
- 2024 Comprehensive Plan Update: Climate Change Element (incorporating themes from the Climate Action Plan)
- Capital Improvement Program/Capital Facilities Plan amendments

**INFORMATION/BACKGROUND:**

Threshold criteria for inclusion on the annual Planning Commission docket are established in KMC19.20.080. The criteria are:

1. The City has the resources, including staff and budget, necessary to review the proposal; and
2. It has been more than two years since the proposed amendment has been considered unless a compelling reason for changed circumstances can be made; and
3. The proposal would correct an inconsistency within or make a clarification to a provision of the comprehensive plan; or
4. All of the following:

- a. The proposal demonstrates a strong potential to serve the public interest by implementing specifically identified goals and policies of the comprehensive plan; and
- b. The public interest would best be served by considering the proposal in the current year, rather than delaying consideration to a later subarea plan review or plan amendment process.

Once the City Council sets the 2022 annual docket work program, the Planning Commission would spend the year reviewing and discussing the proposed docket amendments before making their recommendations to the City Council. It is anticipated that work on the Land Use and Housing Elements will conclude in 2022, while final action on other docket items would extend into 2023.

**FISCAL CONSIDERATION:** The Community Development Department has budgeted \$150,000 for the Comprehensive Plan update over the 2021-2022 biennium. Staff used consultant assistance in 2021 to develop a public participation plan, conduct a statistically valid survey of residents to provide input to the planning process, and host a community forum on “Missing Middle” housing. The Engineering Department has budgeted \$315,000 in 2022 for the Transportation Element update.

**COUNCIL PRIORITY BEING ADDRESSED:** Most of the City Council’s 2021/2022 priorities are addressed by the Comprehensive Plan update, including Priority 1: “Increase and preserve the options for affordable housing stock;” Priority 2: “...promote Environmental Stewardship...;” Priority 3: “Develop and Implement a Diversity Equity, and Inclusion Policy...;” Priority 6: “Focus on and emphasize multimodal transportation safety...;” and Priority 11: “Engage and educate the community on growth and development in Kenmore.”

## Staff Analysis and Recommendations for 2022 Docket

	Docket Item	Source	Recommendation	Analysis
1.	<b>2024 Comprehensive Plan Update, including:</b> <ul style="list-style-type: none"> <li>• Land Use and Housing Elements, with Zoning Code amendments for TOD and “Missing Middle” housing</li> <li>• Transportation Element</li> <li>• Economic Development Sub-Element</li> <li>• Public Services Element</li> <li>• Utilities Element</li> <li>• Climate Change Element</li> <li>• Capital Improvement Program/Capital Facilities Element</li> </ul>	State-mandated update of full Comprehensive Plan is due by June 2024	Add to 2022 docket	<p>Meets docket criteria:</p> <ul style="list-style-type: none"> <li>• <b><i>The City has the resources, including staff and budget, necessary to review the proposal.</i></b> Community Development staff presently is working on the Land Use and Housing Elements, with assistance from ARCH. Related Zoning Code amendments are included in the project. A Planning Commission recommendation is expected in the first half of 2022.</li> </ul> <p>Once the Land Use and Housing Elements are complete, Community Development staff will begin work on the Economic Development Sub-Element, Public Services Element, and Utilities Element, in conjunction with related agencies such as the Northshore Utility District, Northshore School District, and other service providers.</p> <p>A consultant team has been hired to update the Transportation Element, managed by the City Engineer. This project will include updates to the Capital Facilities Element and the Transportation goals, objectives, and policies.</p> <p>Development of a new Climate Change Element will be a joint effort between the Community Development and Environmental Services Departments.</p> <ul style="list-style-type: none"> <li>• <b><i>It has been more than two years since the proposed amendment was considered.</i></b> The last full Comprehensive Plan update concluded in 2015.</li> <li>• <b><i>This proposal has strong potential to serve the public interest by implementing specifically identified goals and policies of the Comprehensive Plan.</i></b></li> </ul>

Attachment 1

			<p>The project supports Comprehensive Plan Goal 1: “Enhance Kenmore’s quality of life as a place to live, raise children, recreate, work, shop, and socialize.” The Comprehensive Plan update ensures consistency between the goals and policies of Kenmore’s Comprehensive Plan, State growth management requirements, Vision 2050 (the recently adopted multicounty planning policies) and the King County Countywide Planning Policies (amended and awaiting ratification).</p> <ul style="list-style-type: none"><li>• <b><i>The public interest would best be served by considering the proposal in the current year.</i></b></li></ul> <p>The Land Use and Housing Elements are foundations of the Comprehensive Plan and directly impact other Elements, including Transportation, Economic Development, Public Services, Utilities, and Capital Facilities. To complete the State-mandated Comprehensive Plan update by June 2024 (and allow time for review and certification by the Puget Sound Regional Council), work on the Elements must continue in 2022 and beyond. For 2023, it is anticipated that amendments to the final chapters—the Downtown and Community Design Sub-Elements and the Surface Water Element--will be addressed.</p>
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## 2022 DOCKET/WORK PROGRAM PRIORITIZATION

The “docket” is the Planning Commission’s annual work program. Zoning Code Section 19.20.080 provides threshold review criteria for selecting projects to be placed on the docket. Criteria include how long it has been since the issue was last considered (more than two years unless there’s a compelling reason for taking something up again), correction of inconsistencies or clarifications, and serving the public interest.

Another criterion is availability of city resources—whether staffing levels and budget allow review of the proposal. Potential docket items are selected and prioritized using the following assumptions:

1. Community Development (CD) staff time and Planning Commission meeting schedules allow for one major amendment project per year. Two to three additional, smaller amendments also are possible in CD in any given year. Other departments may be able to take on additional amendments.
2. It is more efficient to group smaller amendments into a cohesive package of multiple related amendments. Less time is spent in meetings and hearings with this approach.
3. The Planning Commission must provide a recommendation on Comprehensive Plan amendments, but they also are very useful in developing recommendations for projects that need intensive study, public meetings, or a more in-depth review.

The attached prioritization chart identifies possible work program items recommended by the staff, the City Manager, the Planning Commission, the City Council, or other entities. Some items would be part of the Planning Commission docket. Other items would be presented directly to the City Council. Amendments are grouped by general topic. The proposed year of consideration and lead department are shown. A more complete description of each project follows the chart.

The 2022 Planning Commission docket as recommended by CD staff continues work on the required June 2024 update to the Comprehensive Plan, including the Transportation Element, Climate Change Element, and the Economic Development, Utilities, and Public Services Elements. It is anticipated that work on the Land Use and Housing Elements (and some related Zoning Code amendments) will continue through mid-year 2022 and that the actual adoption of other elements will occur in 2023.

Along with assigning the docket, the City Council may directly review projects that are already consistent with the Comprehensive Plan. Work program items from several departments targeted for direct City Council review in 2022 are identified on the following page.

### **Recommended 2022 Planning Commission Docket**

The recommended 2022 Planning Commission docket is as follows (the number assigned to each project corresponds to its number in the prioritization chart):

#### **June 2024 Comprehensive Plan Update:**

- 3.A Continue work on the Land Use Element of the Comprehensive Plan, including item 5 (TOD District)
- 3.B Continue work on the Housing Element of the Comprehensive Plan, including item 12.B “Missing Middle” housing
- 3.C. Economic Development, Public Services, and Utilities Elements
- 9. Transportation Element
- 15. Climate Change Element
- 20. Capital Improvement Program/Capital Facilities Plan amendments

### **Recommended 2022 Amendments to go directly to City Council**

Amendments proposed to go to the City Council as part of the work program are as follows (listed by lead department):

- Development Services:**
- 16. Tree Regulations (continued discussion of A-E and new items F, G, H and K)
    - A. Change the definition of “significant tree” to include smaller diameter at breast height (DBH) trees;
    - B. Revise tree retention requirements so certain “nuisance species” (i.e., cottonwood and alder) do not receive credit;
    - C. Codify the tree removal application process for existing single-family residences;
    - D. Update the removal penalty language for consistency;
    - E. Change permit timelines so replacement trees get into the ground faster;
    - F. Increase the tree density requirement for new development;
    - G. Decrease yearly allowances for single-family tree removal;
    - H. Always require tree replacement
    - K. Exceptional tree policy

Engineering

- 22. Minor code cleanup amendments
- 10. Transportation Impact Fee study
- 11. Title 12, Streets and Bridges, code revisions
- 21. Title 13 Division 1, Utilities and Public Works, code cleanup amendments

Environmental Services:

- 14. Continue work on the Climate Action Plan
- 21. Title 13 Division 2, Utilities and Public Works, code cleanup amendments

### Prioritization Chart

TBD = still to be determined  
 EN = Engineering  
 ESD = Environmental Services

CD = Community Development  
 DS = Development Services  
 CM = City Manager's Office

Item	Source	Need PC Review?	Recommend PC Review?	Amendment scope	Could it be grouped ?	Lead Department	Year?
<b>LAND USE</b>							
1. Downtown uses	EDS*	Yes, if policy needed	Yes	Medium	Yes	CD	2023+
<del>2. Revisit marijuana researcher locations (Bastyr)</del>	<del>Staff</del>	<del>No</del>	<del>No</del>	<del>Small</del>	<del>No</del>	<del>CD</del>	<del>2022+**</del>
2. Heavy manufacturing amortization	Staff	No	No	Medium	No	CM	2023+
3. Comprehensive Plan Update (due June 2024): A. Land Use Element B. Housing Element C. Other Elements	State	Yes	Yes	Large	No	CD CD CD	2021/2022 2021/2022 2022+
4. Lakepointe Subarea Plan	Staff	Yes	Yes	Large	Yes	TBD	2023+
5. Expansion of the TOD District in downtown	Staff, EDS	No	Yes	Medium	Yes	CD	2021/2022

Item	Source	Need PC Review?	Recommend PC Review?	Amendment scope	Could it be grouped ?	Lead Department	Year?
<b>TRANSPORTATION/TRANSIT</b>							
6. Transit corridor parking standards	Staff	Maybe	Yes	Large	No	DS	2023+
7. CTR ordinance	State	No	Yes	Medium	Yes	CD	2023+
8. Airport Plan	State	Yes	Yes	Large	No	CD	2023+
9. Comprehensive Plan Update (due June 2024): Transportation Element	State	Yes	Yes	Large	Yes	EN/CD	2022/2023
10. Transportation impact fee study	State	No	No	Medium	Yes	EN/CD	2022
11. Title 12, Streets and Bridges, code revisions	Staff	No	No	Medium	No	EN	2022
<b>AFFORDABLE HOUSING</b>							
12. Housing Strategy Plan: A. Finish mobile home park regulations B. Missing Middle housing	Comp Plan	No	Yes	Medium	Yes	CD	2023+  2021/2022
13. Increase SEPA review housing thresholds	PC	No	No	Medium	No	TBD	2023+
<b>SIGNS</b>							

<b>SUSTAINABILITY</b>							
14. Climate Action Plan	Council	No	No	Large	Yes	ESD	2021/2022
15. Comprehensive Plan Update (due June 2024): Climate Change Element <b>NEW</b>	State	Yes	Yes	Large	Yes	ESD/CD	2022/2023
<b>PARKS</b>							
<b>CRITICAL AREAS</b>							
<b>TREES</b>							
16. Tree protection/preservation Items A-E Items F, G, H, and K Items I and J	Staff/ Council	No	Yes	Large	Yes	DS	2021/2022 2022 2023+
<b>ECONOMIC DEVELOPMENT</b>							
17. Economic Development Strategy: A. Incentives for office development B. Address additional priorities	EDS	No	Yes	Medium	Yes	CD/CM	2023+ 2023+
<b>MISCELLANEOUS</b>							
18. Review general change-of-use standards	Staff	No	No	Small	Yes	TBD	2023+
20. Commercial change-of-use standards related to impact fees	Staff	No	No	Small	No	DS	2021***

21. Historic preservation code update	Staff	No	No	Medium	No	CM	2022+**
22. Address franchise requirements	Staff	No	No	Large	No	TBD	2022+****
19. Expand Multifamily Tax Exemption (MFTE) in downtown area(s)	Staff	No	No	Medium	No	TBD	2023+
20. CIP/CFP amendments	Staff	Yes	Yes	Small	Yes	CD	2022
21. Title 13 code cleanup amendments	Staff	No	No	Small	Yes	EN/ESD	2022
22. Development code cleanup amendments	Staff	No	No	Small	Yes	DS	2022

\*Economic Development Strategy

\*\* Eliminated, given lower priority. Staff will continue to monitor any important revisions or updates to regulations enacted by King County or the State to determine if future code changes are necessary.

\*\*\*Incorporated into item 22, Minor code cleanup

\*\*\*\*Incorporated into item 11, Streets and Bridges, code revisions

### **Explanation of Prioritization Chart Items**

Following are more complete descriptions of each item in the docket prioritization chart:

#### **LAND USE**

1. Downtown uses. This project would review permitted land uses in the downtown, considering the possibility, for example, of allowing clean light manufacturing.
2. ~~Revisit marijuana researcher locations (Bastyr). State law has added a new class of marijuana business—a marijuana researcher—to the list of possible marijuana licensees. Bastyr may be interested in the future in becoming a marijuana researcher and the university has asked that we add this consideration to the list of possible future code amendments.~~
2. Heavy manufacturing amortization. This project would review the feasibility of amortizing existing heavy manufacturing uses, potentially through property-owner agreements.
3. Comprehensive Plan Update, including (A) Land Use Element, (B) Housing Element, and (C) other Elements. The State-required update of the City's Comprehensive Plan is due in June 2024. The Land Use and Housing Elements are presently being considered by the Planning Commission. As part of the Land Use Element consideration, the Planning Commission will be making a recommendation on the land use classification of the Public Works Shop property. The Transportation Element is the next Element for review (item 9), proposed for 2022. The Climate Action Element (item 15), Economic Development Sub-Element, the Public Services Element, and the Utilities Elements also would be started in 2022. Remaining Elements would be targeted for the 2023 docket.
4. Lakepointe Subarea Plan. The planned future of the Lakepointe site could be considered if talks with a private developer are stalled.
5. Expansion of the Transit-Oriented Development (TOD) District. The City's TOD was established in 2015. In preparation for Bus Rapid Transit (BRT) in Kenmore in 2024, expansion of the TOD District would be considered. This project could be combined with the Comprehensive Plan Land Use Element update.



### **TRANSPORTATION/TRANSIT**

6. Transit corridor parking standards. This project would assess existing parking standards to determine whether parking requirements could be reduced, consistent with State law. (Currently, an applicant may reduce parking requirements if documented through a parking demand analysis.)

7. CTR ordinance. State law requires that cities have a commute trip reduction (CTR) ordinance applicable to businesses which have more than 100 full-time employees. State CTR funds are not available to jurisdictions without an ordinance. Kenmore's largest employer, Bastyr University, already has its own CTR plan, required through the Bastyr University Master Plan.

8. Airport Plan. State law requires that cities with airports have an Airport Plan in place to protect continued operation of the airport. Kenmore has incorporated information and a number of policies into its Comprehensive Plan related to Kenmore Air that would be addressed through SEPA review for new development proposals, however, a formal airport plan has not been developed.

9. Transportation Element update. The Transportation Element was updated in 2014 as part of the 2015 Comprehensive Plan update. In preparation for the 2024 Comprehensive Plan update, the Transportation Element will need review.

10. Transportation impact fee study. Transportation impact fees would be reviewed in conjunction with the Transportation Element update.

11. A list of possible amendments to the City's street standards is maintained by EN. This project also would include review of potential new regulations related to transit stops and stations, and other amendments to update Title 12. Former item 22. To address franchise process and requirements, also would be incorporated.

### **HOUSING**

12. Housing Strategy Plan follow-up. This project includes review of priority items from the Housing Strategy Plan. Phase 2 of the manufactured housing communities project was put on hold pending appeal of the Phase 1 ordinance. That appeal is ongoing and likely will not be resolved until 2022. For this reason, staff is recommending that the project be removed from the docket until 2023+. For 2021, one new strategy was recommended: A.1.c Flexibility in single family neighborhoods for

small scale housing (e.g. Missing Middle housing such as cottages, duplexes). Consideration of Missing Middle housing builds on the panel discussion held in October 2019 and positions the City to address possible new state direction that may incentivize or mandate this type of development. It also provides significant direction to the Land Use and Housing Elements of the Comprehensive Plan.

13. Increase SEPA review thresholds for housing. State law allows the SEPA exemption level to be raised from 20 multifamily units to 60 multifamily units and 20 single-family units to 30 single-family units. To increase these thresholds, the City must demonstrate that existing regulations adequately provide for environmental analysis, protection and mitigation of impacts to the environment.

#### **SIGNS**

No items are on the list at this time.

#### **SUSTAINABILITY**

14. Climate Action Plan. Continue work on the Climate Action Plan to establish actions the City and community can take to reduce greenhouse gas (GHG) emissions and identify strategies that increase Kenmore's ability to adapt to upcoming climate change impacts.

15. **NEW** Climate Change Element. Following development of the Climate Action Plan, a new Comprehensive Plan Element, required as part of the 2024 Comprehensive Plan update, would address climate change.

#### **PARKS**

No items are on the list at this time. The Parks, Recreation and Open Space Plan and Comprehensive Plan Element were updated in 2020.

#### **CRITICAL AREAS**

No items are on the list at this time. Critical area and shoreline rules were updated in 2019/2020.

#### **TREES**

16. Tree protection/preservation. This project includes several actions, some of which were started in 2021, including:  
A. Change the definition of "significant tree" to include smaller diameter at breast height (DBH) trees;

- B. Revise tree retention requirements so certain “nuisance species” (i.e., cottonwood and alder) do not receive credit;
- C. Codify the tree removal application process for existing single-family residences;
- D. Update the removal penalty language for consistency;
- E. Change permit timelines so replacement trees get into the ground faster;
- F. Increase the tree density requirement for new development;
- G. Decrease yearly allowances for single-family tree removal;
- H. Always require tree replacement;
- I. Establish maximum floor area ratios (F.A.R.) to limit the size of single-family residences;
- J. Create a tree fund for instances where replacement is infeasible (“fee in lieu”); could include tree rebate program for planting on single-family lots.
- K. Establish an exceptional tree program

#### **ECONOMIC DEVELOPMENT**

17. Economic Development Strategy follow-up. This project includes review of priority items from the Economic Development Strategy that was adopted in 2018. As part of the 2020 docket, a review of incentives for office development (18.A) was scheduled. This work was dependent on recommendations from a consultant being managed through the City Manager’s office. For a variety of reasons (docket delay due to Covid, limited opportunities for land use incentives according to the consultant, and the importance of starting the Comprehensive Plan update in 2021), staff recommends a delay until at least 2023.

#### **MISCELLANEOUS**

18. Review general change-of-use standards. When a business changes from one type of use to another, the Zoning Code process for review is unclear. The Building Code has change of use standards. Standards in the Zoning Code need adjustment to clarify the required permit process.

~~20. Commercial change-of-use standards related to impact fees. This project would clarify the relationship between commercial change of use and payment of impact fees.~~

~~21. Historic preservation code update. This code has not been updated for several years and adjustments are needed. In particular, a code amendment to provide more flexibility for change of use of historic properties could be considered.~~

~~22. Address franchise requirements. As a result of numerous recent franchise requests, it may be appropriate to consider a separate Municipal Code chapter outlining the franchise process and requirements.~~

19. Expand the Multifamily Tax Exemption (MFTE). The MFTE can be used in some parts of the downtown but is not available in other areas of the City. Adding MFTE to the TOD District is complete. The City may wish to expand the MFTE to other parts of the City's downtown, including Lakepointe.

20. Capital Improvement Program (CIP)/Capital Facilities Plan (CFP) amendments, if necessary. Amending the CIP to add or remove significant capital projects requires Planning Commission consideration of Comprehensive Plan amendments.

21. Title 13 code cleanup amendments. Staff has identified several minor code provisions in Title 13, Utilities and Public Works, needing revision. Division 1 would be addressed by EN; Division 2 by ESD.

22. Development code cleanup amendments. Staff has identified several minor code provisions in the Subdivision and Zoning Codes needing revision. Former item 20. would be incorporated into these amendments.