



City of Kenmore - 18120 68th Avenue NE - P.O. Box 82607 - Kenmore, WA 98028
Phone: 425-398-8900 - Fax: 425-481-3236 - E-mail: cityhall@kenmorewa.gov

City of Kenmore
REVISED Regular City Council Meeting Agenda
7:00 p.m., Monday, February 26, 2018
Kenmore City Hall, Council Chambers
18120 68th Ave. NE, Kenmore, WA 98028

If you have any questions or to confirm agenda items prior to the meeting, or if you require special accommodations, please call the City Clerk at 425-398-8900. You may also stop by City Hall at 18120 68th Avenue NE, Kenmore. Council agendas are also available on our website at www.kenmorewa.gov.

I. CALL REGULAR MEETING TO ORDER

II. ROLL CALL

III. FLAG SALUTE

IV. AGENDA APPROVAL

V. PRESENTATION

- A. Arts and Culture events in Kenmore - Sara Solum Hayashi, The Arts of Kenmore
[Flyer](#)

VI. PROCLAMATION

- A. Vicki L. Sherwood, Retiring Inglemoor High School Principal, Week in the City of Kenmore (March 5 through March 9, 2018)

VII. CITIZEN COMMENTS

- A. This is an opportunity to express your views on issues that are important to you and to the community. Please limit your comments to three (3) minutes.

VIII. CONSENT AGENDA

- A. Cancel the Regular Council Meeting of March 12, 2018 (Next regularly-scheduled Council meeting is March 19, 2018)
- B. Regular Council Meeting Minutes of January 22, 2018
[Minutes](#)

- C. Authorize the City Manager to Execute Contract No. 18-C1827 with Olympic Environmental Resources
[Agenda Item](#)
- D. Authorize the City Manager to Enter into a Service Agreement with King County Department of Adult and Juvenile Detention Community Work Program
[Agenda Item](#)
- E. Approve City Council Retreat Summary Report, Including City Council Goals
[Agenda Item](#)
- F. Receive and File the November, 2017 Financial Report for the City of Kenmore
[Agenda Item](#)

IX. BUSINESS AGENDA

- A. Amendments to Kenmore Municipal Code Chapter 1.10 - Disclosure of Public Records and Fixing an Effective Date - Ordinance 18-0460
[Agenda Item](#)
- B. Amendments to Kenmore Municipal Code Section 1.20.010 and Chapter 8.25 - Nuisance Ordinance 18-0461
[Agenda Item](#)

X. STAFF REPORT

XI. COUNCILMEMBER REPORTS & COMMENTS & INITIATIVES

XII. ADJOURNMENT

- 1. Upcoming Meetings:
 - Monday, March 12, 2018 - Canceled
 - Monday, March 19, 2018 - Regular Council Meeting
 - Monday, March 26, 2018 - Regular Council Meeting

March 2 Hispanic Arte & Culture Juried Exhibition

The Arts of Kenmore Gallery at Kenmore City Hall will exhibit culturally interpretive works by local artists of Hispanic and Latino heritage, curated to enrich and engage our growing Northshore community. March 2 through May 24.

April 13 Cultural Mixer

Open to the public at Kenmore City Hall 3:30pm to 8:30pm. Inclusion event providing opportunity for businesses, vendors, food and entertainers to promote services and practices, and gain exposure on the northside.

May 5 Cinco de Mayo

Fiesta is open to the public at Kenmore's Hangar and Town Square 1:30pm to 8:30pm. Activities include Salsa dance class, live DJ, art activities for kids, food trucks, history presentation and entertainment. Ole!

Key Community Organizers:

Arts of Kenmore	Sara Solum Hayashi	art4ussh@aol.com	
Bizdiversity, LLC	Samuel Rodriguez	sam@bizdiversity.net,	www.Bizdiversity.net
El Siete Días	Raul Perez Calleja	raulperez@elsietedias.com	

Key Community Involvement:

Elisabeth Meza – Northshore School District, English Language Learners and Natural Leaders programs

Arte Competition Jurors:

Juan Alonso-Rodríguez	Seattle Arts Commissioner
Alfredo Arreguín	Distinguished International Artist



**City of Kenmore, Washington
City Council Regular Meeting Minutes
January 22, 2018**

CALL REGULAR MEETING TO ORDER — The Kenmore City Council meeting was called to order by Mayor Baker at 7:30 p.m.

Councilmembers present:

Mayor David Baker
Deputy Mayor Nigel Herbig
Councilmember Joe Marshall
Councilmember Milton Curtis
Councilmember Debra Srebnik
Councilmember Stacey Denuski
Councilmember Brent Smith

Staff present:

Rob Karlinsey, City Manager
Nancy Ousley, Assistant City Manager
Joanne Gregory, Finance and Administration Director
Debbie Bent, Community Development Director
John Vicente, City Engineer
Lauri Anderson, Senior Planner
Dawn Reitan, City Attorney
Kelly Chelin, City Clerk

FLAG SALUTE

The Council led the flag salute.

AGENDA APPROVAL

The agenda was approved as submitted.

CITIZEN COMMENTS

There were no comments from the audience.

CONSENT AGENDA

MOTION: Deputy Mayor Herbig made a motion to approve the consent agenda, Mayor Baker seconded the motion. The motion passed unanimously.

The consent agenda included the following:

The Following Checks and Electronic Payments are Approved for Payment:

Total Check #38783 through #38896 in the amount of \$486,674.13.

Total Payroll/Taxes/Flexible Spending and Health Savings Account Electronic Deposits Dated: 1/5/08 in the amount of \$92,196.10.

Payroll Check #10085-10086 Totaling \$678.99.

Receive and File the September 2017 Financial Report for the City of Kenmore - Joanne Gregory, Finance and Administration Director

PUBLIC HEARING

Consideration of Ordinance 18-0458 to Include the Relocation and Removal of Utilities in the Right of Way - Nancy Ousley, Assistant City Manager and John Vicente, City Engineer

Staff explained that the purpose of this ordinance is to include language in the Kenmore Municipal Code (Code) that addresses the removal and relocation of utilities within the right of way. The Code does not clearly address removal and/or relocation of utilities with the City's right of way. The added language will enhance the City's ability to ensure that utilities within the right of way are managed efficiently.

Ordinance 18-0458 would add the following changes to the Code:

- 12.05.015 Construction intent: adds new section to clarify the intent of this section of the code regarding compliance
- 12.05.030 Definitions: adds the definition of "utilities"
- 12.05.040 Removal of facilities/equipment: adds new section regarding requirements for removal, relocations and rerouting of utilities in the right of way
- 12.05.050 Violation: adds new section providing authority to City Manager to enforce Title 12
- 12.35.030 Permit - Additional requirements: adds language that permits issued are subject to Chapter 12.05
- 12.55.110 Construction permit - Form: adds language that forms are also subject to Chapter 12.05.

Mayor Baker opened the public hearing for public comment at 7:35 p.m.

There were no comments from the public.

Mayor Baker closed the public hearing at 7:36 p.m.

BUSINESS AGENDA

Ordinance 18-0458 to Include the Relocation and Removal of Utilities in the Right of Way - Nancy Ousley, Assistant City Manager and John Vicente, City Engineer

MOTION: Councilmember Curtis made a motion to approve Ordinance 18-0458 to Include the Relocation and Removal of Utilities in the Right of Way, Councilmember Denuski seconded the motion. The motion passed unanimously.

Ordinance 18-0456 Approving a Non-Exclusive Dual Franchise Agreement with Puget Sound Energy, Inc. and Contract No. 18-C1820 Memorandum of Understanding with Puget Sound Energy, Inc. on Performance and Reliability Reporting - Nancy Ousley, Assistant City Manager

Julien Lou, Government Affairs and Raelynn Asah, Municipal Relations from Puget Sound Energy presented to the Council. They explained that the proposed agreements work in concert to: 1) permit and set the conditions for Puget Sound Energy to locate its electrical and natural gas facilities in the public right of way and 2) require actions to report on and identify ways to

improve electrical service reliability in Kenmore. The current Franchise Agreement between the City of Kenmore and Puget Sound Energy was approved in 2005. The proposed Agreement is for a five- year term, with the ability to extend an additional five years by mutual agreement. As a privately-owned utility, PSE is regulated by the Washington Utilities and Transportation Commission.

Right of Way provisions in the Franchise Agreement that have been updated and strengthened include: improved mapping of PSE facility locations; reporting on known third party users of PSE facilities; detailed procedures for relocating facilities that interfere with City public works projects; and accelerated vegetation patrols and trimming to reduce contact with electrical wires. Procedures requiring disabling decommissioned natural gas facilities have also been added.

Declining electrical reliability and increasing incidences of outages caused widespread inconvenience, loss of business productivity and health concerns for Kenmore residents and businesses in recent years. The Administration and Council have called for a turnaround in electrical service reliability, and PSE has made some investments in 2016 and 2017 to improve electrical service in certain areas of the city. Information on the projects is available through this link to the PSE website: <https://pse.com/inyourcommunity/pse-projects/system-improvements/Pages/Kenmore-electric-system-improvements.aspx>.

The Memorandum of Understanding (MOU), which must be approved in order for the Franchise Agreement to take effect, requires annual detailed reports to the City Council and community on the frequency and duration of outages and how those metrics compare to the PSE system as a whole as well as neighboring jurisdictions served by other utilities. The MOU also covers identifying investments to improve reliability, improved ways of communicating with property owners who have utility easements that PSE needs to access for maintenance and repairs, and detailed procedures for emergency services and City long range planning cooperation.

The City of Bellevue is one other city that has a MOU with PSE, but the proposed agreement with Kenmore covers more topics in much greater detail.

The City commissioned an Electrical System Reliability Assessment in 2016 from Exponent Failure Analysis Associates, Inc., which confirmed the crisis in reliability in Kenmore in comparison to the overall PSE system and recommended actions that could improve power reliability in Kenmore. The report notes that seven of the ten electrical circuits in Kenmore performed in the lowest quartile of the entire PSE system.

Council and staff engaged in a discussion.

Staff will continue to work with Puget Sound Energy on the need for metrics and finalizing the franchise. This item will come back to another meeting for further discussion.

2018 Annual Docket for the Planning Commission - Debbie Bent, Community Development Director and Lauri Anderson, Senior Planner

Director Bent and Planner Anderson reviewed the proposed 2018 annual Planning Commission docket to the Council. Staff recommends that Council assign four projects to the Planning Commission for review:

- Housing Strategy Plan: Finish work on mobile home park policy recommendations
- Critical area rules update
- Rewrite/consolidate floodplain rules
- Shoreline Master Program (SMP) update.

The Planning Commission has been working since last fall on land use strategies related to preservation of existing affordable housing in the mobile home parks. It is anticipated that they will complete their work on the project this spring and forward a recommendation to the City Council.

The critical area, floodplain and SMP updates would be combined into a single project in front of the Planning Commission to be taken up upon completion of the mobile home park project. The City is required by State law to update the SMP by June 30, 2019. The critical area and floodplain rules updates are closely tied to the SMP update.

The annual docket review process, outlined in Chapter 19.20 of the KMC, determines which amendments to the City's Comprehensive Plan and related development regulations will be forwarded to the Planning Commission for their review and recommendation during the year. Private applicants have the opportunity to submit requests for amendments during an open docket application period, which, for 2018, occurred in November of 2017. The City received no private requests for docket amendments during this period.

A number of projects have been identified by staff, the City Manager, the Planning Commission, the City Council, and others as work program or potential docket items.

Threshold criteria for inclusion on the annual 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.

KMC 19.20.060.D.3 states that the City Council's options for each docket proposal are as follows:

- Accept application for review by the planning commission in the current amendment cycle;
- Recommend delay of the amendment to the next amendment cycle; or
- Denial of the amendment request based upon criteria set for in KMC 19.20.080 or other findings of fact.

Once the City Council sets the 2018 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.

MOTION: Deputy Mayor Herbig made a motion to approve the Planning Commission's annual docket, Councilmember Curtis seconded the motion. The motion passed unanimously.

Municipal Code Amendments Related to School Impact Fees - Debbie Bent, Community Development Director

Representatives from the Northshore School District were present to make the District's case for school impact fees and to answer Councilmember questions about those fees. Although the District may request school impact fees, it is a City Council decision to assess them. The Council also would determine the appropriate amount of the fee after reviewing the fees as calculated in the District's Capital Facilities Plan.

Proposed school impact fees based on the 2017 Northshore Capital Facilities Plan (see Attachment 1) are as follows:

Single-family and Townhome: \$10,573

Multifamily: \$0

The Capital Facilities Plan provides more detail on the fee calculations beginning on page 30.

After the School District's presentation, staff is looking for direction from the Council on whether or not to draft Municipal Code amendments that could require school impact fees. The City first adopted the King County school impact fee ordinance provisions by reference upon incorporation in 1998 and amended those provisions in 1999. For several years thereafter the City assessed school impact fees on behalf of the School District. The City stopped assessing fees when the School District did not request a fee due to declining enrollment and/or lack of a growth-related capacity project. The School District's most recent Capital Facilities Plan provides a basis for the current fee request. If the Council wishes to consider the current proposal for school impact fees, staff will identify policy issues to be discussed at a future meeting, prior to the Council taking final action. If the Council ultimately chooses to assess fees, an existing interlocal agreement, executed in 1998, with the School District is in place but may require amendment.

In January 2017, the Northshore School District requested that the City assess school impact fees. As language in the Comprehensive Plan stated that the District was not eligible to collect any impact fees for growth, the City Council assigned related Comprehensive Plan amendments to the Planning Commission as part of the 2017 docket. The Planning Commission's task was to "set the table" to make the City Council's ultimate decision on school impact fees (whether or not to assess them) consistent with the Comprehensive Plan.

As part of the Planning Commission deliberations on the Comprehensive Plan changes, they asked staff and the District for responses to several questions. The following is that information:

1. Would the school impact fee apply to ADUs? Response: According to the School District, this is a City policy decision. However, the District is not aware of any other jurisdiction

that has applied impact fees to ADUs and the District does not calculate a fee applicable to ADUs.

2. Does the City have to assess and receive the fees? Response: Per State law, the local jurisdiction (city, county) must assess the fees on behalf of a school district and may act as the point of collection of the fees. Transfer of funds to the school district can be handled through an interlocal agreement. Most jurisdictions receive school impact fees directly from building permit applicants and then transfer the fees to the school district. The 1998 Interlocal Agreement requires the District to receive fees directly from building permit applicants.

3. What is the formula the School District used for the impact fee calculation? Response: See the Northshore School District Capital Facilities Plan for the methodology. The formula is identical to the formula adopted in the King County Code and used by jurisdictions throughout the state.

4. The numbers provided are District-wide, but are the multifamily/single-family ratios appropriate for Kenmore? Response: The student factors are calculated District-wide, but are based on actual student generation rates from new construction in the previous five-year period.

The Planning Commission suggested that the City Council consider the following during the school impact fee discussion:

1. Will there be an unintended consequence of encouraging multifamily development and discouraging new single-family development in the city with this strategy? (The School District representative will be addressing the possibility of school impact fees for multifamily development at the Council meeting.)

2. How/will the State school funding formula impact this proposal?

Council and staff engaged in a discussion. This item will come back to the Council at a future meeting.

STAFF REPORT

68th Avenue NE Pedestrian and Bicycle Safety Improvements Project – Incorporating Bike lanes at Stream Crossing Pinch Point

NE 181st Street Sidewalks (65th Avenue NE – 67th Avenue NE) Design Update

City Manager Karlinsey and City Engineer Vicente gave an update on each of the reports above.

COUNCIL REPORTS

Councilmember Srebnik thanked Traffic Engineer Brett Schock for all his assistance on the traffic calming issues/questions around the City. She also thanked staff for coordinating the recent meeting at Arrowhead Elementary.

Councilmember Smith thanked City Manager Karlinsey for his great speech and performance at the recent State of the City address.

Mayor Baker reported on a few recent meetings he attended.

ADJOURNMENT

Mayor Baker adjourned the meeting at 10:04 p.m.

ATTEST:

David Baker, Mayor

Kelly M. Chelin, City Clerk

VIII. C. Authorize the City Manager to Execute Contract No. 18-C1827 wit...

<u>COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:</u> Economic Development and Effective and Efficient Services

City of Kenmore
CONTRACT FOR SERVICES
Recycling Event Project Management
Contract No. 18-C1827

This Agreement is entered into by and between the City of Kenmore, Washington, a municipal corporation ("City") and Olympic Environmental Resources, whose principal office is located at 4717 SW Walker St., Seattle, WA 98116 ("Contractor").

WHEREAS, the City desires to have certain services performed for its citizens;
and

WHEREAS, the City has selected the Contractor to perform such services pursuant to certain terms and conditions;

NOW, THEREFORE, in consideration of the mutual benefits and conditions set forth below, the parties agree as follows:

1. Scope of Services to be Performed by Contractor. The Contractor shall perform the services described in Exhibit "A" of this Agreement. In performing the services, the Consultant shall comply with all federal, state and local laws and regulations applicable to the services. The Contractor shall perform the services diligently and completely and in accordance with professional standards of conduct and performance.

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 "B".

 X A sum not to exceed **\$80,162.94**

 Other (describe): _____

The Contractor shall complete and return to the City Exhibit "D," Tax Identification Number," prior to or along with the first billing invoice. The City shall pay the Contractor 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 on January 1, 2018 and ending, December 31, 2019 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 Contractor 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 Contractor. The Contractor and the City agree that the Contractor is an independent contractor with respect to the services provided pursuant to this Agreement. The Contractor 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.

6. Indemnification.

A. The Contractor shall protect, defend, indemnify and save harmless the City, its officers, employees and agents from any and all costs, claims, suits, losses or liabilities of any nature, including attorneys' fees, arising out of or in connection with the negligent acts or omissions of the Contractor, its officers, employees and agents in performing this Agreement.

B. The City shall protect, defend, indemnify and save harmless the Contractor, its officers, employees and agents from any and all costs, claims, suits, losses or liabilities of any nature, including attorneys' fees, arising out of or in connection with the negligent acts or omissions of the City, its officers, employees and agents in performing this Agreement.

7. Insurance.

The Contractor 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 Contractor, its agents, representatives or employees.

A. Minimum Scope of Insurance.

Contractor 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 contractors, and personal injury and advertising injury. The City shall be named as an insured under the Contractor'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 Contractor's profession.

B. Minimum Amounts of Insurance.

Contractor 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, \$1,000,000 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 Provisions.

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 Contractor'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 Contractor's insurance and shall not contribute with it.

2. The Contractor'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.

Contractor 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 Contractor 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 Contractor shall also maintain such other 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 termination of this Agreement, unless permission to destroy them is granted by the Office of the Archivist in accordance with Chapter 40.14 RCW 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.

A. The City reserves the right to terminate or suspend this Agreement at any time, with or without cause, upon seven (7) 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 Contractor pursuant to this Agreement shall promptly be submitted to the City.

B. In the event this Agreement is terminated or suspended, the Contractor 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 Contractor's insurance coverage is canceled for any reason, or if the Contractor is unable to perform the services called for by this Agreement.

D. The Contractor reserves the right to terminate this Agreement with not less than fourteen (14) 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 Contractor shall not discriminate against any employee, applicant for employment, or any person seeking the services of the Contractor under this Agreement, on the basis of race, color, religion, creed, sex, sexual

orientation, age, national origin, marital status, or presence of any sensory, mental or physical disability.

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

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

14. Confidentiality. All information regarding the City obtained by the Contractor in performance of this Agreement shall be considered confidential. Breach of confidentiality by the Contractor 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 Contractor 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 provision 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. 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:

Jennifer Gordon
City of Kenmore
P.O. Box 82607
Kenmore, Washington 98028-0607

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

Paul Devine
Olympic Environmental Resources
4717 SW Walker St.
Seattle, WA 98116

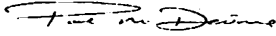
18. Applicable Law; Venue; Attorneys' Fees. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. In the event any suit, arbitration or other proceeding is instituted to enforce any term of this Agreement, the parties specifically understand and agree that venue shall be exclusively in King County, Washington. The prevailing party in any such action shall be entitled to its attorneys' 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 Contractor, 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.

DATED this _____ day of _____, 2018.

CONTRACTOR: OLYMPIC ENVIRONMENTAL
RESOURCES

CITY OF KENMORE:

BY: 

BY: _____

Paul Devine
Title: General Manager

Rob Karlinsey
Title: City Manager

Address: 4715 SW Walker St
Seattle, WA 98116

EXHIBIT A
Scope of Services

2018-19 City of Kenmore Recycling Projects

City of Kenmore Project Manager
Jennifer Gordon
425-984-6160
jgordon@kenmorewa.gov

Residential Recycling Collection Events

The events are tentatively scheduled for spring (May, June) and fall (September, October, November) of 2018 and 2019. At the events the following materials will be collected and recycled: tires, batteries, Styrofoam, mattresses, bulky yard waste (large material only), scrap wood, appliances (including refrigerators, freezers, household air conditioners, and other appliances), ferrous metals, nonferrous metals, cellular phones, electronic equipment, computer equipment, textiles, shredded paper, reusable or recyclable household goods, porcelain toilets and sinks, propane tanks, and other materials whenever practical. User fees will apply to the collection of some materials.

EXHIBIT B
Rate Schedule

The project budget will incorporate the City of Kenmore grant funds available from the Seattle-King County Health Department, King County Solid Waste Division, and the Washington State Department of Ecology Coordinated Prevention Grant. OER will assist Kenmore with grant administration and reimbursement requests. Total grant funds are **\$80,162.94** and include all items that will be billed to the grants directly by the City, such as City staff time.

All costs incurred by Olympic Environmental Resources associated with the annual recycling collection events are completely covered by grant funds. Olympic Environment Resources is available to provide additional services at the request of the City of Kenmore. Olympic Environment Resources hourly rates are: Project Manager - \$70/hour and Recycling Event Staff - \$55/hour. For 2018-19, the total contract shall not exceed **\$80,162.94**. Of this, no more than \$45,000 will be spent on administrative expenses.

The City of Kenmore is eligible and has applied for the following grants. It is expected that no non-grant City funds will be expended on recycling projects in 2018-19. The recycling budget is based on the following:

2018 King County Solid Waste Division WRR Grant Total	\$13,312.00
2019 King County Solid Waste Division WRR Grant Total - estimate	\$16,000.00
2018 King County Health Department Grant	\$ 9,650.94
2019 King County Health Department Grant - estimate	\$11,000.00
2018-19 Ecology CPG Grant – through June, 2019 - estimate	\$17,200.00
2019-20 Ecology CPG Grant – from July - December, 2019 – estimate	\$ 6,000.00
Contingency in case additional grant funds come available	\$ 7,000.00
2018-2019 Total	\$80,162.94

EXHIBIT C
City of Kenmore
Billing Invoice

To: City of Kenmore
PO Box 82607
Kenmore, Washington 98028
Phone: (425) 398-8900
Fax: (425) 481-3236

Invoice Number: _____ Date of Invoice: _____

Consultant: _____

Mailing Address: _____

Telephone: () _____

Contract Period: _____ Reporting Period: _____

Amount requested this invoice: \$ _____

Attach itemized description of services provided.

Specific Program: _____

Authorized signature

For Department Use Only

BUDGET SUMMARY

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

Approved for Payment by: _____ Date: _____

Subject/Topic: Contract No. 18-C1829 for services with King County Community Work Program	For Council Meeting Agenda of: February 26, 2018 Department: Public Works Prepared by: Jennifer Gordon, Public Works Ops Manager Initial & Date Approved by Department Head: <u>[Signature] 2/18/18</u> Approved by City Attorney: <u>[Signature]</u> Approved by Finance Director: <u>[Signature] 2/13/18</u> Approved by City Manager: <u>[Signature] P&K</u>
Proposed Council Action/Motion: Authorize City Manager to Enter into a Service Agreement with King County Department of Adult and Juvenile Detention Community Work Program (CWP).	Exhibits/Attachments: Contract No. 18-C1829

<u>COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:</u>
Economic Development

City of Kenmore Contract No. 18-C1829

Agreement

Between the

**DEPARTMENT OF ADULT & JUVENILE DETENTION
COMMUNITY CORRECTIONS DIVISION
COMMUNITY WORK PROGRAM**

And

The City of Kenmore

For

2018 SERVICES

THIS AGREEMENT is entered into between The City of Kenmore and THE KING COUNTY DEPARTMENT OF ADULT AND JUVENILE DETENTION ("County").

1. SERVICES BY COUNTY

County shall provide the City with a work crew to perform the services described in the scope of work attached hereto as Exhibit A ("Services"). The City shall identify the priority, locations and expectations and desired times for performance of the Services. County shall timely respond to a request for Services. County may refuse to provide Services it deems dangerous or outside the capabilities of the work crew.

2. TERM OF AGREEMENT

The term of this Agreement shall begin January 1st, 2018 and shall extend through December 31, 2018, unless terminated pursuant to Section 20. The Agreement may be extended by the written amendment executed by the Mayor of the City and the King County Executive, or their designees.

3. PAYMENT

- A. City shall pay County for Services at a rate of \$665 per a full workday (based on a 7 hour day) for a work crew described in Section 4. For partial workdays (based on a workday that is canceled in part for the reasons stated in Section 5 of this Agreement), City shall be charged a prorated amount based on the number of hours worked. Total payments to County shall not exceed \$58,950, based on a total of 90 work days, unless a larger amount is agreed upon in writing by both the City Representative and the County Representative.

- B. County shall maintain time and expense records and provide them to the City monthly, along with monthly invoices in a format acceptable to the City for Services performed to the date of the invoice. The time records shall include, but not be limited to, the number of crew members performing services on each day and the number of hours actually worked by each crew member on each day.
- C. All invoices submitted in a format acceptable to the City shall be paid by the City within thirty (30) days of receipt, except as provided in Section 3E of this Agreement.
- D. County shall keep cost records and accounts pertaining to this Agreement available for inspection by the City Representative for three (3) years after the final payment. Copies shall be made available on request.
- E. If the Services do not meet the reasonable performance expectations of the City, the County will correct or modify the Services to meet such expectations. City may withhold payment for such Services until the Services meet such expectations.

4. WORK CREW

- A. County shall be responsible for the selection of crew members that will consist of individuals ordered to the Community Work Program by the courts or eligible under King County Ordinance.
- B. Each crew shall be comprised of a minimum of four (4) persons and one (1) crew supervisor, who shall be a County employee. County may increase the number of persons on each work crew and County agrees not to charge the City any additional amount for such additional persons. If County cannot meet the minimum of four (4) persons, County shall advise the City, which may accept less than four (4) persons on a particular day.

5. WORK CREW SCHEDULE AND CANCELLATION

The City Representative and the County Representative will work collaboratively to develop a schedule, plan, time and location for Services to be performed, based on the City's needs and County's availability. County maintains the right to cancel Services and work due to inclement weather, insufficient number of crew members, or vacation or sick leave of the crew supervisor. County will notify City of such cancellations as soon as practical. Pursuant to Section 3A of this Agreement, the City will only be responsible for payment to the County for days that Services are performed.

6. OVERSIGHT OF THE WORK CREW

- A. County shall provide one supervisory person who shall be a County employee and shall be present at all times during the performance of the Services ("Crew Supervisor"). The Crew Supervisor shall direct, oversee and be thoroughly responsible for the County work crew and its actions while in the performance of the Services. County will obtain and provide necessary clothing, equipment and tools for the crews, coordinate with the City Representative, and complete a maintenance log for each work site.
- B. County shall be responsible for training the Crew Supervisor regarding the Services, safety procedures, CPR, first aid, infectious disease control, flag person certification, record keeping, and defensive driving. County shall be responsible for training crew members regarding proper use of tools, equipment and clothing and other safety matters.

7. TRANSPORTATION

County shall be responsible for transportation of the Crew Supervisor and work crews to and from the City's designated work sites.

8. EQUIPMENT

County shall be responsible for obtaining and providing all equipment, tools and clothing necessary to complete the agreed-upon Services, unless otherwise agreed to by the City. Safety equipment, tools and clothing shall include hard hats, safety vests, goggles, gloves, rain gear, shoes, and ear protection devices.

9. PROTECTION OF EXISTING PROPERTY

County shall leave City facilities and work areas in existing or better condition. County shall advise the City immediately of any damage to facilities or work areas or unsatisfactory operation of utilities. All damages to existing facilities and work areas shall be reviewed within a reasonable period after occurrence of the damage by the City and County, and damages caused by County shall be repaired or replaced by County at County's expense within the time period agreed upon by the City and County.

10. SAFETY, CLEANUP AND DISPOSAL METHODS

- A. County shall maintain the work area free of debris and clutter and shall not cause hazards thereon.
- B. Upon completion of Services on a given day, County shall leave the work area clean and orderly.

- C. County shall accomplish necessary work zone traffic control in accordance with applicable state and City regulations.
- D. County shall dispose of debris resulting from the work performed by the crews pursuant to this Agreement at proper disposal sites. Unless otherwise agreed by the City, such debris shall not be disposed of on the site or on any property contiguous thereto. County is solely responsible for any and all damages done or any regulation violated in the disposal of such debris or in performance of work by the crews. County agrees to defend, indemnify, and hold the City harmless from liability for any and all damages, costs and expenses (including but not limited to attorneys' fees) incurred as a result of County's disposal of debris pursuant to this Section. The City shall reimburse County for any fees associated with disposal of debris at proper disposal sites.

11. DAILY OPERATIONS OF CITY PROPERTY

County understands that City property on which Services will be performed is open to the public at all times. Performance of Services shall not affect the daily operation of City property unless prior approval is granted by the City Representative.

12. DISCRIMINATION AND COMPLIANCE WITH LAWS

- A. County agrees not to discriminate against any employee, applicant for employment or any other person, including crew members, in the performance of this Agreement because of race, creed, color, national origin, marital status, sex, age, disability, religious affiliation, sexual orientation, gender identity or expression, or other circumstance prohibited by federal, state or local law or ordinance, except for a bona fide occupational qualification.
- B. County shall comply with all federal, state and local laws and regulations applicable to the Services and work to be done under this Agreement.
- C. Violation of this Section shall be a material breach of this Agreement and grounds for cancellation, termination, or suspension of the Agreement by the City, in whole or in part, and may result in ineligibility for further work for the City.

13. GENERAL ADMINISTRATION AND MANAGEMENT

The City's representative ("City Representative") is listed on Exhibit A, and the City Representative or his/her designee shall oversee and approve all Services to be performed, coordinate all communications, and review and approve all invoices, under this Agreement.

The County's representative ("County Representative") is listed on Exhibit A and the County Representative or his/her designee shall be responsible for administration of the County's obligations under this Agreement.

14. HOLD HARMLESS

- A. County shall protect, defend, indemnify and save harmless the City, its officers, employees and agents from any and all costs, claims, judgments, or awards of damages, arising out of or in any way resulting from (1) any acts or omissions of any crew member while that member is performing Services and/or (2) negligent or willful acts or omissions of County, its officers, employees and agents in performing this Agreement. For purposes of this Agreement, the Parties agree that crew members are not employees of the County.
- B. City shall protect, defend, indemnify and save harmless County, its officers, employees and agents from any and all costs, claims, judgments or awards of damages, arising out of or in any way resulting from the negligent acts or omissions of City, its officers, employees or agents in performing this Agreement.
- C. The provisions in A and B shall survive the expiration or termination of this Agreement.

15. INSURANCE

King County maintains a fully funded Self-Insurance program for the protection and handling of the County's liabilities including injuries to persons and damage to property. County shall respond to all injury claims made by Crew Supervisors and work crew members in accordance with King County procedures.

16. SUBLETTING OR ASSIGNING CONTRACT

Neither the City nor County shall assign, transfer, or encumber any rights, duties or interests accruing from this Agreement without the express prior written consent of the other.

17. FUTURE SUPPORT

City makes no commitment and assumes no obligations for the support of County's activities except as set forth in this Agreement.

18. INDEPENDENT COUNTY

County is and shall be at all times during the term of this Agreement an independent contractor. Nothing in this Agreement shall be construed to convert

the crew members, the Crew Supervisor or any of County's officers, agents, or employees into City employees.

19. EXTENT OF AGREEMENT/MODIFICATION

This Agreement, together with Exhibits and addenda, represents the entire and integrated Agreement between the parties and supersedes all prior negotiations, representations, or agreements, either written or oral. This Agreement may be amended, modified or added to only by written instrument properly signed by the Mayor of the City and the County Executive, or their designees.

20. TERMINATION

- A. This Agreement may be terminated by either party without cause, in whole or in part, prior to the date specified in Section 2, by providing the other party thirty (30) days advance written notice of the termination.
- B. Either party may terminate this Agreement, in whole or in part, upon seven (7) days advance written notice if: (1) there is a material breach of any duty, obligation, or service required pursuant to this Agreement; or (2) the duties, obligations, or services required herein become impossible, illegal, or not feasible.
- D. Nothing herein shall limit, waive, or extinguish any right or remedy provided by this Agreement or law that either party may have in the event that the obligations, terms, and conditions set forth in this Agreement are breached by the other party.

21. NO THIRD-PARTY BENEFICIARIES

There are no third-party beneficiaries to this Agreement. No person or entity other than a party to this Agreement shall have any rights hereunder or any authority to enforce its provisions.

IN WITNESS WHEREOF, the parties have executed this Agreement on the _____ day of _____, 2018.

COUNTY

CITY OF KENMORE

By: _____
DAJD Director

By: _____
Rob Karlinsey, City Manager

EXHIBIT A

**KING COUNTY, DAJD
&
The City of Kenmore**

**SCOPE OF WORK
AND
DESIGNATION OF PARTY REPRESENTATIVE**

Services will consist of ordinary maintenance. Examples of Services include the following:

A. PLANTER BEDS

- a. Weeding
- b. Litter Control
- c. Light Pruning – pruning the shrubs and ground cover away from trails and sidewalks
- d. Leaf Removal

B. TURF MAINTENANCE

- a. Trimming and Edging between Turf, Planter Beds and Sidewalks
- b. Blowing Sidewalks
- c. Leaf Removal
- d. Litter Control

C. OTHER

- a. Erosion Control
- b. Site Clean Up
- c. Bark/mulch Application
- d. Tree pruning and thinning
- e. Graffiti Removal

County Representative:

City Representative

Name

Name

Telephone

Telephone

Email

Email

VIII. E. Approve City Council Retreat Summary Report, Including City Cou...



*City of Kenmore
Washington*

**2018 - 2019
City Council Goals**

1. To focus and emphasize multimodal transportation safety in the City of Kenmore with a specific focus on pedestrian, bicycle, and other means of travel.
 - Implement the Sidewalk Plan
2. To implement the Walkways and Waterways projects.
3. To continue to seek opportunities to complete a successful Lakepointe project.
4. To actively insure the implementation of Sound Transit 3 Projects for SR 522.
5. To update and continue to implement the Economic Development Plan, with an emphasis on the following key points:
 - Advance public access to water
 - Create a vibrant, walkable downtown
 - Attract new businesses and support existing businesses
 - Promote the image of Kenmore
6. To continue to implement a Parks Improvement Plan.
7. To increase the affordable housing stock.
8. To protect and enhance the water, air and forest environment.
9. To build community and create fun.
10. To continue to seek funds to mitigate State impacts on the City's transportation System.

PENDLETON CONSULTING, L.L.C.

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**THE
KENMORE CITY COUNCIL
ANNUAL RETREAT**

**January 5th and 6th
2018**

Summary Report

PENDLETON CONSULTING, L.L.C.

MICHAEL R. PENDLETON Ph.D.

Introduction

The Kenmore City Council annual retreat was held on January 5th and 6th, 2018 at the Kitsap Conference Center in Bremerton, Washington. The retreat is located and structured to provide an uninterrupted forum for in-depth discussion of selected issues. The purpose of this retreat was to discuss, in depth, key projects and policy issues identified by the participants during a pre-retreat interview to establish the agenda. In addition, this retreat focused on establishing goals and objectives for 2018 and 2019. The following agenda guided the discussions during this council retreat:

1. 2017 Accomplishments
2. Budget
3. Economic Development
4. Code Updates and Planning Commission Docket
5. Housing
6. Transportation and Safety
7. Waterfront and Water topics
8. Ball Fields
9. General City Issues
10. Council and Organizational Processes
11. Goals for 2018 and 2019

The following report is a summary of the discussions and outcomes of the retreat (a complete recording of this retreat was made and is retained by City officials):

2017 Accomplishments

The retreat opened with a listing of key accomplishments that have occurred within the city during the last year. An in-depth listing of accomplishments can be found in the retreat packet.

Budget

The Finance Director presented an overview of a proposed budget development process to include a schedule and key events within the process. The city will, again, use the Priority Based Budgeting process to establish the next two-year budget. Participants discussed the impacts on staff to engage in the proposed process, the public participation component of the process and how this process will link to Council goals. It was noted that a Budget Retreat will be needed later in the

spring to kick off this process. After a discussion the participants agreed to the following:

Agreement One: Set a Budget Retreat sometime in May.

6 Year Budget Projections. The participants next reviewed the 6-year budget projections prepared by staff. The projections are based upon a conservative financial-budgeting philosophy. These projections show that the expenditure and revenue lines will cross in the out years of the projection. Staff presented and participants discusses several budget scenarios based upon various changes in variables within the projection model. It was noted that this projection model is available at city hall and the participants are welcome to come use the model tool to develop various projections based upon manipulation of various assumptions and elements of the model.

The participants discussed the merits of a conservative budgeting philosophy and various the impacts of various adjustments to this philosophy. After a discussion the participants agreed to the following:

Agreement Two: To continue to use a conservative budgeting philosophy to guide city financial management.

The participants discussed various ways to adjust the expenditures within various fund categories. In addition, the participants discussed the various revenue sources available to the city. Next the participants discussed the future national economic climate and various scenarios that might impact the city budget. The participants next discussed the number of large projects that are planned within the city such as the West Sammamish Bridge, Walkways and Waterways, Lakepointe, ST3 etc. It was quickly noted that it will be important to keep a close eye on costs as these projects move forward. The participants reaffirmed the strong commitment to completing, first, the projects that were part of the Bond Issue that the citizens passed to support these projects. Finally, the participants discussed the mix of "contract" and city employee approach to providing city services.

Economic Development

The participants next considered the Economic Development Program. The Assistant City Manager provided an overview of the current Economic Development Program. Participants discussed the importance of a business-friendly climate within the city and how to create such a climate. It was noted that it is

important to include home based businesses within the city, and to not just seek business for business sake, but to attract those businesses that are “life enhancing”. It was noted that there remains a need for business office space and ways to connect businesses both with each other and the recreation opportunities within the city such as the Burke-Gillman trail. Participants also discussed incentivizing local artisanal businesses instead of big box businesses. The also discussed the farmers market.

Creating a New Downtown. The City Manager next led a discussion on what’s next for the new downtown area. The presentation covered the vision for the town square and the Hangar, redevelopment of existing spaces known as the “ripple effect” and ways to connect Downtown to the southside. Participants discussed a number of issues that impact the downtown such as the speed limit on 522, possible traffic revisions, the pros and cons of assembling property to shape development, and various approaches to impact fees that would help or hinder development.

Lakepointe. The City Manager provided the participants with an update on the Lakepointe project. Included in the discussion was the financial role of the city, how the project might impact quality of life, impact on businesses, and the importance of keeping the public both informed and involved in the project.

Puget Sound Energy (PSE) Franchise Agreement. The Assistant City Manager provided an update on a developing agreement between the city and Puget Sound Energy. The ongoing problem of non-storm related power outages and the condition of the power system were highlighted and discussed. The financial impacts of such power outages were discussed and noted as an important point for discussion with PSE. The importance of PSE accountability and benchmark measures were noted. Finally, it was noted that it might be important to review other franchise agreements between PSE and other cities such as Bellevue.

Planning Commission Docket and Work Program. The Community Development Director reviewed the draft docket and work plan for the Planning Commission. The participants discussed the importance of school impact fees and various views on implementing these fees. Other topics discussed were tree cutting and the process to inform the public about amendments to the Comprehensive Plan. Staff agreed to include the Planning Commission docket in the next city-wide newsletter. In general, the participants agreed with the docket and work plan with modest adjustments.

Housing

Affordable Housing. The participants next discussed Housing issues within the city. The Community Development Director reviewed a memo prepared on affordable housing and the Housing Strategy Plan. The participants then discussed a number of key issues to include ways to provide cottage housing, the importance of cottage and tiny housing, mobile home parks and the acquisition of data on owned vs. leased land.

Agreement Three: Staff will research possible zoning changes that encourages small homes and tiny homes in appropriate zones. (not currently on the 2018 docket and work program, but Council may add this in the future)

Rent Increase Notification. The participants next discussed the need for a rent notification requirement within the city. It was noted that it is very hard to move on short notice as it requires not only a search for new housing but a sizable amount of money to provide first-last month's rent, a deposit and other costs. A notification of 30 days or more would provide the time necessary to accommodate these costs. Participants discussed the pros and cons of such a notification requirement. It was noted that existing laws may already be adequate and that market forces may act to address this issue. After a discussion the participants agreed to the following:

Agreement Four: Staff will research the various aspects of a rent notification requirement and report back to the Council.

Affordability for Seniors. The participants next discussed the importance of affordable housing for seniors. It was noted that senior housing is important in the city and options seem limited. It was suggested that it might be important to know if there are any expectations for more senior housing being built within the city. It was noted that this issue needs to be interjected in conversations with developers to provide affordable housing units into planned developments. It was noted that there will be a briefing on "housing 101" for the council in the future.

Homeless Regulations. The participants next discussed an interest in knowing more about what current regulations/laws exist to govern homeless encampment and other issues. After a brief discussion the participants agreed to the following:

Agreement Five: The staff will secure a summer intern to research and prepare a report on the regulations governing homeless issues.

Downtown Trailer Park. The participants discussed trailer parks within the city. It was noted that the Planning Commission is specifically addressing the downtown trailer park issues. It was noted that caution should be exercised to recognize there are differing trailer parks within the city and each park has differing populations. It was noted that each park may be treated differently based upon differing zoning regulations for various parts of the city. It was also noted that it may be important to recognize the difference between those that rent in trailer parks and those that own.

Accessory Dwelling Units (ADU's). The participants next discussed the value of ADU's within the city. It was noted that zoning to allow ADUs is good for both landlords and tenants. When combined with cottage housing, ADU's provide a great way for people to "age in place". In general, the participants were very supportive of allowing ADU's within the city. Staff agreed to talk to Northshore Utility District about whether they assess hookup fees for ADUs, discuss with other cities the possibility of creating "off-the-shelf" ADU plans, look into creating a checklist for ADUs rather than requiring construction-level plans, and confirm whether ADUs are required to pay impact fees.

Short Term Rental Regulations

The participants next discussed the nature, impacts and various approaches to short term rental regulations (e.g. Airbnb) within the city. Various aspects were considered including nature of ownership, the value of having these as short stay housing options, the possibility of lodging taxes, and other issues. Staff informed the participants that there were 53 such properties currently listed on Airbnb in the city. Some participants were not sure they wanted to address this while others said it was a low priority. Staff will conduct further research to see if Bread & Breakfast establishments are actually allowed in certain residential zones.

Citizen Advisory Group. Participants discussed briefly the value of creating a citizen advisory group on housing. It was noted an inter faith group was already formed on this topic. It was noted that it might be best if the city stays independent on this issue and let the discussion come through the Planning Commission on this topic.

Transportation and Traffic Safety

The participants next discussed a range of transportation and safety topics.

Target Zero. The participants discussed the Target Zero program which has a focus on the link between transportation improvements and pedestrian safety. Staff provided an update on the program. Features of the program include a map for the NTPP projects, a range of approaches to traffic calming, and future use of a “testing window” approach to implementing new calming approaches. The importance of getting broader resident notification and public participation and input was noted and emphasized, including looking into the possibility of remote access for traffic meetings with the public. After a discussion the participants agreed to the following:

Agreement Six: Staff will look into interactive maps on calming indicators building upon the existing map.

Sidewalks. Participants next discussed the importance of sidewalks and how various areas are selected to receive sidewalks. It was noted that there is a sidewalk plan that guides the development of sidewalks and their location. The importance of sidewalks was emphasized. Participants discussed the working agreement with the City of Lake Forest Park and the value of that partnership.

Downtown Parking. Participant next discussed the importance of parking in the downtown. The impact of apartments on parking were discussed and role of development standards that include parking. Participants discussed the problem of “park and hidlers” and the role of parking enforcement.

Electric Charging Stations. Participants discussed the coming need for charging stations. Items discussed included the cost to charge a car, other cities that have started to install them, and other aspects of this new transportation approach.

Dockless Bicycles. Participants discussed the increasing presence of the green dockless bicycles from Seattle with the city. The participants noted the unsightly impacts and need to the return of these bicycles to the business in Seattle that owns them. After a discussion the participants agreed to the following:

Agreement Seven: Staff will look into the issue and identify possible solutions.

Water and Waterfront Topics

Participants next considered and discussed a number of water and waterfront related issues detailed below:

Emissions from Industrial Plants. Participants next discussed emissions from industrial sites within the city. Concerns were raised about the possible toxic nature of the emissions. It was noted that this issue has been addressed over the years. The City Manager a brief background on this issue. The various approaches and limitations to testing were discussed. The importance of knowing the nature of the emissions and value of knowledge was noted and discussed. Most participants stressed the importance of getting a legislative solution to this issue and value of partnering with the industrial business on a solution. After a long discussion the participants agreed to the following:

Agreement Eight: To work with a state legislator to move a bill forward that would address this issue. To work with PSCAA to get their support on the legislation. To explore other solutions like enclosing hoppers to reduce emissions.

City Swimming Pool. The participants next discussed the need for a city swimming pool. It was noted that community swimming pools are being phased out because of the expense. Some participants felt due to the cost and full work plan for the city that taking on such a project now was not possible. Other alternative such as partnering with other agencies was discussed. The value of working with the Northshore Park and Recreation Service Area (NPRSA) was discussed. After a discussion the participants agreed to the following:

Agreement Nine: A member of the Council will replace Councilmember Smith on the NPRSA board and place the swimming pool on their agenda and also continue discussions with the School District on the topic.

Ball Fields

The participants next discussed the need for and current status of efforts to provide ball fields within the city. Staff provided an update on current efforts on this important topic. Participants discussed the costs, various options, the status of work with the State Parks on the issue, various design issues such as lighting, turf and parking.

Partner with Schools. Participants next discussed the option of partnering with the school district to use their ball fields. It was quickly noted that the school ball fields are already being used. It was suggested that an inventory of ball fields would be useful. It was noted that such an inventory was conducted about 10 years ago. It was also noted that renovating the ballfields at St. Edward State Park were

still part of the city's CIP. It was suggested that a review of existing school fields might be useful to determine if there are ways to increase capacity of existing fields without the higher costs of full renovation/new construction.

General City Issues

Bulletin Board in the Hanger. It was noted that it would be great to put a bulletin board in the town square Hanger building. It was noted that it was already installed. Various other features of the Hanger building were discussed to include community volunteers to monitor the use of the building, letting folks know they can schedule use of the building, winter vs. summer hours, and the value of food trucks during the summer.

Rename Squires Landing. It was suggested that the city might wish to consider renaming the area known as Squires Landing to honor Native American Heritage. The participants discussed the processes the city uses to name area within. It was noted that a public process was used to name Squires Landing. It was suggested that future efforts focus on naming new parks.

Short Plat Application Fees. Participants discussed the nature and value of pre-application fees on short plats. After a discussion the participants agreed to the following:

Agreement Ten: Staff will get data on pre-application fees to include what other cities do, the amount, and why the city moved away from this practice.

Land Use Appeal Fee. The participants next discussed the land use appeal fee and possibility the fee is too high. Participants quickly agreed that such a fee should not be high but kept at a low level. After a discussion the participants agreed to the following:

Agreement Eleven: Staff will come back to the Council on January 16th, 2018 with a proposal for setting the Land Use Appeal Fee.

Tree Ordinance. Participants next discussed the importance of the city tree ordinance as a means to both save trees and plant trees. It was noted that the council has set new requirements a time ago. It was noted that it might be useful to see if any developments have occurred since the new ordinance and what the impact of the ordinance has been before taking this on again. After a discussion the participants agreed to the following:

Agreement Twelve: Staff will update the Council on the impact of the current regulations on developments since their adoption.

20 Year Anniversary Celebration. Participants next reviewed and discussed the upcoming 20th year anniversary of the creation of the City of Kenmore. Staff reviewed the plan elements of the celebration. Participants agreed to encourage the Historical Society to update the history of Kenmore book. Participants discussed the idea of a new city logo. After a discussion of the logo the participants agreed to following:

Agreement Thirteen: Staff will commission some small workups on possible new logos with a consultant.

Finally, the participants had a brief discussion of the “Hank Suit”. While all agreed it was fun, it was suggested that sponsors pay for most of the suit.

Lights on the Sammamish River Bridge. Participants very briefly discussed the lights on the bridge. This discussion will continue once the new bridge is completed.

Art Policy. The participants briefly discussed the need for an Art Policy in the city to regulate placement of art. There was no interest in such a policy.

Council Process

The participants next discussed several council internal processes.

Rotating Council Meetings. The participants discussed the value of rotating council meetings to various sites within the city. After a discussion the council decided to keep council meetings at City Hall.

Social Media Rules and Regulations. The participants next discussed the need for an update on current laws and regulations addressing the use of social media in the government sector. After a discussion the participants agreed to the following:

Agreement Fourteen: Staff will schedule a legal update for the Council.

Citizen Action Request (CAR's). The participants next discussed the city's CAR program. It was noted that improvements may be possible in responding to citizens request for action by the city. It was noted that the requests are linked to a mapping device. The program tries to adhere to a 2-day response time and a

resolution time of two weeks. After a discussion the participants agreed to the following:

Agreement Fifteen: Staff will look into possible improvements to the CAR program and report back to council.

City Council Goals

The participants next reviewed and discussed the City Council goals established at last year's retreat. The participants then revised the goals based upon completion and other factors. Next the participants nominated new goals for consideration. Finally, the participants used a Paired Comparison Methodology to select their goals for 2018-19. See the below.

The top five goals will comprise a portion of the City Manager's annual performance review. Goals will be addressed to generally reflect their priority; however, opportunity and/or necessity may require an emphasis on selected goals outside the priority listed in this report.

2018-2019 Council Goals

- 1. To focus and emphasize multimodal transportation safety in the City of Kenmore with a specific focus on pedestrian, bicycle, and other means of travel.**
 - Implement the Sidewalk Plan (58 points)**
- 2. To implement the Walkways and Waterways projects. (52 points)**
- 3. To continue to seek opportunities to complete a successful Lakepointe project. (35 points)**
- 4. To actively ensure the implementation of Sound Transit 3 Projects for SR 522 (34 points)**
- 5. To update and continue to implement the Economic Development Plan, with an emphasis on the following key points:**
 - Advance Public's Access to Water**
 - Create a vibrant walkable downtown**
 - Attract new businesses and support existing businesses**
 - Promote the Image of Kenmore****(33 points)**

6. To continue to implement a Parks Improvement Plan. (30 points)
7. To increase the affordable housing stock. (23 points)
8. To protect and enhance the water, air and forest environment. (20 points)
9. To build community and create fun. (19 points)
10. To continues to seek funds to mitigate State impacts on the city's transportation System. (11 points)

**APPENDIX ONE
Retreat Participants**

Mayor
David Baker

Councilmember
Milton Curtis

Councilmember
Stacey Denuski

Councilmember
Nigel Herbig

Councilmember
Joe Marshall

Councilmember
Brent Smith

Councilmember
Debra Srebrik

City Manager
Rob Karlinsey

Assistant City Manger
Nancy Ousley

Finance and Administration Director
Joanne Gregory

Community Development Director
Debbie Bent

Development Services Director
Bryan Hampson

City Clerk
Kelly Chelin

Public Works
Jennifer Gordon

Transportation
John Vicente



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

Subject/Topic:
November 2017 Financial Report
Presentation

For Council Meeting Agenda of: February 26, 2018

Department: Finance and Administration

Prepared by: Joanne Gregory

Initial & Date
 Approved by Department Head: mg 2/15/18
 Approved by City Attorney: _____
 Approved by Finance Director: mg 2/15/18
 Approved by City Manager: pgk 2/15/18

Proposed Council Action/Motion:
Receive and File November 2017 Financial
Report for the City of Kenmore, Washington

Exhibits/Attachments:
November 2017 Financial Report for the City of
Kenmore, Washington.

INFORMATION/BACKGROUND:

The November 2017 monthly financial report is presented for Council review. This provides the opportunity for the City Council and the community to receive information on the City of Kenmore's biennium to date revenues and expenditures in comparison to the City's 2017-2018 adopted biennial budget. The budget was adopted on December 12, 2016 and amended July 24, 2017. This review also provides an opportunity to identify any potential variances or fluctuations from the budget. The City did not receive the correct King County report for Real Estate Excise Tax transactions for the month and we are only able to report total dollars but not number of transactions.

FISCAL CONSIDERATION:

November was the 11th month of the 24-month 2017-2018 biennium. As of November, revenues for the biennium exceeded expenditures in the General Fund by \$1,411,064. Also, as of November, revenues were 46.8% of budget and expenditures were 40.8%.

Nationally the unemployment rate remained at 4.1% and the Dow Jones closed at 25,200, up 1823 points from October's close.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

Kenmore Budget Policy 9a: A revenue/expenditure report will be produced monthly so that it can be directly compared to the actual results of the fiscal year to date. Kenmore Budget Policy 9b: All budget amendments, both revenues and expenditures, will be noted in the monthly report.



PO Box 82607
KENMORE, WASHINGTON 98028

MEMORANDUM

TO: Rob Karlinsey, City Manager
FROM: Joanne Gregory, Finance Director
DATE: Feb. 14, 2018
RE: November 2017 Financial Reports for the City of Kenmore, Washington

November 2017 financial information is presented for your review and delivery to the City Council. Attached you will find the following reports:

- General Fund Summary
- General Fund Revenue Graphs
- General Fund Expenditure Graphs
- Street Fund Summary
- Other Funds Graphs
- Investment Schedule
- Sales Tax Receipts by Business Type
- Retail Sales and Use Tax Distribution
- Real Estate Excise Tax Report
- Monthly Report for Kenmore Village
- Report for Transportation Benefit District

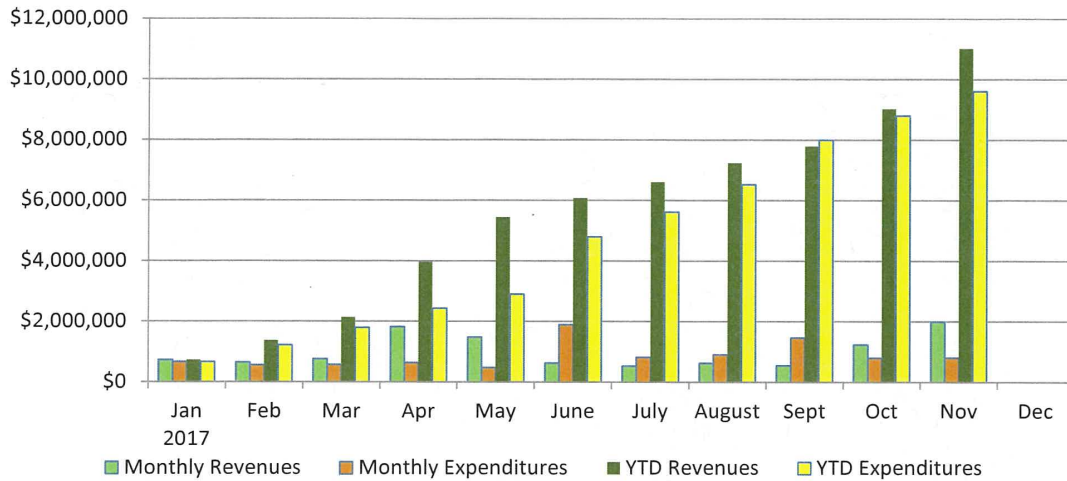
If you would like additional information or have any questions regarding the financial reports, please feel free to contact me.

GENERAL FUND

The first section of the monthly financial report is a review of the General Fund. This fund accounts for operational activities and includes all financial resources except those required or elected to be accounted for in another fund. Revenues include various taxes, per capita distributions from the State, fines and forfeitures, permits and licenses, and fees for service. In the context of the biennial budget, November is the eleventh month (46%) of the 2017-2018 biennial budget period. For the month of November, revenues exceeded expenditures in the General Fund by \$1,183,280. Biennium to date revenues exceed expenditures by \$1,411,064.

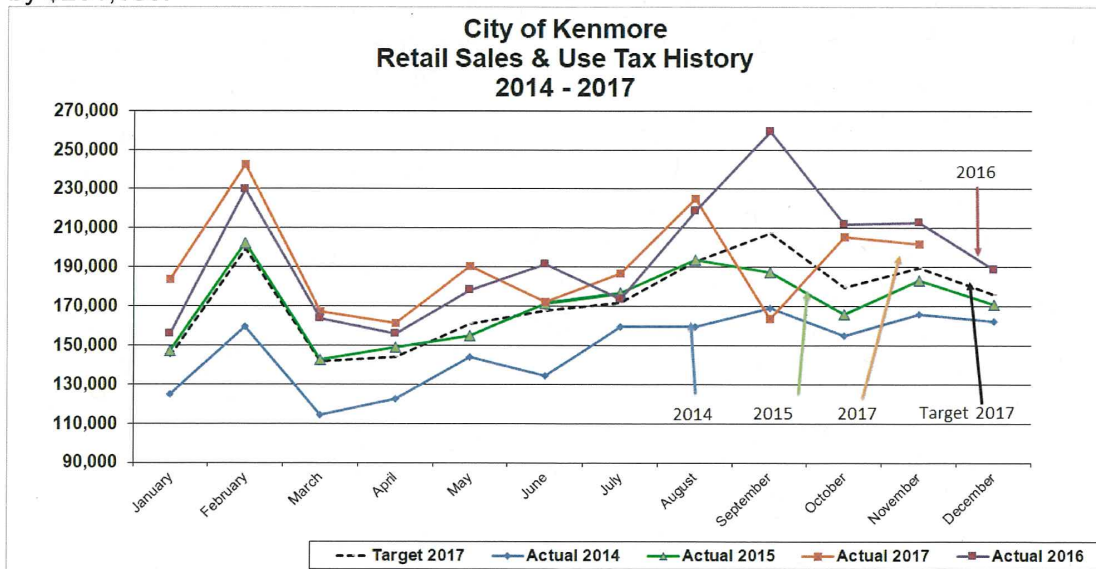
The following chart illustrates the monthly revenue and expenditure activity in the General Fund through November 2017.

City of Kenmore, Washington
Monthly Financial Report
November 2017



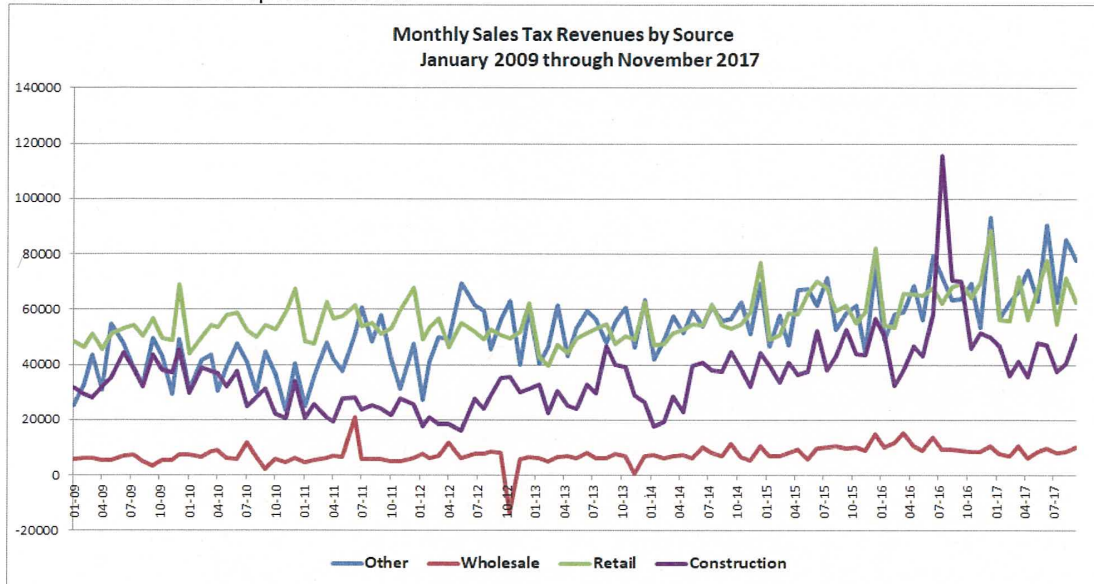
Total **revenues** for the month were **\$1,991,286**. Biennium to date revenues are \$11,017,436, which is 47% of the budgeted revenues of \$23,533,174. Primary sources of revenue for the month included property taxes in the amount of \$1,395,524, development fees & permits in the amount of \$93,046, retail sales and use taxes in the amount of \$201,799, franchise fees in the amount of \$126,530 and utility taxes in the amount of \$84,753.

A summary of sales tax revenues received in November is attached. These receipts are based on October sales activity. The chart below gives a historical perspective of monthly sales tax receipts over the last several years. The black dotted Target 2017 line is a monthly average of actual receipts during 2014, 2015, and 2016. The orange line represents 2017 actual receipts, which are \$50,827 below 2016, and ahead of 2017 target by \$201,180.

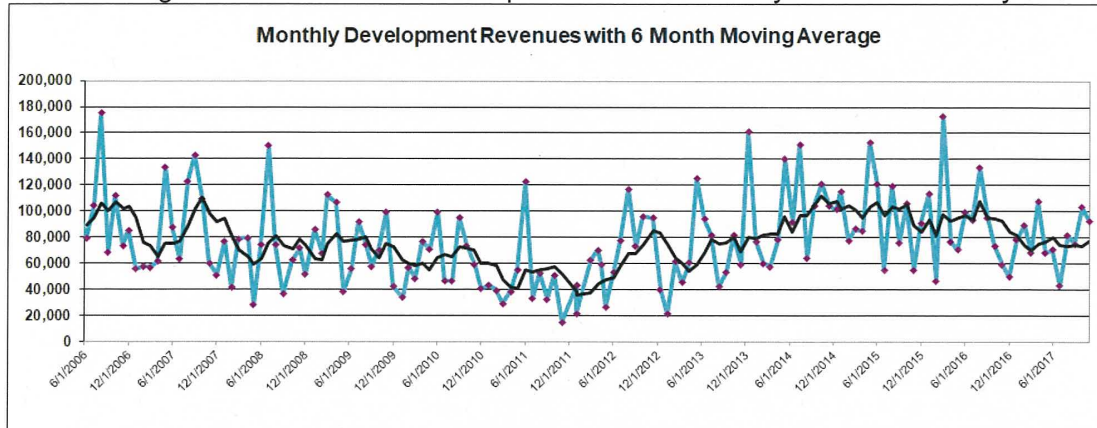


City of Kenmore, Washington
 Monthly Financial Report
 November 2017

The following chart illustrates the historical trends of sales tax receipts from the major segments: construction, retail, wholesale, other (agriculture, services, manufacturing, transportation and utilities) from January 2009 through November 2017. Retail and Other are on a favorable upward trend.



The following chart illustrates the development revenue activity over the last ten years.



November 2017 expenditures were **\$808,006**. Biennium to date expenditures are \$9,606,372, which is 41% of the amended biennial budget expenditures of \$23,535,546.

Total City cash (\$17,087,978) and long term investments (\$11,964,893), at the end of November, totaled \$29,052,871. Proposition 1 levy funds of \$9.8M are included in this

City of Kenmore, Washington
Monthly Financial Report
November 2017

cash balance. The Other Funds Monthly Activity graphs compare biennium to date revenues and expenditures to the 2015-2016 biennial budget.

Total non-General Fund revenues were \$2,024,722 and total non-General Fund expenditures were \$1,991,237.

In the **Street Fund** revenue from gas tax distributions was \$38,823. \$136,743 was expended for maintenance and operations during the month.

In the **Transportation Capital Fund**, there were expenditures in the amount of \$14,864 on overlay projects and \$26,772 on design of the Juanita Drive Pedestrian & Bike Safety project. \$359,265 was expended on other sidewalk and safety projects. The fund had \$486,366 in grant reimbursements for sidewalk & safety projects during the month.

The **Park Impact Fee** fund received \$2,565 in revenues during the month.

There was \$9,320 in revenues for the **Transportation Impact Fee** fund during the month.

The **Real Estate Excise Tax** Fund received \$150,187 of real estate excise taxes (REET) in November from sales activity that occurred in October. The 2017 year to date revenue exceeds the 2016 revenue by \$266,990 and the 2017 target by \$455,242.

The **Kenmore Village** Fund expended \$2,967 for Special Events at the Hangar Building during the month.

The **Walkways & Waterways Debt Service** Fund collected \$393,462 in property taxes related to the Prop 1 Bond for a biennium to date total of \$1,294,850.

The **Transportation Benefit District** Fund received \$29,938 in vehicle license fees during the month.

SUMMARY

This concludes the financial report for the City of Kenmore as of **November 30, 2017**. I appreciate your feedback and encourage you to contact me if you have any questions prior to the City Council meeting.

City of Kenmore, Washington
General Fund Summary Report
November 30, 2017



	CURRENT PERIOD 2017-2018				PRIOR PERIOD 2015-2016			
	MONTH	BIENNIUM TO DATE	% of	BIENNIUM BUDGET	MONTH	BIENNIUM TO DATE	% of	BIENNIUM BUDGET
	November 2017	2017-2018	BUDGET	2017-2018	November 2015	2015-2016	BUDGET	2015-2016
REVENUES								
Beginning Fund Balance		2,981,035		3,131,687				
Property Taxes	1,395,524	4,633,485	49.2%	9,408,704	1,240,440	4,486,759	49.4%	9,075,766
Sales and Use Taxes	258,670	2,667,332	49.6%	5,376,291	233,087	2,375,143	47.5%	5,000,532
Utility Taxes	84,753	1,137,586	41.9%	2,717,485	85,890	1,086,432	39.3%	2,763,390
Other Taxes	9,398	73,864	33.9%	218,113	10,079	56,687	50.3%	112,720
Development Fees & Permits	93,046	878,877	49.8%	1,764,518	55,245	1,051,700	48.9%	2,151,432
Franchise Fees	126,530	861,559	51.6%	1,668,476	80,428	802,881	49.5%	1,622,160
Intergovernmental and Grants	0	392,719	46.7%	841,615	264	324,892	45.9%	707,370
Investment Interest	4,030	151,895	292.1%	52,000	36,408	96,368	190.1%	50,700
Fines and Forfeitures	-317	15,770	0.0%	0	-724	-4,158	n/a	0
Transfers and Other Revenues	19,652	204,349	13.8%	1,485,972	9,379	58,553	10.8%	541,200
Total Revenues	1,991,286	11,017,436	46.8%	23,533,174	1,750,495	10,335,257	46.9%	22,025,270
Total Revenues & Beginning Fund Balance		13,998,472		26,664,861				22,025,270

	CURRENT PERIOD 2017-2018				PRIOR PERIOD 2015-2016			
	MONTH	BIENNIUM TO DATE	% of	BUDGET	MONTH	BIENNIUM TO DATE	% of	BIENNIUM BUDGET
	November	2017-2018	BUDGET	2017-2018	November 2015	2015-2016	BUDGET	2015-2016
EXPENDITURES								
Cost Center								
City Council	21,240	148,236	45.0%	329,426	8,387	141,199	43.0%	328,435
City Manager	141,617	1,402,600	42.1%	3,328,297	99,853	1,303,236	40.3%	3,233,222
City Clerk	9,985	205,059	48.2%	425,368	7,992	129,458	46.6%	277,683
Finance	48,722	828,317	49.5%	1,672,775	35,529	680,441	45.7%	1,490,155
Legal	26,842	226,223	45.2%	500,000	19,015	148,621	21.2%	700,000
Interfund Transfers	0	498,085	37.5%	1,328,228	0	0	0.0%	3,552,671
Public Safety	334,528	3,307,524	37.6%	8,806,304	578,787	3,509,684	43.0%	8,160,115
Engineering & Environmental Services	35,287	637,896	45.1%	1,415,011	97,657	914,702	52.5%	1,743,950
Community Development	50,232	541,728	31.6%	1,715,510	28,554	369,509	44.5%	830,030
Developmental Services	67,102	961,235	46.4%	2,071,288	64,790	787,891	44.9%	1,755,050
Parks & Facility Maintenance	72,451	849,468	43.7%	1,943,339	49,428	719,892	35.5%	2,029,409
Total Expenditures	808,006	9,606,372	40.8%	23,535,546	989,991	8,704,632	36.1%	24,100,720
Ending Fund Balance		4,392,100		3,129,315			0.0%	-2,075,450
Total Expenditures and Ending Fund Balance		13,998,472		26,664,861				22,025,270

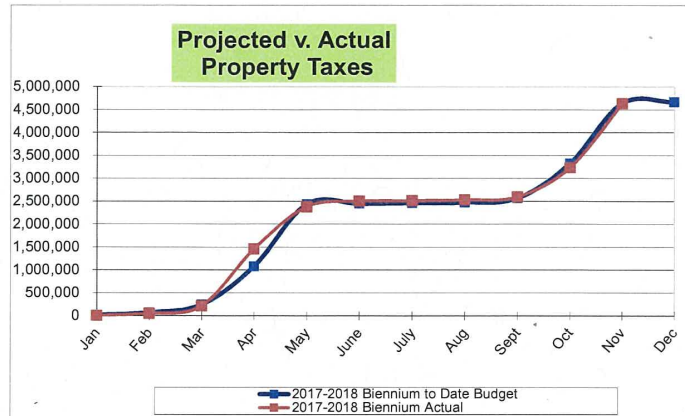
*Non-Departmental expenditures have been moved to other General Fund Cost Centers

**City of Kenmore, Washington
General Fund Revenue Graphs
November 30, 2017**

PROPERTY TAXES

	2017-2018 Biennium to Date Budget	2017-2018 Biennium Actual
Jan	14,999	7,159
Feb	72,766	52,998
Mar	244,307	216,659
Apr	1,080,675	1,458,691
May	2,436,106	2,381,369
June	2,449,155	2,502,483
July	2,462,094	2,513,673
Aug	2,475,845	2,532,303
Sept	2,569,762	2,598,369
Oct	3,327,586	3,237,961
Nov	4,641,977	4,633,485
Dec	4,668,509	

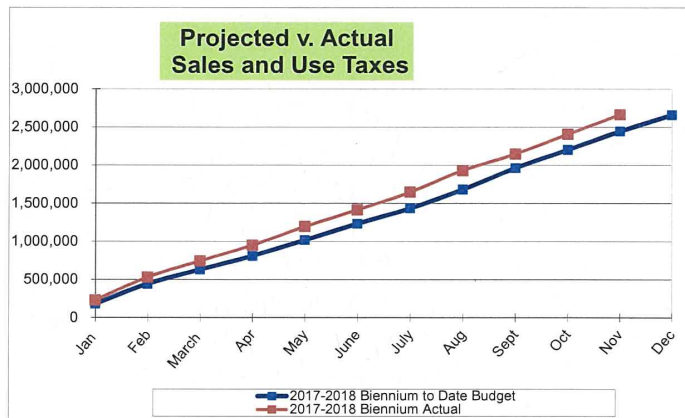
Year To Date
Actual v. Projected 100%



SALES, USE, CRIM JUSTICE TAXES

	2017-2018 Biennium to Date Budget	2017-2018 Biennium Actual
Jan	181,988	230,735
Feb	444,109	532,573
March	630,669	745,832
Apr	810,768	950,976
May	1,017,858	1,195,423
June	1,233,592	1,414,459
July	1,434,497	1,649,245
Aug	1,683,249	1,931,738
Sept	1,964,078	2,148,304
Oct	2,203,743	2,408,662
Nov	2,446,195	2,667,332
Dec	2,661,530	

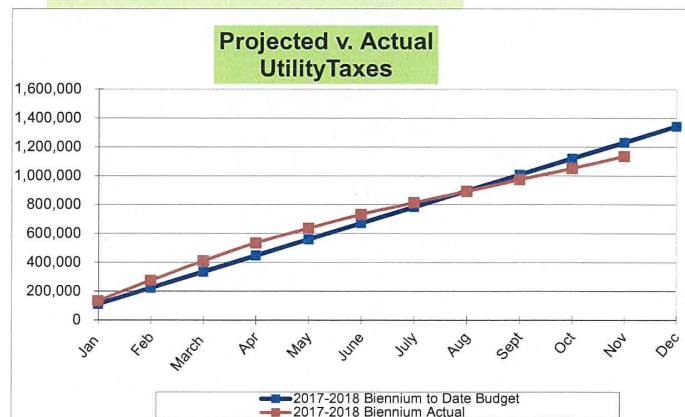
Year To Date
Actual v. Projected 109%



UTILITY TAXES

	2017-2018 Biennium to Date Budget	2017-2018 Biennium Actual
Jan	112,108	135,701
Feb	224,215	276,651
March	336,323	411,873
Apr	448,430	536,574
May	560,538	637,705
June	672,645	734,068
July	784,753	815,857
Aug	896,860	894,394
Sept	1,008,968	974,909
Oct	1,121,075	1,052,833
Nov	1,233,183	1,137,586
Dec	1,345,290	

Year To Date
Actual v. Projected 92%

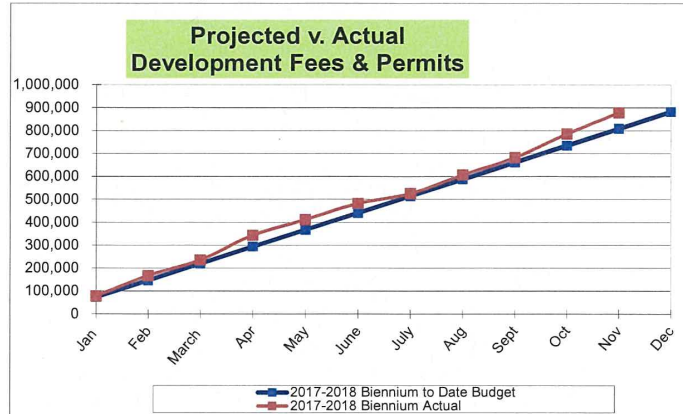


**City of Kenmore, Washington
General Fund Revenue Graphs
November 30, 2017**

DEVELOPMENT FEES & PERMITS

	2017-2018 Biennium to Date Budget	2017-2018 Biennium Actual
Jan	73,522	78,185
Feb	147,043	167,832
March	220,565	235,930
Apr	294,086	343,704
May	367,608	412,106
June	441,130	482,823
July	514,651	525,803
Aug	588,173	607,355
Sept	661,694	682,688
Oct	735,216	785,831
Nov	808,737	878,877
Dec	882,259	

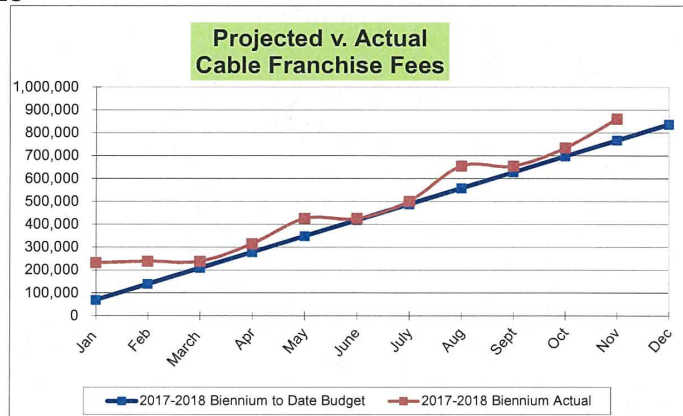
Year To Date
Actual v. Projected 109%



CABLE/WATER/SEWER FRANCHISE FEES

	2017-2018 Biennium to Date Budget	2017-2018 Biennium Actual
Jan	69,791	232,484
Feb	139,582	239,162
March	209,374	239,162
Apr	279,165	315,423
May	348,956	425,607
June	418,747	425,607
July	488,538	501,554
Aug	558,329	655,518
Sept	628,121	655,518
Oct	697,912	735,029
Nov	767,703	861,559
Dec	837,494	

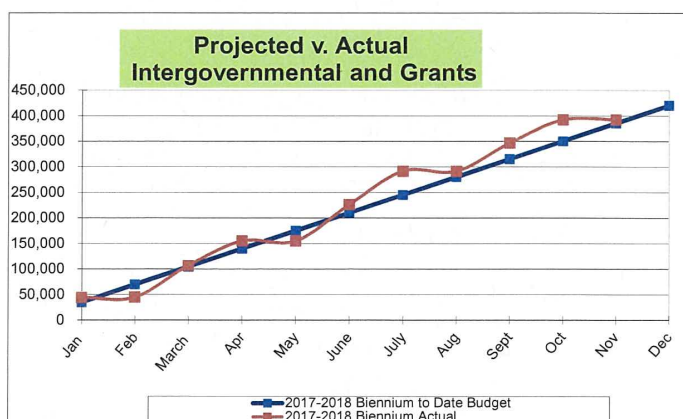
Year To Date
Actual v. Projected 112%



INTERGOVERNMENTAL & GRANTS

	2017-2018 Biennium to Date Budget	2017-2018 Biennium Actual
Jan	35,067	44,456
Feb	70,135	45,189
March	105,202	107,311
Apr	140,269	155,316
May	175,337	155,316
June	210,404	226,540
July	245,471	292,059
Aug	280,539	292,059
Sept	315,606	347,297
Oct	350,673	392,719
Nov	385,741	392,719
Dec	420,808	

Year To Date
Actual v. Projected 102%

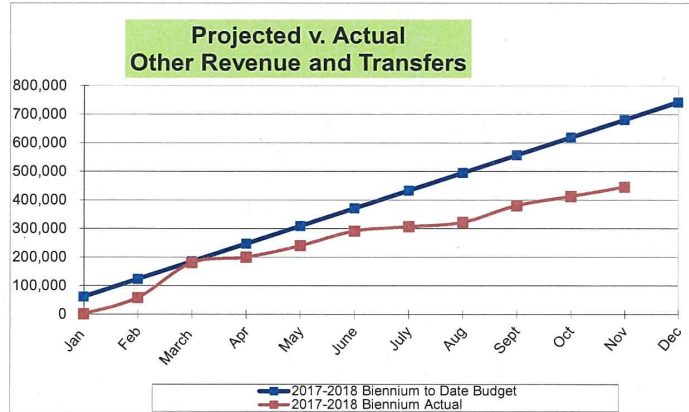


**City of Kenmore, Washington
General Fund Revenue Graphs
November 30, 2017**

OTHER REVENUES AND TRANSFERS

	2017-2018 Biennium to Date Budget	2017-2018 Biennium Actual
Jan	61,916	999
Feb	123,831	58,260
March	185,747	181,032
Apr	247,662	200,565
May	309,578	240,545
June	371,493	291,769
July	433,409	306,836
Aug	495,324	322,815
Sept	557,240	380,909
Oct	619,155	413,115
Nov	681,071	445,878
Dec	742,986	

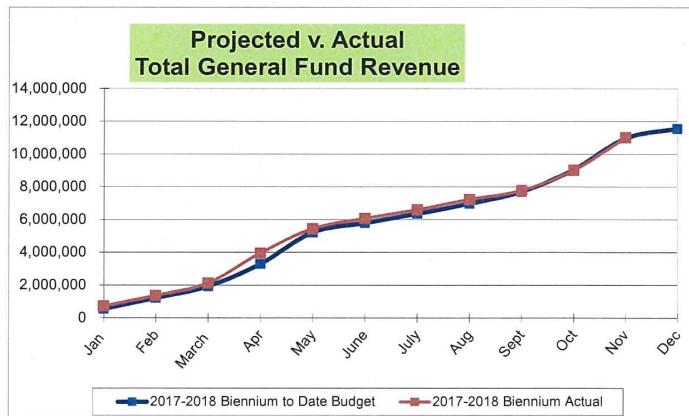
Year To Date
Actual v. Projected 65%



TOTAL GENERAL FUND REVENUE

	2017-2018 Biennium to Date Budget	2017-2018 Biennium Actual
Jan	549,390	729,719
Feb	1,221,682	1,372,665
March	1,932,185	2,137,799
Apr	3,301,055	3,961,250
May	5,215,979	5,448,071
June	5,797,166	6,077,749
July	6,363,413	6,605,027
Aug	6,978,318	7,236,181
Sept	7,705,468	7,787,994
Oct	9,055,360	9,026,150
Nov	10,964,605	11,017,436
Dec	11,558,876	

Year To Date
Actual v. Projected 100%

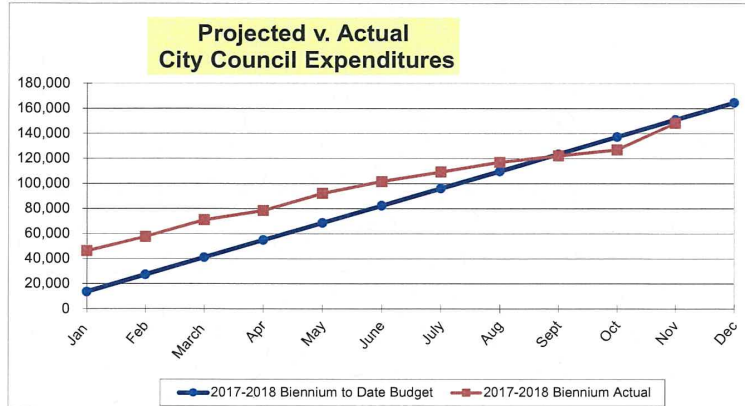


**City of Kenmore, Washington
General Fund Expenditure Graphs
November 30, 2017**

CITY COUNCIL

	2017-2018 Biennium to Date Budget	2017-2018 Biennium Actual
Jan	13,726	46,414
Feb	27,452	57,756
March	41,178	71,061
Apr	54,904	78,512
May	68,630	92,211
June	82,357	101,705
July	96,083	109,302
Aug	109,809	117,178
Sept	123,535	122,204
Oct	137,261	126,996
Nov	150,987	148,236
Dec	164,713	

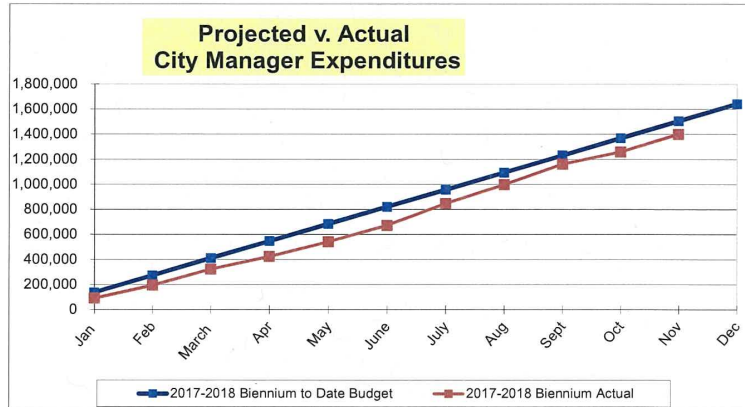
Year To Date
Actual v. Projected 98%



CITY MANAGER

	2017-2018 Biennium to Date Budget	2017-2018 Biennium Actual
Jan	136,941	90,835
Feb	273,882	194,928
March	410,822	323,868
Apr	547,763	425,830
May	684,704	542,534
June	821,645	674,090
July	958,585	848,662
Aug	1,095,526	999,570
Sept	1,232,467	1,163,885
Oct	1,369,408	1,260,983
Nov	1,506,348	1,402,600
Dec	1,643,289	

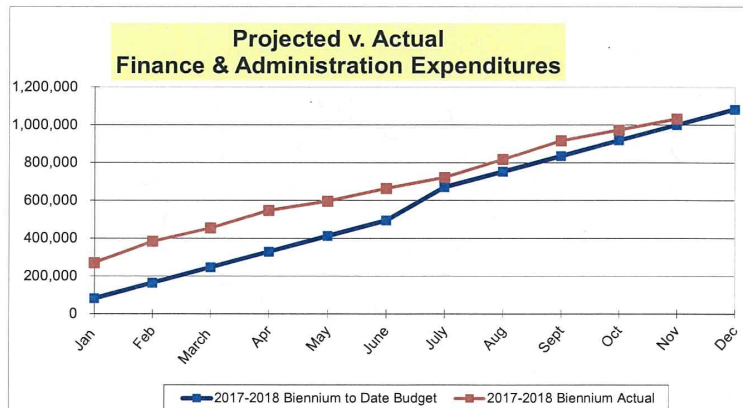
Year To Date
Actual v. Projected 93%



FINANCE & ADMINISTRATION

	2017-2018 Biennium to Date Budget	2017-2018 Biennium Actual
Jan	82,497	271,806
Feb	164,993	384,964
March	247,490	454,949
Apr	329,987	548,666
May	412,483	598,014
June	494,980	665,107
July	671,402	723,491
Aug	753,898	819,229
Sept	836,395	916,855
Oct	918,892	974,668
Nov	1,001,388	1,033,375
Dec	1,083,885	

Year To Date
Actual v. Projected 103%

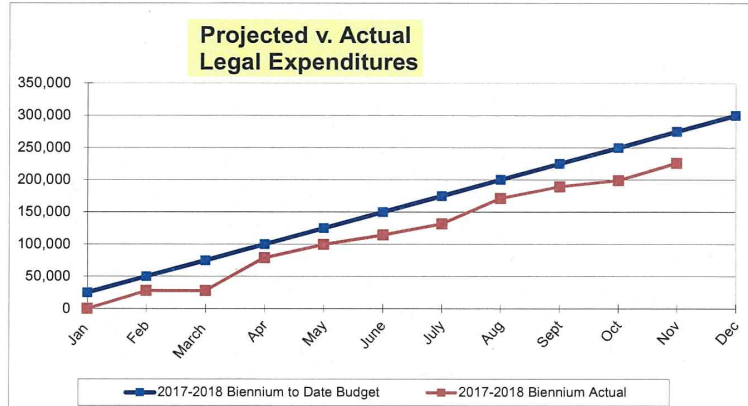


City of Kenmore, Washington
General Fund Expenditure Graphs
November 30, 2017

LEGAL

	2017-2018 Biennium to Date Budget	2017-2018 Biennium Actual
Jan	25,000	0
Feb	50,000	27,989
March	75,000	27,989
Apr	100,000	79,303
May	125,000	99,777
June	150,000	114,760
July	175,000	132,113
Aug	200,000	171,567
Sept	225,000	189,643
Oct	250,000	199,381
Nov	275,000	226,223
Dec	300,000	

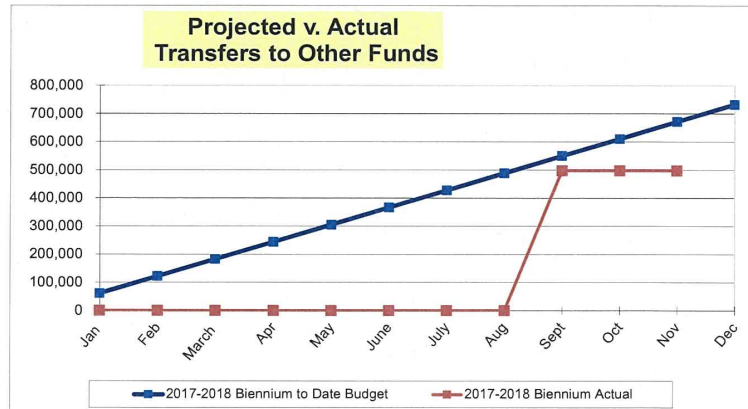
Year To Date
 Actual v. Projected 82%



TRANSFERS TO OTHER FUNDS

	2017-2018 Biennium to Date Budget	2017-2018 Biennium Actual
Jan	61,096	0
Feb	122,192	0
March	183,288	0
Apr	244,384	0
May	305,480	0
June	366,576	0
July	427,671	0
Aug	488,767	0
Sept	549,863	498,085
Oct	610,959	498,085
Nov	672,055	498,085
Dec	733,151	

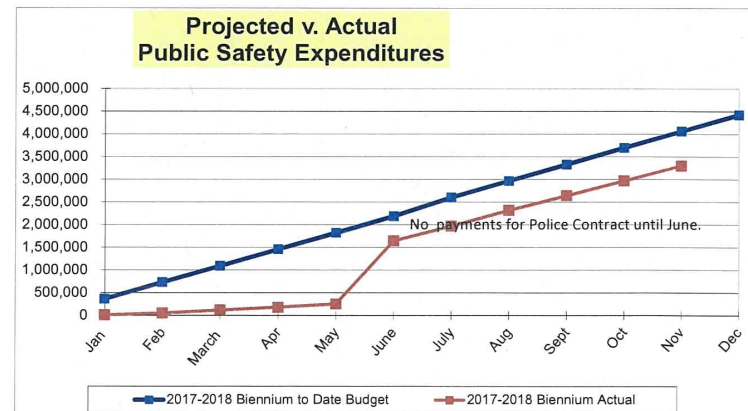
Year To Date
 Actual v. Projected 74%



PUBLIC SAFETY

	2017-2018 Biennium to Date Budget	2017-2018 Biennium Actual
Jan	364,846	14,595
Feb	729,692	55,395
March	1,094,538	123,579
Apr	1,459,384	183,567
May	1,824,230	256,351
June	2,189,076	1,647,260
July	2,603,922	1,975,736
Aug	2,968,768	2,319,390
Sept	3,333,614	2,647,903
Oct	3,698,460	2,972,996
Nov	4,063,306	3,307,524
Dec	4,428,152	

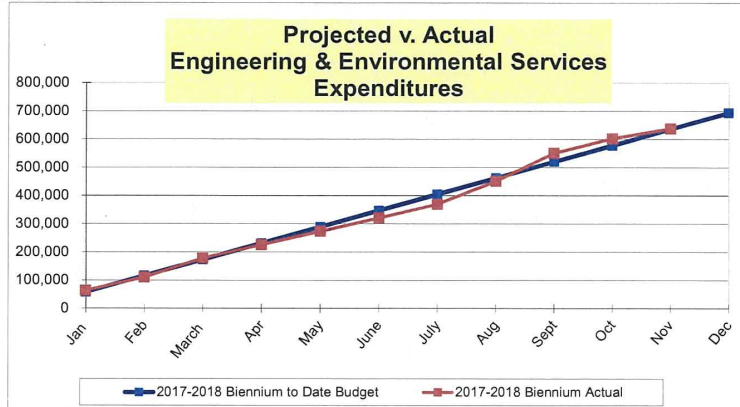
Year To Date
 Actual v. Projected 81%



City of Kenmore, Washington
General Fund Expenditure Graphs
November 30, 2017
ENGINEERING & ENVIRONMENTAL SERVICES

	2017-2018 Biennium to Date Budget	2017-2018 Biennium Actual
Jan	57,834	63,600
Feb	115,668	110,964
March	173,503	179,003
Apr	231,337	225,551
May	289,171	274,037
June	347,005	320,683
July	404,839	369,766
Aug	462,673	451,218
Sept	520,508	550,760
Oct	578,342	602,609
Nov	636,176	637,896
Dec	694,010	

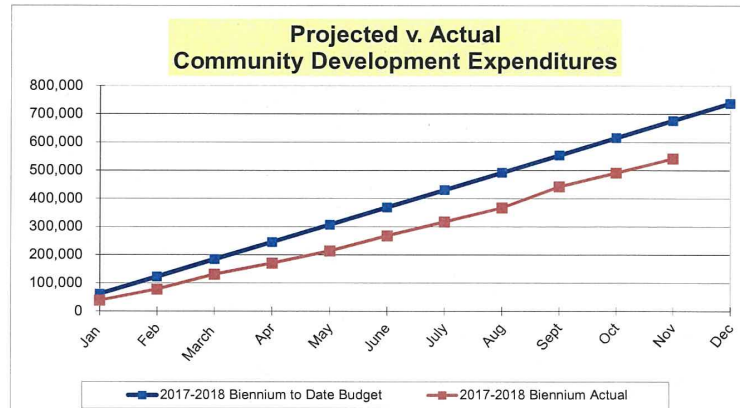
Year To Date
 Actual v. Projected 100%



COMMUNITY DEVELOPMENT

	2017-2018 Biennium to Date Budget	2017-2018 Biennium Actual
Jan	61,496	38,519
Feb	122,992	78,385
March	184,488	131,963
Apr	245,984	170,919
May	307,480	214,335
June	368,976	268,408
July	430,471	317,529
Aug	491,967	367,246
Sept	553,463	442,213
Oct	614,959	491,496
Nov	676,455	541,728
Dec	737,951	

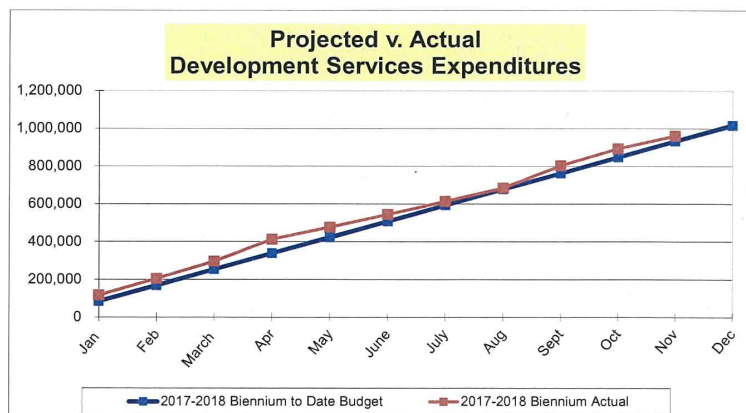
Year To Date
 Actual v. Projected 80%



DEVELOPMENT SERVICES

	2017-2018 Biennium to Date Budget	2017-2018 Biennium Actual
Jan	84,805	117,098
Feb	169,611	206,499
March	254,416	296,791
Apr	339,221	414,588
May	424,027	478,600
June	508,832	545,646
July	593,637	613,857
Aug	678,443	685,004
Sept	763,248	805,144
Oct	848,053	894,134
Nov	932,859	961,235
Dec	1,017,664	

Year To Date
 Actual v. Projected 103%



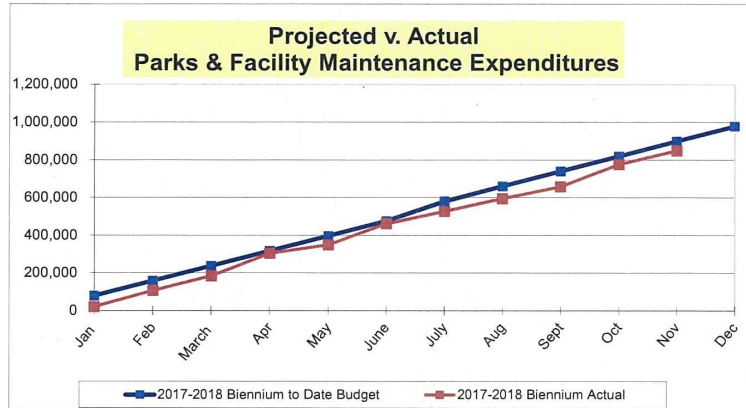
City of Kenmore, Washington
General Fund Expenditure Graphs
November 30, 2017

PARKS & FACILITY MAINTENANCE

	2017-2018 Biennium to Date Budget	2017-2018 Biennium Actual
Jan	79,476	21,351
Feb	158,951	106,851
March	238,427	185,322
Apr	317,902	304,281
May	397,378	350,322
June	476,853	462,101
July	581,329	526,908
Aug	660,804	595,730
Sept	740,280	658,192
Oct	819,755	777,017
Nov	899,231	849,468
Dec	978,706	

Year To Date
 Actual v. Projected

94%

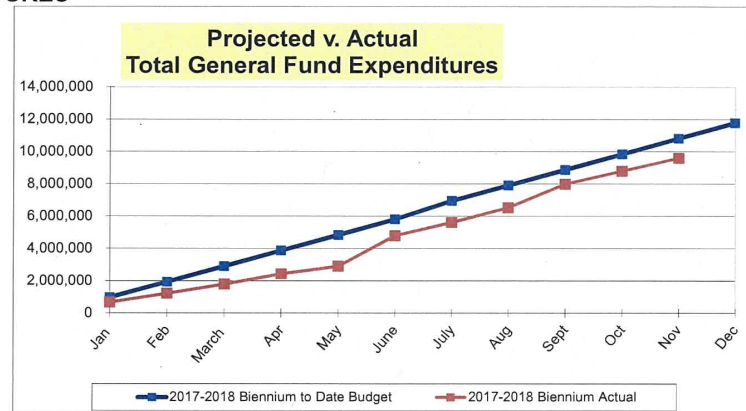


TOTAL GENERAL FUND EXPENDITURES

	2017-2018 Biennium to Date Budget	2017-2018 Biennium Actual
Jan	967,716	664,218
Feb	1,935,433	1,223,732
March	2,903,149	1,794,525
Apr	3,870,865	2,431,218
May	4,838,582	2,906,179
June	5,806,298	4,799,760
July	6,942,939	5,617,363
Aug	7,910,656	6,526,131
Sept	8,878,372	7,994,883
Oct	9,846,088	8,798,366
Nov	10,813,805	9,606,372
Dec	11,781,521	

Year To Date
 Actual v. Projected

89%



**City of Kenmore, Washington
Street Fund Summary Report
November 30, 2017**



	MONTH	BIENNIUM TO DATE	% of	BUDGET
	<u>November 2017</u>	<u>2017-2018</u>	<u>BUDGET</u>	<u>2017-2018</u>
<u>REVENUES</u>				
Beginning Fund Balance		790,989		861,602
Fuel Tax	38,823	437,208	45.1%	969,604
Investment Interest	334	1,398	-	6,000
Miscellaneous	0	62,712	-	1,500
ROW Permit Fees/Inspections	16,776	106,967	48.6%	220,000
Multimodal Transportation	0	15,472	33.5%	46,200
Transfer from General Fund	0	375,000	37.5%	1,000,000
Transfer from TBD	0	0	0.0%	669,000
Total Revenues	55,932	998,757	34.3%	2,912,304

Total Revenues & Beginning Fund Balance	1,789,746	3,773,906
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	BIENNIUM TO DATE		% of	BUDGET
		<u>2017-2018</u>	<u>BUDGET</u>	<u>2017-2018</u>
<u>EXPENDITURES</u>				
Salary and Benefits	35,646	376,507	40.1%	938,209
Maintenance & Operations	136,743	831,026	43.0%	1,930,800
Capital	0	105,784	264.5%	40,000
Total Expenditures	172,389	1,313,317	45.1%	2,909,009

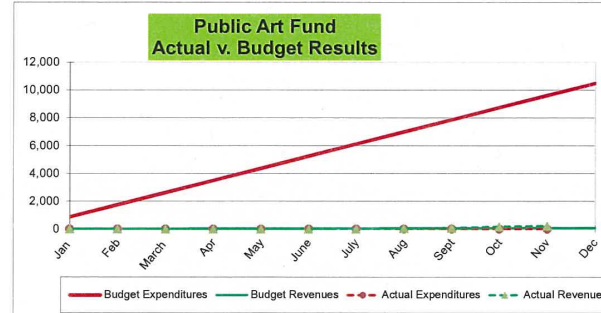
Ending Fund Balance	476,429	864,897
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Total Expenditures and Ending Fund Balance	1,789,746	3,773,906
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City of Kenmore, Washington
Other Funds Monthly Activity
November 30, 2017

PUBLIC ART FUND

	2017-2018 Budget Expenditures	2017-2018 Actual Expenditures	2017-2018 Budget Revenue	2017-2018 Actual Revenue
Jan	875	0	6	0
Feb	1,750	0	13	0
March	2,625	0	19	0
Apr	3,500	0	25	0
May	4,375	0	31	0
June	5,250	0	38	0
July	6,125	0	44	0
Aug	7,000	0	50	51
Sept	7,875	0	56	73
Oct	8,750	0	63	166
Nov	9,625	0	69	214
Dec	10,500		75	
2017-18	11,000		150	
Total Actual to Date vs Total Budget		0%		143%

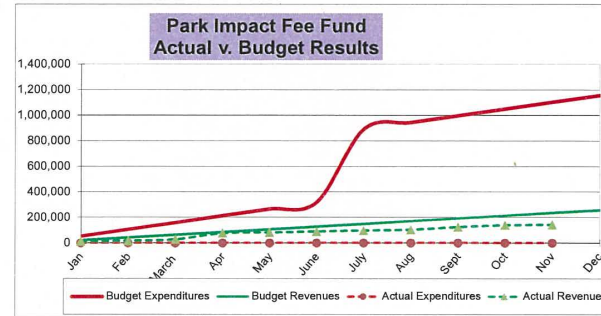


This fund accounts for public art authorized by Ordinance 01-0115. One percent (1%) of public project construction contracts is contributed to this fund to provide for public art displays or performing arts events as authorized by the City Council.

0

PARK IMPACT FEE FUND

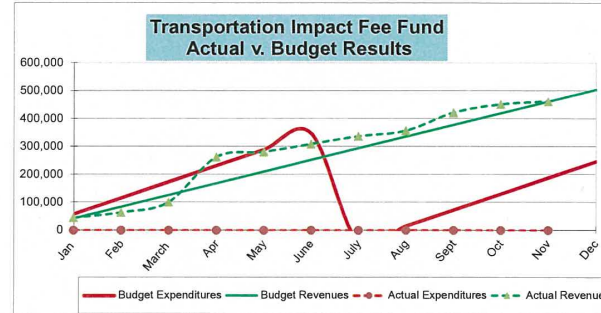
	2017-2018 Budget Expenditures	2017-2018 Actual Expenditures	2017-2018 Budget Revenue	2017-2018 Actual Revenue
Jan	53,292	0	21,417	12,825
Feb	106,583	0	42,833	17,955
March	159,875	0	64,250	28,215
Apr	213,167	0	85,667	77,244
May	266,458	0	107,083	82,374
June	319,750	0	128,500	90,069
July	380,418	0	149,917	97,764
Aug	443,709	0	171,333	103,859
Sept	507,001	0	192,750	124,803
Oct	570,293	0	214,167	139,450
Nov	633,584	0	235,583	142,942
Dec	696,876		257,000	
2017-18	1,271,876		412,000	
Total Actual to Date vs Total Budget		0%		35%



This fund accounts for City imposed park impact fees on new development. Expenditures are for public park acquisitions and improvements.

TRANSPORTATION IMPACT FEE FUND

	2017-2018 Budget Expenditures	2017-2018 Actual Expenditures	2017-2018 Budget Revenue	2017-2018 Actual Revenue
Jan	57,884	0	41,958	44,829
Feb	115,768	0	83,917	63,470
March	173,651	0	125,875	100,752
Apr	231,535	0	167,833	262,204
May	289,419	0	209,792	280,845
June	347,303	0	251,750	308,806
July	405,187	0	293,708	336,767
Aug	463,071	0	335,667	356,881
Sept	520,955	0	377,625	421,747
Oct	578,839	0	419,583	451,919
Nov	636,723	0	461,542	462,369
Dec	694,607		503,500	
2017-18	533,783		905,500	
Total Actual to Date vs Total Budget		0%		51%

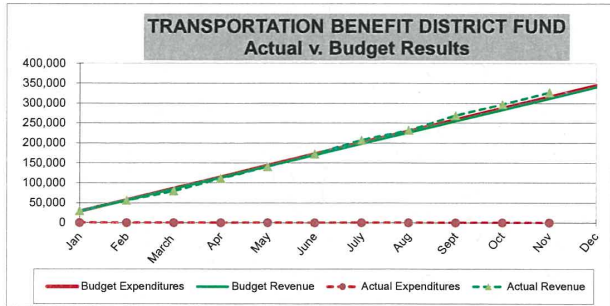


This fund accounts for City imposed transportation impact fees on new development. Expenditures are for public transportation improvements.

City of Kenmore, Washington
Other Funds Monthly Activity
November 30, 2017

TRANSPORTATION BENEFIT DISTRICT FUND

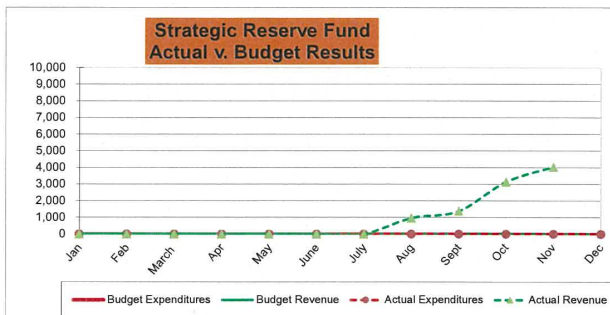
	2017-2018 Budget Expenditures	2017-2018 Actual Expenditures	2017-2018 Budget Revenue	2017-2018 Actual Revenue
Jan	28,750	0	28,367	29,680
Feb	57,500	0	56,733	56,430
March	86,250	0	85,100	79,992
Apr	115,000	0	113,467	111,336
May	143,750	0	141,833	140,838
June	172,500	0	170,200	172,300
July	201,250	0	198,567	207,088
Aug	230,000	0	226,933	232,576
Sept	258,750	0	255,300	268,680
Oct	287,500	0	283,667	296,981
Nov	316,250	0	312,033	327,193
Dec	345,000		340,400	
2017-18	669,000		680,800	
Total Actual to Date vs Total Budget		0%		48%



The Transportation Benefit District fund accounts for the \$20 vehicle license tab fees levied on vehicles located in the Kenmore city limits. The revenue generated will be used in maintaining the City's transportation system.

STRATEGIC RESERVE FUND

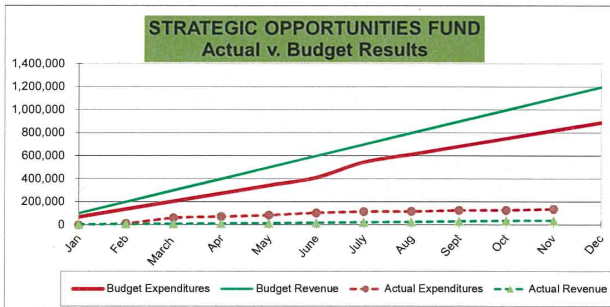
	2017-2018 Budget Expenditures	2017-2018 Actual Expenditures	2017-2018 Budget Revenue	2017-2018 Actual Revenue
Jan	0	0	0	0
Feb	0	0	0	0
March	0	0	0	0
Apr	0	0	0	0
May	0	0	0	0
June	0	0	0	0
July	0	0	0	0
Aug	0	0	0	959
Sept	0	0	0	1,373
Oct	0	0	0	3,137
Nov	0	0	0	4,033
Dec	0	0	0	
2017-18	0	0	0	0
Total Actual to Date vs Total Budget		0%		0%



This fund was created to serve as the City's emergency reserve fund. Per State Statute, the fund cannot exceed \$.375 per \$1,000 of the City's assessed value and is fully funded at \$1,264,464 for 2011. No expenditures are anticipated or have been budgeted at this time.

STRATEGIC OPPORTUNITIES FUND

	2017-2018 Budget Expenditures	2017-2018 Actual Expenditures	2017-2018 Budget Revenue	2017-2018 Actual Revenue
Jan	68,750	193	99,750	3,525
Feb	137,500	13,476	199,501	6,525
March	206,250	61,884	299,251	9,375
Apr	275,000	73,327	399,001	12,075
May	343,750	85,704	498,751	15,230
June	412,500	105,921	598,502	18,510
July	544,950	116,212	698,252	22,810
Aug	613,700	118,477	798,002	26,541
Sept	682,450	127,574	897,752	31,671
Oct	751,200	129,380	997,503	37,444
Nov	819,950	138,562	1,097,253	38,340
Dec	888,700		1,197,003	
2017-18	1,634,900		1,217,946	
Total Actual to Date vs Total Budget		8%		3%

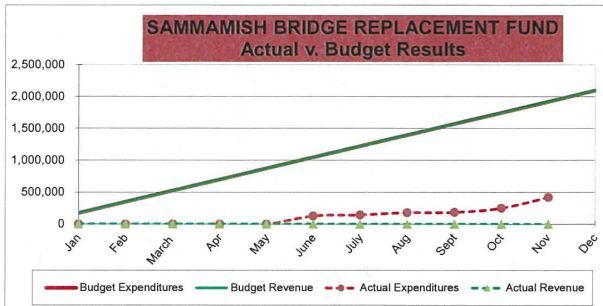


The purpose of the Strategic Opportunities Fund is to have funds available for the City to make key investments or take advantage of strategic opportunities as they present themselves. For 2015-16, the Business Incubator expenditures are budgeted in this fund.

City of Kenmore, Washington
Other Funds Monthly Activity
November 30, 2017

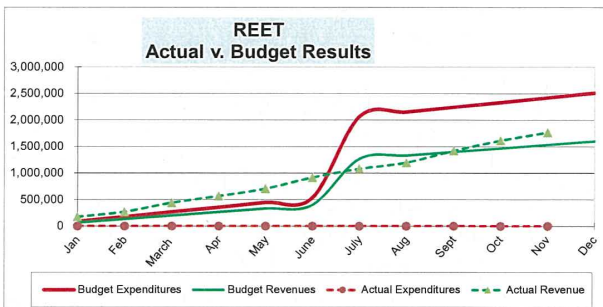
SAMMAMISH BRIDGE REPLACEMENT FUND				
	2017-2018 Budget Expenditures	2017-2018 Actual Expenditures	2017-2018 Budget Revenue	2017-2018 Actual Revenue
Jan	174,914	0	174,914	0
Feb	349,827	0	349,827	0
March	524,741	0	524,741	0
Apr	699,654	0	699,654	0
May	874,568	0	874,568	0
June	1,049,481	126,094	1,049,481	0
July	1,224,395	145,376	1,224,395	0
Aug	1,399,308	180,995	1,399,308	0
Sept	1,574,222	183,984	1,574,222	0
Oct	1,749,135	251,029	1,749,135	0
Nov	1,924,049	421,557	1,924,049	0
Dec	2,098,962		2,098,962	
2017-18	3,009,961		3,009,961	
Total Actual to Date vs Total Budget		14%		0%

The Sammamish Bridge Replacement fund is a fund used to put money aside for the replacement of the West Sammamish bridge.



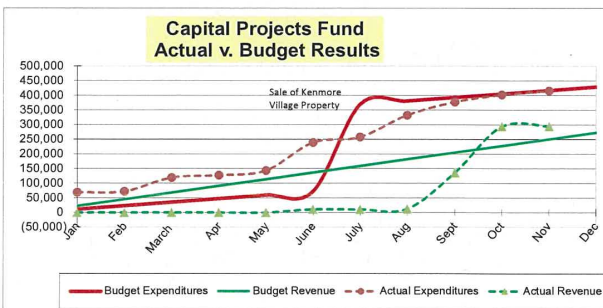
REAL ESTATE EXCISE TAX FUND				
	2017-2018 Budget Expenditures	2017-2018 Actual Expenditures	2017-2018 Budget Revenue	2017-2018 Actual Revenue
Jan	89,596	0	66,833	176,657
Feb	179,193	0	133,667	270,792
March	268,789	0	200,500	440,878
Apr	358,385	0	267,333	567,123
May	447,982	0	334,167	706,544
June	537,578	0	401,000	917,974
July	2,065,104	0	1,267,833	1,081,112
Aug	2,154,701	0	1,334,667	1,198,562
Sept	2,244,297	0	1,401,500	1,421,554
Oct	2,333,893	0	1,468,333	1,614,038
Nov	2,423,490	0	1,535,167	1,767,216
Dec	2,513,086		1,602,000	
2017-18	3,622,825		2,203,000	
Total Actual to Date vs Total Budget		0%		80%

The Real Estate Excise Tax Fund accounts for the 1/2% real estate excise taxes levied by the City which are restricted to capital projects and improvements. Expenditures include transfers to the Park Capital Fund for park improvements and Transportation Capital Fund for transportation improvements.



KENMORE VILLAGE FUND				
	2017-2018 Budget Expenditures	2017-2018 Actual Expenditures	2017-2018 Budget Revenue	2017-2018 Actual Revenue
Jan	12,096	70,105	22,779	0
Feb	24,192	72,838	45,559	0
March	36,288	119,626	68,338	0
Apr	48,384	127,948	91,117	27
May	60,480	144,017	113,896	27
June	72,576	239,277	136,676	10,821
July	369,237	258,282	159,455	10,821
Aug	381,333	332,743	182,234	12,342
Sept	393,429	377,671	205,013	135,463
Oct	405,525	402,565	227,793	294,011
Nov	417,621	416,385	250,572	294,315
Dec	429,717		273,351	
2017-18	576,794		424,628	
Total Actual to Date vs Total Budget		72%		69%

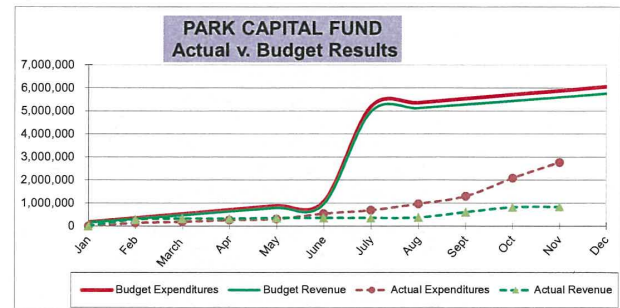
The Kenmore Village Fund accounts for leasing activity and property transactions within Kenmore Village



City of Kenmore, Washington
Other Funds Monthly Activity
November 30, 2017

PARK CAPITAL FUND

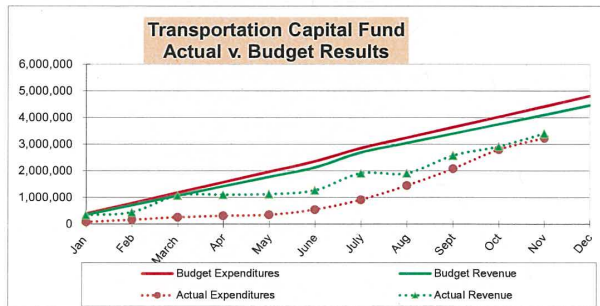
	2017-2018 Budget Expenditures	2017-2018 Actual Expenditures	2017-2018 Budget Revenue	2017-2018 Actual Revenue
Jan	176,003	1,170	158,341	0
Feb	352,005	133,385	316,683	288,046
March	528,008	187,325	475,024	326,050
Apr	704,010	261,037	633,365	326,050
May	880,013	308,011	791,706	353,859
June	1,056,016	540,453	950,048	353,859
July	5,184,894	689,496	4,967,265	353,859
Aug	5,360,897	968,179	5,125,606	374,767
Sept	5,536,899	1,298,920	5,283,947	607,504
Oct	5,712,902	2,086,893	5,442,289	822,185
Nov	5,888,904	2,768,869	5,600,630	844,509
Dec	6,064,907		5,758,971	
2017-18	8,446,832		8,190,896	
Total Actual to Date vs Total Budget		33%		10%



The Park Capital fund will account for Park Capital Projects formerly included in the Municipal Capital fund. In addition, distributions from the King County Proposition 2 Parks Expansion Levy will be receipted into this fund

TRANSPORTATION CAPITAL FUND

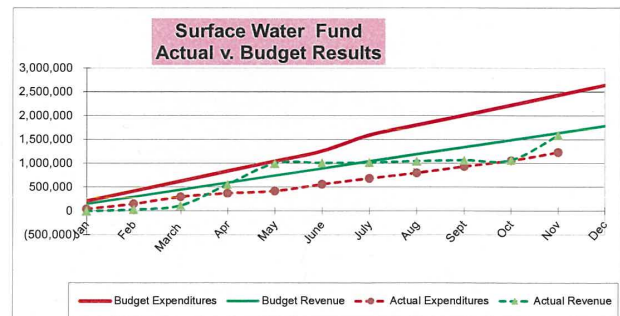
	2017-2018 Budget Expenditures	2017-2018 Actual Expenditures	2017-2018 Budget Revenue	2017-2018 Actual Revenue
Jan	392,880	81,707	354,697	340,478
Feb	785,760	161,860	709,393	444,924
March	1,178,640	256,638	1,064,090	1,067,839
Apr	1,571,520	314,233	1,418,787	1,101,573
May	1,964,400	352,349	1,773,483	1,123,091
June	2,357,280	546,266	2,128,180	1,266,260
July	2,852,605	915,095	2,689,992	1,908,336
Aug	3,245,485	1,448,725	3,044,688	1,908,336
Sept	3,638,365	2,083,259	3,399,385	2,574,586
Oct	4,031,245	2,802,531	3,754,082	2,919,207
Nov	4,424,125	3,235,058	4,108,778	3,405,573
Dec	4,817,005		4,463,475	
2017-18	9,529,005		9,316,326	
Total Actual to Date vs Total Budget		34%		37%



The Transportation Capital Fund accounts for capital improvements to the City's streets and SR 522, funded by various grants plus City resources from real estate excise tax and transportation impact fees. All phases of improvements to SR 522 are now accounted for in this fund. There is a time lag between project expenditures and reimbursements from grants; this accounts for the lower revenues compared to the expenditures.

SURFACE WATER MANAGEMENT FUND

	2017-2018 Budget Expenditures	2017-2018 Actual Expenditures	2017-2018 Budget Revenue	2017-2018 Actual Revenue
Jan	209,955	44,444	148,867	(3,295)
Feb	419,909	151,830	297,733	30,960
March	629,864	300,057	446,600	113,869
Apr	839,819	374,351	595,467	556,020
May	1,049,773	421,948	744,333	996,212
June	1,259,728	563,736	893,200	1,010,840
July	1,594,683	685,815	1,042,067	1,015,847
Aug	1,804,637	801,345	1,190,933	1,048,689
Sept	2,014,592	936,691	1,339,800	1,067,199
Oct	2,224,547	1,059,486	1,488,667	1,067,199
Nov	2,434,501	1,234,855	1,637,533	1,590,839
Dec	2,644,456		1,786,400	
2017-18	4,854,487		3,543,400	
Total Actual to Date vs Total Budget		25%		45%

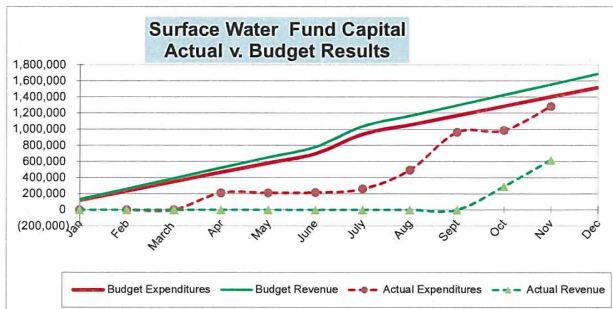


This fund accounts for receipts from surface water assessments. The assessments are collected through the property tax billings; the majority of the receipts are collected in May and November. Expenditures are for surface water maintenance activities such as sweeping and drainage as well as capital improvements.

City of Kenmore, Washington
Other Funds Monthly Activity
November 30, 2017

SURFACE WATER CAPITAL FUND

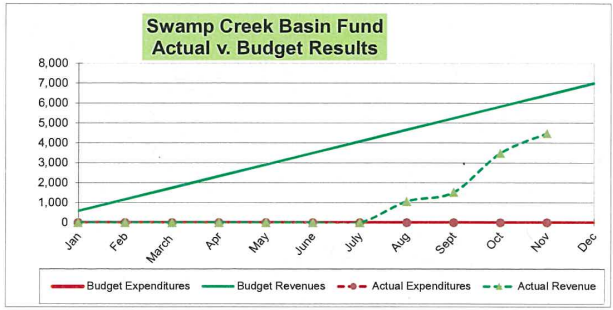
	2017-2018 Budget Expenditures	2017-2018 Actual Expenditures	2017-2018 Budget Revenue	2017-2018 Actual Revenue
Jan	116,303	0	130,220	0
Feb	232,606	0	260,439	0
March	348,909	1,195	390,659	0
Apr	465,211	209,700	520,878	0
May	581,514	209,700	651,098	0
June	697,817	215,213	781,317	0
July	939,120	258,495	1,036,537	0
Aug	1,055,423	493,282	1,166,756	0
Sept	1,171,726	962,648	1,296,976	0
Oct	1,288,028	987,174	1,427,195	289,813
Nov	1,404,331	1,284,989	1,557,415	619,813
Dec	1,520,634		1,687,634	
2017-18	3,583,634		3,750,634	
Total Actual to Date vs Total Budget		36%		17%



This fund accounts for the expenditures for Surface Water Capital Improvements. Revenue sources for this fund include a variety of federal, state, or local grants, surface water management fees transferred from the Surface Water Management Fund and real estate excise taxes.

SWAMP CREEK BASIN FUND

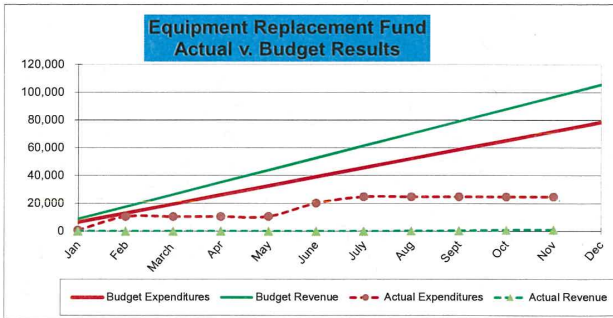
	2017-2018 Budget Expenditures	2017-2018 Actual Expenditures	2017-2018 Budget Revenue	2017-2018 Actual Revenue
Jan	0	0	583	0
Feb	0	0	1,167	0
March	0	0	1,750	0
Apr	0	0	2,333	0
May	0	0	2,917	0
June	0	0	3,500	0
July	0	0	4,083	0
Aug	0	0	4,667	1,065
Sept	0	0	5,250	1,525
Oct	0	0	5,833	3,485
Nov	0	0	6,417	4,481
Dec	0	0	7,000	
2017-18	0	0	14,000	
Total Actual to Date vs Total Budget		0%		32%



This fund accounts for the Memorandum of Agreement with King County which provided funds reserved for surface water projects, improvements, and maintenance within the Swamp Creek Basin.

EQUIPMENT REPLACEMENT FUND

	2017-2018 Budget Expenditures	2017-2018 Actual Expenditures	2017-2018 Budget Revenue	2017-2018 Actual Revenue
Jan	6,542	756	8,791	0
Feb	13,083	10,587	17,582	0
March	19,625	10,587	26,373	0
Apr	26,167	10,587	35,164	0
May	32,708	10,717	43,955	0
June	39,250	20,250	52,747	0
July	45,792	24,882	61,538	0
Aug	52,333	24,882	70,329	271
Sept	58,875	24,882	79,120	388
Oct	65,417	24,882	87,911	888
Nov	71,958	24,882	96,702	1,141
Dec	78,500		105,493	
2017-18	119,000		210,986	
Total Actual to Date vs Total Budget		21%		1%



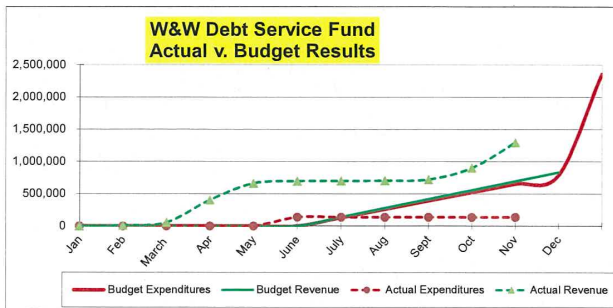
This fund is used to maintain a reserve for future replacement of equipment, including, but not limited to furniture, computers and vehicles. Payments are received from various operating departments and funds that benefit from or use the assets.

City of Kenmore, Washington
Other Funds Monthly Activity
November 30, 2017

W & W DEBT SERVICE FUND

	2017-2018 Budget Expenditures	2017-2018 Actual Expenditures	2017-2018 Budget Revenue	2017-2018 Actual Revenue
Jan	0	0	0	0
Feb	0	0	0	11,393
March	0	0	0	54,321
Apr	0	0	0	403,389
May	0	0	0	662,042
June	0	137,178	0	695,841
July	131,014	137,178	138,889	698,800
Aug	262,028	137,178	277,778	703,591
Sept	393,042	137,178	416,667	721,910
Oct	524,056	137,178	555,556	901,388
Nov	655,070	137,178	694,444	1,294,850
Dec	786,084		833,333	
2017-18	2,358,253		2,500,000	
Total Actual to Date vs Total Budget		6%		52%

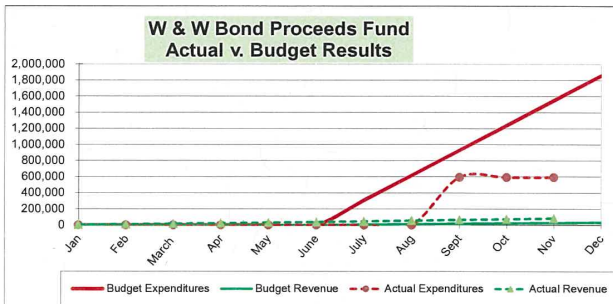
This fund accumulates the voted property tax levy receipts for the Walkways and Waterways Bonds which are used to make the principal and interest repayments on the bonded debt.



W & W BOND PROCEEDS FUND

	2017-2018 Budget Expenditures	2017-2018 Actual Expenditures	2017-2018 Budget Revenue	2017-2018 Actual Revenue
Jan	0	0	0	4,776
Feb	0	0	0	9,514
March	0	0	0	15,347
Apr	0	0	0	22,025
May	0	0	0	29,267
June	0	0	0	37,181
July	309,722	0	5,556	46,142
Aug	619,444	0	11,111	55,419
Sept	929,167	593,532	16,667	64,554
Oct	1,238,889	593,532	22,222	74,086
Nov	1,548,611	593,532	27,778	83,462
Dec	1,858,333		33,333	
2017-18	5,575,000		100,000	
Total Actual to Date vs Total Budget		11%		83%

This fund holds the receipts from the December 2016 sale of the Walkways and Waterways Bonds and transfers money to the Transportation and Park Capital Funds to pay for the specific Walkways and Waterways projects.



City of Kenmore, Washington
Investment Schedule
November 30, 2017



Average Yield to Maturity-Securities							Overall Average Yield	0.91%
Report by Security	Investment #	Type	Maturity Date	Purchase Date	Rate	Yield	Principal or Balance	Yield Equivalents
Morgan Stanley								
	3134G9GR2	FHLMC	8/18/2020	8/7/2017	1.60%	1.62%	999,500.00	16,191.90
	3133EHXL2	FHLB	3/5/2020	9/19/2017	1.54%	1.54%	999,000.00	15,384.60
	3130AB3N4	FHLB	10/29/2019	4/28/2017	1.55%	1.55%	1,000,750.00	15,511.63
Total Morgan Stanley Purchases							2,999,250.00	47,088.13
Time Value Investments								
	31771EAL5	FICO	2/8/2018	1/13/2015	1.15%	1.15%	999,114.48	11,489.82
	31771EAQ4	FHLB	11/2/2018	11/23/2016	1.08%	1.08%	999,868.36	10,798.58
	3130A7RL1	FHLB	4/19/2021	1/26/2017	1.80%	1.80%	992,893.00	17,872.07
	3135G0XK4	FNMA	5/25/2018	11/25/2013	1.38%	1.38%	985,750.00	13,583.64
	3135G0XK4	FNMA	5/25/2018	2/27/2014	1.30%	1.30%	989,691.00	12,865.98
	3135G0G23	FNMA	4/29/2019	11/24/2015	1.35%	1.35%	998,326.00	13,477.40
Total TVI Purchases							5,965,642.84	80,087.49
Sound Community Bank CD's								
	18299229	CD	2/11/2018	2/14/2016	0.80%	0.80%	1,000,000.00	8,000.00
Total Sound Community Bank CD's							1,000,000.00	8,000.00
Opus Bank CD's								
	11495975	CD	2/10/18	6/10/15	0.35%	0.35%	1,000,000.00	3,500.00
	11539715	CD	3/29/18	3/30/16	0.85%	0.85%	1,000,000.00	8,500.00
Total Cascade Bank CD's							2,000,000.00	12,000.00
TOTAL ALL SECURITIES							\$ 11,964,892.84	\$ 147,175.61
Banner Checking and Savings							0.07% Banner	3,392,848.02
Opus Savings							0.83% Opus	2,374.99
Cash								3,030,534.63
LGIP - Primary Account							0.83% LGIP	1,005.00
LGIP - Bond Proceeds Account							0.83% LGIP	787,281.99
Total Accounts								9,876,308.22
							\$	29,052,870.70
								263,211.84

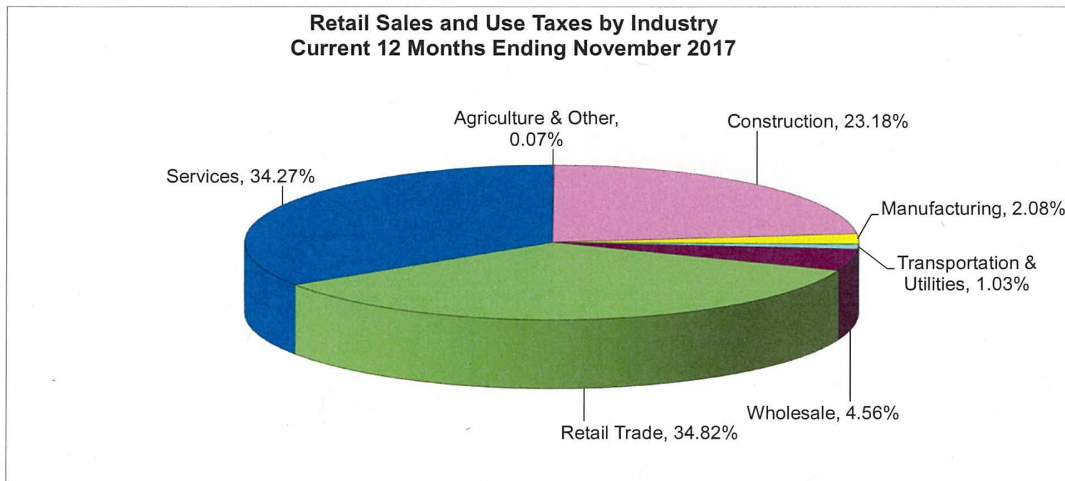
City of Kenmore, Washington
SALES TAX RECEIPTS BY BUSINESS TYPE
 November 2017

	SALES TAX	USE TAX	TOTAL	PERCENT
AGRICULTURE & OTHER	26.12	0.00	26.12	0.0%
CONSTRUCTION	49,907.09	958.03	50,865.11	25.2%
MANUFACTURING	3,567.90	16.70	3,584.60	1.8%
TRANSPORTATION & UTILITIES	1,404.05	1,041.29	2,445.34	1.2%
WHOLESALE	10,123.58	179.94	10,303.52	5.1%
RETAIL TRADE	62,607.39	137.74	62,745.13	31.1%
SERVICES	55,127.40	399.32	55,526.72	27.5%
INFORMATION	11,418.95	69.32	11,488.28	5.7%
PUBLIC SERVICES	7.13	4,807.25	4,814.38	2.4%
	<u>194,189.63</u>	<u>7,609.59</u>	<u>201,799.22</u>	<u>100.0%</u>

City of Kenmore, Washington
Retail Sales and Use Tax Distribution
November 30, 2017

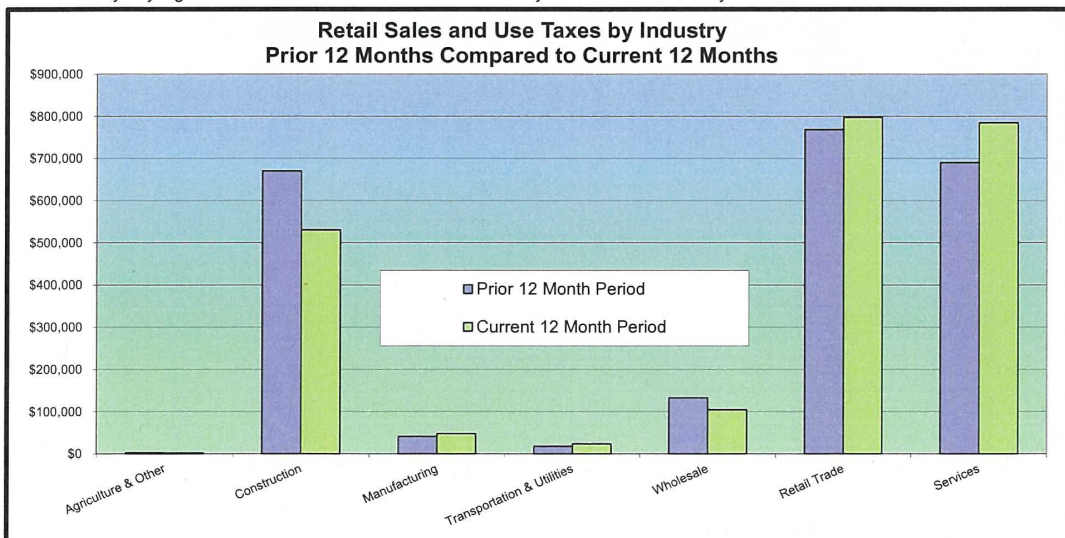


Industry	Prior 12 Months ending November 2016	Current 12 Months ending November 2017	% Increase/ (Decrease)	% of Total
Agriculture & Other (Landscaping, Animal Hospitals)	\$2,644	\$1,530	-42.13%	0.07%
Construction	670,036	530,587 *	-20.81%	23.18%
Manufacturing (Printing, Publishing, Other Manuf.)	41,314	47,611	15.24%	2.08%
Transp/Comm/Utilities (Telecomm., Air Transport.)	17,950	23,575	31.33%	1.03%
Wholesale (Lumber, Other Wholesale)	132,477	104,378	-21.21%	4.56%
Retail Trade (Eating, Merchandise, Food Stores)	768,246	797,139	3.76%	34.82%
Services (Auction, Recreation, Auto Repair, Financial)	689,797	784,408	13.72%	34.27%
Totals	<u>\$2,322,464</u>	<u>\$2,289,228</u>	<u>-1.43%</u>	100%
Increase/(Decrease)		<u>(\$33,236)</u>	<u>-1.43%</u>	



NOTE: Due to the City's Confidentiality Agreement with the Department of Revenue, specific business information cannot be disclosed.

There is a sixty-day lag between sales taxes collected and when they are remitted to the City



**City of Kenmore, Washington
Real Estate Excise Tax Report
November 30, 2017**



**Real Estate Excise Taxes (REET)
2014 - 2017 Monthly Receipts**

	Actual 2014	Actual 2015	Actual 2016	Actual 2017	Target 2017
January	72,106	74,259	122,819	176,657	89,728
February	54,038	61,070	70,146	94,134	61,751
March	30,426	111,337	110,066	170,086	83,943
April	45,118	104,280	133,161	126,245	94,186
May	102,257	112,927	129,599	139,422	114,928
June	88,070	156,338	167,575	211,430	137,328
July	116,858	173,095	177,426	163,138	155,793
August	92,932	166,651	165,397	114,754	141,660
September	91,812	147,668	136,176	221,719	125,219
October	272,842	129,678	150,786	186,805	184,435
November	85,748	120,907	124,437	150,187	110,364
December	73,582	96,566	131,651		100,600
	\$1,125,790	\$1,454,776	\$1,619,239	\$1,754,577	\$1,399,935

For 2017, REET is \$241,239 more than the same period last year and more than the 2016 target by \$415,419

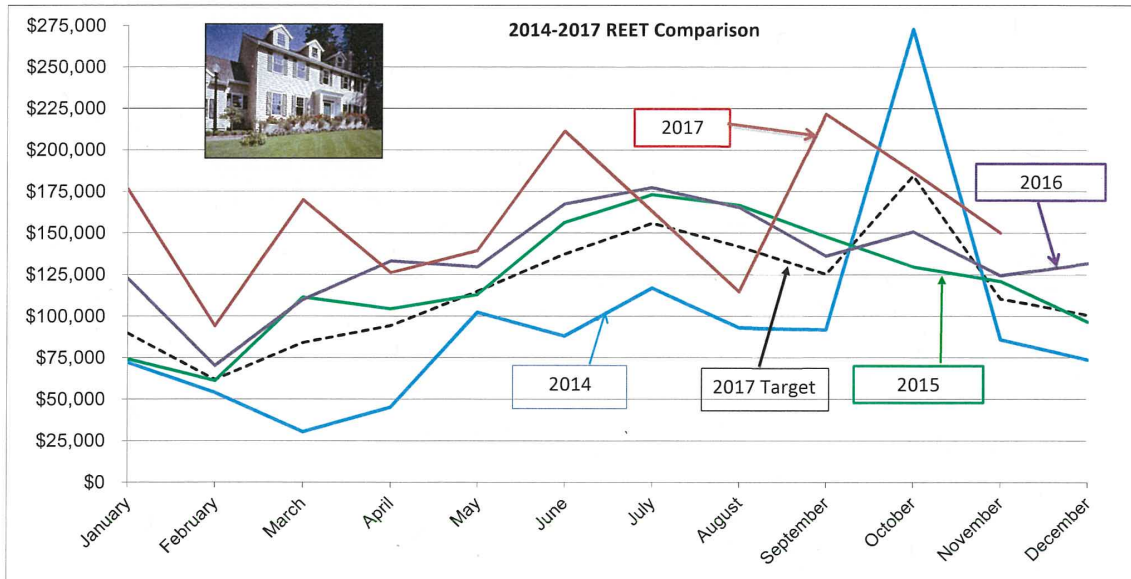
* NOTE THE 2017 target is computed on a 3 year average (2014-2016) of actual receipts

**Real Estate Excise Taxes (REET)
2014 - 2017 Property Sales > \$500,000**

(The sales actually occur in the prior month; there is a 30 day lag between sales and when the City receives the revenue)

Taxes from > \$500,000 Sale Amounts

	2014	2015	2016	2017	2014	2015	2016	2017
January	4,699,850	7,418,000	18,590,517	27,548,430	23,264	36,719	92,023	136,365
February	3,930,920	6,607,900	9,701,034	19,017,050	19,458	32,709	48,020	94,134
March	2,175,430	7,874,934	15,147,174	29,692,641	10,768	38,981	74,979	146,979
April	4,266,725	14,291,370	21,160,913	19,953,544	21,120	70,742	104,747	98,770
May	12,347,730	14,068,904	19,813,122	24,277,456	61,121	69,641	98,075	120,173
June	7,353,999	20,361,466	26,065,161	36,414,050	36,402	100,789	129,023	180,250
July	15,071,601	25,571,387	24,020,546	28,779,145	74,604	126,578	118,902	142,457
August	5,882,306	22,614,538	21,648,781	18,859,991	29,117	111,942	107,161	93,357
September	8,437,700	18,821,380	16,950,242	38,431,272	41,767	93,166	83,904	190,235
October	44,456,605	16,519,240	21,157,409	31,278,148	220,060	81,770	104,729	154,827
November	8,922,100	14,736,156	16,916,011		44,164	72,944	83,734	0
December	7,142,900	13,187,535	20,607,695		35,357	65,278	102,008	0
	\$124,687,866	\$182,072,810	\$231,778,605	\$274,251,727	617,202	901,259	1,147,305	\$1,357,547



I:\Admin & Finance\Monthly Reports\2017\NovemberREET

City of Kenmore, Washington
Monthly Report for Kenmore Village Fund
November 30, 2017



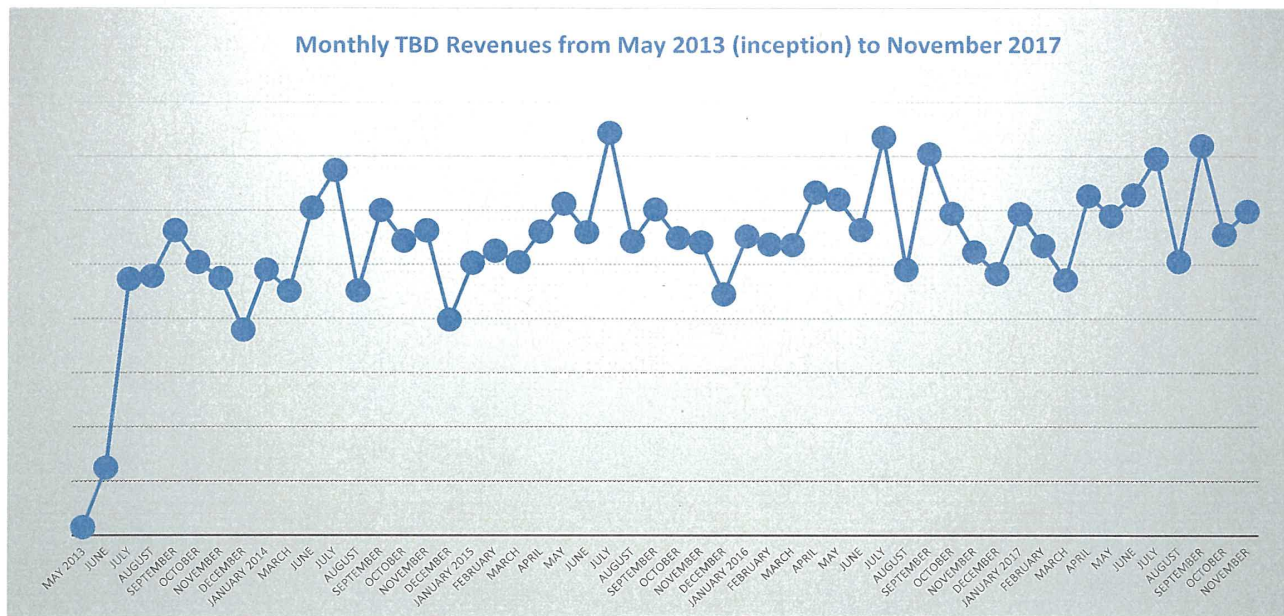
<u>Revenues</u>	<u>November 2017</u>	<u>Biennium-to- Date</u>	<u>Biennium Budget</u>
Lease Income (USPS & Kenmore Village)	60	120	89,000
Investment Interest	244	678	5,000
Transfer From General Fund	0	123,085	328,228
Misc. Revenues	0	170,282	0
Leasehold Excise Returned	0	149	2,400
Total Revenues	304	294,315	424,628
<u>Expenditures</u>			
Salaries/Wages/Benefits		761	60,000
Downtown Plan Services	1,208	9,033	0
Events & Misc.	3,037	28,218	44,000
Utilities and Insurance - Kenmore Village	654	20,497	64,200
Repairs, Maintenance, Other Services	8,921	45,735	84,600
Surface Water and Fire Benefit Fees	0	3,557	0
Computer Software	0	0	20,000
Improvements	0	0	8,000
Kenmore Village Public Square	0	308,583	0
Total Expenditures	13,820	416,385	292,228
Net Income (Loss)	-13,516	-122,070	132,400

NOTE: This schedule only reflects activity occurring on the City books and does not include the lease revenue and expenditures accounted for by the property management firm.

**Kenmore Transportation Benefit District
Monthly Report
November 30, 2017**



Revenues	November 2017	Biennium-to- Date	Percent of Budget	Biennium Budget
Vehicle Fees	29,938	326,111	47.96%	680,000
Investment Interest	273	1,081	135.09%	800
Total Revenues	\$30,211	\$327,192	48.06%	\$680,800
Expenditures				
Reimbursement to Street Fund	0	0	0.00%	669,000
Total Expenditures	0	0	0.00%	669,000
Net Income (Loss)	\$30,211	\$327,192		\$11,800





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

Subject/Topic: Ordinance No. 18-0460 Amending Chapter 1.10 of the Kenmore Municipal Code Relating to Disclosure of Public Records Proposed Council Action/Motion: Adopt Ordinance No. 18-0460 of the City of Kenmore, Washington, Amending Chapter 1.10 of the Kenmore Municipal Code to Update the City's Procedures Relating to the Disclosure of Public Records, and Fixing an Effective Date	For Council Meeting Agenda of: February 26, 2018 Department: Executive Prepared by: Teresa McAllister, Public Records Officer <table style="width: 100%;"> <tr> <th style="text-align: left; width: 70%;"><u>Initial & Date</u></th> <th style="width: 30%;"></th> </tr> <tr> <td>Approved by Department Head:</td> <td>NKO by nam</td> </tr> <tr> <td>Approved by City Attorney:</td> <td>✓ DR</td> </tr> <tr> <td>Approved by Finance Director:</td> <td>ONE</td> </tr> <tr> <td>Approved by City Manager:</td> <td>RAK</td> </tr> </table> Exhibits/Attachments: Attachment 1: Summary of ESHB 1594 and EHB 1595 (2017) Attachment 2: Ordinance No. 18-0460 with Exhibit I Attachment 3: City of Kenmore Code Chapter 1.10 Public Records with proposed amendments highlighted Attachment 4: Copy fees schedule with proposed amendments	<u>Initial & Date</u>		Approved by Department Head:	NKO by nam	Approved by City Attorney:	✓ DR	Approved by Finance Director:	ONE	Approved by City Manager:	RAK
<u>Initial & Date</u>											
Approved by Department Head:	NKO by nam										
Approved by City Attorney:	✓ DR										
Approved by Finance Director:	ONE										
Approved by City Manager:	RAK										
Expenditure Required \$ N/A Amount Budgeted \$ N/A Appropriation Required \$ N/A											
<u>INFORMATION/BACKGROUND:</u> In 2017, the Washington State Legislature adopted legislation, ESHB 1594 and EHB, amending RCW 42.56 the Public Records Act (PRA). The legislation provides for improved public records administration and authorizes public agencies to charge costs associated with responding to public records requests. Attached is a summary detailing the 2017 legislation. The legislation also directed agencies to incorporate the legislation updates into their codes. The proposed Ordinance amends Kenmore Municipal Code Chapter 1.10 Public Records, incorporating the administrative updates, such as adding "clarification of request" as a permitted response to a public records request and requiring training of public records officers in records retention, production and disclosure of electronic documents, as well as implementing electronic copy fees. The City will continue to defer to the statutory default copy fees in response to public records requests rather than calculating the actual costs for making copies. As required by the new law, the amended KMC Chapter 1.10.070(b) provides for a declaration of the reasons that calculating actual copying costs would be unduly burdensome to the City. A copy of KMC Chapter 1.10 code showing proposed amendments is attached. Current fees are fifteen cents per page for photocopies. The Ordinance, as allowed by State law, authorizes copying fees to be charged for electronically produced copies. A fee will be charged for scanned copies at ten											

cents per page. Electronic files or attachment uploaded to email, cloud-based data storage, or other means of electronic delivery will be charged five cents per each four files/attachments, and ten cents per gigabyte for the transmission of public records in an electronic format or for the use of agency equipment to send the records electronically. The proposed amended copy fees schedule is attached. The City proactively posts many documents to the City's website for the public to access at no charge.

FISCAL CONSIDERATION:

The amended fees authorized by State law and this Ordinance recognize the administrative costs of efficiently responding to public records requests.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

Maintain compliance with Chapter 42.56 RCW, the Public Records Act.

Summary of ESHB 1594 (Improving Public Records Administration)

[Chap. 303, 2017 Laws. Act is effective July 23, 2017. Summary only – see bill for details.]

DEFINITION

- **PUBLIC RECORD.** Section 1 amends the “public record” definition in the Public Records Act (PRA) at RCW 42.56.010(3) to exclude records that are not otherwise required to be retained and are held by volunteers who (a) do not serve in an administrative capacity; (b) have not been appointed by the agency to an agency board, commission or internship; and, (c) do not have a supervisory role or delegated agency authority.

TRAINING

- **PUBLIC RECORDS OFFICER TRAINING.** Section 2 amends the training requirement for public records officers in RCW 42.56.152 to require training on “particular issues related to the retention, production and disclosure of electronic documents, including updating and improving technology information services.”

RECORDS PROCEDURES

- **5-DAY RESPONSE – REQUEST FOR CLARIFICATION.** Section 3 amends RCW 42.56.520 to provide that a permitted agency response to a PRA request within the 5-business day period is an acknowledgment of receipt and request for clarification, “and, providing to the greatest extent possible, a reasonable estimate of time” the agency will require to respond to the request if it is not clarified. If the entire request is unclear and the requester fails to respond, the agency need not respond to it. However, the agency must respond to those portions of a request that are clear.
- **PRA REQUESTS - LOGS.** Section 6 adds a new section in RCW 40.14 (records retention) that requires public agencies to maintain a log of public records requests to include for each request the identity of the requester (if provided), date of receipt, text of request, description of records produced, description of records redacted/withheld and the reasons, and date of final disposition. The logs must be retained per the agency’s records retention schedule and are a public record the PRA.
- **LOCAL AGENCY PRA ORDINANCES - ATTORNEY GENERAL’S OFFICE MODEL RULES.** Section 4 amends RCW 42.56.570 to provide that local agencies should consult the Attorney General’s Office (AGO) Model Rules when establishing local PRA ordinances.
- **PRA REQUESTS – DATA COLLECTION AND REPORTING.** Section 6 adds a new section in RCW 40.14 that requires public agencies “with actual staff and legal costs associated with fulfilling public records requests of at least \$100,000 during the prior fiscal year” to report to the Joint Legislative Audit and Review Committee (JLARC) 17 different data points about the agency’s PRA requests. Agencies that incur lower PRA costs (less than \$100,000) may report the data. JLARC must consult with state and local agencies to develop a reporting method and define metrics.

The data to be reported includes: leading practices and processes for records management/retention including technology upgrades and what percentage were implemented by the agency, average length of time to acknowledge receipt of a PRA request, proportion of requests where the agency responded in 5 days compared to where agency provided an estimated response time beyond 5 days, comparison of agency’s average initial estimate with actual time when all records were disclosed including whether the agency sent subsequent estimates, number of clarifications requested, number of requests denied and most common reasons, number of requests abandoned, requester types, which portion of requests were fulfilled electronically, numbers of requests where agency was required to scan records, estimated staff time spent on each individual request, estimated costs including costs for staff compensation and legal review and an average cost per request, number of PRA/other public records claims (by type of claim and exemption), litigation costs including penalties, costs for managing and retaining records (including staff compensation, equipment), expenses recovered by the agency from requesters, and a measure of requester satisfaction. JLARC will report to the Legislature by Dec. 1, 2019.

Summary of ESHB 1594 (Cont.)

[Chap. 303, 2017 Laws. Act is effective July 23, 2017. Summary only – see bill for details.]

PROGRAMS

- **RECORDS CONSULTATION PROGRAMS.** Section 4 amends RCW 42.56.570 to establish records consultation programs. An AGO program is established for local governments, addressing responding to records requests, seeking additional resources for technology, and mitigating liability and costs of compliance. A Secretary of State (State Archives) program is established for consultation and training on improving records retention practices for local governments. The programs end June 30, 2020. Funding is through a new county document recording \$1 surcharge deposited in the local government archives account (per Section 5 - amending RCW 40.14.024; and, Section 7 – amending RCW 36.22.175, which per Section 10 expires June 30, 2020). JLARC will review the programs and report to the Legislature by Dec. 1, 2019 (per Section 6 – new section in RCW 40.14).
- **LOCAL GOVERNMENT COMPETITIVE GRANT PROGRAM.** Section 6 adds a new section to RCW 40.14 that creates a local agency competitive grant program, administered by the State Archives, for one-time investments to improve technology information systems for records retention, management, disclosure and related training, through June 30, 2020. The program is funded through a new county document recording \$1 surcharge deposited in the local government archives account (per Section 5 - amending RCW 40.14.024; and, Section 7 – amending RCW 36.22.175, which per Section 10 expires June 30, 2020). JLARC will review the programs and report to the Legislature by Dec. 1, 2019 (per Section 6 – new section in RCW 40.14).

STUDY

- **OPEN RECORDS PORTAL STUDY.** Sections 8 and 9 provide for an open records portal study. The bill does not identify where these sections will be codified. Subject to appropriation, the State Archives must hire a consultant to study the feasibility of implementing a statewide open records portal through which a requester can request and receive a response to a PRA request through a single internet web site. The State Archives will convene a stakeholder group to develop the study's scope and direction. A report is due to the Legislature by Sept. 1, 2018.

Summary of EBH 1595
(Concerning Costs Associated With Responding to Public Records Requests)

[Chap. 304, 2017 Laws. Act is effective July 23, 2017. Summary only – see bill for details.]

COPY FEES

- **ACTUAL COSTS - COPYING FEES - ELECTRONIC RECORDS; HEARING.** Section 1 amends RCW 42.56.070(7) in the Public Records Act (PRA) to provide that:
 - Agencies may establish a statement of the actual costs that it charges for photocopies and now to include “electronically produced copies.”
 - “Actual costs” for copies may now also include the “actual cost of the electronic production or file transfer of the record and the use of any cloud-based data storage processing service” and the cost of transmitting electronic records (including the use of a physical media device).
 - The statement of costs may be adopted only after providing notice and a public hearing.
- **ACTUAL COSTS - COPYING FEES – CALCULATIONS.** Section 3 amends RCW 42.56.120 to provide that when calculating copy fees, “the agency shall use the most reasonable cost-efficient method available to the agency.” It also provides that actual costs may be imposed only in accordance with RCW 42.56.070(7) (see amendments in Section 1), and in accordance with the statement of factors and manner used to determine actual costs.
- **ACTUAL COSTS - CUSTOMIZED SERVICE CHARGE.** Section 3 amends RCW 42.56.120 to provide that an agency may additionally impose the actual costs of a “customized service charge” when the request would require the use of IT expertise to prepare data compilations or when such customized access services are not used by the agency for other business purposes. The agency must notify the requester and take other steps if it will be doing a customized service. An agency can require an advance 10 percent deposit.
- **ACTUAL COSTS VS. PRA DEFAULT FEE SCHEDULE – RULE DECLARATION.** Section 3 amends RCW 42.56.120 to provide that an agency need not calculate actual copying costs “if it has rules or regulations declaring the reasons doing so would be unduly burdensome.” In that case, the agency can use the PRA default fee schedule. See next bullet.
- **PRA DEFAULT FEE SCHEDULE.** Section 3 amends RCW 42.56.120 to provide a PRA default copying fee schedule (including an optional flat fee), under which the agency may charge:

PRA Fee Schedule	
Actual cost	Customized service charge (in addition to fees for copies – see copying fees below).
Copies:	
15 cents /page	Photocopies, printed copies of electronic records when requested by the requester, or for the use of agency equipment to make photocopies.
10 cents /page	Scanned records, or use of agency equipment for scanning.
5 cents /each 4 electronic files or attachment	Records uploaded to email, or cloud-based data storage service, or other means of electronic delivery.
10 cents /gigabyte	Records transmitted in electronic format or for use of agency equipment to send records electronically.
Actual cost	Digital storage media or devices.
Actual cost	Any container or envelope used to mail copies.
Actual cost	Postage or delivery charges.
↑ Copy charges above may be combined to the extent more than one type of charge applies to copies responsive to a particular request	
Option for Copies:	
Up to \$2 flat fee	As an alternative to the copy charges above, an agency may charge a flat fee of up to \$2 for any request when the agency reasonably estimates and documents that the costs are equal to or more than \$2. If applied to the initial installment, additional flat fees shall not be charged for subsequent installments.

Summary of EHB 1595 (Cont.)

[Chap. 304, 2017 Laws. Act is effective July 23, 2017. Summary only – see bill for details.]

COPY FEES (cont.)

- **NO FEE - RECORDS ROUTINELY POSTED ON AGENCY WEB SITE.** Section 3 amends RCW 42.56.120 to provide that an agency shall not charge for access to or downloading of records it routinely posts on its web site prior to the receipt of a request, unless the requester has specifically asked that the agency provide records through other means.
- **FEE ESTIMATE.** Section 3 amends RCW 42.56.120 to provide that upon request an agency must provide a summary of the applicable charges before copies are made and the requester may revise the request to reduce the number of copies, thus the applicable charges. See also Section 5 (new court action challenging estimate of fees, amending RCW 42.56.550).
- **FEE WAIVER - RULES.** Section 3 amends RCW 42.56.120 to provide that an agency may waive any charge “pursuant to agency rules and regulations.”
- **OTHER FEE ARRANGEMENTS.** Section 3 amends RCW 42.56.120 to provide that an agency may enter into a contract, memorandum of understanding or other agreement with a requester for an alternative fee arrangement, or in response to a voluminous or frequently occurring request.
- **FEES IN OTHER STATUTES.** Section 4 amends RCW 42.56.130, which provides that PRA fees in RCW 42.56.070(7) and (8) and 42.56.120 do not supersede other statutory provisions for copying fees, and the amendment extends that provision to electronically produced copies.
- **NEW COURT ACTION – CHALLENGING FEE ESTIMATE.** Section 5 amends RCW 42.56.550 to permit a requester to file a superior court motion when the requester believes the agency has not made a “reasonable estimate of the charges to produce copies of public records.”

RECORDS PROCEDURES

- **REQUESTS – FORMAT.** Section 2 amends RCW 42.56.080 to provide that “No official format is required for making a records request; however, agencies may recommend that requestors submit requests using an agency provided form or web page.”
- **REQUESTS – BOTS.** Section 2 amends RCW 42.56.080 to provide that an agency may deny a “bot” request (a request that an agency reasonably believes was automatically generated by a computer program or script), when it is one of multiple requests from the requester received within a 24 hour period. The agency must establish that responding would cause excessive interference with other agency essential functions.
- **REQUESTS - IDENTIFIABLE RECORDS.** Section 2 amends RCW 42.56.080 to provide that PRA requests must be for “identifiable” records. A request for all or substantially all of an agency’s records is not a valid PRA request, “provided that a request for all records regarding a particular topic or containing a particular keyword or name shall not be considered a request for all of an agency’s records.”
- **REQUESTS – RECEIPT.** Section 2 amends RCW 42.56.080 to require agencies to honor PRA requests received “in person during an agency’s normal office hours” or by email.
- **PROVIDING COPIES - ELECTRONIC RECORD TRANSLATIONS, PAPER SCANS.** Section 3 amends RCW 42.56.120 to provide that translating a record into an alternative electronic format at the request of the requester or scanning a paper record is not creating a new record.

ATTACHMENT 2

CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 18-0460

AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON,
AMENDING CHAPTER 1.10 OF THE KENMORE MUNICIPAL
CODE TO UPDATE THE CITY'S PROCEDURES RELATING TO
THE DISCLOSURE OF PUBLIC RECORDS, AND FIXING AN
EFFECTIVE DATE.

WHEREAS, in 2012, the City last updated its procedures relating to the disclosure of public records, established under Chapter 1.10 of the Kenmore Municipal Code ("KMC"); and

WHEREAS, since the City's last update, the Legislature re-codified the statutory procedures governing the disclosure of public records to Chapter 42.56 RCW, the Public Records Act ("Act") in 2017; and

WHEREAS, the City Council desires to update its procedures by amending the existing Chapter 1.10 KMC, Public Records to be consistent with the Act; and

WHEREAS, state law also requires the City to maintain an index of public records unless it would be unduly burdensome, or interfere with agency operation, and the City Council desires to make such a finding in Chapter 1.10 KMC; and

WHEREAS, state law also allows the City to charge the statutory default copy fees if charging actual fees would be unduly burdensome, or interfere with agency operation, and the City Council desires to make such a finding in Chapter 1.10 KMC; and

WHEREAS, pursuant to RCW 42.56.570, the City has consulted the Model Rules promulgated by the Washington Attorney General's Office when updating Chapter 1.10 KMC; and

WHEREAS, the City will fully comply with the provisions of the Act as they relate to the disclosure of public records;

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

Section 1. Amendment. Chapter 1.10 of the Kenmore Municipal Code, entitled "Public Records", is hereby amended as set for on Exhibit 1, attached hereto and incorporated by this reference.

Section 2. Effective Date. This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED by the City Council this ____ day of _____, _____.

David Baker, Mayor

ATTEST/AUTHENTICATED:

Kelly Chelin, City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____
Rod Kaseguma, City Attorney

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO. 18-0460

ORDINANCE NO. 18-0460 EXHIBIT 1

Chapter 1.10

PUBLIC RECORDS

Sections:

- 1.10.010 Authority and purpose.
- 1.10.020 Contact information – Public records officer.
- 1.10.030 Availability of public records.
- 1.10.040 Processing of public records requests – General.
- 1.10.050 Processing of public records requests – Electronic records.
- 1.10.060 Exemptions.
- 1.10.070 Costs of providing copies of public records.
- 1.10.080 Retention of records.
- 1.10.010 Authority and purpose.

A. Public Records Act. The Public Records Act, Chapter 42.56 RCW (“Act”), requires the City to make identifiable, nonexempt public records available for inspection and copying upon request, and to publish rules of procedures to inform the public how access to public records will be accomplished. The Act defines “public record” at RCW 42.56.010(3), which may be amended.

B. Purpose of Rules. The purpose of this chapter is to provide full access to public records and establish procedures for responding to public records disclosure requests. This chapter provides information to persons wishing to request access to public records of the City and establish processes for both requestors and City staff that are designed to assist members of the public in obtaining such access.

C. Full Access. The purpose of the Act is to provide the public full access to information concerning the conduct of government, while balancing individuals’ privacy rights and the desirability of the efficient administration of government. In carrying out its responsibilities under the Act, the City will be guided by the provisions of the Act describing its purposes and interpretation.

1.10.020 Contact information – Public records officer.

A. City Business Office. The City is a municipal corporation of the State of Washington. The City’s business office is located at: 18120 68th Avenue NE, Kenmore, Washington 98028.

B. Public Records Officer. The public records officer for the City shall be the administrative assistant assigned to the city manager’s department and her or his designee. Any person wishing to inspect City public records, or seeking assistance in making such a request, should contact the public records officer at the City:

City of Kenmore

Attention: Public Records Officer

18120 68th Avenue NE

P.O. Box 82607

Kenmore, WA 98028

Phone: 425-398-8900

Fax: 425-481-3236

C. Duties and Designee. The public records officer shall oversee compliance with the Act and this chapter, but other City staff members may also assist in processing requests.

1.10.030 Availability of public records.

A. Business Hours. Public records shall be available for inspection and copying during the City's normal business hours: Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding legal holidays. City public records must be inspected at the address listed in KMC 1.10.020, unless another location is designated for a particular request by the public records officer.

B. Records Index. Due to the small size of City staff, maintaining a central index of the City's records is unduly burdensome, costly, and would interfere with City operations due to the number and complexity of records generated as a result of the wide range of the City's activities. However, the City maintains an index of ordinances and resolutions adopted by the city council, which may be accessed on the City's website online or by requesting them from the public records officer.

C. Organization of Records. The City shall maintain its records in a reasonably organized manner. The City shall take reasonable actions to protect records from damage and disorganization. A requestor shall not take City public records from the City's office, or from a location designated by the public records officer, without the permission of the public records officer.

D. Records Request – Format. Any person wishing to inspect or copy public records of the City shall make the request in writing on the City's request form or web page. Requests received in person during the City's normal business hours or by email are accepted. The request shall include the following information:

1. Name of requestor;
2. Adequate contact information, including telephone number, a mailing address, e-mail address, etc.;
3. Identification of the public records adequate for the public records officer to locate the records; and
4. The date of the request.

E. Notice of Request. A requestor must provide the City with reasonable notice that the request being made is for public records. If a request is contained in a larger document unrelated to a public records request, the requestor should point out the public records request by labeling the front page of the document as containing a public records request or otherwise calling the request to the attention of the public records officer to facilitate timely response to the request.

A public records request must be for identifiable records. A request for all or substantially all records prepared, owned, used or retained by the City is not a valid request for identifiable public records, provided that a request for all records regarding a particular topic or containing a particular keyword or name shall not be considered a request for all of the City's records.

Pursuant to RCW 42.56.080(3), the City may deny a bot request because responding to multiple bot requests would cause excessive interference with other City essential functions and would be unduly costly and burdensome to the City. A "bot request" means a request for public records that the City reasonably believes was automatically generated by a computer program or script, which is one of multiple requests from a requester to the City within a 24 hour period.

F. Request for Copies. If the requestor wishes to have copies of the records made instead of simply inspecting them, the requestor should so indicate and make arrangements to pay for copies of the records or to pay a deposit as required by the City.

G. Other Form. The public records officer may accept, but shall not be required to accept, requests for 3 public records that contain the above information by telephone or in person. If the public records officer accepts such a request, the officer shall confirm receipt of the information and the substance of the request in writing.

H. Purpose of Request. A requestor need not state the purpose of the request. However, in an effort to clarify or prioritize a request and provide responsive documents, the public records officer may inquire about the nature or scope of the request. If the request is for a list of individuals, the public records officer may ask the requestor if they intend to use the records for a commercial purpose. The City is prohibited by statute from disclosing lists of individuals for commercial purposes. RCW 42.56.070(9).

1.10.040 Processing of public records requests – General.

A. Providing Access and Assistance. This chapter identifies how the City will provide full access to public records, protect records from damage or disorganization, prevent excessive interference with other essential functions of the City, provide fullest assistance to requestors, and provide the most timely possible action on public records requests. All assistance necessary to help requestors locate particular responsive records shall be provided by the public records officer; provided, that the giving of such assistance does not unreasonably disrupt the daily operations of the City.

B. Order of Processing Requests. The public records officer will process requests in the order allowing the most requests to be processed in the most efficient manner.

C. Acknowledging and Fulfilling Requests. Within five business days of receipt of the request, the public records officer will do one or more of the following:

1. Provide the records available for inspection or copying;
2. Provide an Internet address and link on the City's website to the specific records requested;
3. Acknowledge receipt of the request and provide a reasonable estimate of time the City will require to respond to the request; or

4. Acknowledge receipt of the request and ask requester to provide clarification for a request that is unclear, and providing, to the greatest extent possible, a reasonable estimate of time the City will require to respond to the request, if it is not clarified; or

5. Deny the request.

D. Clarification. If the request is unclear or does not sufficiently identify the requested records, the City may ask the requestor to clarify what information the requestor is seeking. Such clarification may be requested and provided by telephone. The public records officer may revise the estimate of when records will be available. If the requestor fails to respond to the City's request to clarify, and the entire request is unclear, the City need not respond to it. Otherwise, the City will respond to those portions of a request that are clear.

E. Failure to Respond. If the City does not respond in writing within five business days of receipt of the request for disclosure, the requestor should contact the public records officer to determine the reason for the failure to respond.

F. Third Party Notice. If the requested records contain information that may affect the rights of others and may be exempt from disclosure, the public records officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask him or her to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons shall include a copy of the request.

G. Redaction. Some records are exempt from disclosure, in whole or in part. If the City believes that a record is exempt from disclosure and should be withheld, the public records officer will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

H. Access to and Preserving Records. The City shall promptly provide space to inspect public records. No member of the public may remove public records from the viewing area or disassemble or alter any public record. The requestor shall indicate which records they wish to have copied using a mutually agreed upon nonpermanent method of marking the desired record. If the requestor cannot access the records made available on the City's website, the City must provide copies of the record or allow the requestor to view the records using a City computer designated for the public inspection of records.

I. Consequence of Failure to Review Request. The requestor must claim or review the assembled records within 30 days of the City notification to the requestor that the records are available for inspection or copying. The City will notify the requestor in writing of this requirement, and that the requestor must contact the City to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the 30-day period or make other arrangements, the City may close the request and refile the assembled records.

J. Copying Request. After inspection is complete, the public records officer shall make the requested copies or arrange for copying.

K. Installments. If the request is for a large number of public records, the public records officer shall provide access for inspection and copying in installments, if the public records officer reasonably determines that it would be practical to provide the records in that way. If, within 30 days, the requestor fails to inspect the entire set of records or one or more of the installments, the public records officer shall no longer be obligated to fulfill the balance of the request, and shall stop searching for the remaining records and close the request.

L. Completion of Search. When the inspection of the requested records is complete and all requested copies are provided, the public records officer shall indicate that the City has completed a diligent search for the requested records and made any located nonexempt records available for inspection.

M. Closing Request. When the requestor either withdraws the request or fails to fulfill the requestor's obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer shall close the request and indicate to the requestor that the City has closed the request.

N. Later Discovered Records. If, after the City has informed the requestor that it has provided all available records, the City becomes aware of additional public records existing at the time of the request that are responsive to the request, it shall promptly inform the requestor of the additional public records and make them available for inspection on an expedited basis.

O. Consequence of Disclosing Record in Error. The City and its officials and employees are not liable for loss or damage based on release of a public record if the City official or employee acted in good faith in attempting to comply with the Act.

P. No Duty to Create Records. The City is not obligated to create a new record to satisfy a records request; however, the City may, in its discretion, create such a new record to fulfill the request where it may be easier for the City to create a record responsive to the request than to collect and make available voluminous records that contain small pieces of information responsive to the request.

Q. No Duty to Supplement Responses. The City is not obligated to hold current records requests open to respond to requests for City public records that may be created in the future. If a public record is created or comes into the possession of the City after a request is received by the City, it is not responsive to the request and will not be provided. A new request must be made to obtain later-created public records.

1.10.050 Processing of public records requests – Electronic records.

A. Processing Electronic Records. The process for requesting electronic public records is the same as for requesting paper public records.

B. Format. When a requestor requests records in an electronic format, the public records officer shall provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the City and is generally commercially available, or in a format that is reasonably translatable from the format in which the City keeps the record. Redacted records may be produced in paper form.

1.10.060 Exemptions.

A. Exemptions Listed for Informational Purposes. The Act provides that a number of categories of public records are exempt from public inspection and copying. In addition, the Act provides that certain public records may be exempt from disclosure if any other statute or law exempts or prohibits disclosure. For informational purposes only, the City has set forth a list of exemptions below. This list is not inclusive or exhaustive of all exemptions under the Act or other statutes. The City's failure to list an exemption below shall not affect the efficacy of any exemption. RCW 42.56.070(2).

Requestors should be aware that the following exemptions may restrict the availability of inspection or copying of some public records, or portions thereof:

1. Personal Information. Personal information in files maintained for employees and appointed or elected officials of the City to the extent disclosure would violate their right to privacy; and financial information including credit card numbers, debit card numbers, social security numbers, electronic check numbers, card expiration dates, and bank or other financial account numbers. RCW 42.56.230.

2. Employment and Licensing. Applications for public employment and related materials submitted with respect to an applicant; examination information (test questions, scoring keys and other data used to administer a license, employment or academic examination); and personal contact information in files maintained for City employees or volunteers, and their dependents (address, telephone number, e-mail address, social security number, emergency contacts and date of birth). RCW 42.56.250.

3. Real Estate Appraisals. Real estate appraisals made for or by the City relative to the acquisition or sale of property until the project is abandoned or sold, except disclosure may not be denied for more than three years after the appraisal. RCW 42.56.260.

4. Financial, Commercial and Proprietary Information. Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by the City within five years of the request for disclosure when disclosure would produce private gain and public loss. RCW 42.56.270.

5. Preliminary Drafts, Notes, Recommendations and Interagency Memorandums. Records in which opinions are expressed or policies formulated or recommended, except if the opinion or policy is implemented or the record is publicly cited in connection with City action. RCW 42.56.280.

6. Work Product. Records which are relevant to a controversy to which the City is a party but which records would not be available to another party under the rules of pretrial discovery for superior courts. RCW 42.56.290.

7. Public Utilities Information. Records filed with the Utilities and Transportation Commission or Attorney General under RCW 80.04.095; and records containing the addresses, telephone numbers, electronic contact information and customer-specific utility usage and certain billing information of City customers. RCW 42.56.330.

8. Security. Records assembled or prepared to prevent, mitigate or respond to terrorist acts, the disclosure of which would have a substantial likelihood of threatening public safety; specific and unique vulnerability assessments or emergency response plans and records containing information regarding the infrastructure and security of computer and telecommunications networks, consisting of passwords, security access codes and programs and access codes for secure software applications. RCW 42.56.420.

9. Attorney-Client Privileged Information. Records reflecting communications transmitted in confidence between the City and its attorney for the purposes of legal advice. RCW 5.60.060(2)(a).

10. Medical Records. Medical records in employee personnel files. Chapter 70.02 RCW.

11. Trade Secrets. Records containing trade secrets of businesses the City regulates. Chapter 19.108 RCW.

12. Other statutes which exempt or prohibit disclosure of specific information or records. RCW 42.56.070(1).

1.10.070 Costs of providing copies of public records.

A. Inspection. There is no fee for inspecting public records.

B. Actual Copy Costs. Pursuant to RCW 42.56.120(2)(b), the City has not calculated the actual costs it charges for providing public records because to do so would be unduly burdensome for the following reasons: (i) The City does not have the resources to conduct a study to determine all its actual copying costs; (ii) to conduct such a study would interfere with other essential City functions; and, (iii) through the 2017 legislative process, the public and requesters have commented on and been informed of authorized fees and costs, including for electronic records, provided in RCW 42.56.120(2)(b) and (c), (3) and (4).

C. Statutory Default Fees. The City shall charge for copies of public records in accordance with the statutory default fees set forth in RCW 42.56.120(2)(b) and (c), and as set forth in Attachment 1 - PRA Fee Schedule, attached hereto and incorporated by reference, which shall include the following:

1. The City shall charge for customized services in accordance with RCW 42.56.120(3), and shall comply with the procedures set forth therein to charge for customized services.

2. Pursuant to RCW 42.56.130, the City may charge other copy fees authorized by statutes located outside of chapter 42.56 RCW.

3. The City may enter into an alternate fee agreement with a requester under RCW 42.56.120(4), and shall comply with the procedures set forth therein for such agreements.

4. Standard Copies. The charge for standard (eight-and-one-half-inch by 11-inch, eight-and-one-half-inch by 14-inch, and eleven inch by 17-inch) photocopies and printed copies of electronic public records (when requested by the requestor) shall be \$0.15 per page. If the number of pages is 6 or less, the City will waive this fee. For example, a request for 7 pages to be copies will cost \$1.05.

5. Scanned Copies. The charge for scanned copies (eight-and-one-half-inch by 11-inch, eight-and-one-half-inch by 14-inch, and eleven inch by 17-inch) shall be \$0.10 per page. If the number of pages is 10 or less, the City will waive this fee. For example, a request for 11 pages to be scanned will cost \$1.10.

6. Electronic Copies. Uploading/attaching electronic files to digital storage media/devices(s), a cloud-based data storage service, or emails is charged at five cents (\$.05) per each four files. If the number of files is 80 or less, then City will waive this fee. For example, a requester for eighty-four files

will cost \$1.05. Transmission of public records in an electronic format is charged at ten cents (\$.10) per gigabyte.

7. Nonstandard Copies. The City will periodically update and post a fee schedule for the copying of other nonstandard public records or those in other formats or media.

8. Off-Site Vendor Copying, Data Compilations or Customized Electronic Access Services. If the City determines that the request requires the use of information technology expertise or equipment for data compilations, customized electronic access, or copying public records in nonstandard formats, including but not limited to photographs, blueprints, plat maps, or tape recordings, the requestor shall pay the actual costs of such duplication. If the public records officer determines it is reasonable to send a request to an off-site vendor for copying, the City may: (1) arrange for the requestor to pay the vendor directly for copies made; or (2) charge the requestor the actual amount charged by the off-site vendor to the City for the copies made.

9. Deposit. Before beginning to make the copies, the public records officer may require a deposit of 10 percent of the estimated fees when the fee estimate for an installment or an entire request exceeds twenty-five dollars (\$25.00). The public records officer may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment. The City shall not charge sales tax when it makes copies of public records, unless required by law to do so.

10. If the City makes a request available on a partial or installment basis, the City may charge for each part of the request as it is provided. If an installment of a records request is not claimed or reviewed, the City is not obligated to fulfill the balance of the request.

11. Facsimile/Mail. The City shall also charge actual costs of long distance facsimile transmission and/or mailing, including postage and the cost of the shipping container.

12. Certified Copies. Where the request is for a certified copy of public records, an additional charge of \$5.00 may be applied to cover the additional expense and time required for certification.

D. Payment Methods. The requestor shall pay for copies of public records by credit card, cash, check, or money order payable to the City.

E. City staff is directed to update the City's Fee Resolution (Resolution #18-306) to be consistent with Attachment 1 - Public Records Fee Schedule. If there are any conflicts between this Ordinance and Attachment 1 – Public Records Fee Schedule, and the City's Fee Resolution (Resolution #18-306) then this Ordinance shall prevail.

1.10.080 Retention of records.

The City shall retain its records in accordance with retention schedules approved by the State Local Records Committee. Public records may not be destroyed per retention schedule if a public records request or actual or anticipated litigation is pending.

KMC CHAPTER 1.10 PUBLIC RECORDS - ATTACHMENT 1 – PUBLIC RECORDS FEE SCHEDULE

Type	2018 Fee
<u>Public Records Requests</u>	
Review of requested records	No charge
Standard size black-and-white photocopies (Standard sizes include 8-1/2" x 11", 8-1/2" x 14" and 11" x 17")	15 cents per page for 7 pages or more (charge includes first 6 pages); for example: 7 pages = \$1.05 Fee waived for 6 pages or less.
Scanned copies (converting a record from paper copy to an electronic format)	10 cents per page for 11 pages or more (charge includes first 10 pages); for example: 11 pages = \$1.10 Fee waived for 10 pages or less.
Uploading/attaching electronic files to digital storage media/device(s), a cloud-based data storage or service, or emails (CD, DVD, thumb drive, email, or cloud service). If number of files is 80 or less, fee is waived. For example, 84 files will cost \$1.05.	5 cents for each 4 electronic files or attachments
Transmission of public records in an electronic format	10 cents per gigabyte
• Oversized documents such as building plans, maps, blueprints • Large copy jobs. Outside vendors can be used for unusual formats or large quantities.	Actual cost charge by outside vendor.
Records copied to CD or DVD	\$1.00 per CD or DVD
Records copied to thumb/flash drive	Actual cost of supplies
Mailing envelopes or packaging and postage	Actual cost supplies and postage

↑ Copy charges above may be combined to the extent more than one type of charge applies to copies responsive to a particular request.

ATTACHMENT 3

Chapter 1.10

PUBLIC RECORDS

Sections:

- 1.10.010 Authority and purpose.
- 1.10.020 Contact information – Public records officer.
- 1.10.030 Availability of public records.
- 1.10.040 Processing of public records requests – General.
- 1.10.050 Processing of public records requests – Electronic records.
- 1.10.060 Exemptions.
- 1.10.070 Costs of providing copies of public records.
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- 1.10.010 Authority and purpose.

A. Public Records Act. The Public Records Act, Chapter 42.56 RCW (“Act”), requires the City to make identifiable, nonexempt public records available for inspection and copying upon request, and to publish rules of procedures to inform the public how access to public records will be accomplished. The Act defines “public record” at RCW 42.56.010(3), which may be amended.

B. Purpose of Rules. The purpose of this chapter is to provide full access to public records and establish procedures for responding to public records disclosure requests. This chapter provides information to persons wishing to request access to public records of the City and establish processes for both requestors and City staff that are designed to assist members of the public in obtaining such access.

C. Full Access. The purpose of the Act is to provide the public full access to information concerning the conduct of government, while balancing individuals’ privacy rights and the desirability of the efficient administration of government. In carrying out its responsibilities under the Act, the City will be guided by the provisions of the Act describing its purposes and interpretation. ~~[Ord. 12-0338 § 2 (Exh. 1).]~~

1.10.020 Contact information – Public records officer.

A. City Business Office. The City is a municipal corporation of the State of Washington. The City’s business office is located at: 18120 68th Avenue NE, Kenmore, Washington 98028.

B. Public Records Officer. The public records officer for the City shall be the administrative assistant assigned to the city manager’s department and her or his designee. Any person wishing to inspect City public records, or seeking assistance in making such a request, should contact the public records officer at the City:

City of Kenmore

Attention: Public Records Officer

18120 68th Avenue NE

P.O. Box 82607

Kenmore, WA 98028

Phone: 425-398-8900

Fax: 425-481-3236

C. Duties and Designee. The public records officer shall oversee compliance with the Act and this chapter, but other City staff members may also assist in processing requests. ~~[Ord. 12-0346 § 1; Ord. 12-0338 § 2 (Exh. 1).]~~

1.10.030 Availability of public records.

A. Business Hours. Public records shall be available for inspection and copying during the City's normal business hours: Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding legal holidays. City public records must be inspected at the address listed in KMC 1.10.020, unless another location is designated for a particular request by the public records officer.

B. Records Index. Due to the small size of City staff, maintaining a central index of the City's records is unduly burdensome, costly, and would interfere with City operations due to the number and complexity of records generated as a result of the wide range of the City's activities. However, the City maintains an index of ordinances and resolutions adopted by the city council, which may be accessed on the City's website online or by requesting them from the public records officer.

C. Organization of Records. The City shall maintain its records in a reasonably organized manner. The City shall take reasonable actions to protect records from damage and disorganization. A requestor shall not take City public records from the City's office, or from a location designated by the public records officer, without the permission of the public records officer.

D. Records Request – Format. Any person wishing to inspect or copy public records of the City shall make the request in writing on the City's an agency provided request form or web page. Requests received in person during the City's normal business hours or by email are accepted. The request shall include the following information:

1. Name of requestor;
2. Adequate contact information, including telephone number, a mailing address, e-mail address, etc.;
3. Identification of the public records adequate for the public records officer to locate the records; and
4. The date of the request.

E. Notice of Request. A requestor must provide the City with reasonable notice that the request being made is for public records. If a request is contained in a larger document unrelated to a public records request, the requestor should point out the public records request by labeling the front page of the

document as containing a public records request or otherwise calling the request to the attention of the public records officer to facilitate timely response to the request.

A public records request must be for identifiable records. A request for all or substantially all records of the City's records prepared, owned, used or retained by the City is not a valid ~~PRA~~ request for identifiable public records, provided that a request for all records regarding a particular topic or containing a particular keyword or name shall not be considered a request for all of the City's records.

Pursuant to RCW 42.56.080(3), ~~t~~The City may deny a bot request because responding to multiple bot requests would cause excessive interference with other City essential functions and would be unduly costly and burdensome to the City. A "bot request" means ~~aa~~ a request for public records that the City reasonably believes was automatically generated by a computer program or script, which when it is one of multiple requests from a requester to the City received within a 24 hour period.

F. Request for Copies. If the requestor wishes to have copies of the records made instead of simply inspecting them, the requestor should so indicate and make arrangements to pay for copies of the records or to pay a deposit as required by the City.

G. Other Form. The public records officer may accept, but shall not be required to accept, requests for 3 public records that contain the above information by telephone or in person. If the public records officer accepts such a request, the officer shall confirm receipt of the information and the substance of the request in writing.

H. Purpose of Request. A requestor need not state the purpose of the request. However, in an effort to clarify or prioritize a request and provide responsive documents, the public records officer may inquire about the nature or scope of the request. If the request is for a list of individuals, the public records officer may ask the requestor if they intend to use the records for a commercial purpose. The City is prohibited by statute from disclosing lists of individuals for commercial purposes. RCW 42.56.070(9). [Ord. 12-0338 § 2 (Exh. 1).]

1.10.040 Processing of public records requests – General.

A. Providing Access and Assistance. This chapter identifies how the City will provide full access to public records, protect records from damage or disorganization, prevent excessive interference with other essential functions of the City, provide fullest assistance to requestors, and provide the most timely possible action on public records requests. All assistance necessary to help requestors locate particular responsive records shall be provided by the public records officer; provided, that the giving of such assistance does not unreasonably disrupt the daily operations of the City.

B. Order of Processing Requests. The public records officer will process requests in the order allowing the most requests to be processed in the most efficient manner.

C. Acknowledging and Fulfilling Requests. Within five business days of receipt of the request, the public records officer will do one or more of the following:

1. Provide the records available for inspection or copying;
2. Provide an Internet address and link on the City's website to the specific records requested;

3. Acknowledge receipt of the request and provide a reasonable estimate of time the City will require to respond to the request; or

4. Acknowledge receipt of the request and ask requester to provide clarification for a request that is unclear, and providing, to the greatest extent possible, a reasonable estimate of time the City will require to respond to the request, if it is not clarified; or

5. Deny the request.

D. Clarification. If the request is unclear or does not sufficiently identify the requested records, the City may ask the requestor to clarify what information the requestor is seeking. Such clarification may be requested and provided by telephone. The public records officer may revise the estimate of when records will be available. If the requestor fails to respond to the City's clarify the request to clarify, and the entire request is unclear, the City need not respond to it. Otherwise, the City will respond to those portions of a request that are clear.

E. Failure to Respond. If the City does not respond in writing within five business days of receipt of the request for disclosure, the requestor should contact the public records officer to determine the reason for the failure to respond.

F. Third Party Notice. If the requested records contain information that may affect the rights of others and may be exempt from disclosure, the public records officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask him or her to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons shall include a copy of the request.

G. Redaction. Some records are exempt from disclosure, in whole or in part. If the City believes that a record is exempt from disclosure and should be withheld, the public records officer will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

H. Access to and Preserving Records. The City shall promptly provide space to inspect public records. No member of the public may remove public records from the viewing area or disassemble or alter any public record. The requestor shall indicate which records they wish to have copied using a mutually agreed upon nonpermanent method of marking the desired record. If the requestor cannot access the records made available on the City's website, the City must provide copies of the record or allow the requestor to view the records using a City computer designated for the public inspection of records.

I. Consequence of Failure to Review Request. The requestor must claim or review the assembled records within 30 days of the City notification to the requestor that the records are available for inspection or copying. The City will notify the requestor in writing of this requirement, and that the requestor must contact the City to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the 30-day period or make other arrangements, the City may close the request and refile the assembled records.

J. Copying Request. After inspection is complete, the public records officer shall make the requested copies or arrange for copying.

K. Installments. If the request is for a large number of public records, the public records officer shall provide access for inspection and copying in installments, if the public records officer reasonably determines that it would be practical to provide the records in that way. If, within 30 days, the requestor fails to inspect the entire set of records or one or more of the installments, the public records officer shall no longer be obligated to fulfill the balance of the request, and shall stop searching for the remaining records and close the request.

L. Completion of Search. When the inspection of the requested records is complete and all requested copies are provided, the public records officer shall indicate that the City has completed a diligent search for the requested records and made any located nonexempt records available for inspection.

M. Closing Request. When the requestor either withdraws the request or fails to fulfill the requestor's obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer shall close the request and indicate to the requestor that the City has closed the request.

N. Later Discovered Records. If, after the City has informed the requestor that it has provided all available records, the City becomes aware of additional public records existing at the time of the request that are responsive to the request, it shall promptly inform the requestor of the additional public records and make them available for inspection on an expedited basis.

O. Consequence of Disclosing Record in Error. The City and its officials and employees are not liable for loss or damage based on release of a public record if the City official or employee acted in good faith in attempting to comply with the Act.

P. No Duty to Create Records. The City is not obligated to create a new record to satisfy a records request; however, the City may, in its discretion, create such a new record to fulfill the request where it may be easier for the City to create a record responsive to the request than to collect and make available voluminous records that contain small pieces of information responsive to the request.

Q. No Duty to Supplement Responses. The City is not obligated to hold current records requests open to respond to requests for City public records that may be created in the future. If a public record is created or comes into the possession of the City after a request is received by the City, it is not responsive to the request and will not be provided. A new request must be made to obtain later-created public records. [\[Ord. 12-0338 § 2 \(Exh. 1\)\]](#)

1.10.050 Processing of public records requests – Electronic records.

A. Processing Electronic Records. The process for requesting electronic public records is the same as for requesting paper public records.

B. Format. When a requestor requests records in an electronic format, the public records officer shall provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the City and is generally commercially available, or in a format that is reasonably translatable from the format in which the City keeps the record. Redacted records may be produced in paper form. [\[Ord. 12-0338 § 2 \(Exh. 1\)\]](#)

1.10.060 Exemptions.

A. Exemptions Listed for Informational Purposes. The Act provides that a number of categories of public records are exempt from public inspection and copying. In addition, the Act provides that certain public records may be exempt from disclosure if any other statute or law exempts or prohibits disclosure. For informational purposes only, the City has set forth a list of exemptions below. This list is not inclusive or exhaustive of all exemptions under the Act or other statutes. The City's failure to list an exemption below shall not affect the efficacy of any exemption. RCW 42.56.070(2).

Requestors should be aware that the following exemptions may restrict the availability of inspection or copying of some public records, or portions thereof:

1. Personal Information. Personal information in files maintained for employees and appointed or elected officials of the City to the extent disclosure would violate their right to privacy; and financial information including credit card numbers, debit card numbers, social security numbers, electronic check numbers, card expiration dates, and bank or other financial account numbers. RCW 42.56.230.

2. Employment and Licensing. Applications for public employment and related materials submitted with respect to an applicant; examination information (test questions, scoring keys and other data used to administer a license, employment or academic examination); and personal contact information in files maintained for City employees or volunteers, and their dependents (address, telephone number, e-mail address, social security number, emergency contacts and date of birth). RCW 42.56.250.

3. Real Estate Appraisals. Real estate appraisals made for or by the City relative to the acquisition or sale of property until the project is abandoned or sold, except disclosure may not be denied for more than three years after the appraisal. RCW 42.56.260.

4. Financial, Commercial and Proprietary Information. Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by the City within five years of the request for disclosure when disclosure would produce private gain and public loss. RCW 42.56.270.

5. Preliminary Drafts, Notes, Recommendations and Interagency Memorandums. Records in which opinions are expressed or policies formulated or recommended, except if the opinion or policy is implemented or the record is publicly cited in connection with City action. RCW 42.56.280.

6. Work Product. Records which are relevant to a controversy to which the City is a party but which records would not be available to another party under the rules of pretrial discovery for superior courts. RCW 42.56.290.

7. Public Utilities Information. Records filed with the Utilities and Transportation Commission or Attorney General under RCW 80.04.095; and records containing the ~~residential~~ addresses, ~~and residential~~ telephone numbers, electronic contact information and customer-specific utility usage and certain billing information of City customers. RCW 42.56.330.

8. Security. Records assembled or prepared to prevent, mitigate or respond to terrorist acts, the disclosure of which would have a substantial likelihood of threatening public safety; specific and unique vulnerability assessments or emergency response plans and records containing information regarding

the infrastructure and security of computer and telecommunications networks, consisting of passwords, security access codes and programs and access codes for secure software applications. RCW 42.56.420.

9. Attorney-Client Privileged Information. Records reflecting communications transmitted in confidence between the City and its attorney for the purposes of legal advice. RCW 5.60.060(2)(a).

10. Medical Records. Medical records in employee personnel files. Chapter 70.02 RCW.

11. Trade Secrets. Records containing trade secrets of businesses the City regulates. Chapter 19.108 RCW.

12. Other statutes which exempt or prohibit disclosure of specific information or records. RCW 42.56.070(1). ~~{Ord. 12-0338 § 2 (Exh. 1).}~~

1.10.070 Costs of providing copies of public records.

A. Inspection. There is no fee for inspecting public records.

B. Actual Copy Costs. Pursuant to RCW 42.56.120(2)(b), the City hasis not calculated ~~ed~~ all the actual costs it charges for providing public for copying records because to do so would be unduly burdensome for the following reasons: (i) The City does not have the resources to conduct a study to determine all its actual copying costs; (ii) to conduct such a study would interfere with other essential City functions; and, (iii) through the 2017 legislative process, the public and requesters have commented on and been informed of authorized fees and costs, including for electronic records, provided in RCW 42.56.120(2)(b) and (c), (3) and (4).

C. —Statutory Default Fees. The City shall will charge for copies of public records in accordance with pursuant to the statutory default fees in set forth in RCW 42.56.120(2)(b) and (c), and as set forth in - Attachment 1 - PRA Fee Schedule, attached hereto and incorporated by reference, which shall include the following:

1. The City shall will charge for customized services in accordance with pursuant to RCW 42.56.120(3), and shall comply with the procedures set forth therein to charge for customized services.

2. Pursuant to Under RCW 42.56.130, the City office may charge other copy fees authorized by statues located outside of chapter 42.56 RCW.

3. The City may enter into an alternate fee agreement with a requester under RCW 42.56.120(4), and shall comply with the procedures set forth therein for such agreements.-

4. -available on the City's website at www.kenmorewa.gov.D. —Standard Copies. The charge for standard (eight-and-one-half-inch by 11-inch, eight-and- one-half-inch by 14-inch, and eleven inch by 17-inch) ~~black-and-white~~ photocopies and printed copies of electronic public records (when requested by the requestor) shall be \$0.15 per page. The charge for standard color photocopies shall be \$0.20 per page. If the number of pages is 6 or less, the City will waive this fee. For example, a request for 7 pages to be copies will cost \$1.05.

5. E. —Scanned Copies. The charge for scanned copies (eight-and-one-half-inch by 11-inch, eight-and- one-half-inch by 14-inch, and eleven inch by 17-inch) shall be \$0.10 per page. If the number

of pages is 10 or less, the City will waive this fee. For example, a request for 11 pages to be scanned will cost \$1.10.

~~G.~~ ~~6.~~ ~~F.~~ Electronic Copies. Uploading/attaching electronic files to digital storage media/devices(s), a cloud-based data storage service, or emails is charged at five cents (\$.05) per each four files. If the number of files is 80 or less, then City will waive this fee. For example, a requester for eighty-four files will cost \$1.05. Transmission of public records in an electronic format is charged at ten cents (\$.10) per gigabyte.

~~H.~~ 7. Nonstandard Copies. The City will periodically update and post a fee schedule for the copying of other nonstandard public records or those in other formats or media.

8. ~~H.~~ Off-Site Vendor Copying, Data Compilations or Customized Electronic Access Services. If the City determines that the request requires the use of information technology expertise or equipment for data compilations, customized electronic access, or copying public records in nonstandard formats, including but not limited to photographs, blueprints, plat maps, or tape recordings, the requestor shall pay the actual costs of such duplication. If the public records officer determines it is reasonable to send a request to an off-site vendor for copying, the City may: (1) arrange for the requestor to pay the vendor directly for copies made; or (2) charge the requestor the actual amount charged by the off-site vendor to the City for the copies made.

9. ~~I.~~ Deposit. Before beginning to make the copies, the public records officer may require a deposit of 10 percent of the estimated fees when the fee estimate for an installment or an entire request exceeds twenty-five dollars (\$25.00). The public records officer may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment. The City shall not charge sales tax when it makes copies of public records, unless required by law to do so.

10. If the City makes a request available on a partial or installment basis, the City may charge for each part of the request as it is provided. If an installment of a records request is not claimed or reviewed, the City is not obligated to fulfill the balance of the request.

~~11.~~ ~~J.~~ Facsimile/Mail. The City shall also charge actual costs of long distance facsimile transmission and/or mailing, including postage and the cost of the shipping container.

~~12K.~~ Certified Copies. Where the request is for a certified copy of public records, an additional charge of \$5.00 may be applied to cover the additional expense and time required for certification.

~~D.~~ Payment Methods. The requestor shall pay for copies of public records by credit card, cash, check, or money order payable to the City.

E. City staff is directed to update the City's Fee Resolution (Resolution #18-306) to be consistent with Attachment 1 - Public Records Fee Schedule. If there are any conflicts between this Ordinance and Attachment 1 - Public Records Fee Schedule, and the City's Fee Resolution (Resolution #18-306) then this Ordinance shall prevail.

~~[Ord. 12-0338 § 2 (Exh. 1).]~~ 1.10.080 Retention of records.

The City shall retain its records in accordance with retention schedules approved by the State Local Records Committee. Public records may not be destroyed per retention schedule if a public records request or actual or anticipated litigation is pending.

Proposed Copy Fees Schedule

ATTACHMENT 4

Red text indicates proposed charges.

Type	2018 Fee
Public Records Requests	
Review of requested records	No charge
Standard size black-and-white photocopies (Standard sizes include 8-1/2" x 11", 8-1/2" x 14" and 11" x 17")	15 cents per page for 7 pages or more (charge includes first 6 pages); for example: 7 pages = \$1.05 Fee waived for 6 pages or less.
Scanned copies (converting a record from paper copy to an electronic format)	10 cents per page for 11 pages or more (charge includes first 10 pages); for example: 11 pages = \$1.10 Fee waived for 10 pages or less.
Uploading/attaching electronic files to digital storage media/device(s), a cloud-based data storage or service, or emails (CD, DVD, thumb drive, email, or cloud service). If number of files is 80 or less, fee is waived. For example, 84 files will cost \$1.05.	5 cents for each 4 electronic files or attachments
Transmission of public records in an electronic format	10 cents per gigabyte
- Oversized documents such as building plans, maps, blueprints - Large copy jobs. Outside vendors can be used for unusual formats or large quantities.	Actual cost charge by outside vendor.
Records copied to CD or DVD	\$1.00 per CD or DVD
Records copied to thumb/flash drive	Actual cost of supplies
Mailing envelopes or packaging and postage	Actual cost supplies and postage

↑ Copy charges above may be combined to the extent more than one type of charge applies to copies responsive to a particular request.



City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: Ordinance No. 18-0461 Relating to the Abatement of Junk Vehicles Proposed Council Action/Motion: Motion to Adopt Ordinance No. 18-0461; Amending Section 1.20.010 and Chapter 8.25 of the Kenmore Municipal Code.	For Council Meeting Agenda of: <u>February 26, 2018</u> Department: <u>Development Services</u> Prepared by: <u>Bryan Hampson</u> Approved by Department Head: <u>[Signature]</u> Approved by City Attorney: <u>[Signature]</u> Approved by Finance Director: <u>[Signature]</u> Approved by City Manager: <u>[Signature]</u> <u>Initial & Date</u> <u>BA 2/16/18</u> <u>R.L.</u> <u>[Signature]</u> <u>[Signature]</u> Exhibits/Attachments: 1) Ordinance No. 18-0461 2) RCW 46.55.240 Local Requirements
<u>INFORMATION/BACKGROUND:</u> By State Statute, a city that adopts an ordinance establishing procedures for the abatement and removal of junk vehicles or parts thereof from private property must contain the provisions required by RCW 46.55.240. Ordinance No. 18-0461 amends the City's regulations and procedures for the abatement and removal of junk vehicles to be in alignment with State Statute.	
<u>FISCAL CONSIDERATION:</u> NA	
<u>COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:</u> To continue to implement the Council's vision of providing a safe and secure community; sustainable, healthy environment; and a desirable place to work and live.	

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 18-0461**

**AN ORDINANCE OF THE CITY OF KENMMORE,
WASHINGTON; RELATING TO THE ABATEMENT OF
JUNK VEHICLES; AMENDING SECTION 1.20.010 AND
CHAPTER 8.25 OF THE KENMORE MUNICIPAL CODE;
AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, RCW 46.55.240 regulates the City's authority to enact an ordinance relating to the abatement and removal as public nuisances of junk vehicles or parts thereof from private property; and

WHEREAS, in Chapter 8.25 of the Kenmore Municipal Code, the City Council has enacted regulations and procedures for the abatement and removal as public nuisances of junk vehicles from private property; and

WHEREAS, the City Council has determined that it is necessary to amend Chapter 8.25 of the City code for consistency with RCW 46.55.240;

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

Section 1. Amendment. Section 1.20.010 of the Kenmore Municipal Code is amended to read as follows:

1.20.010 Purpose.

The purpose of this chapter is to establish an efficient system of enforcing *City regulations* that will enable *violations* to be promptly resolved wherever possible, while providing both appropriate penalties and a full opportunity for alleged violators to have a hearing to contest the *violations*. This chapter shall apply to all *regulations* as defined in KMC 1.20.020, except that this chapter shall not apply to junk vehicle regulations, which shall be governed by Chapter 8.25 KMC. In addition to any other penalty or remedy provided for in this code, a *violation* of any *regulation* may be prosecuted as a criminal *violation* at the *City's* discretion, pursuant to KMC 1.15.010.

Section 2. Amendment. Chapter 8.25 of the Kenmore Municipal Code is amended to read as follows:

8.25.010 Purpose.

The purpose of this chapter is to establish procedures for the abatement and removal of *junk vehicles* or parts of *junk vehicles*, as a public nuisance, from private property pursuant to RCW 46.55.240.

8.25.020 Junk Vehicle - Definition.

“Junk vehicle” means any vehicle that meets at least three of the following requirements:

- A. Is three years old or older;
- B. Is extensively damaged, including but not limited to: a broken window or windshield, or missing wheels, tires, motor or transmission;
- C. Is apparently inoperable; or
- D. Has an approximate fair market value equal only to the approximate value of the scrap in it.

8.25.030 Public Nuisance – Exceptions.

A. Public Nuisance. It shall be unlawful and a public nuisance to park, store, abandon or retain a *junk vehicle* on private property, where the *junk vehicle* is visible from a public street, right-of-way, Lake Washington, Sammamish River, or any public or private ingress/egress easement. A *junk vehicle* that is in violation of this section shall be subject to abatement and removal in accordance with the procedures stated in this chapter, in addition to any other remedy or penalty provided for in this code.

B. Exceptions. This chapter shall not apply to a vehicle or part thereof which is: (1) completely enclosed within a building in a lawful manner, where it is not visible from the street or other public or private property; or (2) stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer and is fenced in accordance with RCW 46.80.130.

8.25.040 Certification.

The city manager or the city manager’s designee (the Certifying Individual), may inspect and certify that a vehicle meets the requirements to be a *junk vehicle*. The certification shall be in writing and shall record the make and vehicle identification number and license number of the vehicle if available. The Certifying Individual shall verify that the approximate value of the *junk vehicle* is equivalent only to the approximate value of the parts, and describe the damage to the vehicle or the missing equipment or vehicle parts, as applicable, to establish that KMC 8.25.020(B) and/or (D) are satisfied.

8.25.050 Abatement and Removal – Notice.

A. If the Certifying Individual determines that a vehicle, or part of a vehicle, is a *junk vehicle* in violation of this chapter, the Certifying Individual shall provide notice of the determination to the last registered vehicle owner of record and the property owner of record by certified mail with a five (5) day return receipt requested. The notice shall state the City's intent to dispose of the *junk vehicle*, that a hearing may be requested before the *hearing examiner*, and that if no hearing is requested within fifteen (15) days from the date of the notice, the vehicle or vehicle parts shall be removed.

B. If a request for a hearing is received within fifteen (15) days of the date of the notice, a notice stating the time, location and date of the hearing on the question of abatement and removal of the vehicle or vehicle parts as a public nuisance shall be mailed, by certified mail with a five (5) day return receipt requested, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record of the vehicle unless the vehicle is in such condition that identification numbers are not available to determine ownership.

C. If no request for hearing is received within fifteen (15) days of the date of the notice, then no person properly served may contest the contents of the notice.

8.25.060 Abatement and Removal – Hearing and Decision.

A. The *hearing examiner* shall conduct the hearing on the question of abatement and removal of the vehicle or vehicle parts as a public nuisance. The *City* and the person(s) to whom the notice was issued may participate in the hearing and each party, or its legal representatives, may call witnesses and present evidence and rebuttal. The standards and procedures stated in KMC 1.20.150 shall apply.

B. The owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing and deny responsibility for the presence of the vehicle on the land, stating the reason for the denial. If the hearing examiner determines that the vehicle was placed on the land without consent of the land owner and that the land owner has not subsequently acquiesced in its presence, then the City shall not assess the costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise collect the cost from the land owner; provided, that nothing in this chapter shall relieve the property owner from any civil penalties which may accrue from any code violation related to the improper placement, parking, or storage of vehicles or parts thereof.

C. The *hearing examiner* shall issue a written decision within ten (10) business days following the conclusion of the hearing. The decision shall contain findings and conclusions based on the record which include a determination of whether the

vehicle is a *junk vehicle* in violation of this chapter. Within two (2) business days of the issuance of the written decision, the *hearing examiner* shall cause a copy of the written decision to be served upon the parties by mail in accordance with KMC 1.20.060(B)(2).

D. The decision of *hearing examiner* shall be final unless the decision is appealed to superior court in accordance with KMC 1.20.210.

8.25.070 Enforcement.

If a person entitled to notice under KMC 8.25.050 does not timely request a hearing, or after a hearing the *hearing examiner* finds that the vehicle is a *junk vehicle* in violation of this chapter, the City may enforce the violation in court. Prior to enforcing the violation in court, the City shall send notice via regular U.S. mail to those persons entitled to notice under KMC 8.25.050(B), informing them that if they do not grant the City permission to enter the property and remove the *junk vehicle(s)*, or parts of vehicles, within ten (10) days of the mailing of the notice, that the City will commence an action to obtain authority to enter the property to abate and remove the *junk vehicle(s)*, or part(s) thereof. The notice shall state that the City is entitled to recover all costs incurred, including but not limited to court costs, filing costs, lien fees, and attorney's fees incurred in the abatement and removal proceedings.

8.25.080 Abatement and Removal.

After notice has been given that the City intends to dispose of the vehicle(s), or part(s) thereof, and after a hearing has been held if requested consistent with this chapter, the vehicle(s) or part(s) thereof shall be removed at the direction of a law enforcement officer or code enforcement officer. The vehicle(s), or part(s) thereof, shall be disposed at a licensed vehicle wrecker, hulk hauler or scrap processor with notice given to the Washington State Patrol and to the Department of Licensing that the vehicle has been wrecked.

8.25.090 Costs of Removal and Disposal.

A. The costs of removal and disposal of the vehicle shall be assessed against the last registered owner of the vehicle if the identity of the owner can be determined unless the owner in the transfer of ownership complied with RCW 46.12.650, or against the property and the owner of the property on which the vehicle is stored subject to KMC 8.25.060(B), or both. If both the owner of the vehicle and the property owner are assessed the costs of removal, then liability for the costs shall be their joint and separate obligation.

B. The costs of removal and disposal shall include, but not be limited to, court costs, filing fees, lien fees, attorney's fees, administrative costs, wrecking and towing costs, and all other amounts related to the abatement, removal and disposition of the vehicle(s) or part(s) thereof.

Section 3. Summary Publication and Effective Date. This Ordinance, or a summary thereof consisting of the title, shall be published in the official newspaper of the City. It shall take effect and be in full force five (5) days after the date of the publication.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 26th DAY OF February, 2018.

CITY OF KENMORE

David Baker, Mayor

ATTEST/AUTHENTICATED:

Kelly Chelin, City Clerk

Approved as to form:

Rod Kaseguma, City Attorney

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
ORDINANCE NO.: 18-0461
DATE OF PUBLICATION:
EFFECTIVE DATE:

EXHIBIT 2

RCW 46.55.240

Local ordinances—Requirements.

(1) A city, town, or county that adopts an ordinance or resolution concerning unauthorized, abandoned, or impounded vehicles shall include the applicable provisions of this chapter.

(a) A city, town, or county may, by ordinance, authorize other impound situations that may arise locally upon the public right-of-way or other publicly owned or controlled property.

(b) A city, town, or county ordinance shall contain language that establishes a written form of authorization to impound, which may include a law enforcement notice of infraction or citation, clearly denoting the agency's authorization to impound.

(c) A city, town, or county may, by ordinance, provide for release of an impounded vehicle by means of a promissory note in lieu of immediate payment, if at the time of redemption the legal or registered owner requests a hearing on the validity of the impoundment. If the municipal ordinance directs the release of an impounded vehicle before the payment of the impoundment charges, the municipality is responsible for the payment of those charges to the registered tow truck operator within thirty days of the hearing date.

(d) The hearing specified in RCW 46.55.120(2) and in this section may be conducted by an administrative hearings officer instead of in the district court. A decision made by an administrative hearing officer may be appealed to the district court for final judgment.

(2) A city, town, or county may adopt an ordinance establishing procedures for the abatement and removal as public nuisances of junk vehicles or parts thereof from private property. Costs of removal may be assessed against the registered owner of the vehicle if the identity of the owner can be determined, unless the owner in the transfer of ownership of the vehicle has complied with RCW 46.12.650, or the costs may be assessed against the owner of the property on which the vehicle is stored. A city, town, or county may also provide for the payment to the tow truck operator or wrecker as a part of a neighborhood revitalization program.

(3) Ordinances pertaining to public nuisances shall contain:

(a) A provision requiring notice to the last registered owner of record and the property owner of record that a hearing may be requested and that if no hearing is requested, the vehicle will be removed;

(b) A provision requiring that if a request for a hearing is received, a notice giving the time, location, and date of the hearing on the question of abatement and removal of the vehicle or part thereof as a public nuisance shall be mailed, by certified mail, with a five-day return receipt requested, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record unless the vehicle is in such condition that identification numbers are not available to determine ownership;

(c) A provision that the ordinance shall not apply to (i) a vehicle or part thereof that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property or (ii) a vehicle or part thereof that is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer and is fenced according to RCW 46.80.130;

(d) A provision that the owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his or her reasons for the denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he or she has not subsequently acquiesced in its presence,

then the local agency shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect the cost from the owner;

(e) A provision that after notice has been given of the intent of the city, town, or county to dispose of the vehicle and after a hearing, if requested, has been held, the vehicle or part thereof shall be removed at the request of a law enforcement officer with notice to the Washington state patrol and the department of licensing that the vehicle has been wrecked. The city, town, or county may operate such a disposal site when its governing body determines that commercial channels of disposition are not available or are inadequate, and it may make final disposition of such vehicles or parts, or may transfer such vehicle or parts to another governmental body provided such disposal shall be only as scrap.

(4) A registered disposer under contract to a city or county for the impounding of vehicles shall comply with any administrative regulations adopted by the city or county on the handling and disposing of vehicles.

[2010 c 161 § 1122; 2010 c 8 § 9064; 1994 c 176 § 2; 1991 c 292 § 3; 1989 c 111 § 17; 1987 c 311 § 20; 1985 c 377 § 24.]

NOTES:

Reviser's note: This section was amended by 2010 c 8 § 9064 and by 2010 c 161 § 1122, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW **1.12.025**(2). For rule of construction, see RCW **1.12.025**(1).

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW **46.04.013**.