

City of Kenmore



City of Kenmore - 18120 68th Avenue NE - Kenmore, WA 98028
Phone: 425-398-8900 - E-mail: cityhall@kenmorewa.gov

Planning Commission Meeting **ON-SITE**

Tuesday, January 16, 2024 - 7:30PM

In addition, we try to provide access to the meeting virtually:

ZOOM LINK: <https://kenmorewa-gov.zoom.us/j/82470527358>

Or Telephone: Dial US: +1 253 205 0468 US
Callers please dial *9 to Raise/Lower Hand
Webinar ID: 824 7052 7358

Technical Difficulties - If the virtual component of the meeting disconnects, and we cannot resolve technical difficulties to reconnect the virtual component, the in-person meeting will continue at City Hall if there is a quorum of the body to conduct business.

- 1. CALL TO ORDER**
- 2. ELECTION OF CHAIR AND VICE CHAIR**
- 3. PUBLIC COMMENTS**

We welcome our community members to the Planning Commission meeting. In this forum, the Commission does not engage or dialogue with the public; the primary role is to listen. We will hear from our on-site guests first, followed by our pre-registered virtual guests. All guests must address comments to the Commission. The Clerk will acknowledge your request and call your name when it is your turn. Your time will start when we confirm that we can hear you. Please state your name and city of residence for the record and keep your comments to 3 minutes. We will not split your time with others or reset your time except by express approval of the Chair. You can submit materials to the Clerk in advance. This meeting is being recorded. Thank you for taking the time to express your comments.

VIRTUAL PARTICIPATION PROCESS: To provide public comments virtually, please fill out the [Virtual Public Comment Request Form](#) in advance of the meeting. The form closes at 12:00 Noon on the day of the meeting. You will be confirmed by the Clerk. If you are having difficulty, please reach out to the Clerk at stippleleen@kenmorewa.gov.

- 4. APPROVAL OF MINUTES**

[Planning Commission Meeting Minutes 12.05.23](#)

- 5. AGENDA ITEMS**

PUBLIC HEARING - Economic Development Element
[Draft Economic Dev Element](#)

PLANNING COMMISSION SCOPE & RULES

[PC Rules and Procedures Final Draft](#)

REVIEW CITY COUNCIL POLICY ON PUBLIC COMMENT

RESOLUTION 24-411 ADOPTED AS AMENDED

[Resolution No. 24-411](#)

6. ADJOURNMENT

UPCOMING MEETINGS:

February 6, 2024, 7:00 p.m.

**City of Kenmore
Planning Commission Meeting Minutes
December 5, 2023 @ 7:00 p.m.**

Planning Commission Members – In Attendance (the meeting was held onsite and virtually using the Zoom online platform)

Dwight Thompson, Chair
Tracy Banaszynski
Nathan Loutsis
Saad Qadri
Derek Wyckoff

Excused - Mike Vanderlinde, Vice Chair

Staff

Debbie Bent, Community Development Director
Todd Hall, Principal Planner
Shannon Tipple-Leen, Planning Commission Clerk
Michelle Kang, Co-Clerk

1. CALL TO ORDER

The meeting was called to order by Chair Thompson at 7:00 p.m.

The 2024 Planning Commission Appointees, David Dorrian and Chris Olson were invited to join the Commission at the dais. They will not speak or vote.

2. PUBLIC COMMENTS

No Public Comments

3. APPROVAL OF MINUTES

November 21, 2023, Meeting minutes were approved by unanimous consent.

4. AGENDA

Continued review of Economic Development Element

Todd Hall answered Commissioners previous questions that needed research.

Commissioner questions and/or comments. There were a few grammatical, formatting and small wording changes in addition to the below. A summary is provided below:

- Add definition of ACT in document for context
- Do we know how many people Bastyr employs? To keep consistent with Kenmore's Air Harbor.
- Is the public provided a marked-up version or a clean version?
 - We can provide both.
- If 60% of Kenmore businesses are home based, is there a breakdown what those businesses are? Should those businesses be separated or highlighted?

MOTION: Commissioner Loutsis moved to send the Economic Development Element to Public Hearing on January 16, 2024, at 7:30pm. Chair Thompson seconded the motion.

VOTE: 6 For, 0 Against, 0 Abstain. Motion Carried.

- The next element addressed will likely be the Downtown Element. City Council will approve the docket on January 6th and then final decisions will be made.
- Todd informed the Commission about a collaborating with the Urban Land Institute (ULI) to help with downtown visioning, which will inform the drafting of the Downtown Element and Community Design Element, as well as the next "life cycle" of the Downtown Plan. The cost to work with ULI be covered by grant dollars received by the Department of Commerce. Todd mentioned that when he was a planner at the City of Lynnwood, ULI was an integral part of the planning for city center and Sound Transit Link Light rail station development.
- Will there be more community engagement with the Middle Housing regulations coming up?
 - Debbie stated there has already been a lot of community engagement during the first phase of the project in 2022 and 2023. That information will be used, as well as some re-engagement with the public during the second phase, albeit more limited.

5. AGENDA

Draft Planning Commission Scope and Rules

- A few grammatical corrections were suggested.
- Change pronouns to be more inclusive.
- Section 9 regarding online attendance. Is that inclusive? If a Commissioner doesn't have a car or needs childcare for a meeting, does that affect their ability to perform their role? The Scope and Rules committee of the Planning Commission will look at state and other Planning Commission rules and come back with additional information. The Commission will provide reasonable accommodation for a commissioner who may not be able to be physically present at a meeting.

MOTION: Commissioner Loutsis moved to forward the document with changes to the City Attorney. Commissioner Wycoff seconded the motion.

VOTE: 6 For, 0 Against, 0 Abstain. Motion Carried.

- An additional memo (attached) was presented by Chair Thompson to the Commission. The memo addressed the heavy workload for the Commission over the next year and how to shorten discussion to allow for more work to get completed.
- Congratulations to Commissioner Loutsis on his last meeting. He was elected to City Council and will begin that role in 2024.

6. ADJOURNMENT

Chair Thompson adjourned the meeting at 8:42 PM

Planning Commission

Approved by Planning Commission on: _____

12/5/23

To Planning Commissioners

From Your Chair

There are two items that I want to bring up for discussion with the Commission's approval.

1. Debbie has indicated to me that next year's docket will be quite extensive. The complexity and controversy of the items will be more intense. We will also need to pass more elements and regulations in 2024 than 2023. Please remember that the Council may only amend the Comp Plan once a year. We will have some tight schedules.
2. There are a couple of ways to meet our goals that may have an impact on how we do business. One option is to schedule a third meeting per quarter. The extra meeting would allow 12 more hours of work for the commission. This idea would need coordination and agreement with the staff. It may not be as easy as it looks.
3. I believe that we will need to speed up our deliberations. This method is something we can do collectively and for the chair to push (gently). There are several ways to accomplish speed. I would propose establishing a guideline to keep us on track versus rules.
 - a. We would only allow a point to be made once. Then others may agree or disagree without comment. Disagreements would always be allowed to state their case.
 - b. One person speaks and all get a chance to speak before the initial person speaks again.
 - c. One item of discussion at a time. The one item may require several amendments of the same nature. Consideration is one at a time.
 - d. Commissioners come ready with amendments to propose items they wish changed.
 - e. We will normally not consider items or issues without a proposed change.

- f. Items that a commissioner asks for more information will require a majority vote after the staff has a chance to speak. The chair will ask for an opposing position. After the proposer and opposing position commissioner have a chance to make their case then the request shall be considered a motion for the purpose of determining the will of the commission. The chair will call for a vote.
 - g. Commissioners will be limited to 3-minute statements on motions or other matters before the whole commission. This limitation will also be enforced on all matters of discussion.
 - h. In the first presentation (reading) of a docket item, the commissioners should be ready with items to clarify or be considered. In the second presentation, the commissioners should have read the changes from the prior draft. They should come prepared with written amendments for any further changes. If there is a third presentation, the commissioners should have read the final amendments and be ready with any corrections. The commissioners should be asked to submit the element to the Council for their action.
 - i. Unless necessary for clarification or at the will of the commission, the commission will be taking each major section of the document at one time versus page-by-page evaluation.
4. These suggestions would be referred to as Guidelines for document consideration. The chair will announce that he/she will start using them. If there is an objection, then at the will of the chair the use of Guidelines will be brought to the commission for a vote.

Text = deleted text

Text = new text

ECONOMIC DEVELOPMENT SUB-ELEMENT

INTRODUCTION

Purpose

The purpose of the Economic Development Element is to articulate how the City of Kenmore will support local businesses, stimulate job growth, enhance broaden the City's tax base¹, and improve the economic well-being of Kenmore residents. The purpose of this Element is to provide economic development policies for the City of Kenmore, as the community's economic base changes over time in response to market forces and in response to the vision of the Kenmore community.

Growth Management Act

Economic development is one of 14 statewide planning goals under the Growth Management Act (GMA). The includes a specific goals regarding economic development are to:

- Encourage economic development throughout the state that is consistent with adopted comprehensive plans
- Promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons
- Promote the retention and expansion of existing businesses and recruitment of new businesses
- Recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

The Economic Development Sub-Element is to establish local goals, policies, objectives, and provisions for inclusive and sustainable economic growth and vitality and a high quality of life and is to include a summary of the local economy, including strengths and challenges/weaknesses.

VISION 2050

The primary goal of Puget Sound Regional Council (PSRC) VISION 2050 related to the economy reads, "The region has a prospering and sustainable regional economy by supporting businesses

¹ "Broaden the City's tax base" refers to expanding the scope of economic activities, properties, or individuals subject to taxation within the city. The goal is to increase the diversify and inclusivity of the tax base, ensuring a larger portion of the population or economic transactions contributes to government revenue. It is also seen as a way to enhance fiscal sustainability and reduce the reliance on a narrow segment of taxpayers.

and job creation, investing in all people and their health, sustaining environmental quality, and creating great central places, diverse communities, and high quality of life.”

PSRC’s Regional Growth Strategy defines roles for different types of areas in accommodating the Puget Sound region’s population and employment growth. According to the Regional Growth Strategy, it is assumed that 65 percent of the region’s population growth and 75 percent of the region’s job growth will locate within regional growth centers and near high-capacity transit.

VISION 2050 has seven economic policy objectives, each of which are targeted toward customizing local economic policies and strategies that further regional and local economic development goals. These policy objectives are:

- Identify and enhance industry clusters, including those recognized in the Regional Economic Strategy that provide goods and services for export
- Focus retention and recruitment efforts and activities to foster a positive business climate and diversify employment opportunities by specifically targeting:
 - o Businesses that provide living wage jobs;
 - o Locally, women- and minority-owned businesses and start-up companies;
 - o Established and emerging industries, technologies, and services that promote environmental sustainability, especially those addressing climate change and resilience.
- Promote strategies and policies that expand access to opportunity and remove barriers for economically disconnected communities.
- Address and prevent potential physical, economic, and cultural displacement of existing businesses that may result from redevelopment and market pressure.
- Develop a range of employment opportunities to create a closer balance between jobs and housing, reducing commute times, traffic congestion, air emissions and other vehicle related emissions, and improving physical and mental health and community strength.
- Promote environmental and socially responsible business practices, especially those addressing climate change, resilience, and improved health outcomes.
- Support, recognize, and empower the contributions of the region’s culturally and ethnically diverse communities, institutions, and Native Tribes.

Kenmore is identified as a High Capacity Transit (HCT) community in PSRC’s VISION 2050 plan. HCT’s are cities and urban incorporated areas with planned high-capacity transit investments that will allow these jurisdictions to accommodate a larger share of future growth, including both housing and employment. In addition, several areas within King County are identified as Regional Growth Centers (RGC). As of 2024, Downtown Kenmore is a Candidate Countywide RGC, with consideration for full designation through the 2025-26 biennium.

Countywide Planning Policies

The King County Countywide Planning Policies include many related to economic development. Policy *concepts* that support strong and vibrant local communities are summarized below:

- ~~Jurisdictions shall make~~ **Make** local investments to maintain and expand infrastructure and public services, promote education, and protect the environment in a way that contributes to the economic sustainability of the County.

- Jurisdictions shall Coordinate local economic policies and strategies with Vision 2040 VISION 2050 and the Regional Economic Strategy.
- Jurisdictions shall Support economic growth that accommodates employment growth targets.
- Support industry clusters and their related subclusters that are integral components of the Regional Economic Strategy and King County's economy.
- Evaluate the performance of economic development policies and strategies in business development and middle wage job creation.

Topics that should be addressed include:

- Business Development: Strengthen, expand, and diversify the economy through creation, retention, expansion, and recruitment of businesses.
- Diversity, Equity, Inclusion, and Accessibility: Creating and supporting a community and economy that are inclusive and welcoming to all.
- Support of the regional food economy: Support improving access to affordable and culturally relevant food options within the local community.
- Environmental Protection: Promote the natural environment as an economic value and work to improving access and restoring the natural environment, as well as encouraging private, public, and nonprofit organizations to incorporate environmental stewardship and social responsibility.
- Human resources – Create an economy that provides opportunities for all, particularly for economically disadvantaged residents and neighborhoods. Improve cultural diversity, job training and education.
- Direct governmental actions – Inventory, plan for, and monitor land supply and development capacity, and maintain and improve infrastructure and simplify permitting processes.
- Private/public partnerships – Foster partnerships to implement economic development policies, programs, and projects.

These concepts have been considered during the formulation of the Kenmore Comprehensive Plan.

CITY OF KENMORE ECONOMIC DEVELOPMENT STRATEGY AND APPROACH

Economic Development Strategy (2018)

In 2018, the City hired a consulting firm, Community Attributes, to update the original Economic Development Strategy (2009). Through an extensive analysis, the development of a market profile update, an updated commercial buildable lands assessment, and a robust public engagement process with local business and stakeholders across the Kenmore community, several goals, strategies, and actions were developed aimed at diversifying, growing, and sustaining Kenmore's economy.

The six goals include:

- Promote & Differentiate Kenmore's Image
- Grow New & Existing Businesses & Target Sectors
- Enable High-Quality Retail, Office, & Mixed-Use Development
- Leverage Placemaking² & Livability for Economic Development
- Expand Connectivity, Access to the Waterfront & Multi-Modal Transportation
- Highlight Kenmore's Welcoming Business Climate

Economic Development Approach

Using the 2018 Economic Development Strategy as a guide, the City developed a three-pronged an Economic Development Approach that is guiding Kenmore's economic development work. These three prongs include:

Be a Well-Run City

We believe that the best thing we can do to promote economic development in Kenmore is to ensure we are a well-run city. This means that our city employees are approachable and accessible so that our community has positive experiences in dealing with the city. It also means that we provide well-maintained roads and parks, a walkable downtown core that is both safe and clean, well-planned zoning and housing options, easy-to-navigate permitting and registration processes, and care for our ecosystems, all of which create an environment where it is easier for businesses to thrive.

Seize Strategic Opportunities

We believe in taking matters into our own hands in order to make things happen. We embraced this part of our strategy in the last biennium by purchasing the Bench and Holt properties and utilizing the Shell property for an affordable housing development. We need to continue to be a city that moves boldly to ensure we are well positioned and prepared for the future by seizing opportunities that make an impact.

Focus on Key Partnerships

We believe it is critically important to engage with and support our city's key institutions. This includes our largest employers, businesses, and service providers, such as Bastyr University, Kenmore Air, Kenmore Camera, The Lodge at St. Edward, Kenmore Lanes, the Northshore Utility District, 192 Brewing, Arts of Kenmore, Cairn Brewing, Snapdoodle Toys, Plywood Supply, the Bothell Kenmore Chamber of Commerce, and the Kenmore Business Alliance, the city's bridge to our numerous and treasured small businesses. We are deeply invested in the long-term success of our businesses and institutions, and we want to maintain strong partnerships with them.

² Placemaking is defined as the process of creating quality places that people want to live, work, play and learn in.

EXISTING CONDITIONS

The following is a summary of Kenmore's existing economic conditions based on information obtained from the various regional, state, and federal data sources. Where available, the most recent data from these sources was used.

Introduction

The Existing Conditions information below is based on the "Kenmore Downtown Plan Market Study," 2005, prepared by Property in association with Mizrahi And Associates / CB Richard Ellis and the Berk studies completed in 2009 and 2013. While the studies focused on Downtown and the Regional Business, Urban Corridor and Waterfront Commercial areas, they created a context for the analysis using citywide information. The information in the studies built on prior studies and information noted in Chapter 3, Demographics and Economics, and Chapter 4-B Downtown Sub-Element.

Population and Socio-Economic Characteristics

The City of Kenmore has an estimated population of 24,448 (September 2023), an increase of 3,078, or approximately 14 percent since the last Comprehensive Plan update in 2014. Table ED-1 below shows the population profile.

Table ED-1, Population Profile, 2023

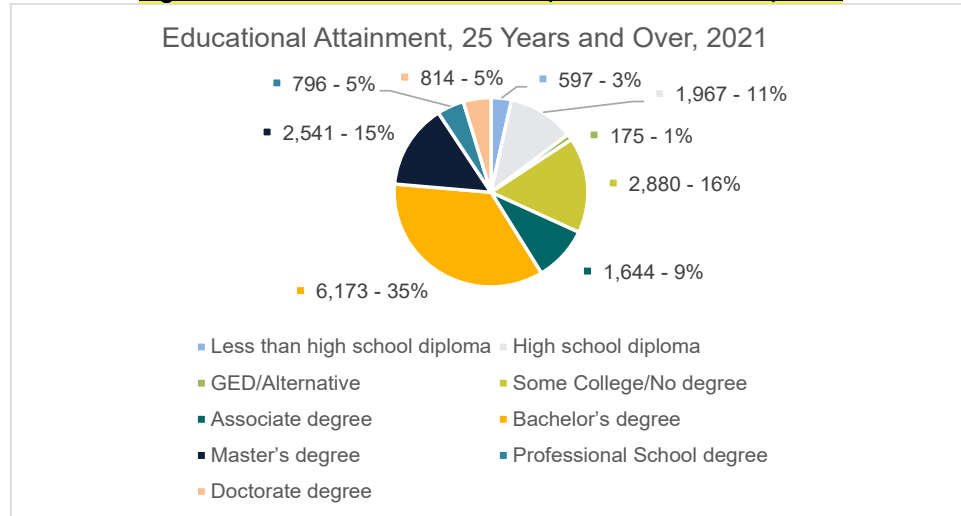
Population	24,448
Households	9,505
Median Age	41.3
Median Male Age	40.6
Median Female Age	42.1

Source: Data Axle, Inc., Esri Community Analyst, 2023.

Educational Attainment & Income

Approximately 67 percent of residents over the age of 25 have earned an associate degree or higher educational attainment. For comparison, about 64 percent of the population over 25 in King County have earned an associate degree. Figure ED-2 shows estimated educational attainment for Kenmore residents aged 25 or older.

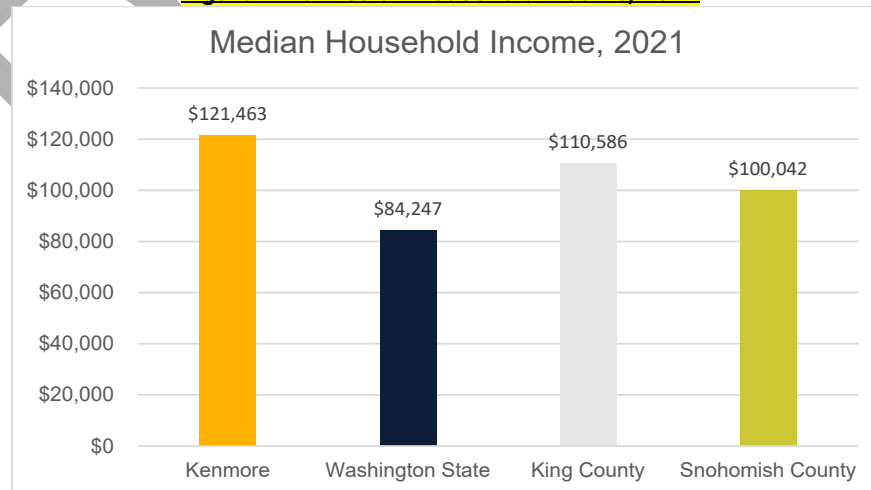
Figure ED-2 Educational Attainment, 25 Years and Over, 2021



Source: US Census American Community Survey, 5-year, 2017-2021

The Kenmore area has a median household income level estimated to be \$121,463 in 2021, compared to approximately \$110,586 for King County and \$100,042 in Snohomish County. \$71,811 for the County. Figure ED-3 shows estimated median household incomes in Kenmore, King and Snohomish counties, and Washington state.

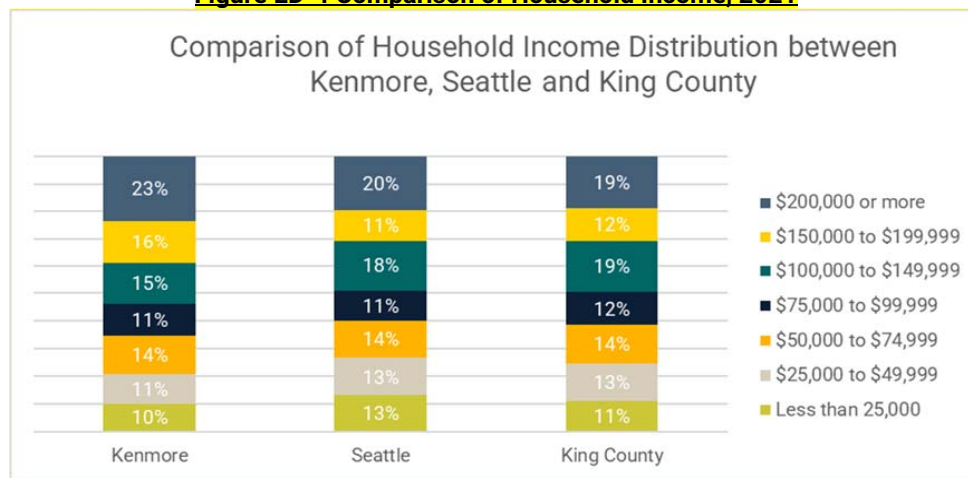
Figure ED-3 Median Household Income, 2021



Source: US Census American Community Survey, 2021

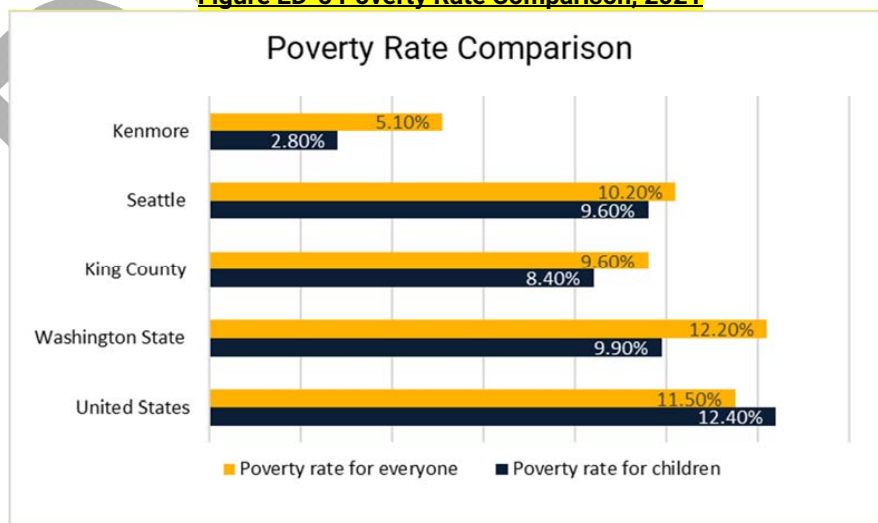
Approximately 6.1 percent of the population for whom poverty status is determined in Kenmore (1,425 out of 23,472 people) live below the poverty level, which is lower than the national average of 12.8 percent. The Census Bureau uses a set of money income thresholds that vary by family size and composition to determine who classifies as impoverished. If a family's income is less than the family's threshold, then the family and every individual in it is considered to be living in poverty. Figure ED-4 shows the comparison of household income for Kenmore with Seattle and all of King County while ED-5 illustrates the poverty rate for children and adults in these areas.

Figure ED-4 Comparison of Household Income, 2021



Source: Source: PSRC, 2021

Figure ED-5 Poverty Rate Comparison, 2021



Source: PSRC, 2021

Housing Economic Profile

There are an estimated 9,623 total housing units in Kenmore. Of these, approximately 6,445 (67 percent) are owner-occupied, 2,765 (29 percent) are renter-occupied, and 357 (4 percent) are vacant. The median value of owner-occupied units is \$948,000, with median gross rent of \$1,704. The average household size in Kenmore, as reported in the 2020 Census, is 2.53. Table ED-6 shows the housing profile for Kenmore.

Table ED-6 Housing Profile³

Total Housing Units	9,623
Average Household Size	2.53
Owner-occupied units	6,445
Renter-occupied units	2,765
Vacant units	357
Median Value (Owner-occupied)	\$948,000
Median gross rent (per month)	\$1,704

Source: U.S. Census, American Community Survey, 5-year, 2017-2021

Housing Affordability

Housing affordability in a community is a large factor in a community's success. When households spend more than 30% of their income on housing, they are cost burdened and struggle to afford other necessities. Households are severely cost burdened when they pay more than 50% of their income on housing. Cost burden is only one measure for understanding affordability in Kenmore.

The City of Kenmore has an estimated population of 21,370 (as of April 1, 2014), an increase of 2,692, or approximately 14 percent, since 2000. The City of Kenmore is projected to grow by an additional 7,103 persons by 2035, to a total of 28,473 persons. This translates to a population increase of more than 33% over the 21 years between 2014 and 2035.

Employment

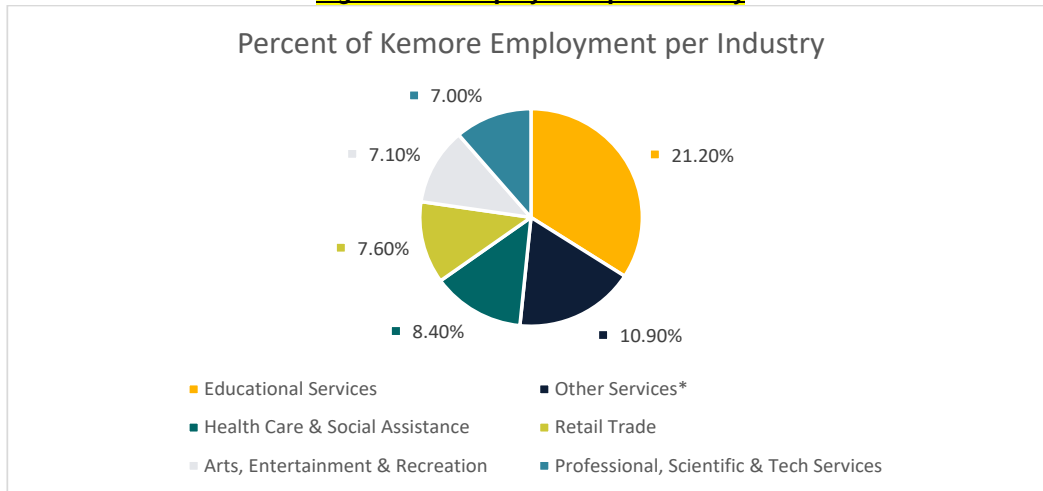
As of September 2023, there are approximately 4,583 employees within Kenmore. 21.2 percent of the working population in Kenmore is employed in Educational Services, making it the largest employment sector in the city. The next five largest employment sectors are Other Services* (10.9 percent), Health Care & Social Assistance (8.4 percent), Retail Trade (7.6 percent), Arts, Entertainment & Recreation (7.1 percent), and Professional, Scientific & Tech Services (7.0 percent).

According to WA State Department of Revenue, there are 1,198 businesses operating in Kenmore (September 2023). Of these businesses, 66% are home-based. Table ED-7 illustrates

³ Housing profile numbers as estimates based on U.S. Census data. There is a margin of error factor. Therefore, total housing units may not be exact.

the percentages of employment per industry.

Figure ED-7 Employment per Industry



Source: WA Department of Revenue

(*Other Services (except Public Administration) NAICS 81 – Activities providing services not elsewhere specified, including repairs, religious activities, grantmaking, advocacy, laundry, personal care, death care, and other personal services.

Table ED-8 shows covered employment data for Kenmore. Table ED-9 shows the top 5 employers in Kenmore.

Table ED-8. Covered Employment by Industry, Kenmore

by NAICS Codes	Employees	
	Number	Percent
Agriculture, Forestry, Fishing & Hunting	0	0.0%
Mining	0	0.0%
Utilities	0	0.0%
Construction	303	6.6%
Manufacturing	136	3.0%
Wholesale Trade	152	3.3%
Retail Trade	348	7.6%
Motor Vehicle & Parts Dealers	62	1.4%
Furniture & Home Furnishings Stores	7	0.2%
Electronics & Appliance Stores	10	0.2%
Building Material & Garden Equipment & Supplies Dealers	32	0.7%
Food & Beverage Stores	30	0.7%
Health & Personal Care Stores	85	1.9%
Gasoline Stations & Fuel Dealers	16	0.3%
Clothing, Clothing Accessories, Shoe and Jewelry Stores	3	0.1%
Sporting Goods, Hobby, Book, & Music Stores	75	1.6%
General Merchandise Stores	28	0.6%
Transportation & Warehousing	239	5.2%
Information	90	2.0%
Finance & Insurance	94	2.1%
Central Bank/Credit Intermediation & Related Activities	67	1.5%
Securities & Commodity Contracts	8	0.2%
Funds, Trusts & Other Financial Vehicles	19	0.4%
Real Estate, Rental & Leasing	91	2.0%
Professional, Scientific & Tech Services	319	7.0%
Legal Services	53	1.2%
Management of Companies & Enterprises	3	0.1%
Administrative, Support & Waste Management Services	152	3.3%
Educational Services	970	21.2%
Health Care & Social Assistance	383	8.4%
Arts, Entertainment & Recreation	325	7.1%
Accommodation & Food Services	304	6.6%
Accommodation	18	0.4%
Food Services & Drinking Places	286	6.2%
Other Services (except Public Administration)	498	10.9%
Automotive Repair & Maintenance	63	1.4%
Public Administration	135	2.9%
Unclassified Establishments	41	0.9%
Total	4,583	100.0%

Source: Data Axle, Inc., Esri Community Analyst, 2023.

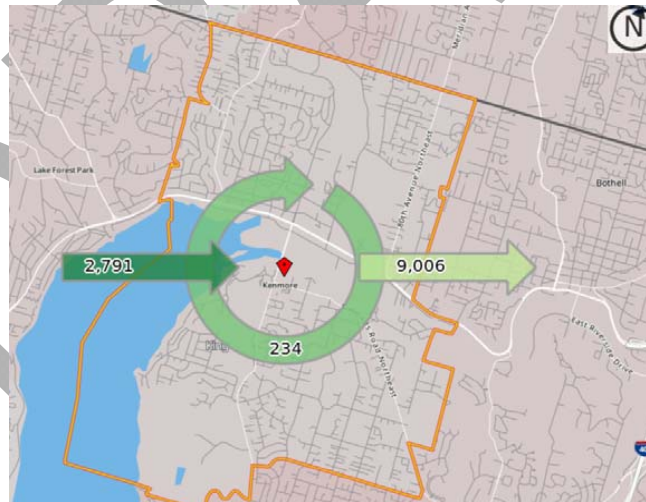
TABLE ED-9, Largest Employers in Kenmore

Bastyr University
The Lodge at St. Edward Park
Safeway, Inc.
Kenmore Air Express/Kenmore Air Harbor ⁴
Inglewood Golf Club

Source: WA State Dept. of Revenue, City of Kenmore 2023

There were approximately 3,606 jobs in Kenmore in 2013, fewer than before the Great Recession of 2009. Approximately 650 Kenmore businesses are registered with the City, and an additional 1,300 to 1,500 businesses may be operating in the city without formal registration. Regardless, only about 3 According to U.S. Census data, only 2 percent of working Kenmore residents are employed inside the City. Figure ED-10 shows the inflow/outflow of Kenmore residents and non-residents, as well as the few residents who live and work in Kenmore. There are over 3.5 times as many residents leaving the working outside the city for employment versus those coming into the City. This indicates the limited availability of jobs in the city and also residents work in job sectors that Kenmore does not offer (i.e., education and services instead of high-tech, financial). Kenmore still serves largely as a bedroom community for surrounding employment centers.

Figure ED-10



Source: U.S. Census On the Map, 2021

⁴ Kenmore Air Express is the commercial air service business operating out of Kenmore. Kenmore Air Harbor is the maintenance and aircraft operations of the seaplane base in Kenmore. Together, these two businesses operate side-by-side at the Kenmore base.

Employment by Industry Sector

Kenmore residents are employed in a variety of industries. Over 25 percent of the population is employed in professional, scientific, and management, and administrative services, and waste management services, making it the largest employment sector. In 2021, the median annual earnings for this sector were \$93,247. The next largest employment sectors are educational services (21 percent), other services (including repairs, religious activities, grantmaking, advocacy, laundry, personal care, death care, and other personal services (10.9 percent), and health care and social assistance (8.4 percent), manufacturing and retail trade (each tied at 9.7 percent), and finance and insurance, and real estate and rental and leasing (8.4 percent). In 2021, the median earnings for these sectors range between \$63,210 and \$112,102 annually. Table ED-11 shows estimated full-time, year-round employees by industry sector in Kenmore.

Table ED-11 Employment by Industry Sector, 2021

Industry Sector	Count	Share	Median Earnings*
Full-time, year-round civilian employed population 16 years and over	9,486	100%	\$68,917
Agriculture, forestry, fishing, hunting, and mining:	0	0	
Construction	565	5.9%	\$66,397
Manufacturing	926	9.7%	\$112,102
Wholesale Trade	353	3.7%	\$78,529
Retail Trade	928	9.7%	\$47,180
Transportation and warehousing, and utilities:	220	2.3%	\$62,313
Transportation and warehousing	146	1.5%	\$48,646
Utilities	74	.07%	\$123,750
Information	325	3.4%	\$133,889
Finance and insurance, and real estate and rental and leasing:	805	8.4%	\$71,750
Finance and insurance	496	5.2%	\$99,261
Real estate and rental and leasing	309	3.2%	\$60,747
Professional, scientific, and management, and administrative and waste management services	2,396	25.2%	\$93,247
Professional, scientific, and technical services	1,923	20.2%	\$101,979
Management of companies and enterprises	105	1.1%	\$109,306
Administrative and support and waste management services	368	3.8%	\$45,625
Educational services, and health care and social assistance:	1,997	21.0%	\$63,210
Educational services	792	8.3%	\$70,278
Health care and social assistance	1,205	12.7%	\$58,423
Arts, entertainment, and recreation, and accommodation and food services	497	5.2%	\$43,013
Arts, entertainment, and recreation	182	1.9%	\$59,375
Accommodation and food services	315	3.3%	\$31,989
Other services, except public administration	215	2.2%	\$25,875
Public administration	259	2.7%	\$75,192

Sources:

US Census American Community Survey, 2021

<https://data.census.gov/table?q=industry&q=160XX00US5335170&tid=ACST5Y2021.S2404>

<https://data.census.gov/table?q=earnings+by+industry&q=160XX00US5335170>

Employment Capacity

The affordability of commercial and housing within the region contributes to whether the local economy has the potential to slow or grow in upcoming years. As increasing housing costs play a major role in housing affordability, so does the cost of commercial and industrial real estate. As real estate costs rise, this may negatively impact the potential of business creation and the retention of existing business. Higher rents may price out existing businesses, make expansions of existing businesses cost-prohibitive, or displace existing businesses as commercial areas redevelop.

Monitoring commercial space availability and development capacity may ensure that zoning and other development regulations create a balanced and sustainable economic development approach. Table ED-12 below summarizes the 2021 King County buildable lands analysis of commercial and industrial lands in Kenmore, as well as the capacity to accommodate jobs in those categories in the city. The table includes a summary of land supply and employment capacity by vacant and underutilized parcels. Also included is a summary of capacity within lands categorized as Pipeline (lands within project planned or underway) as of 2021.

Estimating commercial/industrial land supply and job capacity determines if the city has enough land inventory (availability) in these land use categories, as well as the capacity to accommodate employment (jobs) in these categories.

Table ED-12 Commercial / Industrial Land Supply and Job Capacity

Land Supply	Gross Area (acres)	Critical Areas (acres)	ROW (acres)	Public Purpose (acres)	Initial Land Supply	Market Factor	Buildable Lands (acres)
Vacant/Redev.							
Commercial	0	0	0	0	0	0%	0
Mixed Use	131.4	17.4	8.0	16.0	90.1	0% - 10%	87.5
Industrial	0	0	0	0	0	0%	0
Non-Res Land Total	131.4	17.4	8.0	16.0	90.1		87.5
Job Capacity by Land Use	Net Buildable Area (mil.sq.ft.)	Assumed Density Range (FAR)	Existing Floor Area (million sq. ft.)	Floor Area Capacity (mil.sq.ft.)	Sq.ft. per job	Job Capacity	
Commercial							
Vacant	0	0	0	0	0	0	0
Redevelopable	0	0	0	0	0	0	0
Commercial Total	0	0	0	0	0	0	0
Mixed-Use							
Vacant	0.48	0.16 / 1.50	0	0.19	300 / 400	623	
Redevelopable	3.33	0.16 / 1.50	0.26	0.97	300 / 400	3,239	
Mixed-Use Total	3.81	0.16 / 1.50	0.26	1.16	300 / 400	3,862	
Industrial							
Vacant	0	0	0	0	0	0	0

City of Kenmore
Comprehensive Plan

Redevelopable	0	0	0	0	0	0
Industrial Total	0	0	0	0	0	0
City Total						
Commercial	0	0	0.69	0	0	0
Mixed Use	3.81	0.16 / 1.50	0.91	1.16	300 / 400	3,862
Industrial	0	0	0.26	0	0	0
Job Capacity in Pipeline						79
City Total	3.81	1.50	1.86	1.16	0 / 400	3,881

Source: King County Urban Growth Capacity Report, June 2021

The Kenmore area has a median household income level estimated to be \$82,334 in 2013, compared to approximately \$71,811 for the County as a whole. Educational levels in Kenmore are high, with approximately 79% of residents either having attended college, or attained an associate's degree, a bachelor's degree or a graduate or professional degree. This compares with King County, where 75% of residents have this level of education.

Refer to **Section 3, Demographics and Economics**, for more detailed information about Kenmore's existing demographics and economy. To summarize, however, the following describes the number of current jobs and the community's largest employers:

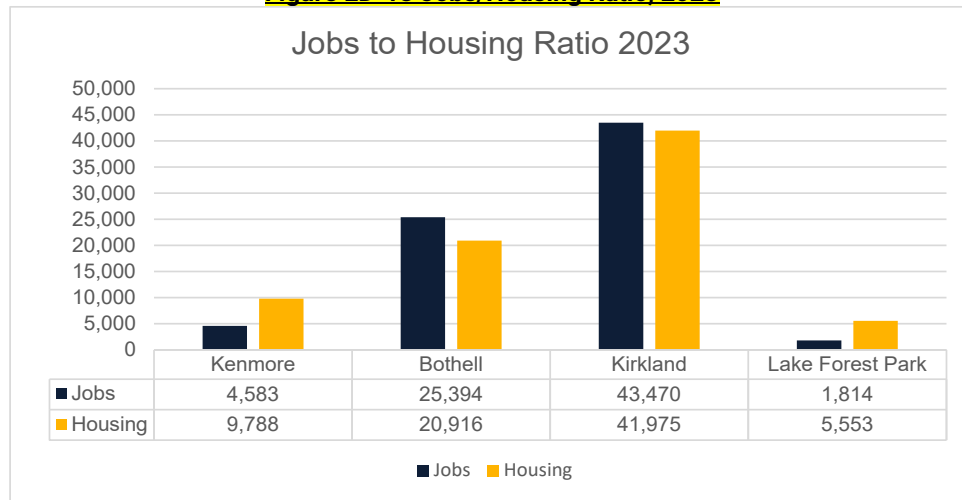
- Based upon all employees "covered" under the State's unemployment insurance act, approximately 3,606 jobs were located in the City in 2013.
- Most of these jobs are service oriented. The manufacturing sector has the fewest jobs and decreased the most between 2001 and 2011.
- As of 2015, Kenmore's largest private employers include Bastyr University, Kenmore Air Harbor and Safeway. In 2000, results were similar in that Bastyr University and Kenmore Air Harbor were the larger private employers.

Jobs/Housing Ratio

A jobs/housing ratio is a measure of the amount of employment compared to the amount of housing in a specific geographic area. By monitoring this metric, this allows the City to plan for and improve geographic distribution of housing and employment opportunities in the community. Generally, a low jobs/housing ratio indicates that a community is housing-rich and may be classified as a "bedroom community," while a high jobs/housing ratio indicates that the community is an employment center. The target is balance of jobs and housing, while also considering that the housing available in the community is affordable to workers at different income levels.

Kenmore, with approximately 4,583 jobs and 9,623 housing units, has a 1:2 jobs to housing ratio, which is a little less than half the number of jobs per housing units available, just over twice the number of housing units per jobs available. Figure ED-13 shows the jobs/housing ratio for Kenmore, as well as other nearby jurisdictions and King County for comparison. For comparison, Bothell has slightly more jobs than housing, Kirkland has an almost equal balance of jobs and housing, and Lake Forest Park has significantly more housing than jobs by a 3:1 margin.

Figure ED-13 Jobs/Housing Ratio, 2023



Source: Data Axle Inc, ESRI Community Analyst, 2023

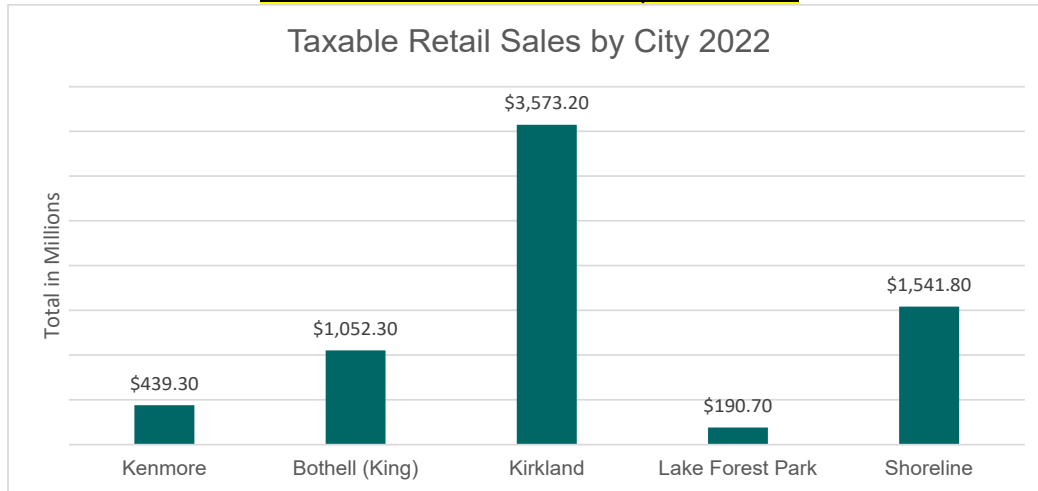
Employment Growth Target

The King County Countywide Planning Policies (CPPS) establish growth targets for all jurisdictions within King County. The CPPs were most recently amended in 2023, updating the growth targets for cities and towns throughout the County. The updated growth targets extend the planning horizon through 2044. Kenmore's current employment is 4,583 with a growth target of 3,200 net new jobs by 2044.

Taxable Retail Sales

The reported taxable retail sales in Kenmore as reported in 2022 was \$439.9 million, which was a 10% change from the prior year (\$399,401,715). Table ED-14 shows the taxable retail sales of Kenmore compared to other nearby cities. Table ED-15 shows the taxable retail sales within Kenmore by category. Per WA State Revenue, this includes sales by other methods including online, phone, and retailers by mail.

Table ED-14 Taxable Retail Sales, 2022 Annual



Source: WA Department of Revenue

Table ED-15 Select Taxable Retail Sales in Kenmore, 2022 Annual



Source: WA Department of Revenue

FUTURE TRENDS

Kenmore, particularly in the four quadrants of Downtown, is expected to capture additional economic growth. As a designated "High Capacity Transit (HCT) Larger City" community⁵ with good access to the regional transportation network, Kenmore is targeted for both residential and employment growth as part of the Regional Growth Strategy. As a Larger City HCT, Kenmore is viewed as an important subregional job, service, cultural, and housing center. The Downtown area will capture a share of City-wide development based on several key characteristics:

- Central location, convenient to job centers and job growth in northeast King County.
- Location on major highways/arterials. Travelers can get to or from Kenmore without traveling on a toll road.
- Location on Lake Washington and the Sammamish River.
- Variety of existing commercial development types and the potential for redevelopment.
- Presence of Bastyr University, a leader in natural health sciences.

More details about the Downtown area are discussed in the Downtown Element.

Retail Demand

Taxable retail sales have remained steady grown steadily in Kenmore. since 20102000, with a dip in 2009 due to the Great Recession. Restaurants, groceries, and until recently, autos and parts, mademake up the largest share of retail spending. With the departure of James G. Murphy Co. in 2022, this auto sales and parts sales category dramatically decreased. The fastest growth since 2000 has been in general merchandise and sports/books/music. Kenmore retail largely serves a local market area. Even within this area, the city retail captures only a small share of resident expenditures. While it is not unusual for a small community to experience leakage in categories such as general merchandise and apparel, Kenmore businesses only recently captured resident expenditures for groceries.

The retail inventory in the city consists of a mix of shopping centers, shopping districts (a concentration of individual buildings), highway-oriented development and some stand-alone facilities. The largest concentrations are Kenmore Square and surrounding development, Safeway and surrounding development, and Kenmore Village and surrounding development. With the exception of the Safeway and Kenmore Square concentrations, many of the existing retail facilities are dated in terms of configuration, appearance, and performance. Recent new

⁵ 'High Capacity Transit' means transit service that functions to carry high volumes of passengers quickly and efficiently, preferably on exclusive or semi-exclusive rights-of-way, such as bus rapid transit, light rail, commuter rail, and passenger only ferries. In the case of Kenmore, SR-522 (Bothell Way) is defined as a high capacity transit corridor. 'High Capacity Transit community,' as defined under PSRC's VISION 2050, is a regional geography that refers to cities and unincorporated areas that are connected to the regional high-capacity transit system.

investment in the Downtown core (Kenmore Camera, Speedy Reedy, Cooley Smiles) has focused on rehabilitation rather than redevelopment.

The City of Kenmore has the potential to provide retail goods and services for an area beyond its own boundaries. The projected market area for Kenmore lies within an approximate 3-mile radius around the Downtown City Center, and the boundaries are further described in the Downtown Sub-Element.

Particularly in the four downtown quadrants there are opportunities for both rehabilitation of existing retail and new retail development opportunities that serve both local and regional needs. Providing opportunities to access small, local neighborhood retail is also a consideration for serving local needs.

While there is some limited potential for retail expansion in Kenmore, the long-term projection is declining retail sales at traditional brick and mortar retailers and a continuing trend in online retail. According to McKinsey & Company, a global management consulting company, the share of traditional retail is set to decline from 85 percent at present to 65-70 percent in the next 4 to 5 years.

~~A project of the scale proposed at Lakepointe could create demand for specialty retail in a destination setting.~~

Office Demand

The Kenmore office market is quite small in comparison to the region. ~~As of 2013, there was a total of 182,000 square feet of office space, with an average size of 4,054 square feet per space.~~ Kenmore's ability to capture regional and national serving office users depends on its competitive position. Office concentrations in Bothell, Lynnwood, and Kirkland are all located on major interstate highways. While Kenmore does not offer the same level of highway access and visibility, Kenmore does have an opportunity to capitalize on its waterfront setting, as is the case at Carillon Point in Kirkland. The space in that project commands some of the highest rents in the region. However, that opportunity is specific to such as Lakepointe, or a development of comparable scale.

Since about 60 % percent of Kenmore businesses with a Kenmore Business Registration are home-based businesses (as of 2023), there may be an upcoming need and demand for smaller-scale office development as these businesses mature. Buildings that accommodate live-work or coworking spaces may be more suitable for Kenmore's business environment rather than the traditional Class A or B office space that is commanded in large job centers. However, because of the lack of available coworking space in Kenmore, businesses are forced to look outside the city. The Berk and Associates Report (2009) noted that the source of demand for office space is most likely to come from local entrepreneurs or local residents moving their business closer to home.

Telecommuting is a trend that has rapidly increased since the COVID-19 pandemic. This has created high retail and office vacancy rates in many prime locations outside of Kenmore. The current trend and long-term projections are conversions of excess office space to residential.

While Kenmore may not be largely affected by this trend, it will still have an overall impact on office space availability and rents.

Clean Light Manufacturing Demand

Clean light manufacturing generally includes advanced manufacturing (including information technology) and urban and/or artisanal manufacturing (including breweries and specialty food manufacturers, for example). Both types of light manufacturing, particularly small growing businesses and start-ups, do not need large spaces and are looking for inexpensive rent. Kenmore has a few properties that fit this description and is a lower cost location than other options, regionally. As an emerging and broadly defined business type, however, there is little market data or trends to assess the potential in Kenmore, there may be the potential for future growth of green businesses in Kenmore.

In addition to clean light manufacturing, supporting local businesses and fostering business opportunities to advance climate mitigation and resilience are important long-term objectives of the City. The Climate Action Element has goals and policies related to supporting a resilient and green local economy.

Projected Employees

Assuming development in accordance with the adopted Kenmore Land Use Plan, the City would achieve greater employment. Refer to Table LU-B. Most of the employment is due to the development of Lakepointe, and a concentrated Downtown core. City economic development efforts with Bastyr University and the Economic Development Council of Seattle/King County may enhance future employment in Kenmore as part of a natural health hub. Refer to Sections 4A and 4B, Land Use Element and Downtown Sub-Element for additional descriptions.

TABLE LU-B
EXISTING AND FUTURE COMMERCIAL DEVELOPMENT

	2014 Estimated	Net Increase 2014-2035	Total 2035
Employment	3,606	3,098	6,704

Table LU-B shows a net increase in employment of 3,098 by the year 2035. This meets the City's 2031 employment target in the Countywide Planning Policies.

ECONOMIC DEVELOPMENT STRATEGY

In 2009, the City adopted a strategic plan, "Capitalizing on Kenmore's Potential: An Economic Development Strategy," to identify strategies to enhance the City's image and identity to increase economic vitality and business growth in the long run. Four goals were identified:

- Establish Kenmore's image by promoting its high quality of life and many assets
- Support existing businesses and pursue opportunities to expand employment
- Create a multi-use, vibrant and walkable Downtown
- Advance the community's connection to the waterfront.

STRENGTHS, CHALLENGES, OPPORTUNITIES & THREATS (SCOT)

The city of Kenmore, with its ideal location at the top of Lake Washington along a heavily travelled corridor between Seattle and the Eastside, has a lot of opportunity for commercial growth. With these opportunities, there are certainly challenges as well. This section briefly describes the strengths, challenges, opportunities, and threats, otherwise known as a SCOT analysis. This section also summarizes responses from business and stakeholder interviews conducted during development of the 2018 Economic Development Strategy.

Strengths

Kenmore has several assets that can be leveraged to establish its identity and promote the community for increased investment and employment.

Location

Kenmore's location on 522 roughly halfway between the Eastside and downtown Seattle, as well as its location on the north end of Lake Washington, are significant assets to attracting new residents and businesses alike.

Pleasant Residential Neighborhoods

Kenmore has many excellent neighborhoods, each with its own identity and character, which add to the uniqueness of the community and improved quality of life.

Excellent School District

The Northshore School District is one of the top public school districts in the region.

Kenmore's Air Harbor

Founded in 1946, Kenmore's Air Harbor continues to be a unique and vital asset to the city's history and economic vitality. With an average 20 single-engine seaplane fleet, it is America's largest seaplane harbor with air service provided daily to downtown Seattle, the San Juan Islands, and Canada. Along with passenger services, the Air Harbor also provides seaplane restoration and maintenance services. The Air Harbor also provides space for approximately 25 private seaplanes. During the peak summer months of July and August, the Air Harbor employs approximately 250 people.

More information about Kenmore's Air Harbor is provided in the Land Use Element.

Bastyr University

Kenmore is home to Bastyr University, the premier university in naturopathic medicine in the United States, with campuses in Kenmore and San Diego, California. The 51-acre Kenmore campus is located adjacent to St. Edwards State Park and It is known for its focus on natural health arts and sciences, particularly in the areas of naturopathic medicine, acupuncture, herbal medicine, nutrition, and holistic health. Not only does Bastyr offer in-person, full-time programs, but also offers online degrees and continuing and community education programs. Bastyr has a total student body of approximately 742 students between both campuses and employs over 600 employees.

Strong Local Business Presence

Kenmore is home to many locally-owned businesses, both large and small. In fact, over 60-percent of Kenmore businesses are home-based.

WeaknessesChallenges

SR-522 Traffic

The pass-through traffic on SR-522 (Bothell Way) is a major east-west thoroughfare that is a significant barrier to pedestrians as well as limiting the potential for and type of development along the highway.

Competition with Neighboring Cities

The local economy is considered small relative to its population base. Several of Kenmore's neighboring cities have strong regional retail and employment centers, including Lynnwood, Bothell, and Kirkland.

Lack of Large-Scale Commercial/Office Space

Compared with neighboring cities, Kenmore has less current and available commercial and office space. This makes it more challenging for businesses to expand or locate in the city.

Opportunities

Excellent Transportation Connections

SR-522 (Bothell Way) is a major east-west arterial that provides excellent connection to Interstate 5 to the west and Interstate 405 to the east. The highway also acts as a major transit corridor for both local (King County Metro) and regional (Sound Transit) bus service. The addition of the S3 Stride Line, a new bus rapid transit line that will connect I-405 and Link Like Rail in Shoreline, will provide residents and employees additional transit options, while also expanding access and opportunities to economically disadvantaged residents. Also, continuing to pursue the King County Water Taxi as a viable transportation alternative would bring added economic benefits to downtown Kenmore.

Expanding the Downtown Core

Downtown Kenmore has been slowly redeveloping and redefining itself as the new community shopping and gathering place. Along with city investments for a new town square and several new privately-initiated housing developments, there is a lot of opportunity for continued growth.

Promotion of Kenmore as a Unique Lakeside City

Kenmore is uniquely situated at the north end of Lake Washington. This location, and the benefits of lakeside access, provides not only a dramatic view but also several economic development opportunities.

Lakepointe Development

Lakepointe is a 'once in a lifetime' opportunity to create a lasting legacy for residents, business and visitors.

Threats

Climate Change

Climate change has the potential to have many negative effects on the economy, many of which may be out of the control of local government. Business establishment and success, as well as customer spending patterns, may be affected. Kenmore could, however, take steps to improve and market climate mitigation and adaptation strategies in the Climate Action Plan to attract businesses and shoppers.

Economic Uncertainty

Uncertainty in regional, national, and global economies plays a role in what happens to local economies. Inflation, supply chain and labor shortages, transportation costs, and stock market volatility are unknowns that may impact the region in the future. While many of these market forces are uncontrollable, the City can develop policies to prepare for any negative swings and prepare for and respond to changing economic conditions.

Housing Affordability

Regional and local housing plays a role in economic success and growth in the community. Housing affordability can impact housing rents and home costs, which may impact the availability and creation of workforce jobs. The City can monitor existing housing trends and home prices, as well as make changes to housing policies, if needed, to ensure an adequate supply of affordable housing in Kenmore.

Commercial Affordability

Commercial affordability also plays a large role in economic success and growth in Kenmore. Rising costs in commercial rents and property can negatively impact existing business, as well as discouraging new business development. The City can monitor existing commercial metrics and adjust economic policies, to the extent possible, that helps promote a variety of businesses.

Transition to Online Marketplace

Even before the COVID-19 pandemic, the retail marketplace has slowly been changing from a traditional brick-and-mortar, big-box environment to e-commerce. While traditional "in-

person” shopping is still the predominant method, the pandemic has inevitably accelerated this change as large-scale regional developments (i.e., shopping malls and retail centers) are either closing or redeveloping into mixed-use urban villages or “lifestyle centers.” While Kenmore does not have many large-scale shopping centers, the City may explore the potential of adaptive reuse for aging buildings or redevelopment of underperforming retail centers into new mixed-use or live-work spaces.

Tables ED-16 and ED-17 show key sector opportunities and challenges and what was heard from participants during the 2018 Economic Development Strategy participation sessions.

Table ED-16 Key Sector Opportunities & Challenges – 2018 Economic Development Strategy

Sector	Opportunities	Challenges
Retail	Current retail leakage to other retail centers; opportunity to capture spending from nearby communities	Suitable locations for future retail; format/type of retail and compatibility with City goals; changing retail environment (bricks and mortar challenges)
Medical/Health Care	Existing demand; relative small scale development type; existing presence in Kenmore; Bastyr University	Available property for development; Rising construction costs
Professional Services (office space)	Demand for locally serving office space; low vacancy rates; lack of supply of office space nearby; potential for coworking office development	Financing of speculative office space; available locations within the City
Restaurants/Breweries/Wineries	Rising costs in Seattle and other markets i.e. relative affordability of commercial space; strong local demographics and growth; underserved market	Available space (existing or for new construction); rising rents in Kenmore; nearby competition
Tourism and Recreation	Build upon success of the Lodge at Saint Edward; Burke Gilman linkages; Unique lakefront amenities; Kenmore Air	Linkage between downtown and lake access points; growth in nearby offerings; Highway 522 environment
Information & Communications Technology (ICT)/Tech Sector	Potential for satellite offices on certain properties in long term (Lakepointe for example); improving transportation linkages; Regional growth in sector; regional demand	Site suitability and availability; regional competition; long odds strategy

Source: 2018 Economic Development Strategy, CAI, Inc.

Table ED-17 What Was Heard – 2018 Economic Development Strategy

What Makes Kenmore an Attractive Place to do Business?

The Ability to Live & Work Here
Central Location Within Region
Affordable Commercial Rent

The Local Economy
Confidence in Future Growth
Untapped Markets
Quality Businesses Draw Customers from Outside Kenmore

Kenmore's Economic Assets
Local Leadership & Support for Businesses
Location
Spillover Regional Growth
Bastyr University Growth

What Challenges and Opportunities Affect the Kenmore Economy the Most?

Greatest Challenges
Transportation
Current Perceptions of the City
Quality & Quantity of Commercial Space
Competition with Neighboring Communities

Greatest Opportunities
Increasing Transportation Options
Expanding Downtown Retail Core
Developing Identity as Unique Destination
Improving Quality of Commercial Building Space

Looking Forward

Infrastructural Development
Development of the Lakepointe Property
Expected Growth - and a Higher Profile
Increasing Variety of Commercial Development
Places to Gather
Shared Work Spaces
Technology, Healthcare and Professional Services

Source: 2018 Economic Development Strategy, CAI, Inc.

SUPPORTING AN EQUITABLE LOCAL ECONOMY

A diverse and stable economy offers long-term economic opportunity and social equity to all Kenmore residents. Equitable and broadly spread prosperity through employment is a key factor in helping residents improve financial outcomes and stay out of poverty. Equity has been identified by the City as top priority and ensuring availability and access to jobs is one of the ways to improve quality of life, especially for historically underrepresented people. Creating the opportunity for access to living wage jobs and workforce development and education leads to greater economic growth and success.

GOALS, OBJECTIVES, AND POLICIES

Following are the economic development goals, objectives, and policies.

GOAL ED-125. ESTABLISH AN ECONOMIC BASE THAT PROVIDES FOR THE NEEDS OF RESIDENTS CITIZENS AND A RANGE OF EMPLOYMENT OPPORTUNITIES.

OBJECTIVE ED-125. Strengthen the diversity of employment opportunities the economy in a manner that creates job opportunities for all residentscitizens, protects environmental quality, and creates opportunities for people to live and work in Kenmore.utilizes public/private partnerships.

Policy ED-LU-25.1.1 Classify an adequate amount of land for commercial and business use.

Policy ED-LU-25.1.2 Recognize the environment as a key economic value in the community that must be protected.

Policy ED-LU-25.1.3 Through cooperative planning efforts with other agencies, support community-based actions to involve minorities, women and economically disadvantaged individuals in improving their economic future.

Policy ED-1.4 Promote local use of small business financing and management assistance programs. Help identify facilities which may be used to support small businesses.

Policy ED-1.5LU-25.1.4 Develop and maintain accurate and up-to-date capital facility plans for transportation, surface water, and parks.

Policy ED-1.6LU-25.1.5 Foster the development and use of private/public partnerships to implement economic development policies, programs, and projects.

Policy ED-1.7 Identify & target sectors that are appropriate for siting in Kenmore, providing for job diversity and living-wage occupations.

Policy ED-1.8 Ensure existing and future housing and land use policies support the balance of affordable housing and available jobs in Kenmore.

1 **OBJECTIVE ED-225.2** Support new and existing business development by creating **Create a**
2 **climate that fosters business creation and retention, positively**
3 **contributing to the City's quality of life.**

4 Policy ED-LU-25.2.1 Actively support the retention and expansion of the local and regional
5 economic base.

6 Policy ED-LU-25.2.2 Work Partner with economic development groups, such as the Economic
7 Development Council of Seattle/King County, State Department of
8 Commerce, Small Business Development Center (SBDC), and various trade
9 organizations to coordinate recruitment and marketing of business
10 opportunities.

11 Policy ED-LU-25.2.3 Work Partner with the Greater Bothell Kenmore Chamber of Commerce
12 and Kenmore Business Alliance to connect businesses and obtain input on
13 City policies and activities.

14 Policy ED-LU-25.2.4 Use zoning, strategic infrastructure investment, and public facilities to
15 stimulate business revitalization, retention, and creation.

16 Policy ED-LU-25.2.5 Allow for Permit home occupations businesses within residential zones
17 consistent with the residential character neighborhood context.

18 Policy ED-LU-25.2.6 Encourage quality and affordable adequate child care and adult care
19 facilities to support a diverse work force.

20 Policy ED-2.7 Identify the unique needs of multi-cultural and women-owned businesses
21 and coordinate City policies with business associations and other
22 stakeholders in Kenmore.

23 Policy ED-2.8 To support Kenmore's Economic Development Approach, continue to
24 facilitate permitting for new and expanding businesses and facilitate
25 property acquisitions where strategic where possible to achieve economic
26 development strategies.

27 Policy ED-2.9 Ensure that all economic development activities and partnerships are
28 consistent with the three prongs of the City's Economic Development
29 Approach.

30 **OBJECTIVE ED-325.3** **Encourage the retention and provision of commercial services that**
31 **support residents and local businesses.**

32 Policy ED-LU-25.3.1 Support private reinvestment in local-serving shopping centers and local
33 businesses through the potential use of tools such as business
34 improvement districts, loan or grant matching, fee abatement, or other
35 mechanisms to revitalize commercial centers.

Policy **ED-LU-25.3.2** Reinforce private reinvestment through regular maintenance and improvement of the City's streets, sidewalks, surface water facilities, and parks.

Policy **ED-LU-25.3.3** Encourage mixed-use areas where small-scale commercial development can occur.

OBJECTIVE **ED-425.4 Improve the visual appearance of new and existing commercial development in terms of design, signage, landscaping and maintenance.**

Policy **ED-LU-25.4.1** Improve the visual appearance of Downtown, SR-522, and other commercial districts through public and private measures for beautification, façade improvements, and maintenance.

Policy **ED-LU-25.4.2** Improve the appearance of parking areas with landscaping and maintenance.

Policy **ED-LU-25.4.3** Implement sign standards that create a distinct image for the Downtown, SR-522, and other commercial nodes, and which orient to pedestrians as well as drivers.

OBJECTIVE **ED-525.5 Identify and support Kenmore's Downtown as a focal point for commercial and inclusive and sustainable economic revitalization and growth.**

Policy **ED-LU-25.5.1** Promote a diversity of uses within the Downtown which support the activity base by providing employment, civic, cultural, recreational, residential, and a variety of commercial activities.

Policy **ED-LU-25.5.2** Use zoning and infrastructure incentives to achieve redevelopment and infill in the Downtown.

Policy **ED-LU-25.5.3** Create zoning districts, regulations, incentives and strategic investment that, in conjunction with market forces, result in an inviting and vital central core that is self-supporting inclusive and sustainable.

OBJECTIVE **ED-625.6 Support regional economic development strategies consistent with the Kenmore vision statement.**

Policy **ED-LU-25.6.1** Cooperate in efforts to establish regional economic diversification and development goals, strategies, and actions. Participation should be encouraged by other jurisdictions, labor, education, environment, and business interests.

Policy **ED-LU-25.6.2** Continue to cooperate on a countywide and regional basis with other counties, cities, other governmental agencies and the private sector to inventory, plan for and monitor the land capacity for commercial, institutional, resource, critical area, open space and residential uses, estimated for six- and 20-year time periods.

Policy ED-6.3 Utilize tax and fee systems, where appropriate, that are equitable, are consistent with City goals, predictably and appropriately fund local services, and are able to maintain a competitive local and regional economic environment. Periodically review the City's tax and fee systems to ensure they remain consistent with the City's priorities.

OBJECTIVE ED-7 Emphasize Climate Action Plan strategies during economic development decision making.

Policy ED-7.1 Attract a job sector that encourages clean-energy and low-carbon producers, emphasizes the reduction of natural resources, and promotes local and statewide initiatives of a green economy.

Policy ED-7.2 Support green job training and continuing education opportunities for economic vulnerable job sectors.

Policy ED-7.3 Support industries and job sectors that reduce greenhouse gas emissions and transitioning to renewable energy sources.

OBJECTIVE ED-8 Develop a culture of excellent customer service that supports all residents and businesses in Kenmore.

Policy ED-8.1 Continue to provide excellent customer service, and identify improvements as necessary, for City permitting, licensing, code enforcement and other front-line functions.

Policy ED-8.2 Instill a problem-solving approach to project review, licensing and permitting.

OBJECTIVE ED-9 Enhance communication between the City and local businesses.

Policy ED-9.1 Communicate with business owners to illustrate the value proposition inherent in operating a business in Kenmore.

Policy ED-9.2 Encourage proactive outreach to Community Business Organizations, such as Kenmore Business Alliance, informing the local business community of Kenmore's regulatory simplicity, supportive business culture, and low-cost business environment.

OBJECTIVE ED-10 Enhance community services as an integral part of residents and business owners' satisfaction with Kenmore and their sense of community.

Policy ED-10.1 Continue to operate a summer farmers market or support other activities in downtown that brings together people, business and enhances community pride.

Policy ED-10.2 Provide home-based businesses with easy access to community services and other opportunities that help advertise and promote their business to local residents and property owners.

Policy ED-10.3 Monitor residents and business owner satisfaction regarding city services and other quality of life metrics and track over time.

OBJECTIVE ED-11 Consistent with the City's Diversity, Equity, Inclusion and Accessibility (DEIA) Plan, support businesses and projects that align with equity goals.

Policy ED-11.1 Increase efforts to build partnerships that support to retain local businesses and organizations, with an emphasis on supporting historically marginalized groups in the business community.

Policy ED-11.2 Support a diversity of business types by engaging with business organizations and agencies that assist minority and women-owned businesses, such as the Washington State Office of Minority and Women's Business Enterprises (OMWBE), Washington State Department of Commerce, and Association of Women and Minority Businesses (AWMB).

OBJECTIVE ED-12 Leverage Placemaking and Livability and Position Kenmore as a destination for North King County.

Policy ED-12.1 Promote Kenmore as a regional tourism destination with regional businesses and attractions, such as Kenmore Air and The Lodge at St. Edwards Park.

OBJECTIVE ED-13 Continue to recognize the value of Kenmore's Air Harbor as a provider of air transportation and as a significant employer in the city.

Policy ED-13.1 Support the continued operation of Kenmore's Air Harbor through effective planning, reduction from risk of incompatible development, and collaboration with the City and surrounding property owners.

IMPLEMENTATION STRATEGIES

The Economic Development Sub-Element policies would will require continued or increased commitments of City resources to prepare new regulations, review/amend existing regulations, create educational or incentive programs, foster partnerships, or coordinate with adjacent jurisdictions.

New or expanded programs, rules, or regulations would be needed to address:

- Incentives to stimulate business revitalization, retention, and creation.
- Identification and tracking key economic and demographic metrics to help the city evaluate the effectiveness of local economic strategies and achievement of equitable outcomes.
- Development and tracking of citywide and departmental performance measures related to economic development.

1 • Monitor and analyze commercial space availability and development trends to capacity to
2 ensure that zoning and development regulations are appropriate for Kenmore. do not create
3 scarcity of commercial spaces in the city's commercial zones.

4 • Continue to assess business development needs to ensure economic growth, particularly
5 local business development.
6

7 A review of existing programs, rules and regulations would be needed to ensure they meet the
8 policies, including:

9 • Review of home occupation, home business standards.

10 • Periodic review of development standards that relate to commercial or business
11 development.

12 • Review of design, landscape, and signage standards.

13 Continuing coordination efforts would be needed with adjacent jurisdictions or agencies,
14 including:

15 • Cooperative efforts with other agencies, such as Washington State Office of Minority and
16 Women's Business Enterprises (OMWBE), Washington State Department of Commerce, and
17 Association of Women and Minority Businesses (AWMB), to support economic development
18 activities for the disadvantaged for small, local, women- and minority-owned businesses in
19 Kenmore.

20 • Coordination and partnership with economic development and business groups, such as the
21 Economic Development Council of Seattle/King County, the State Department of Commerce,
22 various trade organizations, the Greater Bothell Kenmore Chamber of Commerce and the
23 Kenmore Business Alliance to promote Kenmore as a commercial and recreational
24 destination.

25 • Policy ED-12.2 Continuing to promote and expand the "Shop More, Play More, Find
26 Kenmore" branding business-supporting slogans and branding materials that effectively
27 support and value the business community in Kenmore. This may also include development of
28 a small and local business directory, a "how to do business in Kenmore" guide, and a handbook
29 on licensing and permitting.

30 • Policy ED-12.3 Coordinate with the Bothell Kenmore Chamber of Commerce, Kenmore
31 Business Alliance, and other organizations to promote Kenmore as a recreational destination
32 for the boating community and to continue to provide for and improve access to Lake
33 Washington and Sammamish River.

34 • Policy ED-12.4 Continue to expand and develop branded marketing materials, including
35 small and local business resource directory, a "how to do business in Kenmore" guide, and a
36 handbook on licensing and permitting.

37 • Cooperation on a regional basis towards economic diversification and land capacity
38 monitoring.

1 A periodic review of the five-year action plan in the Economic Development Strategy also is
2 recommended to keep the strategy plan current. The City continues to pursue the following
3 efforts to further the goals of the Economic Development Strategy:
4

- 5 • Supporting a community marketing campaign to promote Kenmore's image and support
6 business development.
- 7
- 8 • Leveraging and partnering with the area's educational institutions. ~~such as Bastyr University.~~
- 9
- 10 • Supporting the development of a natural health-related cluster.
- 11
- 12 • Creating a landmark gateway to Kenmore and Improving wayfinding signage and streetscape
13 and business area appearance.
- 14
- 15 • Providing leadership and facilitation in opening up the waterfront as a key amenity.
- 16
- 17 • Funding space and promoting a local business incubator, Creating opportunities for new start-
18 up businesses.
- 19
- 20 • Providing free educational seminars for local businesses.
- 21
- 22 • Supporting the City's business registration program.
- 23
- 24 • Supporting activities of the Kenmore Business Alliance and Bothell Kenmore Chamber of
25 Commerce.
- 26
- 27 • Supporting the development of office space or other opportunities for employment.
- 28
- 29 • Seeking grants or other funding opportunities that support business retention, creation, and
30 growth.
- 31
- 32

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CITY OF KENMORE

Planning Commission Rules and Procedures

ARTICLE I: GENERAL

- Section 1: Historical Background
- Section 2: Duties and Responsibilities

ARTICLE II: MEMBERSHIP AND OFFICERS

- Section 1: Membership
- Section 2: Nomination and Election of Officers
- Section 3: Officer Term of Office
- Section 4: Vacancies of Chair and Vice Chair
- Section 5: Resignation or Removal of Planning Commission Member
- Section 6: Duties of Officers

ARTICLE III: COMMISSION MEETINGS

- Section 1: Meetings
- Section 2: Annual Work Program (Docket) and Meeting Agendas
- Section 3: Minutes and Records
- Section 4: Public Comment
- Section 5: Public Hearings
- Section 6: Order of Business
- Section 7: Special Meetings
- Section 8: Quorum
- Section 9: Remote Attendance
- Section 10: Rules of Procedure
- Section 11: Time and Length of Meetings
- Section 12: Motions and Voting

ARTICLE IV: COMMISSIONER CONDUCT

- Section 1: Public Statements
- Section 2: Ex-Parte Contacts and Sharing of Information
- Section 3: Conflict of Interest or Appearance of Fairness
- Section 4: Attendance
- Section 5: Conduct of Business and General Courtesy Expectations
- Section 6: Decision of the Commission

ARTICLE V: AMENDMENTS TO RULES AND PROCEDURES

ARTICLE I: GENERAL

Section 1: Historical Background

On December 21, 2006, the Kenmore City Council adopted Ordinance 06-0255, which included the adoption of Chapter 2.30 of the Kenmore Municipal Code (KMC), entitled "Planning Commission."

Section 2: Duties and Responsibilities

The duties and responsibilities of the Planning Commission are as described in KMC Section 2.30.040:

- A. The Planning Commission shall be an advisory body to the City Council responsible for review and making policy recommendations relating to amendment to the comprehensive plan and related land use regulations.
The Planning Commission shall provide annual reports to the City Council on execution of its duties and responsibilities.
- B. The Planning Commission shall have the authority to review and study proposed amendments to the comprehensive plan and development regulations that are included in a City Council-approved annual docket work program for each year. The Planning Commission shall hold a public hearing, deliberate, and make recommendations to the city on said proposals.

ARTICLE II: MEMBERSHIP AND OFFICERS

Section 1: Membership

Membership requirements are as described in KMC Section 2.30.020. Refer to the most current version on the city website.

Section 2: Nomination and Election of Officers

The election of officers shall take place annually at the first regular meeting of the Planning Commission each calendar year. The Chair from the prior year shall serve until the new Chair is elected. The election shall be the third order of business of the first meeting of the year following: 1. Call to order and roll; and 2. Approval of past minutes. Nominations shall be made from the floor. The nominee must accept the nomination to be placed in nomination. The election shall follow immediately thereafter. The nominee receiving a majority of the votes of the number of commissioners currently appointed shall be declared elected.

Section 3: Officer Term of Office

The elected officers shall immediately assume their positions at the conclusion of the elections and shall serve one (1) calendar year. KMC 2.30.020 restricts a Chair to serve no more 36 months in any 48-month period.

Section 4: Vacancies of Chair and Vice Chair

Vacancies shall be filled immediately by regular election procedure in Section 2 for the unexpired portion of the term.

Section 5: Resignation or Removal of Planning Commission Member

In the event that a commissioner can no longer fulfill their responsibilities, or will no longer be a full-time resident of the City of Kenmore, or misses twenty-five percent (25%) or more of the Commission's regularly scheduled meetings within a twelve (12) month period (unless excused by the Commission), it may be appropriate that the commissioner resign or be removed from the Commission. The procedures for resignation or removal are outlined as follows:

5.1 Resignation

Whenever a commission member is no longer qualified to serve or is unable to fulfill the responsibilities of a commissioner and desires to resign, then a resignation may be tendered in writing to the Mayor and the Chair.

5.2 Removal

- A. Per KMC 2.30.020, all members of the Planning Commission are appointed by and serve at the pleasure of a majority of the City Council.

A Planning Commissioner may be removed by the Mayor, with the approval of the City Council, for inefficiency, neglect of duty, or malfeasance in office.

- B. The Planning Commission may recommend to the Mayor and City Council the removal of any commissioner who misses twenty-five percent (25%) or more of the regularly scheduled meetings within any twelve (12) month period without being excused by the Commission, or in the opinion of the Commission, is unable to fulfill the duties of a commissioner.

Recommendations for removal must be approved by at least four (4) members of the Planning Commission.

Section 6: Duties of Officers

6.1 Chair

The Chair shall preside over the Commission and exercise all the powers incidental to the office, retaining however, the full right as a member of the Planning Commission to have a vote recorded in all deliberations of the Commission, to propose motions, and to second motions. The Chair may call special meetings of the Commission in accordance with the Rules and Procedures, sign documents, and see to it that all actions of the Commission are properly taken.

6.2 Vice Chair

During the absence, disability, or disqualification of the Chair, the Vice Chair shall assume the duties and powers of the Chair during this period. The Vice Chair shall retain the full right as a member of the Planning Commission to have a vote recorded in all deliberations of the Commission, to propose motions, and to second motions.

6.3 Clerk and Deputy Clerk

The Clerk and Deputy Clerk responsibilities include recording the meeting, preparing meeting minutes, complying with public hearing and meeting notice requirements, taking roll call votes, and assembling and distributing meeting materials. The Clerk or Deputy Clerk will perform other staff services necessary to support the work of the Commission. The Clerk and Deputy Clerk are City employees and are not elected by the Commission.

ARTICLE III: COMMISSION MEETINGS

Section 1: Meetings

The regular meetings of the Commission shall be held on the first and third Tuesday of every calendar month at a time set in advance by the Commission to ensure reasonable public participation, PROVIDED:

- A. If the regular meeting falls on a legal holiday, that meeting shall be held on the following Tuesday unless the Commission, by formal action, sets a special meeting day.
- B. A quorum of the Commission may, at any regular meeting, substitute another day for the regular meeting of the following month, and shall give notice of a special meeting day.
- C. If, for any reason, the business to be considered at a regular or special meeting cannot be completed, the Commission may hold over unfinished business to the next regular meeting or designate a special meeting at a time and date to consider the uncompleted matter, provided that such action shall be publicly announced at the meeting.

- D. Special meetings may be called at any time by the Chair and, in the Chair's absence, by the Vice Chair, or by at least four (4) members of the Commission. The Clerk or Deputy Clerk shall provide written notice to each member of the Commission at least twenty-four (24) hours before the time of such meetings as specified in the notice.
- E. All regular and special meetings of the Commission are open to the public and shall be held in compliance with the Open Public Meetings Act.

The Commission may cancel any meeting with required public notice.

Section 2: Annual Work Program (Docket) and Meeting Agendas

Per KMC 19.20.040, the Planning Commission shall have the authority to review and study proposed amendments to the comprehensive plan and development regulations that are included in a City Council-approved annual docket work program for each year.

The Community Development Director or their designee shall prepare a work program schedule for the Planning Commission based on the City Council-approved annual docket. The Community Development Director or their designee shall prepare the Planning Commission meeting agendas and supporting agenda materials based on the City Council-approved annual docket. The Community Development Director or their designee shall provide a staff recommendation to the Planning Commission on docket work program proposals. Final vote for authorization of docket work proposal recommendations to be transmitted to the Council shall be made only when the action is on the agenda that is published in accordance with public notice requirements.

A copy of the agenda and agenda materials for regular and special meetings shall be provided to each member not less than five (5) days prior to the date of the meeting at which such agenda is to be considered. Posting the materials on the City's public website meets this requirement.

Section 3: Minutes and Records

All official Planning Commission meetings shall be recorded. All agenda materials, meeting recordings, and meeting minutes are a permanent public record in accordance with the State of Washington Public Records Act Chapter 42.56 RCW.

Formal recommendations considered by the Commission are considered part of the public record of the meeting at which such recommendation was considered.

All actions of the Commission, whether by motion or resolution, shall be considered conclusive as of the date of such action, provided the Chair has the authority to modify non-substantive items.

After approval by the Planning Commission, the Chair, Vice Chair, or the Chair's designee shall sign the meeting minutes.

Section 4: Public Comment

An opportunity for public comment shall be provided at every regular or special meeting. Members of the public may only speak during the designated Public Comment period. No person shall address the Commission at a meeting without being recognized by the Chair.

The Chair or Clerk will state the rules for the Public Comment period. These may include items such as:

- a. Stating name and city of residence.
- b. Limiting comments to three minutes.
- c. Speaking on any topic pertaining to Commission business.
- d. It is at the discretion of the Chair if commissioners or staff respond to comments at the meeting. Public comment period is normally not an opportunity for interaction with commissioners or staff. The Chair may clarify a fact or procedure incorrectly stated during public comments which, in the Chair's opinion, may confuse the public. The Chair may request the staff to provide the clarification as appropriate.
- e. Address all comments or grievances to the Commission, not the audience.
- f. Any documents from speakers to be distributed to the Commission shall be provided to the Clerk by 5 p.m. on the day of the meeting.
- g. All comments related to a public hearing topic on the agenda shall be made during the public hearing.

Section 5: Public Hearings

Notice of all public hearings shall be provided to all members of the Commission and the public in accordance with all applicable rules for public notice.

The order of business for public hearings is as follows:

1. The Chair will announce the beginning of the public hearing, including the items being heard.
2. The Chair will ask the Community Development Director or their designee to provide a summary of the proposal on the agenda for public hearing.
3. The Chair will state the rules for the public testimony period prior to opening the public hearing. These may include items such as:
 - a. Members of the public will be invited to provide public comment about the specific topic of the hearing.
 - b. Stating name and city of residence, and organization if they are commenting on behalf of such organization.

- c. Limiting comments for each person to three minutes.
 - d. It is at the discretion of the Chair if commissioners or staff respond to comments during the public comment period of the public hearing. Public comment period is normally not an opportunity for interaction with commissioners or staff. The Chair may clarify a fact or procedure incorrectly stated during public comments which, in the Chair's opinion, may confuse the public. The Chair may request the staff to provide the clarification as appropriate.
 - e. Addressing comments to the Commission, not the audience.
4. The Chair opens the public comment period.

Procedures in the case of an action requiring a quasi-judicial matter before the Commission:

1. The Chair shall ask if there are any recusals by any commissioner on the matter. Recusals are for conflicts of interest and any other reasons which is grounds for recusal. Those commissioners recused shall leave the chamber while the item is being considered.
2. The Chair invites the applicant or designated representative (if the hearing is in regard to a site-specific comprehensive plan amendment) to speak on behalf of the application. Upon recognition of the Chair, a commissioner may ask relevant questions to the applicant, the applicant's designated representative, or to the planning staff.
3. The Chair invites members of the public to provide comment on the proposal being considered for action. Upon recognition of the Chair, a commissioner may ask relevant questions of the individual providing comment. In the event there are large numbers of individuals wishing to provide comment, the Chair may consider continuing the public hearing to a reconvened date and time upon approval of a motion by the Commission.
4. The Chair calls three times for public testimony, and upon hearing none, the public testimony portion of the public hearing is officially closed.
5. The Chair now opens the session for commissioner deliberations and action. Upon recognition by the Chair, a commissioner may direct specific questions to staff, applicant, applicant's representative, individual who provided public comment, or fellow commissioners to clarify issues, comments, or technical questions that may not have been directly addressed during the public testimony portion of the public hearing.
6. After a reasonable amount of time, the Chair closes further discussions and may entertain a motion from the Commission. The Commission may approve, modify, reject, or continue the item until another Commission meeting date.

7. After a motion is made and seconded, the Chair entertains additional discussion on the motion. Upon recognition of the Chair, a commissioner may propose further motions on or amendments to the original motion.
8. Upon hearing no further deliberation, the Chair takes a vote on the main motion after any subsidiary motions and directs the Clerk to record the formal action as required.

Section 6: Order of Business

The regular order of business at regular and special meetings of the Commission shall be:

- A. Call to Order
- B. Public Comments
- C. Consent Calendar
 - a. Approval of Previous Meeting Minutes
 - b. Other items of routine business designated by the Chair.
- D. Public Hearing(s)
- E. Community Development Director's Report and Informational Item(s)
- F. Work Session(s)
- G. Business and Action Items
- H. Announcements and for the Good of the Order Comments
- I. Adjournment

The Chair may place other items on the agenda including items requested by and with the Commission's approval.

Section 7: Special Meetings

Special meetings and/or work sessions may be called:

- a. At the request of the Chair, or in the Chair's absence, by the acting Chair, as set forth in the provisions under Article III, Section 1.
- b. At the written request of four (4) or more members of the Commission.
- c. By approved motion of the Commission.

Written notice of all study sessions and special meetings shall be provided to all members of the Commission and the public in accordance with all applicable rules for public notice.

Section 8: Quorum

Four (4) members of the Kenmore Planning Commission shall constitute a quorum. A Planning Commission member may attend a regular or special meeting remotely (see Article III, Section 9) and have the same rights as if they were attending the meeting in person.

All actions of the Kenmore Planning Commission shall be determined by a minimum of four (4) affirmative votes of the total Commission. Amendments to the working document may be made by a majority vote of those attending including those abstaining.

Section 9: Remote Attendance

The Commission will provide accommodation and remote access for a commissioner who may not be able to be physically present at a meeting. The Commission's standard practice is that members attend in person. At least twenty-four (24) hours before the starting time of a meeting, that commissioner should advise the Clerk of the desire to attend via remote access. Per state law, any commissioner and/or public attending a meeting via remote access must be able to hear all speakers in the meeting room, and all persons in the meeting room must be able to hear the commissioner and/or public attending via remote access. In the event of a declared emergency at the local, state, or federal level, or if the City determines it cannot hold a meeting in person with reasonable safety where commissioners or public are in attendance, several or all of the commissioners may attend the meeting remotely.

The Commission will strive to live stream meetings for public viewing.

Public comments and testimony may be allowed by virtual means provided all members of the Commission can hear the individual. Rules for virtual participation shall be consistent with City policy for virtual participation at official meetings. The City may provide specific rules for virtual participation for the Planning Commission.

Section 10: Rules of Procedure

All meetings of the Commission shall be conducted in accordance with Robert's Rules of Order (Latest Edition), unless specifically provided otherwise by these Rules and Procedures, applicable City Ordinance, or State Statute.

Section 11: Time and Length of Meetings

Planning Commission meetings shall begin at 7:00 p.m. and continue until 9:30 p.m. unless adjourned. After 9:30 p.m., the Commission may extend the time of the adjournment. Meetings may begin earlier by prior determination of the Commission or Chair and will follow the special meeting requirements. Public notifications of such meetings shall place a special emphasis on the earlier start time.

Section 12: Motions and Voting

Unless waived, motions shall be restated by the Chair before a vote is taken. The names of the maker and second shall be recorded in the minutes of the meeting.

Motions by commissioners and stated motions by the Chair may be unanimously approved when there is no objection made by any commissioner. An objection will require a formal motion and vote by the Commission.

Items on the consent calendar may be amended prior to approval. Any commissioner may pull an item off the consent calendar to be an item of regular business. The Chair shall place the item onto the current agenda for consideration and action.

All motions that finalize work on a docket item and/or refer an item to the Council shall be called for a vote. These items may not be part of the Consent Calendar. The Chair may call for a roll call vote when there is a question regarding a commissioner's vote. The Chair may call for a roll call vote on any motion at the Chair's discretion. During a roll call vote, the Vice Chair will be the next to last to vote and the Chair the last.

The minutes of the meeting will indicate in some appropriate manner those motions approved without objection (i.e., unanimously) and those motions when a vote is taken with one or more "nay" votes. In the latter case, the minutes will include in some appropriate manner the commissioners who cast minority votes. Abstentions from any vote on a motion shall be recorded in the minutes.

Commissioners who recuse themselves from voting and deliberation on a matter before the Commission shall be recorded in the minutes at the beginning of the record of the matter.

ARTICLE IV: COMMISSIONER CONDUCT

Section 1: Public Statements

While any commissioner has a right to express personal views and opinions pursuant to our Constitutional guarantees of freedom of speech, statements purporting to represent the view or pronouncements of the Commission shall not be made in advance of the Commission's final determination of the matter, except as directed or authorized by a majority of the Commission at any special or regular meeting or public hearing. The Chair may issue such statements as the Commission deems necessary. The Commission may also designate another commissioner to assist the Chair in issuing such statements. Likewise, the Chair may seek assistance from any commissioner in making such statements. This shall not preclude the right of any dissenting members to express their minority position.

Lobbying efforts by any Advisory Bodies on legislative or political matters should first be checked for consistency with existing City policy by contacting the City Manager.

A commissioner is free to voice a position, oral or written, on any issue if it is made clear that the member is not speaking as a representative of the City or on behalf of the Commission.

Section 2: Ex-Parte Contacts and Sharing of Information

It is in the public interest that, to the greatest extent possible, all members of the Commission should have an opportunity to be aware of and act upon the information that is available to other members. Therefore, all members are encouraged to place upon the record of the Commission the substance of all ex-parte contacts that have occurred during the time that a legislative matter has been introduced and is still before the Commission for a decision. Examples of legislative issues on which the Commission deliberates and makes recommendations include comprehensive plan amendments, code amendments, and other policy recommendations.

With respect to matters of a quasi-judicial nature, members shall abide by the provisions of the Appearance of Fairness Doctrine of the State of Washington, as codified in Chapter 42.36 RCW; as adopted or subsequently amended. Examples of quasi-judicial land use matters are those which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceedings. Ex-parte communications during the pendency of any quasi-judicial proceeding are prohibited unless the member engaged in such communications: 1. places on the record the substance of any written or oral ex-parte communications concerning the decision of action; and 2. provides that a public announcement of the content of the communication and of the parties' rights to rebut the substance of the communication shall be made at each hearing where action is considered.

Section 3: Conflict of Interest or Appearance of Fairness

Planning commissioners should follow the Washington State Ethics in Public Services Act Chapter 42.52 RCW. If it shall appear to any member at any time that a conflict of interest or an appearance of fairness problem exists with respect to a matter pending before the Commission, it shall be the member's duty to openly state the nature of such conflict, and then to refrain (recuse themselves) from participating in any subsequent deliberation of the Commission and the decision-making process with respect to the matter. In addition, members of the Commission shall be disqualified from involvement in Commission actions in which they have a financial interest. A financial interest shall be deemed to include, but not be limited to, the member's own interest or the interest of a client or employer.

Commissioner disagreements regarding Conflict of Interest or Appearance of Fairness or other disqualifying interests shall be referred to the City Attorney for opinion and recommended action by the Commission. The matter will then be returned to the Commission for action.

Section 4: Attendance

Regular attendance of commissioners at regularly scheduled or special meetings is important and critical to the operation of this advisory body. Each commissioner is responsible for notifying the Chair and Clerk when a scheduling conflict arises that prevents a commissioner from attending a scheduled meeting.

In the event that a commissioner cannot actively participate in regularly scheduled or special meetings, the commissioner should consult with the Chair to determine if their absence can be accommodated.

Section 5: Conduct of Business and General Courtesy Expectations

The Chair shall direct the conduct of meetings. A commissioner should seek recognition of the Chair before speaking. Commissioners should always be courteous, respectful, kind, and professional with everyone. An environment of mutual respect should be fostered. Discourteous behavior, inflammatory language, personal attacks, or negative body language is not permitted.

Section 6: Decisions of the Commission

The Commission's goal is to provide a consensus recommendation to the City Council on matters referred to the Commission for action after full and complete discussion. Each commissioner should strive to fulfill this goal by expressing their views. A consensus in this context refers to a unanimous approval of an action.

6.1 Minority Reports

When consensus cannot be reached, minority reports may be prepared and forwarded to the City Council. When a decision is reached, a member not voting with the majority may prepare a minority report. When the minority is comprised of more than one individual, and if requested, the minority report may be prepared by Community Development Department staff.

- A. **A minority report may be for a specific section of the matter for which the commissioner voted in the minority. It is understood the practice of voting for the entire matter as a whole for the greater need of the City occurs even when the individual commissioner strongly disagrees with a portion of the matter. Following this practice shall not preclude a commissioner from filing a minority report limited to that matter.**
- B. Notice of intent to file a minority report, or request for preparation of a minority report, shall be made within seven (7) calendar days of the date of majority action, or the right to transmit such report shall be deemed to have been waived. All minority reports shall be signed by the members who prepare, or request the preparation of, the report and shall be forwarded to the Mayor and City Council by the Chair. Minority reports will be transmitted by the Chair at the same time as the majority recommendation is transmitted, with copies distributed to all members. Staff will notify the Commission when the recommendation is transmitted.

6.2 Commission Recommendation fails adoption by the Council

In every case where the action of the Commission is not adopted by the City Council, the Clerk will make available to the Commission, at its next regular meeting, the findings, conclusions, and decisions of the City Council.

ARTICLE V: AMENDMENTS TO RULES AND PROCEDURES

These Rules and Procedures may be amended at any regular meeting by the affirmative vote of four (4) members of the Commission; provided that notice of proposed amendments has been made at a previous meeting. The specific amendment being proposed must be provided in the packet for the meeting where it is considered.

Suspension of these rules shall be made by motion and approved by five (5) of the seven (7) commissioners. Rules pursuant to the RCW, WAC, or KMC may not be suspended.

An ad hoc rules committee of no more than three (3) commissioners may be authorized by the Commission. Unless otherwise restricted by the Commission, such Committee may propose any rule change that it believes will benefit the Commission. In this case, the proposed rule change(s) shall be provided in the packet as a report of the Rules Committee. The proposed rule change(s) will remain as an agenda item until the Commission takes action on the proposals.

All amendments must comply with the RCW, WAC, and KMC pertaining to Planning Commissions, Open Public Meetings Act, and other related laws. These rules shall also comply with resolutions adopted by the Council for conduct of Commission business and membership.

**CITY OF KENMORE
WASHINGTON
RESOLUTION NO. 24-411**

**A RESOLUTION OF THE CITY COUNCIL OF KENMORE,
WASHINGTON, AMENDING RESOLUTION 22-388 TO
ESTABLISH A TIME FOR THE END OF MEETINGS, AND
ADOPTING PROCEDURES FOR PUBLIC
COMMENTS, PUBLIC HEARINGS, AND MEETING
DECORUM.**

WHEREAS, RCW 35A.13.170 and RCW 35A.12.120 authorizes the City Council to establish rules of procedure for the order of business and conduct of City Council meetings; and

WHEREAS, the City Council adopted Resolution No. 22-388, adopting the City of Kenmore Council Rules and Procedures (Rules of Procedures), which has been amended as needed; and

WHEREAS, the Council wishes to amend the Rules of Procedures to set a meeting end time and clarify rules relating to public comment, public hearings and meeting decorum.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Amendment. The City Council amends Resolution 22-388, as amended by Resolution 23-408, as set forth in Attachment 1 to this resolution attached hereto and incorporated by reference as if set forth in full.

Section 2. Conflict. In the event of a conflict between any provisions of these Rules of Procedures and any other prior Council policy or procedure, the provisions of these Rules shall control.

Section 3. Severability. If any sentence, clause or provision of these rules conflict with an applicable provision of state or federal law or is otherwise invalidated by a court of competent jurisdiction, the invalid sentence, clause or provision of these rules shall be severable from the remainder.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON AT A
SPECIAL MEETING THEREOF THIS 9th DAY OF January 2024.

CITY OF KENMORE


Nigel G. Herbig (Jan 16, 2024 13:30 PST)

Nigel G. Herbig, Mayor

ATTEST/AUTHENTICATED:


Anastasiya Warhol (Jan 16, 2024 13:06 PST)

Anastasiya Warhol, City Clerk

APPROVED AS TO FORM:


Dawn Reitan (Jan 16, 2024 13:29 PST)

Dawn Reitan, City Attorney

ATTACHMENT 1 TO RESOLUTION

CC-1 Council Rules and Procedures

Category: City Council	Policy No.: CC-1
Subject: Council Rules and Procedures	Date Issued: 7/11/2023 (Res. 22-388)
Staff Contact:	Last Updated: 12/4/2023 (Res. 23-408)

Sections:

- 1 General
- 2 Order of Business Meetings
- 3 Structure and Roles of Government
- 4 Vacancy and Leave of Absence
- 5 Council Conduct
- 6 Remote Attendance and Voting
- 7 Executive Sessions
- 8 Public Testimony
- 9 Waiver / Effect of Waiver of Rules

1 General

1.1 Purpose of Meetings

City Council meetings are for the purpose of conducting city business, including but not limited to budgeting (e.g., revenues, expenditures, taxes, fees, monthly payments, capital project payments), long-range planning (e.g., vision, zoning, development, and land use) and addressing federal and state mandates.

1.2 Structure of Meetings

1.2.1 All meetings shall be open to the public, except for executive sessions authorized by law (and noted in Council Rules and Procedures, Section 7, Executive Sessions) and collective bargaining sessions and related proceedings described in RCW 42.30.140. Final action resulting from executive session discussions will be taken during a meeting open to the public as required by law.

1.2.2 Meetings will be orderly and will involve Councilmembers, City staff, consultants, and members of the public, which will allow all viewpoints to be heard and considered.

1.2.3 Meetings will be called to order by the Presiding Officer, who shall be the Mayor, the Deputy Mayor in the absence of the Mayor, or a Councilmember selected by the City Council in the absence of both the Mayor and Deputy Mayor.

1.2.4 Meeting types:

1.2.4.1 There will be three regular meetings per month on the 2nd, 3rd, and 4th Monday evenings. If a regular meeting falls on a holiday, it will be held the next day, Tuesday, unless canceled by the City Council. There will be no regular meetings on the 1st and 5th Monday evenings.

1.2.4.2 Additional meetings, which may be referred to as meetings or work or study sessions, will be scheduled as needed.

1.2.4.3 Executive sessions will be scheduled as needed.

1.2.4.4 Town Hall meetings will occur periodically as determined by the City Council.

1.2.4.5 Coffee-With-Council is an open forum for the public to discuss issues with Councilmembers. It will occur twice a month, generally on one Monday and one Saturday at times to be announced. If no Councilmembers are able to attend, notification of the cancellation will be made. No more than three Councilmembers may attend. If specific operational issues are brought up by the public, they should be asked to fill out a Service Request on the City's website to properly track, record, and manage the issue. If a Service Request has been filled out and the person has not received a response, then it will be referred to the City Manager for follow-up. Coffee with Council is not intended to result in tasking the city manager or staff with new initiatives or operational tasks.

1.2.4.6 Retreats will be scheduled yearly, or more often if needed when extended blocks of time are needed to set priorities and make long-term plans for the City.

1.2.4.7 The Council has the prerogative to form ad hoc committees or workgroups of not more than three members to work on issues that will be brought forward to the full Council for consideration.

1.2.5 All public meetings will be scheduled or announced, and agendas will be prepared and made available in advance as required by State law (the Open Public Meetings Act). Meetings may be added or canceled as discussed and approved by the City Council.

1.2.6 Actions may be taken, motions may be passed, proclamations may be made, and resolutions and ordinances may be adopted at regular meetings, or special meetings with proper notification.

1.2.7 Meeting agendas with relevant information on each topic will be available 10 days in advance whenever possible.

1.2.8 Regular and special meetings will be recorded by the City Clerk or designee and posted within 72 hours.

1.2.9 Remote attendance and voting will be allowed as noted in Section 6.

1.2.10 Copies of all documents distributed in the Council chambers pertaining to Council business, as well as copies of all documents submitted by speakers during Public Comments, shall be provided to the City Clerk and distributed as necessary.

1.3 Rules for Meetings

1.3.1 These rules constitute the official rules and procedures and code of conduct for the City Council.

1.3.2 In addition to these rules, the City Council shall conduct its meetings in compliance with the most current edition of Robert's Rules of Order Newly Revised (Robert's Rules). A copy shall be maintained in the office of the City Clerk.

1.3.3 Where there is a conflict between these rules and Robert's Rules, these rules shall govern. Where there is a conflict between these rules and State and federal laws, the State and federal laws shall govern.

1.3.4 In general, the City Council will follow Robert's Rules for "Formal Debate," including requiring a second for all motions and disallowing the Presiding Officer from making motions.

1.3.5 Robert's Rules of Order for "Small Boards" will be used to:

1.3.5.1 Allow the Presiding Officer to participate in debate. In general, the Presiding Officer will speak after others have spoken on the topic.

1.3.5.2 Allow informal discussion before a motion is made.

1.3.5.3 Not require speakers “for” and “against” the motion to alternate.

2 Order of Business Meetings

2.1 Call to Order

2.1.1 The Presiding Officer will call a meeting to order.

2.1.2 The Presiding Officer will request the City Clerk to call the roll of the Councilmembers. The Clerk will record the names of Councilmembers present and absent. The Clerk will also note the time of any late arrivals and early leave-takings for the record.

2.2 Agenda Approval

2.2.1 The City Council shall approve the agenda.

2.2.2 Amendments to the agenda may be suggested, discussed, and approved.

2.3 Public Comments

2.3.1 Members of the public may only speak during the designated Public Comment period, or during a scheduled public hearing, or a quasi-judicial hearing (as discussed in Section 8 below).

2.3.2 No person shall address the City Council at a meeting without being recognized by the Presiding Officer.

2.3.3 The Presiding Officer or City Clerk will state the rules for the Public Comment period. This may include items such as:

2.3.3.1 Members of the public must sign the log prior to the Public Comment period to be allowed to speak. They are not required to sign anywhere to attend the meeting.

2.3.3.2 They must state their name and city of residence.

2.3.3.3 ~~Public comments will be limited to a total of one hour for on-site and virtual attendees and will be tabulated by clock time (not aggregate speaking time). Each person will be given three minutes. However, if more than twenty people are signed up to speak (counting both on-site and virtual speakers), then the public comment time limit will be automatically reduced to two minutes per person. The Mayor will be informed of the number of persons signed up prior to public comment so that the correct time limit will be applied, and said time limit will continue to apply even if a person opts out or leaves the meeting prior to giving public comments. Regardless of how many people are signed up to speak, public comment will end after one hour. The Presiding Officer may alternate comments between in-person and online commenters. If time remains after those signed up to comment have spoken, the Mayor may ask the in-person audience if there is anyone else who wishes to comment, and the same per-speaker time limit will apply. There is a three-minute time limit.~~

2.3.3.4 It is a time for members of the public to speak on any topic(s) of their choice.

2.3.3.5 It is not a time for the Council or staff to answer questions, but exceptions can be made at the discretion of the Presiding Officer.

2.3.3.6 Comments should be addressed to the Presiding Officer and the City Council, not the audience.

2.3.3.7 If members of the public agree with the comments of previous speakers, they are encouraged to state that their comments have already been made by previous speakers.

2.3.3.8 Section 8.3 Rules of Decorum and Section 8.4 Interruptions – Procedure shall apply to public comments~~Members of the public should refrain from booing, hissing, clapping, or making personal attacks during public comments, and throughout the meeting.~~

~~2.3.3.9 2.3.4~~ Each member of the public will be given three minutes. Suspension of public comment~~this rules~~ will require a majority vote of the Councilmembers present.

2.3.~~45~~ No person may use the designated Public Comment period to support or oppose any candidate for public office or ballot measure in a manner that violates RCW 42.17A.555.

2.3.~~56~~ The Presiding Officer will allow members of the public to return to their seats in the audience before responding to their presentations.

2.3.~~67~~ There will be no two-way conversations between Councilmembers and members of the public.

2.3.~~78~~ The Presiding Officer may direct the City Manager to follow up with members of the public on issues brought before the City Council. However, if public comment is about operational issues then the Presiding Officer should refer the resident to the main page on the City's website where they can report a concern. Operational requests raised during Public Comment should not get special priority or attention.

2.4 Virtual Public Comment

2.4.1 The Council aims to provide a virtual meeting option whenever possible and technologically feasible. Members wishing to comment virtually during a public comment period, or a scheduled public hearing, will be required to submit a request in advance using a form approved by the City Clerk's Office and provided through the city website.

2.4.2 The Council may, at its discretion, eliminate the remote public comment option if necessary due to security, safety concerns, or as otherwise determined necessary by the Council.

2.4.3 The City Clerk's Office is authorized to evaluate all requests to comment virtually submitted on the approved form, with the goal of allowing the maximum number of requests subject to confirmation procedures established by the City Clerk's Office.

2.4.4 The City Clerk's Office is authorized to make changes to the registration form or process to enhance security or efficiency as necessary.

2.4.5 If approved to comment, virtual public comments must adhere to the same rules outlined in section 2.3 (Public Comment) or 8.2 (Public Hearings).

2.4.6 Guests providing virtual comments will "display" their first and last name before being called on.

2.5 Presentations

2.~~65~~ Council Business Meeting

2.~~65~~.1 Each item on the agenda will be addressed in turn with staff, consultant, or special speaker reports as appropriate.

2.~~65~~.2 Council will discuss the issues and take action on them as appropriate.

2.76 Consent Agenda

2.76.1 The consent agenda streamlines Council proceedings by addressing routine matters without extensive deliberation. Inclusion in the consent agenda is suitable for items in the following categories:

- Minutes: Approval of meeting minutes from previous sessions.
- Voucher Approval Reports; Payables
- Routine Contracts: Standard service contracts or procurements within established budgetary limits.
- Reports and Updates: Receipt of non-debatable reports or updates.
- Procedural Matters: Non-contentious appointments, reappointments, or procedural changes.
- Implementing Prior Direction: Actions implementing Council direction from budget, policy documents, or previous meetings.
- Final Actions Directed by Council: Finalizing actions previously directed by the Council, possibly in the form of resolutions or ordinances.

2.76.2 Items included in the consent agenda must adhere to guidelines and not require extensive discussion. Excluded items will be scheduled for individual consideration during the business agenda of Council sessions.

2.76.3 The consent agenda aims to streamline Council proceedings, optimizing time while ensuring transparency and adherence to prior directives. Any item on the Consent Agenda may, at the request of any Councilmember, be removed and considered and voted on separately. Requests to remove a consent item for consideration may be done during the Agenda Approval or Consent Agenda segments of the meeting.

2.87 Councilmember Reports, Comments, and Initiatives

2.87.1 Councilmembers may give reports, make comments, and/or raise new topics or issues during "Councilmember Reports, Comments and Initiatives." No final action or direction to staff can be taken on comments or topics raised. However, during Councilmember Reports, the Mayor (or Presiding Officer) may request Council concurrence to sign on to a document showing City support for a particular issue or position.

2.87.2 Each Councilmember will have 5 minutes for reports, comments and new topics/issues. Extra comments can be submitted in writing.

2.87.3 In raising a new topic or issue, the Councilmember must present it as a concept that includes a statement of how the topic or issue relates to existing City goals or to other important Council discussions.

A second Councilmember must agree to discuss the new topic or issue in order for it to be discussed by the City Council.

The Presiding Officer will direct discussion of the new topic or issue to determine whether there is majority support to move it to a future agenda.

After discussing the new topic or issue, the City Council will vote or come to a consensus on whether to move the topic or issue forward as a future agenda item.

2.87.4 By majority vote of Councilmembers present at a meeting, the maximum time for any or all Councilmember reports and comments may be extended.

2.98 End of Meeting. City Council meetings shall not extend beyond 11:00 p.m. unless extended by motion and approved by a simple majority of the City Council. The motion shall include the length of time of the extension.

2.9.1 Agenda items not completed when having reached the End of Meeting in 2.8 shall be moved to the agenda of the next Regular or Special Meeting.

3 Structure and Roles of Government

3.1 City Council Role

3.1.1 The City Council acts as a collective body to set policy direction. Council direction comes from the Council dais. Policy direction and requests for new initiatives should not happen outside of the Council meeting. Council decides the policy direction, while the City Manager determines the operational enactment of policies.

3.1.2 Council direction on workload and priorities is normally established two times per year: At budget adoption and at the retreat. While emergent and high priority issues may unexpectedly come up during the year, the Council should try to respect the process of providing priority and workload direction through the budget and the retreat.

3.1.3 The work set forth through budget and the retreat, plus daily City operations, is always ambitious and more than fills the time of staff. To support organizational health and morale, and to maximize efficiency and effectiveness, if a new initiative is to be considered, a corresponding workload item will need to be deleted or a new resource will need to be added.

3.1.4 In fulfilling their role as members of a collective policy-making body, Councilmembers will:

3.1.4.1 Focus on policy matters, including but not limited to priority setting, long- range planning, budgeting, federal and state mandates, City Manager recruitment, hiring, evaluation and termination, and approval of employee positions.

3.1.4.2 Not focus on administrative or operational issues and matters. If a Councilmember has an operational request (e.g., pothole, right-of-way vegetation, etc.), the Councilmember will be directed to use the Service Request process and system, and such requests will be treated like any other request from a resident. Councilmembers do not vicariously request operational city services or report operational concerns on behalf of residents unless the issue or concern is an immediate safety or environmental hazard. Requesters should be directed to go through the Service Request system. If a requester says they tried the service request process and did not get a response or received an unsatisfactory response, the Councilmember can bring it to the City Manager's attention, and the City Manager will work through the appropriate department head(s) to resolve the matter.

3.1.4.3 Comply with the laws, regulations and policies affecting operation of City government.

3.1.4.4 Use public office for public good, not personal gain.

3.1.4.5 Be independent, impartial and fair in judgments and actions.

3.1.4.6 Conduct public deliberations and processes openly, unless legally confidential and privileged, in an atmosphere of respect and civility.

3.1.4.7 Monitor and understand operations of the City to be knowledgeable in order to provide policy direction.

3.1.4.8 Represent the City at local, state, and national forums.

3.1.4.9 Represent the City to its residents and members of the public.

3.1.4.10 Notify staff in advance of meetings regarding key questions and discussion points that likely will be raised and addressed during meetings, to allow the staff time to prepare for the questions and discussions.

3.1.4.11 Contact the City Manager only for questions and thinking through policy issues that are in upcoming published agenda items. Note that direction to perform any work cannot arise from these discussions, but rather needs to come from the collective body of the City Council. Questions and issues not pertinent to the immediately upcoming agenda should be raised at regularly scheduled one-on-one meetings with the City Manager as indicated in Section 3.2.6.

3.1.4.12 Interact with City staff and consultants through the City Manager, who is responsible for their duties and use of time, with the following exceptions:

3.1.4.12.1 Councilmembers may contact the Executive Assistant directly for clerical and incidental administrative tasks such as processing reimbursements, making copies, calendaring, travel arrangements, and conference registrations.

3.1.4.12.2 Councilmembers may contact the City Clerk directly (cc: City Manager if by email) for incidental things relating to Council meetings, such as getting the right meeting link, getting a copy of a packet item, making sure they have the right chair, getting the battery changed out in their microphone, etc.

3.1.4.12.3 Councilmembers may ask routine questions of city departments that can be answered in a few minutes. Examples may include questions about items on upcoming Council meeting agendas, the city's existing development regulations and other city codes, the city's adopted budget, and administrative issues and procedures. In these cases, Councilmembers can direct their questions through the department heads, provided they include the City Manager in the communications. If the department head determines that the Councilmember's question will take more than a few minutes to answer, they will seek guidance from the City Manager. Councilmembers are not to contact department heads or other staff directly to direct work, request research, policy analysis, changes in operations or priorities, or similar issues.

3.1.4.12.4 Councilmembers may contact the City Attorney directly if needed for legal questions, provided that the City Attorney may contact the City Manager for direction on workload priorities.

3.1.4.12.5 Mayor (or Presiding Councilmember) may work directly with the City Clerk for obtaining signatures on Council-approved documents and other incidental matters pertaining to Council meetings.

3.1.4.13 Be attentive to and interact with the public as indicated during Coffee with Council (Section 1.2.4.5), Public Comments (Section 2.3), Public Testimony (Section 8) and at other times in the community. Residents often raise policy or program ideas that may be addressed in the following ways:

3.1.4.13.1 If a policy issue raised is worth exploring, Councilmembers should bring ideas forward to the collective City Council with two-councilmember sponsorship (see 2.B.), rather than to the city manager, while also respecting existing priorities and work plans.

3.1.4.13.2 If a resident has an idea for a specific event or "love note," the Councilmember should ask the resident if they are willing to plan and produce it, and then give them the contact information of the City's recreation coordinator who may support it in the following two ways:

3.1.4.13.2.1 Promotion of the event/love note through City's normal communication channels (City will not design or produce flyers or other materials) and

3.1.4.13.2.1 Provision of City-owned physical location.

3.1.4.14 Access City computers and electronics at the appropriate access level. A City computer, such as a laptop, will be provided for City business, and it may not be used for personal business.

3.1.4.14.1 Cell Phone. If a Councilmember wishes to have a City- provided cell phone for City use, one will be provided.

3.1.4.14.2 Key Card. Each Councilmember will be given a key card to access City Hall main entrance, Council Chambers, and the executive conference room.

3.1.4.14.3 City Property. All City devices (e.g., computer, laptop, cell phone, key card, and other accessories) are the property of the City of Kenmore and will be returned to the City at the end of the term of office.

3.2 City Manager Role

3.2.1 Serve as the primary point of contact between the City Council and City staff and consultants. The City Manager works for and serves at the will of the City Council. All other City employees work for and report to the City Manager.

3.2.2 Direct the time of City staff and resources of the City in accordance with City Council approved priorities and budgets.

3.2.3 Spend City funds per the City's adopted purchasing policies, which align with State and City laws.

3.2.4 Prepare agendas for meetings and retreats with input from the Mayor.

3.2.5 Provide timely, useful information evenly and equally to all Councilmembers.

3.2.6 Meet with each Councilmember as mutually acceptable to the City Manager and the Councilmember. The main purposes for these meetings with three or fewer Councilmembers are for the City Manager to give updates and for Councilmembers to bring up questions. It is not a time for tasking the City Manager, nor is it a time to direct the City Manager to implement new programs or policy initiatives or otherwise add any new work to the City Manager. That direction comes from the majority decision of the Council.

3.2.7 Prepare adequately for City Council meetings.

3.2.8 Meet with members of the public as needed to solve problems and answer questions.

3.2.9 Interact with other public agencies to accomplish City Council goals and policies.

3.2.10 Respond to Councilmember questions and concerns equitably.

3.3 Election of Mayor and Deputy Mayor.

For efficiency and transparency, the Council adopts the following procedures to fill the positions of Mayor and Deputy Mayor:

3.3.1 Mayor

3.3.1.1 The City Clerk will open and call for nominations for the position of Mayor, giving every Councilmember an opportunity to nominate one person, including him or herself.

3.3.1.2 Once all nominations are made, the City Clerk will close the nominations and ask for discussion. The City Clerk will ask each Councilmember if they wish to speak once to make their case for a particular nominee.

3.3.1.3 After each Councilmember has had a chance to speak, the City Clerk will close discussion and begin the voting process.

3.3.1.4 If there is a singular nomination, the vote will be taken by unanimous consent.

3.3.1.5 If there are multiple nominations, the vote will be taken by a show of hands.

3.3.1.6 Each member of the Council will vote for the preferred nominee, and keep the hand raised until the clerk has registered the vote.

3.3.1.7 Votes will be taken in order of nomination received.

3.3.1.8 The voting rounds will continue until a majority of 4 votes has tallied in favor of a nominee. A nominee may withdraw a nomination before a new round of voting begins.

3.3.1.9 The newly-elected Mayor will immediately assume the role of chair/presiding officer.

3.3.2 Deputy Mayor

3.3.2.1 The newly elected Mayor will call for nominations for the position of Deputy Mayor.

3.3.2.2 Each Councilmember may nominate one person, including him or herself at this time.

3.3.2.3 Once all nominations are made, the Mayor will close the nominations and allow time for discussion. Each Councilmember will be allowed to speak once to make their case for a particular nominee.

3.3.2.4 After each Councilmember has had a chance to speak, the Mayor will close the discussion and begin the voting process.

3.3.2.5 If there is a singular nomination, the vote will be taken by unanimous consent.

3.3.2.6 If there are multiple nominations, the vote will be taken by a show of hands.

3.3.2.7 Each member of the Council will vote for the preferred nominee, and keep the hand raised until the Clerk has registered the vote.

3.3.2.8 Votes will be taken in order of nomination received.

3.3.2.9 The voting rounds will continue until a majority of 4 votes has tallied in favor of a nominee. A nominee may withdraw a nomination before a new round of voting begins.

3.3.2.10 The Councilmember who receives the most votes will immediately assume the role of Deputy Mayor.

3.4 Mayor Role

- 3.4.1 Primary roles: facilitate meetings; represent the City at local, state and national forums; and represent the City in a ceremonial capacity.
- 3.4.2 Keep the City Council informed of the Mayor's activities with reports during Councilmember Comments.
- 3.4.3 Announce in advance public presentations, ceremonies, and events that the Mayor is invited to attend.
- 3.4.4 Bring new issues to the City Council during Council Initiatives.
- 3.4.5 Request other Councilmembers to attend meetings in place of the Mayor when they cannot attend, or to join the Mayor at such meetings to increase the City's representation.
- 3.4.6 In the event that a City Manager resigns or leaves, the Mayor will work with the City Council to find a replacement using a recruitment agency.

4 Vacancy and Leave of Absence

4.1 Purpose

This section provides guidance to the City Council on filling vacancies and appointing a Pro Tempore when a Councilmember requests an extended leave of absence.

4.2 References

- 4.2.1 Chapter 42.12 RCW – Vacancies
- 4.2.2 RCW 35A.13.020 (and RCW sections cited therein) – Vacancies – Filling Councilmember Vacancies
- 4.2.3 RCW 35A.13.035 – Pro Tempore appointments
- 4.2.4 RCW 42.30.110(1)(h) – Executive Session Allowed to Evaluate Qualifications of a Candidate for Appointment to Elective Office
- 4.2.5 RCW 42.30.060 – Prohibition on Secret Ballots

4.3 Definitions

- 4.3.1 A "vacancy" occurs on the happening of any event identified in RCW 42.12.010, as amended, which includes resignation, removal, forfeiture, permanent incapacity, or death of a Councilmember.
- 4.3.2 "Leave of absence" means a temporary interval when a Councilmember is unable to serve due to extended excused absence or incapacity but expects to return to full service prior to the end of his or her term of office.
- 4.3.3 "Permanent incapacity" means a physical or mental incapacity that is reasonably expected to prevent the Councilmember from returning to full service (including but not limited to attending consecutive regular meetings of the council) prior to the end of his or her term of office.

4.4 Leave of Absence

The remaining Councilmembers, by a simple majority vote, may grant a leave of absence to a Councilmember upon receipt and approval of a written request.

4.5 Filling of Vacancy or Appointment of Councilmember Pro Tempore

- 4.5.1 Upon receiving notice of an upcoming vacancy or the occurrence of a vacancy, the remaining Councilmembers, by a simple majority vote, shall fill the vacant position using one of the following procedural options:

4.5.1.1 Appoint a candidate to fill the vacant position without the process described in Section 4.6 below;

4.5.1.2 Appoint a candidate to fill the vacant position according to the process described in Section 4.6 below; or

4.5.1.3 Appoint a candidate to fill the vacant position using another process based on the circumstances at the time of the vacancy and the needs of the City Council.

4.5.2 After a leave of absence is approved, the remaining Councilmembers, by a simple majority vote, shall select one of the following options:

4.5.2.1 Leave the position unfilled during the leave of absence;

4.5.2.2 Appoint a Councilmember Pro Tempore by a simple majority vote, without the process described in Section 4.6 below;

4.5.2.3 Appoint a Councilmember Pro Tempore according to the process described in Section 4.6 below; or

4.5.2.4 Appoint a Councilmember Pro Tempore using another process based on the circumstances at the time of the leave of absence and the needs of the City Council.

4.5.3 The Councilmember who is vacating his or her position, or seeking temporary leave of absence, shall not participate in the appointment process.

4.6 Application Process

4.6.1 If one of the following events occur: a) the City Council receives notice of an upcoming vacancy, b) a vacancy occurs, or c) City Council determines to appoint a Councilmember Pro Tempore, the City Council shall direct staff to begin the Councilmember application process and establish an interview and appointment schedule so that the position is filled at the earliest opportunity.

4.6.2 The City Clerk's Office shall prepare and submit an advertisement to the newspaper of record, with courtesy copies to the closest local newspaper, which announces the vacancy consistent with the requirements necessary to hold public office. This advertisement shall contain such information that the City Council deems appropriate. The announcement will also be sent via the City's other regular communication channels (email and social media).

4.6.3 The applicant must be a registered voter of the City of Kenmore, have a one-year continuous period of residency in the City of Kenmore, and hold no other public office or employment under the City of Kenmore government.

4.6.4 The City Clerk's Office shall prepare an application form that requests appropriate information for City Council consideration of the applicants. The application form must include the question: "Is there anything in your background that would bring discredit to this city if appointed?" The application form must also require the applicant to agree to complete and file a Washington State PDC Form F-1 upon appointment. The application form will also include the applicant's consent for the City to conduct a criminal background check on the applicant prior to being interviewed by the Council. The City Clerk's Office shall make the applications available at Kenmore City Hall and such other locations that the City Council directs if any.

4.6.5 The City Clerk's Office shall distribute to all Councilmembers the applications received by the deadline. The applications shall be accompanied by any additional information submitted by the applicant and obtained by the City Clerk's Office, such as endorsements, letters of reference, and other pertinent materials.

4.7 Interview Process

4.7.1 The City Council will determine which applicants will be interviewed according to qualifications submitted.

4.7.2 The City Clerk's Office shall notify the selected applicants of the location, date, and time of City Council interviews.

4.7.3 Prior to the date and time of the interview, the Mayor shall accept one interview question from each Councilmember.

4.7.4 Prior to the interview, the City Clerk shall obtain and provide to the Councilmembers a Criminal Background Check for the applicant.

4.7.5 The applicant's order of appearance shall be determined by a random lot drawing performed by the City Clerk.

4.7.6 Each interview of an applicant shall be no more than 30 minutes in length. At the interview:

4.7.6.1 The applicant shall present his or her credentials to the City Council.

4.7.6.2 The City Council shall ask a predetermined set of questions.

4.7.6.3 If agreed to by the City Council, Councilmembers may ask and receive answers to miscellaneous questions.

4.8 Voting Process

4.8.1 Upon completion of the interviews, Councilmembers may convene into Executive Session to evaluate the qualifications of the applicants; however, all interviews, nominations and votes taken by the Councilmembers shall be in open public session.

4.8.2 In voting on the applicants, the City Council shall follow Robert's Rules of Order Newly Revised.

4.8.3 The position shall be filled by the applicant receiving a majority vote of the remaining members of the City Council. Thus, balloting will continue until an applicant receives a majority of four votes.

4.8.4 At any time during the balloting process, the City Council may postpone balloting until a special or regular meeting if no applicant has received a majority of four votes.

4.8.5 The Mayor shall declare the applicant receiving a majority of four votes as the new Councilmember or Councilmember Pro Tempore, and they shall be sworn into office at the earliest opportunity, or no later than the next regularly scheduled City Council meeting.

4.9 Deadline for Filling Permanent Vacancies

Permanent vacancies must be filled within ninety (90) days following the occurrence of the vacancy.

4.10 Term of Office

4.10.1 The new Councilmember shall serve the portion of the unexpired term until his or her successor takes office, pursuant to State law.

4.10.2 A Councilmember Pro Tempore appointed to serve during a leave of absence of a Councilmember shall serve only until such time as the Councilmember resumes his or her duties.

5 Council Conduct

5.1 Purpose

This section sets forth a Code of Conduct for Councilmembers regarding ethics and conflicts of interest, and the Councilmembers' treatment of each other, City staff, City consultants, members of the public, and others with whom they come into contact while representing the City.

5.2 Code of Ethics and Conflicts of Interest

5.2.1 Upon election or appointment, Councilmembers should review Chapter 42.20 RCW, Misconduct of public officers; Chapter 42.23 RCW, Code of Ethics for Municipal Officers; Contract Interests; Chapter 42.30 RCW, Open Public Meetings Act; and Chapter 42.36 RCW, Appearance of Fairness Doctrine.

5.2.2 No Councilmember may use his or her position to secure special privileges or exemptions for himself, herself, or others. See RCW 42.23.070. In addition, except for incidental electronic and telephone communication, Councilmembers shall not use public resources that are not available to the public in general, such as City staff time, equipment, supplies, or facilities, for other than a City purpose.

5.2.3 No Councilmember may accept employment or engage in business or professional activity that the Councilmember might reasonably expect would require or induce him or her by reason of his or her official position to disclose confidential information acquired by reason of his or her official position. See RCW 42.23.070(3)

5.2.4 Councilmembers owe a fiduciary duty to the public and are required by law to maintain confidentiality with regard to certain information gained through their official positions. Therefore, no Councilmember may disclose confidential information gained by reason of the Councilmember's position, nor may a Councilmember otherwise use such information for his or her personal gain or benefit. See RCW 42.23.070(4).

5.2.5 If a Councilmember participates in litigation contrary to an official City position or action as adopted or ratified by a majority of the City Council, the Councilmember shall recuse himself or herself and not participate in any vote, deliberation or executive session, or receive confidential information regarding further consideration or action in that matter, once litigation regarding the matter has been served or filed. The fact that a Councilmember voted in opposition or expressed in his or her official duties an opinion in opposition to the official action or position prior to the filing or service of litigation shall not, by itself, be sufficient to trigger the need for recusal or nonparticipation.

Once litigation has been served or filed, communication regarding the case with anyone other than City staff, the City Attorney or outside legal counsel involved in the litigation of the case is discouraged during the pendency of the litigation. Councilmembers shall not in their official capacity make any comment, provide any information or otherwise involve themselves in the matter without the assistance and advice of the City attorney or outside legal counsel.

5.2.6 It shall be an appearance of conflict, which must be disclosed, (1) for any Councilmember to acquire or seek to acquire an interest in property that the City is actively seeking to acquire or has stated its intent to acquire, (2) for any Councilmember to acquire or seek to acquire an interest in property that is immediately adjacent to such property, or (3) for any Councilmember to benefit personally by the City's acquisition or non-acquisition of such property.

5.2.7 No Councilmember shall be beneficially interested, directly or indirectly, in any contract which may be made by, through or under the supervision of the Councilmember, in whole or in part, or which may be made for the benefit of his or her office or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person beneficially interested therein. See RCW 42.23.030. This section shall not apply in the following cases (See RCW 42.23.030):

5.2.7.1 The furnishing of utility services by the City at the same rates and on the same terms as are available to the public generally;

5.2.7.2 The designation of public depositaries for City funds;

5.2.7.3 The publication of legal notices required by law to be published by the City, upon competitive bidding or at rates not higher than prescribed by law for members of the general public; or

5.2.7.4 Any other exception provided for by law.

5.2.8 A Councilmember may not vote in the authorization, approval, or ratification of a contract in which they are beneficially interested even though one of the exemptions allowing the awarding of such a contract applies. See RCW 42.23.030. The interest of the Councilmember must be disclosed to the Council and noted in the official meeting minutes before the formation of the contract. See RCW 42.23.030.

5.2.9 A Councilmember is not interested in a contract, within the meaning of Sections 5.2.7 and 5.2.8 above, if the Councilmember has only a remote interest in the contract. A "remote interest" means:

5.2.9.1 That of a non-salaried officer of a nonprofit corporation.

5.2.9.2 That of an employee or agent of a contracting party where the compensation of such employee or agent consists entirely of fixed wages or salary;

5.2.9.3 That of a landlord or tenant of a contracting party; or

5.2.9.4 That of the holder of less than one percent of the shares of a corporation or cooperative which is a contracting party.

5.2.10 If a Councilmember has a remote interest in a contract, the City Council may authorize, approve or ratify the contract, despite such remote interest, provided that the following conditions are satisfied:

5.2.10.1 The Councilmember with the remote interest fully discloses the nature and extent of the interest, and the disclosure is noted in the official meeting minutes before the contract is made.

5.2.10.2 The City Council authorizes, approves, or ratifies the contract after that disclosure and notation.

5.2.10.3 The City Council's authorization, approval, or ratification is in good faith.

5.2.10.4 Where the votes of a certain number of Councilmembers are required to authorize, approve, or ratify the contract, the vote requirement is met without counting the vote of the Councilmember who has the remote interest.

5.2.10.5 The Councilmember having the remote interest does not influence or attempt to influence any other Councilmember to enter into the contract.

5.2.11 Any contract made in violation of the restrictions and requirements of Sections 5.2.7 through 5.2.10 above is void and the performance thereof, in full or in part, by a contracting party shall not be the basis of any claim against the City. See RCW 42.23.050.

5.2.12 Any Councilmember violating the provisions of Sections 5.2.7 through 5.2.10 above, Section 5.2.13 below, or RCW 42.23.070 shall be liable to the City for a penalty in the amount of five hundred dollars, in addition to such other civil or criminal liability or penalty as may otherwise be imposed upon the Councilmember by law. See RCW 42.23.050. In addition, a violation by a Councilmember of Sections 5.2.7 through 5.2.10 above or RCW 42.23.070 may be grounds for forfeiture of his or her office. See RCW 42.23.050.

5.2.13 Councilmembers shall not receive from or give to any person or entity anything of monetary value (hereafter referred to as "gifts") where the gifts have been received or given, or to a reasonable person would appear to have been received or given, with intent to give or obtain special consideration or influence as to any action by the Councilmember in his or her official capacity ("prohibited gifts"); provided, that nothing shall prohibit campaign contributions which are solicited or received and reported in accordance with applicable law.

5.2.14 The gifts listed below are presumed not to be prohibited gifts. However, this presumption is rebuttable and may be overcome based on the circumstances surrounding the receipt or giving of the gift.

5.2.14.1 Unsolicited flowers, plants and floral arrangements;

5.2.14.2 Unsolicited advertising or promotional items of nominal value, such as pens and note pads;

5.2.14.3 Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;

5.2.14.4 Unsolicited items received by a Councilmember for the purpose of evaluation or review, if the Councilmember has no personal beneficial interest in the eventual use or acquisition of the item;

5.2.14.5 Informational materials and publications related to the Councilmember's performance of official duties;

5.2.14.6 Food and beverages consumed at hosted receptions where attendance is related to the Councilmember's duties for the City;

5.2.14.7 Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental or community organization, where attendance by the Councilmember is related to the Councilmember's duties for the City;

5.2.14.8 Unsolicited gifts from dignitaries from another city, state, or foreign country, as long as the Councilmember give the gift to the City;

5.2.14.9 Food and beverages on infrequent occasions in the ordinary course of meals where attendance by the Councilmember is related to the Councilmember's duties for the City;

5.2.14.10 Any gift which would have been offered or given to the Councilmember if they were not a Councilmember; and

5.2.14.11 Payments by a governmental or non-governmental entity of reasonable expenses incurred by the Councilmember in connection with a speech, presentation, appearance, or trade mission made in an official capacity.

5.3 General Courtesy Expectations

5.3.1 Be courteous, respectful, kind, and professional at all times with everyone.

5.3.2 Be honest and truthful.

5.3.3 Act with integrity and in good faith.

5.3.4 Foster an environment of mutual respect. Discourteous behavior, such as sidebar discussions, inflammatory language, innuendo, or negative body language, is not permitted.

5.3.5 At meetings, raise your hand to indicate a desire to speak, and then wait to be recognized by the Presiding Officer before speaking.

5.3.6 Stay on the topic being discussed for the efficiency of dealing with the items on the agenda. Remarks must be germane to the topic.

5.3.7 Refrain from speaking more than twice on the same motion as stated in Robert's Rules of Order.

5.3.8 Comments will be limited to three minutes at a time.

5.3.9 Refrain from asking staff to advertise individual achievements (e.g., classes, awards, being the first of a class of people) through City events or communications (newsletters, press releases).

5.3.10 Refrain from using social media to discuss Council deliberations or other Council business, as this 'dialogue' creates an un-trackable set of public records. Social media may be used to provide unidirectional information about upcoming agenda items and to encourage public engagement.

5.3.11 Refrain from emailing the Council as a body (e.g., ci_council@...) with anything that might prompt a group response or requests new action as this may create a dialogue subject to the Open Public Meetings Act. Councilmembers may email the Council as a body if the email simply provides information.

5.3.12 Refrain from interrupting or arguing with another Councilmember while such Councilmember has the floor except as stated in Robert's Rules of Order, such as a "point of order."

5.3.13 Refrain from criticizing in public other Councilmembers and personally attacking (verbally or in writing) other Councilmembers, the City Manager, City staff, and City consultants.

5.3.14 If any Councilmember has a complaint against a fellow Councilmember, the City Manager, or a staff member, they will follow city procedures to resolve the issue. They will not broadcast the issue on social media or to the public news media before an evaluation has been done and a conclusion has been reached.

5.3.15 Treat City staff in a polite and professional manner.

5.3.16 Having courtesy expectations is compatible with open and vigorous debate, with a variety of opposing opinions expressed on public issues.

5.4 Respect in Regard to Voting

5.4.1 Disagreement and differences of opinion are honored and respected features of government in the City.

5.4.2 When there is disagreement, discuss and clarify the issues before voting.

5.4.3 Councilmembers must not seek out members of the media to express thoughts about a vote. As a matter of courtesy, letters to the editor or other communication should be presented to the full City Council at a meeting prior to publication so that Councilmembers will be aware of the proposed publication.

5.4.4 Councilmembers must not engage in personal attacks against other Councilmembers who voted against the councilmember on issues.

5.4.5 After a vote on an issue, a Councilmember may state an opposing viewpoint, but must clearly state the adopted City Council position and must clarify that the Councilmember's viewpoint or opinion is the Councilmember's personal viewpoint or opinion.

5.4.6 When Councilmembers represent the City or attend meetings in an official capacity, they must support and advocate the official City position on an issue, not a personal position on the issue.

5.5 Prohibited Conduct

5.5.1 The City Council recognizes the right of every Councilmember to free speech, as stated in the U.S. Constitution and as interpreted by the courts and encourages the dissemination of a variety of opinions and ideas for discussion in a lawful manner. Laws concerning free speech are balanced by slander and libel laws.

5.5.2 The adoption of a Code of Conduct is necessary to discourage prohibited conduct as illustrated below.

5.5.3 Prohibited conduct includes, but is not limited to, the following:

5.5.3.1 Making a personal attack against a fellow Councilmember, the City Manager, or City staff as stated in Robert's Rules. "Personal attack" means an accusation against a person's character.

5.5.3.2 Acting maliciously toward a City staff member or a fellow Councilmember. "Maliciously" means acting with hostility or anger toward, or by bullying or harassing.

5.5.3.3 Modifying, revising, altering, or editing any document, report, record, or memorandum written by the City Manager, a City staff person, or other Councilmember without the author's consent or knowledge, and without clearly stating or showing the change, the date of the change, and the person making the change.

5.5.3.4 Engaging in unreasonable interruption and interference with the day-to-day business of the City. "Unreasonable interruption and interference with the day-to-day business of the City" means:

5.5.3.4.1 Contacting City staff, other than as authorized by these rules or by final action of the City Council or by the City Manager, which contact materially limits a City staff member's ability to complete work assigned by the City Manager or by final action of the City Council; or

5.5.3.4.2 Causing the City Manager or a City staff member to correct or explain the Councilmember's materially inaccurate statements or conduct, where the correction or explanation substantially interrupts the efficient operations of the City.

5.5.3.5 Making verbal or written contact with City staff, other than a Councilmember's contact with City staff as authorized by these rules or by final action of the City Council or by the City Manager.

5.5.3.6 Representing to members of the public, other public agencies, or other persons or organizations, that the City Council will vote or act in a specific manner concerning pending litigation or legislation or concerning any other matter that has not yet come before the City Council for final action but that will be acted upon by the City Council.

5.5.3.7 Discussing or disseminating information from an executive session to anyone outside of the proper lines of authority. "Proper lines of authority" means Councilmembers, the City

Manager, City staff assigned to the topic or matter, designated legal counsel, and others attending the executive session at the invitation of the City Council.

5.5.3.8 Making contact, either verbally or in writing, with legal counsel representing a person or entity with whom the City has ongoing litigation or negotiations, other than as authorized by the City Manager or by majority vote of the City Council.

5.5.3.9 Making verbal or written contact with State, county, regional, or city elected or appointed officials, when a Councilmember represents a position contrary to the adopted or declared position of the City or the City Council and when the Councilmember does not disclose such adopted or declared position of the City or the City Council.

5.5.3.10 Taking actions and voting when there is a conflict of interest as defined in this policy and in Chapter 42.23 RCW. Recusal must be used when there is a conflict of interest. (See Section 5.2, Code of Ethics and Conflicts of Interest)

5.5.3.11 Engaging in acts of intimidation, discrimination, bullying, bias, or hate acts toward other Councilmembers.

5.6 Sanctions

5.6.1 The Council has the power under State law to impose punishment on its members, short of removal from office, for violation of State law or Council rules.

5.6.2 The Council may punish a member for violation of these rules by: a verbal admonition, written reprimand, letter of no confidence, censure, expulsion from the meeting at which the conduct occurs, removal from committee memberships, and/or removal of intergovernmental duties.

5.6.3 The Presiding Officer may give a verbal admonition.

5.6.4 Other punishments not mentioned in Section 5.6.2 require the affirmative vote of five members of the City Council.

5.6.5 A censure is a statement by five members of the City Council that a prohibited action has occurred.

5.6.6 A censure will be in the same form as any other Council motion or resolution. The motion must state the prohibited conduct or action.

6 Remote Attendance and Voting

6.1 Purpose

Occasionally, a Councilmember will not be able to be physically present at a meeting but will want to be involved in the discussion and/or decision on a particular agenda item. The procedures and guidelines for permitting a Councilmember to attend a meeting via remote access are contained in this Section 6. In the event of a declared emergency at the local, state or federal level, or if the city determines it cannot hold a meeting in person with reasonable safety where Councilmembers or public are in attendance, several or all of the Councilmembers may attend the meeting remotely without the limits set forth in Section 6.2 (Frequency).

6.2 Frequency

Except for a declared emergency at the local, state or federal level, or if the city determines it cannot hold a meeting in person with reasonable safety where members or public are in attendance (OPMA)

Councilmember attendance via remote access is limited to 10 times in a calendar year, but the City Council, by majority vote, may allow additional attendance via remote access.

6.3 Procedure

6.3.1 At least 24 hours before the starting time of a meeting, the Councilmember should advise the City Clerk of the desire to attend via remote access to allow time to prepare for such remote access attendance.

6.3.2 Per state law, any Councilmember and/or public attending a meeting via remote access must be able to hear all speakers in the meeting room, and all persons in the meeting room must be able to hear the Councilmember and/or public attending via remote access.

7 Executive Sessions

7.1 Topics for Executive Session Discussion

The topics that may be discussed in executive sessions are set forth in RCW 42.30.110. Executive session topics include, but are not limited to, the following:

7.1.1 Acquisition of real estate when public knowledge regarding the acquisition would cause a likelihood of increased price.

7.1.2 Consideration of the minimum price for sale or lease of City property when public knowledge regarding such consideration would cause a likelihood of decreased price.

7.1.3 Review of negotiations on the performance of publicly bid contracts when public knowledge regarding such review would cause a likelihood of increased costs.

7.1.4 Receipt and evaluation of complaints or charges against a public officer or employee.

7.1.5 Evaluation of qualifications of an applicant for public employment.

7.1.6 Review of the performance of a public employee.

7.1.7 Discussion with legal counsel of litigation, potential litigation or pending litigation (legal counsel may attend via speakerphone or video).

7.1.8 Discussion of collective bargaining sessions with employee organizations.

7.1.9 Consideration of matters affecting national security.

7.2 Confidentiality of Executive Session Discussions

Topics discussed in executive session must not be discussed outside of the executive session with anyone outside of the proper lines of authority (Councilmembers, the City Manager, and City staff assigned to the topic or matter, designated legal counsel, and others attending the executive session at the invitation of the City Council). Councilmembers shall keep all executive session information and discussions confidential to ensure that the City's interests are not compromised.

7.3 Procedure

7.3.1 The Presiding Officer must announce the executive session by stating: "The City Council is recessing into an executive session pursuant to RCW _____ (e.g. "RCW 42.30.110(1)(a)) regarding _____ (e.g., review of the performance of a city employee). The executive session is expected to last for _____ minutes (hours)."

7.3.2 If the executive session is the last item on the meeting agenda, the Presiding Officer shall state whether or not the City Council will take action or take no action when the meeting reconvenes.

7.3.3 If, during the executive session, the Presiding Officer believes that the executive session will extend beyond the announced deadline, the Presiding Officer shall announce in open session the number of minutes that the executive session will be extended, then return to the executive session.

7.3.4 The Presiding Officer shall announce the conclusion of the executive session in open session by stating: "The executive session is now concluded."

7.3.5 At the close of the executive session or the meeting at which the executive session occurs, the Presiding Officer shall complete a document recording the topic or reason and time of the executive session, including extensions.

7.4 Written Material

7.4.1 During an executive session, papers or documents may be distributed for informational purposes to the Councilmembers in attendance as part of the discussion.

7.4.2 Papers and documents that are distributed during executive sessions are to be returned to the City Manager or the Presiding Officer (if the City Manager is not in attendance), prior to the end of the executive session. No paper or document will be removed by a Councilmember from the executive session, unless the City Manager, or the Presiding Officer (if the City Manager is not in attendance), determines that the paper or document may be removed from the executive session.

7.4.3 Written notes taken by any attendee of an executive session will be treated in the same manner as a paper or document as discussed above, that is, the paper or document will be returned to the City Manager or Presiding Officer prior to the end of the executive session.

7.4.4 Councilmembers will not generate computer notes, take photos, or make recordings during an executive session.

8 Public Testimony

8.1 Public Comment Rules.

Except in an emergency situation, an opportunity for public comment shall be provided at every regular meeting at which final action is taken. Public comment rules are delineated in Section 2.3 above.

8.2 Public Hearings

8.2.1 The Presiding Officer shall open the public hearing and ask for a City staff presentation.

8.2.2 Members of the public on-site must sign up to comment/testify at a public hearing. Members of the public who wish to comment/testify virtually at a public hearing must submit a request in advance consistent with the procedures set forth in Section 2.4 Virtual Public Comment. When signing up to comment/testify at a public hearing, the speakers ~~should~~ may identify if they are "For," "Against," or "Other" for the proposed action (which options will be placed on the on-site and virtual sign-up forms).

8.2.3 Members of the public will be invited to provide comments ~~only~~ about the specific topic of the hearing, in contrast to general Public Comment (Section 2.3) which may be about any topic pertaining to City business.

~~8.2.4 Each person will be allowed to speak for five minutes, which is longer than the three minutes allowed for Public Comments. The total time designated for verbal comments/testify at a public hearing shall be ninety minutes and will be tabulated by clock time (not aggregate speaking time). Each person will be given three minutes. However, if more than thirty people are signed up for a public hearing, then the time limit for each person will be automatically reduced to two minutes. The Mayor will be informed of the number of persons signed up prior to the public hearing so that the correct time limit will be applied, and said time limit will continue to apply even if a person opts out or leaves prior to the public hearing. Regardless of how many people are signed up to speak, verbal comments/testify will end at ninety minutes. The Presiding Officer may alternate comments between in-person and online commenters. If time remains after those signed up to comment/testify have spoken, the Mayor may ask the in-person audience if there is anyone else who wishes to comment/testify at the public hearing, and the same per-speaker time limit will apply.~~

8.2.5 Written comments/testimony is encouraged at all public hearings, and must be submitted to the City Clerk's Office at City Hall or emailed to Clerks@kenmorewa.gov by 12 p.m. on the day of the public hearing.

8.2.64 A person who testifies shall state his or her name, city of residence, and organization (if applicable).

8.2.75 Motions will not be made during the public hearing.

8.2.86 After ~~public comments/testimony is received all members of the public wishing to speak have had an adequate opportunity to speak,~~ and the Councilmembers have had an opportunity to ask City staff questions regarding the staff presentation and/or the public comments, the Presiding Officer shall declare the public hearing closed. The City Council may by majority vote, continue the public hearing to a stated date, time, and place, and/or allow for certain written materials to be presented to the City Council for a period of time after the public hearing.

8.2.9 Section 8.3 Rules of Decorum and Section 8.4 Interruptions – Procedure shall apply to public hearings.

8.2.10 Public Hearings that conflict with the End of Meeting in 2.8 shall continue at the next Regular or Special Meeting. Public commenters shall continue to be offered an opportunity to comment in the order as having signed up during the initial meeting. No new spoken comment sign-ups shall be accepted, but written comment will still be accepted and encouraged.

8.2.11 Public Hearings will be at the top of the business agenda.

8.3 Rules of Decorum. All persons are welcome to participate in City Council meetings regardless of which side of an issue they may be on. Accordingly, to create an environment that is welcoming, free of intimidation and coercion, and also to ensure that the City's business meetings are conducted in an efficient, orderly, and effective manner, the following rules of decorum are adopted:

8.3.1. Persons participating at Council meetings must not engage in conduct that interrupts, disrupts, disturbs, or otherwise impedes the orderly conduct of any meeting. Disruptive conduct includes but is not limited to:

- a. Addressing the City Council while the Council is in session, when not recognized by the Presiding Officer;
- b. Failure of a speaker to comply with allotted time established for that speaker's public comments;
- c. Whistling, handclapping, stomping of feet, hissing, booing, cheering, shouting or other outbursts from members of the public who have not been recognized by the Presiding Officer for public comment or testimony;
- d. Interrupting other speakers who have been recognized by the Presiding Officer;
- e. Speech or other expression by an individual who has not been recognized by the Presiding Officer for public comment, who is expressing themselves in a volume louder than a low, conversational level appropriate for communication between persons seated next to each other in the Council meeting room, or whose speech or other expressions are audible by others; or
- f. Waiving signs or standing in a location that obstructs the view of meeting attendees, unless speaking as recognized by the Presiding Officer;

8.4 Interruptions – Procedure.

8.4.1 In the event any meeting is interrupted by a person or groups of persons so as to render the orderly conduct of the meeting unfeasible, order may be restored by the removal of the individual(s) who are interrupting the meeting. The Presiding Officer may issue a verbal warning to the person(s) disturbing the meeting prior to said removal. If interruptions continue to disrupt the meeting, the

Presiding Officer may i) call for a temporary recess; ii) end the public comment portion of the meeting and proceed directly to the next item on the meeting agenda; iii) ask the Council for a motion to continue the public hearing to another date and time; or iv) terminate the verbal testimony portion of a public hearing and extend the public hearing to a date/time certain for submission of written comments.

8.4.2 In the event order cannot be restored by the removal of the individuals who are interrupting the meeting, the City Council may order the meeting room cleared and continue in session or may adjourn the meeting and reconvene at another location selected by a majority vote of the Council. In such a session, final disposition may be taken only on matters appearing on the agenda.

8.4.3 Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any such session.

8.4.4 The Council may readmit an individual or individuals not responsible for disturbing the orderly conduct of the meeting.

8.53 Quasi-Judicial Matters

8.53.1 Council will follow Chapter 42.36 RCW for application of the "Appearance of Fairness Doctrine," which holds that quasi-judicial matters must not only be fair in practice but must also have the appearance of fairness.

8.53.2 Quasi-judicial actions involve policy application rather than policymaking. The action will generally have a greater impact on specific individuals than on the entire community. In a quasi-judicial action, the City Council applies law to facts and makes a decision. Examples of quasi-judicial actions are conditional uses, variances, rezoning of a specific site, planned unit developments, and discretionary zoning permits. Quasi-judicial actions are distinct from legislative actions, examples of which are adopting, amending, or revising comprehensive, community or neighborhood plans, land use planning documents, area-wide zoning ordinances, and area-wide zoning amendments.

8.53.3 The Presiding Officer will begin a quasi-judicial hearing by asking Councilmembers to place on the record any ex parte contacts with either proponents or opponents of the action. The Presiding Officer shall ask whether any person objects to the participation of a Councilmember in the action and if so, to explain the objection. If an objection is made, the Presiding Officer shall ask for input from the City Attorney.

8.53.4 The Presiding Officer, or the City Attorney at the request of the Presiding Officer, shall explain the rules and procedures for the quasi-judicial action.

8.53.5 The Presiding Officer, with the assistance of the City Attorney, will control the taking of testimony and presentation of documents, in light of the type of quasi-judicial action and applicable City rules and regulations.

9 Waiver / Effect of Waiver of Rules

9.1 These rules are adopted for the sole benefit of the City Councilmembers to assist in the orderly conduct of City Council business. These rules do not grant rights or privileges to members of the public or third parties. Failure of the City Council to adhere to these rules shall not result in any liability to the City, its officers, employees, and agents, or serve as the grounds for invalidation of any City Council action or decision. The City Council may, by a majority vote, temporarily waive any of these rules, unless otherwise inconsistent with applicable law.

Resolution No. 24-411

Final Audit Report

2024-01-16

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