

City of Kenmore



City of Kenmore - 18120 68th Avenue NE - PO Box 82607, Kenmore WA 98028 - Phone: 425-398-8900 - Fax: 425-481-3236

City of Kenmore
City Council Regular Meeting Agenda
7:00 p.m., Monday, February 14, 2011
Kenmore City Hall
18120 68th Ave. NE, Kenmore, WA 98028

AGENDA ITEMS ARE SUBJECT TO CHANGE up to and including the time of the meeting; items may be added or dropped. Please call the City Clerk if you have any questions or to confirm the agenda items prior to the meeting at (425) 398-8900, or stop by City Hall at 18120 68th Avenue NE, Kenmore. The agendas are also available on our website at: www.kenmorewa.gov. Our public meetings are accessible to all members of the public. If you require special accommodations, please call the City Clerk at least three (3) days prior to the meeting.

I. CALL TO ORDER REGULAR MEETING

II. ROLL CALL

III. FLAG SALUTE

IV. AGENDA APPROVAL

V. CONSENT AGENDA

- A. Minutes of the January 10, 2011 Regular Meeting and the January 19, 2011 Special Council Meeting.
- B. Approval of Claim Nos. 23321 - 23464 in the Amount of \$952,494.65 for the period ending February 2, 2011.
- C. Declare the Single-Family Residence and all Above Ground Structures at 7321 NE 192nd Street to be Surplus and Authorized for Sale – Ron Loewen, City Engineer
- D. Authorize the City Manager to Acquire and Restore the 16,250 Square Foot Parcel at 18808 73rd Ave NE with Surface Water Management Funds in the Amount of \$422,000, Which Includes the Purchase Price, Acquisition Fees, and Site Restoration – Ron Loewen, City Engineer

V. CONSENT AGENDA

- E. Authorize City Manager to Execute Contract No. 11-C910 with Olympic Environmental Resources for Project Management of the 2011 City of Kenmore Recycling Projects - Jennifer Gordon, Public Works Operations Manager
- F. Approve Resolution No. 11-185 Adopting the North King and South Snohomish Counties Regional Mitigation Plan 2010 Update as Developed by the Emergency Services Coordinating Agency in Cooperation with Fourteen Cities, Towns and Special Purpose Districts – Nancy Ousley, Assistant City Manager
- G. Approve Resolution No. 11-188 in Support of Placing on the Ballot for King County Voters' Consideration in 2011 a Measure that Would Renew the King County Veterans and Human Services Levy – Nancy Ousley, Assistant City Manager
- H. Motion to Change the Tuesday, February 22, 2011 Regular Council Meeting Start Time from 7:00 p.m. to 6:00 p.m.

VI. CITIZEN COMMENTS

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

VII. PROCLAMATION

- A. Proclamation Recognizing Kenmore Les Schwab Tire Centers for their Generosity to the Kenmore Community.

VIII. BUSINESS AGENDA

- A. Discussion and Adoption of Ordinance No. 11-0320 Amending Section 9.50.030 of the Kenmore Municipal Code Relating to the Definition of the Crime of Prostitution, and Providing for an Effective Date – Fred Stouder, City Manager, and Cliff Sether, Kenmore Police Chief
- B. Motion to Adopt Resolution 11-187 Declaring an Emergency for the Earth Slide in the 15300 Block of 61st Place NE that Endangers the Public Roadway and Utilities - Ron Loewen, City Engineer
- C. Discussion and Possible Action on Policing Evaluation Services Contract No. 11-C912 with Matrix Consulting Services in the Amount of \$40,000 - Fred Stouder, City Manager

VIII. BUSINESS AGENDA

- D. Discussion and Consideration of a City of Kenmore Transportation Benefit District - Ron Loewen, City Engineer
- E. Adoption of Ordinance No. 11-0321 of the City of Kenmore, Washington, Adopting Rules of Conduct for City Council Members, Providing for Severability, and Establishing an Effective Date – Fred Stouder, City Manager

IX. COUNCILMEMBER COMMENTS/REPORTS

X. ADJOURNMENT

Upcoming Meetings:

February 22, 2011 Tuesday 6:00 p.m. Regular Council Meeting
February 28, 2011 Monday 7:00 p.m. Regular Council Meeting

DRAFT

City of Kenmore
City Council Regular Meeting
Minutes
January 10, 2011

CALL TO ORDER - Mayor David Baker called the meeting to order at 7:00 p.m.

Councilmembers present: Mayor David Baker, Deputy Mayor Milton Curtis, Councilmembers Bob Hensel, John Hendrickson, Laurie Sperry, and Allan Van Ness

Councilmembers excused: Glenn Rogers

Staff present: Nancy Ousley, Assistant City Manager; Joanne Gregory, Finance Director; Ron Loewen, City Engineer; Debbie Bent, Director of Community Development; Jennifer Gordon, Public Works Operations Manager; Leslie Harris, Special Events Coordinator/PIO; Cliff Sether, Police Chief; Rod Kaseguma, City Attorney; and Lynn Suskin, City Clerk

FLAG SALUTE

Tansey Lystad led the flag salute.

AGENDA APPROVAL

Councilmember Bob Hensel moved to approve the agenda as submitted.
Councilmember Allan Van Ness seconded the motion. The motion passed unanimously.

CONSENT AGENDA

Councilmember John Hendrickson pulled Item D., "Authorize the City Manager to Execute Addendum #2 of the On-Call Surface Water and National Pollutant Discharge Elimination System Support Services Contract with Otak, Inc. (09-C777) in the Amount of \$24,971," and Item E., "Authorize the City Manager to Execute Contract No. 11-C907 for a Two-Year Interagency Agreement Substantially in the Form of the Attached between King County and the City of Kenmore for Surface Water Related Services in the Amount of \$204,000," for separate consideration.

Councilmember Laurie Sperry moved to approve the consent agenda as amended.
Councilmember Bob Hensel seconded the motion to approve the Minutes of the November 15, 2010 Council Meeting and November 22, 2010 Council Meeting;
Approval of Claim Nos. 23015 - 23263 in the Amount of \$1,195,139.63 for the period ending December 31, 2010; Accept October 2010 Financial Reports for the City of Kenmore; Motion to Cancel the Regular Council Meeting Scheduled for Monday, January 17, 2011 Due to the Martin Luther King Jr. Legal Holiday; Motion to Set a

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January 10, 2011

Special City Council Meeting for Wednesday, January 19, 2011 for Wayfinding Discussion; and a Motion to Set a Special Council Retreat for Friday, January 21, 2011 and Saturday, January 22, 2011 to be held at Semiahmoo Resort in Blaine, Washington. The motion passed unanimously

Brief discussion followed on Item D and Item E that were pulled from the consent agenda for separate consideration.

Deputy Mayor Milton Curtis moved to Authorize the City Manager to Execute Addendum #2 of the On-Call Surface Water and National Pollutant Discharge Elimination System Support Services Contract with Otak, Inc. (09-C777) in the Amount of \$24,971. Councilmember Allan Van Ness seconded the motion. The motion passed unanimously.

Authorize the City Manager to Execute Contract No. 11-C907 for a Two-Year Interagency Agreement Substantially in the Form of the Attached between King County and the City of Kenmore for Surface Water Related Services in the Amount of \$204,000. It was the consensus that this item would be brought back for further consideration later in the meeting once staff provided answers to budget questions.

PROCLAMATION

Proclamation Recognizing Tansey Lystad for her Student Athletic Achievements – On behalf of entire Council, Mayor David Baker read the proclamation into the record.

Everyone present acknowledged and congratulated Tansey Lystad on her athletic achievements.

CITIZEN COMMENTS

George Mobbs, Harbor Village Marina, was present to state his concerns regarding the flooding at Marina Cove and Harbor Village.

Dave Crawford, 7534 NE 175th St., Kenmore, was present to state his concerns relating to the financial problems the Washington State Ferry system is experiencing; the proposed requirement for fire sprinklers in single-family residences; censure of Councilmember John Hendrickson; and SR 522 being over budget.

Carrie Abbott, 18811 71st Ave. NE, Kenmore, was present to state that she is pleased that the Best Friends Espresso stand is going family-friendly. She offered her assistance in drafting legislation that would regulate these types of coffee stands to bring them into compliance with state law.

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James Stuart, 5830 NE 204th Place, Kenmore, was present to state his concerns relating to flooding issues on his property that he believes are a direct result of a new development in the City of Brier.

Bruce Ford, 20421 57th Ave. NE, Kenmore, was present to state his concerns relating to flooding issues on his property that he believes are a direct result of a new development in the City of Brier.

Kristy Ford, 20421 57th Ave. NE, Kenmore was present to state her concerns relating to flooding issues on her property that she believes are a direct result of a new development in the City of Brier.

Daryl Banks, 6121 NE 175th, Harbor Village Condominiums, Kenmore, was present to state his concerns regarding the continued flooding at Marina Cove and Harbor Village.

Janet Hays, 6303 NE 181st St., Kenmore, was present to state her concerns relating to the proposed Council Conduct Ordinance and the flooding caused by the City of Brier development.

Carl Michelman, 18023 62nd Ave. NE, Kenmore, was present to state his concerns relating to a proposed car tax and the City Council.

Mayor David Baker summarized the comments.

BUSINESS AGENDA

Presentation by King County Councilmember Bob Ferguson, which also included the status of the Veterans and Human Services Levy. He was also present to answer any questions.

Kelly Carol, King County Council Staff, was present and available to answer any questions.

It was the Council consensus that they support the Veterans and Human Services Levy.

Authorize the City Manager to Execute Contract No. 11-C907 for a Two-Year Interagency Agreement Substantially in the Form of the Attached between King County and the City of Kenmore for Surface Water Related Services in the Amount of \$204,000 – Ron Loewen, City Engineer, was present to answer Council's previous budget questions.

Councilmember Bob Hensel moved to Authorize the City Manager to Execute Contract No. 11-C907 for a Two-Year Interagency Agreement Substantially in the Form of the Attached between King County and the City of Kenmore for Surface Water Related

City of Kenmore - Regular Council Meeting Minutes
January 10, 2011

Services in the Amount of \$204,000. Councilmember Laurie Sperry seconded the motion. The motion passed unanimously.

COUNCILMEMBER COMMENTS/REPORTS

Councilmember John Hendrickson was present to state his concerns relating to spam e-mails; the Sunbrook Development in Brier; and the need for clear answers to Janet Hays relating to the proposed ordinance on Council conduct. He questioned when the costs were approved for the drafting of the proposed Council conduct ordinance. He also read a letter from David Mason into the record.

Councilmember Bob Hensel reiterated the importance of continuing to make the Department of Ecology, City of Brier, Department of Fish and Wildlife, and Snohomish County aware of our concerns relating to Brier's Critical Area Ordinance (CAO) and the flooding situation from a development in Brier, as Kenmore has no jurisdiction over this matter. He noted that he had distributed a letter from Eastside Transportation Partnership (ETP) concerning the recommendations of the Regional Task Force and that ETP is asking for Council support of the letter.

It was Council consensus that they support the letter.

Mayor David Baker announced that today the Kenmore City Hall building is certified as LEED Gold. He recommended that Council consider awarding a plaque to Les Schwab for their donations that ensured all the children at Kenmore Elementary had a nice Christmas.

ADJOURNMENT

Mayor David Baker adjourned the regular meeting at 8:35 p.m.

Mayor David Baker

ATTEST:

Lynn Suskin, City Clerk

DRAFT

City of Kenmore
City Council Special Regular Meeting
Minutes
January 19, 2011

CALL MEETING TO ORDER - Mayor David Baker called the meeting to order at 6:00 p.m.

Councilmembers present: Mayor David Baker, Deputy Mayor Milton Curtis, Councilmembers Bob Hensel, John Hendrickson, Laurie Sperry, Allan Van Ness, and Glenn Rogers

Staff present: Fred Stouder, City Manager; Nancy Ousley, Assistant City Manager; Joanne Gregory, Finance Director; Ron Loewen, City Engineer; Debbie Bent, Director of Community Development; Jennifer Gordon, Public Works Operations Manager; Cliff Sether, Police Chief; Rod Kaseguma, City Attorney; and Lynn Suskin, City Clerk

BUSINESS AGENDA

Discussion on Possible Guidance on Initial Concepts for Wayfinding Signage and Street Banner Design - Nancy Ousley, Assistant City Manager, was present to give a report in which she reviewed that Council approved the Kenmore Economic Development Strategy in June 2009 which recommended improved and distinctive street signage for Kenmore. She stated that the proposed signage system is one that could be phased in over time, as needs emerge and budget allows. She stated that the signage displays will be available at City Hall for public review and comment through the end of January. She was also available to answer any questions.

Miles Mazzie and Paul Prejza of Sussman/Prejza were present to review the initial design ideas for wayfinding and street banner designs with the Council. They were also available to answer any questions.

Mayor David Baker called a 15-minute recess at 7:00 p.m. to allow Council time to review the displays.

Mayor David Baker called the meeting back to order at 7:15 p.m.

Discussion followed.

Council agreed that based on the discussion/comments this evening, their direction was to proceed with final design and bring this item back to an upcoming Council meeting for further consideration.

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January 19, 2011

AJDOURN TO EXECUTIVE SESSION – Mayor David Baker adjourned to an executive session at 7:30 p.m. PURSUANT TO POTENTIAL LITIGATION RCW 42.30.110(1)(i). He stated that the executive session would last 15 minutes and that no action was anticipated when the meeting was reconvened back to regular session.

RECONVENE TO REGULAR SESSION- Mayor David Baker reconvened the executive session back to the regular meeting at 7:45 p.m.

ADJOURNMENT

Mayor David Baker adjourned the regular meeting at 7:45 p.m.

Mayor David Baker

ATTEST:

Lynn Suskin, City Clerk

City of Kenmore Voucher Certification and Approval

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein and that the following claims, paid by checks 23321 - 23464 which total \$952,494.65 are just, due, and unpaid obligations against the City of Kenmore/King County/Washington, and that I am authorized to authenticate and certify to said claims.


City Manager

Date


Finance Director

Date

Check	Name	Description	Net amount
23321	NATIONWIDE FINANCIAL 401a	Payroll Entry	\$ 9,537.24
23322	NATIONWIDE RETIREMENT SOLUTIONS 457	Payroll Entry	1,570.00
23323	ICMA RETIREMENT TRUST 457 - 304745	Payroll Entry	2,219.22
23324	DRS 457	Payroll Entry	1,706.66
23325	CITY OF KENMORE FS	Payroll Entry	176.96
23326	BANK OF AMERICA 941	Payroll Entry	10,648.38
23327	DEPARTMENT OF RETIREMENT SYSTEMS	Payroll Entry	6,838.34
23328	DEPARTMENT OF LABOR AND INDUSTRIES	Payroll Entry	1,160.94
23329	CITY OF BELLEVUE	Q4 2010 Human Services	18,840.00
23330	CITY OF SHORELINE	Q4 2010 Jail Van Usage	310.55
23331	EMERGENCY FEEDING PROGRAM	Q4 2010 Emergency Feeding Program	625.00
23332	H.W. LOCHNER, INC.	Traffic Advisory Services & Juanita Dr.	21,367.70
23333	HOPELINK	Q4 2010 Emergency Food Service	901.25
23334	NEXTEL COMMUNICATIONS	Dec. 2010 Staff & PD Cell Phones	776.16
23335	NORTHSHORE UTILITY DIST	Simon Property Water Bill	50.25
23336	OTAK	Kenmore SWM Planning/Permit	4,930.80
23337	PUGET SOUND ENERGY	Electricity Bills	1,552.21
23338	HEARTLAND	Dec. 2010 Redevelopment Project	786.10
23339	AT WORK	Q4 2010 Community Liaison Program	605.25
23340	DIGITAL REPROGRAPHICS SERVICES INC.	Public Records Request Photocopying	34.39
23341	QUALITY BUSINESS SYSTEMS	Dec. 2010 Photocopier Usage	52.57
23342	PAWS	Dec. 2010 Animal Sheltering	145.00
23343	TIGER CONSTRUCTION & EXCAVATION	Simon Property Demolition	5,950.00
23344	CONSOLIDATED PRESS	Winter Newsletter Printing	3,729.67
23345	ALLIED WASTE SERVICES #172	Dec. 2010 Trash Services	714.88
23346	FULL MAINTENANCE GARDENING	Nov. & Dec. 2010 6700 Bldg. Landscaping	746.80
23347	H.W. LOCHNER, INC.	SR 522 Ph 1 St 2 Corridor Improvements	10,409.88
23348	KENMORE HERITAGE SOCIETY	Q4 2010 History Book Sales	25.00
23349	KENYON DISEND, PLLC	Q4 2010 Jail Calendar Serv. & Attorney	4,108.40
23350	NORTHSHORE UTILITY DIST	Dec. 2010 Fleet Maintenance	4,219.54
23351	PACIFIC TOPSOILS	SR 522 Landscaping Materials	2,692.71
23352	PUGET SOUND ENERGY	Electricity Bills	796.30
23353	PUGET SOUND REFRIGERATION	6700 Bldg. HVAC Maintenance	735.84

VB. Approval of Claim Nos. 23321 - 23464 in the Amount of \$952,494.65 for the period ending February 2, 2011.

23354 WASHINGTON STATE DEPT OF REVENUE	2010 Sales Tax Remittance	8.36
23355 WASHINGTON STATE OFFICE CASH MGMT	Q4 2010 State Building Permit Fees	270.00
23356 YAKIMA COUNTY DEPT OF CORRECTIONS	Dec. 2010 Inmate Housing & Medical	13,328.64
23357 OAC SERVICES, INC	Dec. 2010 City Hall	4,020.50
23358 BANNER BANK LD	Special Events & Wellness	175.44
23359 HDR	SR 522 Improvement Project	10,923.45
23360 OUSLEY, NANCY	Business Meeting Parking	9.00
23361 BANNER BANK KENMORE	Hotel, Transportation, & Airfare	2,237.27
23362 GORDON DERR	Dec. 2010 Attorney Fees	1,980.00
23363 TOWNE CENTRE HARDWARE	Maintenance Supplies & ROW Materials	127.99
23364 C. ANDERSON & CO.	City of Kenmore Flags	1,209.98
23365 LIGHTHOUSE CONSULTING INC	Dec. 2010 IT Services	2,178.50
23366 OFFICE TEAM	Temp Office Employee-12/31/10	254.85
23367 BANNER BANK JG	Emergency Supplies & Calendar	105.16
23368 ROUNDY, CASSANDRA	Home Occupation Permit Refund	50.00
23369 VOIDED	-	-
23370 BAYLES, GREGORY	Home Occupation Permit Refund	50.00
23371 NATIONWIDE FINANCIAL 401a	Payroll Entry	9,605.03
23372 NATIONWIDE RETIREMENT SOLUTIONS 457	Payroll Entry	320.00
23373 ICMA RETIREMENT TRUST 457 - 304745	Payroll Entry	2,219.22
23374 DRS 457	Payroll Entry	1,706.66
23375 AFLAC	Payroll Entry	742.87
23376 CITY OF KENMORE FS	Payroll Entry	176.96
23377 BANK OF AMERICA 941	Payroll Entry	10,822.45
23378 WA GUARANTEED EDUCATION TUITION	Payroll Entry	415.00
23379 DEPARTMENT OF RETIREMENT SYSTEMS	Payroll Entry	6,893.08
23380 DEPARTMENT OF LABOR AND INDUSTRIES	Payroll Entry	1,293.11
23381 UNITED WAY OF KING COUNTY	Payroll Entry	217.00
23382 NATIONAL LIFE OF VERMONT	Payroll Entry	328.34
23383 AMERICAN GENERAL	Payroll Entry	348.43
23384 AWC EMPLOYEE BENEFITS	Payroll Entry	29,057.77
23385 ASSOCIATION OF WA CITIES	2011 Membership Dues	13,970.00
23386 BAKER, DAVID	NLC Conf. Mileage, Food, & Cab Reimb.	72.88
23387 BRAVO ENVIRONMENTAL SERVICE	Jan. 2011 Drainage Services	3,155.22
23388 CITY OF BELLEVUE	2011 ARCH Trust Fund Contributions	317,000.00
23389 DAILY JOURNAL OF COMMERCE	Legal Notice	649.00
23390 DURRANT, JEFF	PD Training Airfare Reimbursement	374.25
23391 EFFICIENCY INC	2011 FTR Software Maint. Agreement	949.37
23392 EMERGENCY SERVICE COORDINATING AGCY	2011 Member Assessment	56,137.00
23393 FERGUSON ENTERPRISES INC	Drainage Materials	150.16
23394 INTERNATIONAL CITY/CNTY MGMT ASSOC	2011 Membership Dues	2,154.43
23395 KING COUNTY	2011 ETP Annual Dues	200.00
23396 KING COUNTY SHERIFF	Nov & Dec 2010 School Dist. Overtime	13,019.92
23397 KUSTOM SIGNALS, INC.	Police Dept. Supplies	263.09
23398 PEOPLES STORAGE	Feb. 2011 Storage Unit Rent	170.00
23399 PUGET SOUND CLEAN AIR AGENCY	2011 Clean Air Assessment	10,989.00
23400 PUGET SOUND FINANCE OFFICERS ASSOC	2011 Membership Dues	50.00
23401 CEMEX	Pothole Repair	131.66
23402 SCHLOTZHAUER FIRM PS	2010 Custodial Defense Services	13,080.00
23403 SEATTLE TIMES	Legal Notice	147.92
23404 STAPLES ADVANTAGE	Pocket Portfolios & Dividers	147.93

VB. Approval of Claim Nos. 23321 - 23464 in the Amount of \$952,494.65 for the period ending February 2, 2011.

23405 SUBURBAN CITIES ASSOC	2011 Assessment Dues	11,559.87
23406 ULI/SEATTLE DISTRICT CNCL	Conference Registration	45.00
23407 WA CITIES INSURANCE AUTHORITY	2011 Insurance Assessments	124,502.00
23408 NATIONAL LEAGUE OF CITIES	2011 Membership Dues	1,489.00
23409 THE KIPLINGER TAX LETTER	2011 Annual Subscription	89.00
23410 MINZGHOR, NICHOLAS	Police Dept. Training Airfare & Transp.	906.92
23411 NEBC	Conference Registration	195.00
23412 SAFRIN, PATTY	Cncl. Retreat Meals & Mileage Reimb.	227.69
23413 BANNER BANK CS	Police Dept. Supplies, Phone, & Mtgs.	639.42
23414 BANNER BANK DB	WABO & APA Annual Memberships	376.00
23415 BIS	Jan. 2011 Website Hosting	175.00
23416 BANNER BANK KENMORE	Registration & Business Meetings	865.00
23417 ALCALDE & FAY	Jan. 2011 Government Affairs	5,009.14
23418 UNIVERSITY OF WASHINGTON	Erosion & Pollution Control Training	545.00
23419 COMCAST	Jan. 2011 Internet Service	109.90
23420 CSAT, LLC	Police Dept. Training	1,600.00
23421 FRONTIER	Jan 2011 6700 Bldg Fire Panel Phone	111.31
23422 AM TEST, INC	Water Analysis Testing	150.00
23423 UNIVERSITY OF WASHINGTON	Conference Registration	100.00
23424 LORBIECKI, GLENN	Home Occupation Permit Refund	50.00
23425 CITY OF CLYDE HILL	2011 JAG Assessments	583.00
23426 VAN NESS, ALLAN	Mtg. Mileage, Airfare, Food, & Mileage	541.27
23427 BANNER BANK JGORDON	Parks Supplies, Batteries, & Vehicles	1,602.23
23428 ACTION ENTERTAINMENT	Teen Dance DJ	395.00
23429 BASTYR UNIVERSITY	2011 Athletic Fields Rent	59,494.20
23430 CASCADE PEST CONTROL	Jan. 2011 Pest Control	125.93
23431 DEPARTMENT OF ECOLOGY	Stormwater Permit	5,082.52
23432 EMERGENCY FEEDING PROGRAM	Q1 & Q3 2010 Emergency Feeding Prog.	1,250.00
23433 FULL MAINTENANCE GARDENING	Jan. 2011 6700 Bldg Landscape	373.40
23434 FULL MAINTENANCE GARDENING	Refund Tree Permit - TRE 009-11	73.50
23435 CALPORTLAND COMPANY	Drainage Materials	255.63
23436 KING COUNTY W.L.R.D.	Q4 2010 Drainage Services	41,179.03
23437 KING COUNTY ANIMAL SVCS	Pet Licenses	855.00
23438 KING COUNTY PUBLIC DEFENSE	Dec 2010 Indigency Screening	941.22
23439 NORTHSORE UTILITY DIST	Water & Sewer Bills	1,782.38
23440 OFFICE DEPOT	Computer Hardware	25.16
23441 OFFICE TEAM	Temp Office Employee - 4 weeks	1,902.88
23442 OTAK	SR 522 Ph 2 Final Design/ROW	324.24
23443 PACIFIC TOPSOILS	ROW Materials & SR 522 Ph 2	260.31
23444 PUGET SOUND ENERGY	Electricity Bills	4,414.76
23445 CEMEX	Roadway Materials	78.36
23446 STAPLES ADVANTAGE	Misc. Office Supplies	706.93
23447 TOTAL LANDSCAPE CORP	Jan. 2011 Parks & SR 522 Maintenance	6,404.21
23448 WA FINANCE OFFICERS ASSOCIATION	2011 Annual Membership Dues	100.00
23449 WA STATE DEPT OF TRANSPORTATION	Dec. 2010 Signal Maintenance	110.92
23450 ROGERS, GLENN	Council Retreat Mileage Reimb.	109.45
23451 MAIL FINANCE	Feb. 2011 Postage Machine Lease	263.30
23452 WA STATE DEPT OF TRANSPORTATION	SR 522 Ph 1 St 1 Corridor Improvements	204.29
23453 KEY EQUIPMENT FINANCE	Jan. 2011 Photocopier Lease	899.00
23454 GREGORY, JOANNE	Phone, Mileage, & Parking Reimb.	81.79
23455 UNIVERSAL FIELD SERVICES	Dec. 2010 Schmitt Property Acquisition	2,130.94

VB. Approval of Claim Nos. 23321 - 23464 in the Amount of \$952,494.65 for the period ending February 2, 2011.

23456 SHRED-IT	Jan. 2011 Shredding Services	49.50
23457 SUNBELT	Propane Tank Refill	45.32
23458 COASTAL WEAR PRODUCTS INC	Sweeper Vehicle Maintenance	27.25
23459 IWORQ SYSTEMS	2011 Software Maint. & Support	1,000.00
23460 SARAH ROBERTS	Jan. 2011 Prosecution Services	9,000.00
23461 INTEGRA TELECOM	Jan. 2011 CH Phone Services	746.63
23462 SUSSMAN/PREJZA & CO, INC	Dec. 2010 Wayfinding & Signage	4,029.81
23463 INDEPENDENT STATIONERS	Misc. Office Supplies	929.16
23464 MAAS, NORMAN	Short Plat Bond Release-FSP 02-017	2,520.00
		<u>\$ 952,494.65</u>

PRIOR VENDOR ACTIVITY

	Previous YTD
AA PARTY RENTALS	\$ 379.96
ADT SECURITY SERVICES	265.88
AFLAC	1,823.90
ALCALDE & FAY	15,042.44
ALLIED WASTE SERVICES #172	1,422.09
AM TEST, INC	125.00
AMERICAN GENERAL	696.86
AMERICAN SOCIETY OF COMPOSERS	305.00
ANDERSON, LAURI	27.94
AURORA RENTS	215.47
AWC EMPLOYEE BENEFITS	61,226.24
BAKER, DAVID	510.75
BANK OF AMERICA 941	43,277.26
BANNER BANK CS	655.64
BANNER BANK JG	751.62
BANNER BANK JGORDON	1,407.47
BANNER BANK KENMORE	5,114.66
BANNER BANK LD	1,649.11
BANNER BANK NO	1,216.96
BEKINS NORTHWEST	303.45
BIS	2,200.00
BRAVO ENVIRONMENTAL SERVICE	34,984.90
CALIBRE HOMES, INC	7,500.00
CALPORTLAND COMPANY	1,008.81
CARLSON, THOMAS G.	303.74
CASCADE PEST CONTROL	251.86
CATHOLIC COMMUNITY SERVICES	1,512.75
CEMEX	663.30
CENTER FOR HUMAN SERVICES	8,240.00
CITY OF KENMORE FS	425.79
CITY OF LAKE FOREST PARK	118,048.81
CITY OF RENTON	980.00
CLARITY SIGNS	338.36
COASTWIDE LABORATORIES	3,240.54
CODE 4 PUBLIC SAFETY EDUCATION	198.00
COLUMBIA RIDGE LANDFILL	4,292.60

VB. Approval of Claim Nos. 23321 - 23464 in the Amount of \$952,494.65 for the period ending February 2, 2011.

COMCAST	219.80
COMMERCIAL SOUND, INC.	1,444.26
CONSEJO COUNSELING & REF	1,250.00
CORNERSTONE ROOFING	98.50
COSTCO RETAIL SERVICES	27.62
CROWN PRODUCTS	940.86
DANSOUND INC	657.00
DELL MARKETING L.P.	4,275.06
DEPARTMENT OF LABOR AND INDUSTRIES	3,975.31
DEPARTMENT OF RETIREMENT SYSTEMS	26,855.59
DIGITAL REPROGRAPHICS SERVICES INC.	117.83
DRS 457	4,161.48
DURRANT, JEFF	322.00
EARTHCORPS	10,939.10
ESA ADOLFSON	3,806.84
EVANS, C. WILLIAM	5,247.00
EVER-MARK, LLC	1,099.25
FAZZARI MARKETING	1,411.18
FEDEX OFFICE	26.61
FERGUSON ENTERPRISES INC	5,220.33
FRONTIER	2,482.32
FRUHLING SAND & TOPSOIL	853.28
GEOENGINEERS INC	1,946.50
GORDON DERR	1,460.00
GORDON THOMAS HONEYWELL	9,261.00
GREGORY, JOANNE	153.93
H.W. LOCHNER, INC.	29,793.13
HAMMOND COLLIER WADE LIVINGSTONE	1,050.00
HDR	19,580.25
HEARTLAND	1,862.99
HEATERMEALS	1,193.21
HERO HOUSE	386.25
HOME DEPOT	123.26
HONEY BUCKET	125.00
HOPELINK	13,382.75
ICMA RETIREMENT TRUST 457 - 304745	5,907.66
iCOMPASS TECHNOLOGIES, INC.	8,000.00
INSLEE, BEST, DOEZIE & RYDER, P.S.	42,859.23
INSTITUTE FOR FAMILY DEVELOPMENT	3,938.00
INSTRUMENTATION NORTHWEST INC.	1,560.58
INTEGRA TELECOM	1,448.09
iWORQ SYSTEMS	3,800.00
J. MURPHEY CONSTRUCTION	42.67
JBS INSTRUMENTS	3,360.75
JET CITY PRINTING	49.27
JONES & STOKES	129.31
KCDA PURCHASING COOP	8,771.33
KELLY PRINTING & GRAPHICS	3,520.43
KENYON DISEND, PLLC	4,148.20
KEY EQUIPMENT FINANCE	1,798.00
KING COUNTY W.L.R.D.	83,489.52

VB. Approval of Claim Nos. 23321 - 23464 in the Amount of \$952,494.65 for the period ending February 2, 2011.

KING COUNTY ANIMAL SVCS	700.00
KING COUNTY FINANCE	146,597.87
KING COUNTY FIRE DISTRICT	850.00
KING COUNTY LIBRARY SYS	33,440.00
KING COUNTY PUBLIC DEFENSE	1,540.96
KING COUNTY RADIO COMM SERVICES	7,836.12
KING COUNTY RECORDER'S OFFICE	280.00
KING COUNTY SHERIFF	706,259.24
KONICA MINOLTA BUSINESS SOLUTIONS	2,042.46
KUKER-RANKEN INC	59.59
LACHAPELLE, NATALIE	300.00
LIGHTHOUSE CONSULTING INC	4,323.34
LONGFELLOW, JONATHAN	420.00
LYONS, KEN	6,687.40
MAACO	368.96
MAIL FINANCE	501.52
MIDMOUNTAIN CONTRACTORS, INC	15,541.97
MILNE ELECTRIC, INC	18,819.80
MINZGHOR, NICHOLAS	322.00
MR. T'S TROPHIES	660.29
NATIONAL ALLIANCE ON MENTAL ILLNESS	1,081.50
NATIONAL BARRICADE CO	1,582.27
NATIONAL LEAGUE OF CITIES	2,360.00
NATIONAL LIFE OF VERMONT	878.73
NATIONWIDE 401a	27,654.01
NATIONWIDE RETIREMENT SOLUTIONS 457	4,710.00
NEXTEL COMMUNICATIONS	1,333.54
NORTHSHORE FIRE DEPT	1,020.00
NORTHSHORE SENIOR CENTER	250.00
NORTHSHORE UTILITY DIST	24,238.88
NORTHSHORE YOUTH & FAMILY SERVICES	10,000.00
OAC SERVICES, INC	39,282.48
OFFICE DEPOT	817.83
OFFICE TEAM	4,799.68
OM WORKSPACE	744.43
OSTROM DRUGS	557.40
OTAK	73,806.21
OUSLEY, NANCY	661.50
PACE ENGINEERS, INC.	3,057.50
PACIFIC NW TITLE CO OF WA, INC	1,095.00
PACIFIC TOPSOILS	2,122.59
PASSPORT TRAVEL AND TOURS	625.80
PAWS	3,480.00
PEOPLES STORAGE	340.00
PETTY CASH CUSTODIAN	351.17
PHSI PURE WATER FINANCE	301.89
PUGET SOUND ENERGY	31,391.30
PUGET SOUND REFRIGERATION	735.84
PURE WATER TECH OF PUGET SOUND	136.88
QUALITY BUSINESS SYSTEMS	3,976.79
ROGERS, GLENN	182.94

VB. Approval of Claim Nos. 23321 - 23464 in the Amount of \$952,494.65 for the period ending February 2, 2011.

SARAH ROBERTS	18,000.00
SEATTLE TIMES	1,324.78
SECRETARY OF STATE	55.00
SEMAIHMUO RESORT	520.56
SHATTUCK, NANCY	1,600.00
SHRED-IT	99.00
SOUND PUBLISHING, INC.	720.00
STAPLES ADVANTAGE	1,640.44
STEWART BEALL MACNICHOLS	9,300.00
STOUDER, FRED	1,091.76
SUBURBAN CITIES ASSOC	45.00
SUSSMAN/PREJZA & CO, INC	10,506.80
TELESYSTEMS WEST	257.33
THE PIN CENTER	920.00
TITAN OUTDOOR, LLC	862.00
TOTAL LANDSCAPE CORP	13,268.32
TOWNE CENTRE HARDWARE	25.79
T-TRAN LANDSCAPING & CONCRETE	8,760.00
UNITED STATES POSTMASTER	1,336.35
UNITED WAY OF KING COUNTY	220.00
UNIVERSAL FIELD SERVICES	1,438.08
VAN NESS, ALLAN	171.40
WA GUARANTEED EDUCATION TUITION	830.00
WA STATE DEPARTMENT OF AGRICULTURE	33.00
WA STATE DEPT OF TRANSPORTATION	2,337.72
WASHINGTON ENERGY SERVICES	82.50
WASHINGTON STATE DEPT OF INFO SERV	630.00
WASHINGTON STATE DEPT. OF REVENUE	4,995.26
WEINSTEIN AU	22,005.11
WONDERLAND DEVELOPMENT	5,665.00
YAKIMA COUNTY DEPT OF CORRECTIONS	42,221.84
	<u>\$ 1,991,270.41</u>

VB. Approval of Claim Nos. 23321 - 23464 in the Amount of \$952,494.65 for the period ending February 2, 2011.

CITY OF KENMORE, WASHINGTON			
AGENDA BILL SUMMARY			
AGENDA TITLE			MEETING DATE
Declare the single-family residence and all above ground structures at 7321 NE 192 nd Street to be surplus and authorized for sale.			February 14, 2011
DEPARTMENT	DIRECTOR	CONTACT PERSON	PHONE
Engineering	Ron Loewen	Zack Richardson	425-398-8900
COST OF PROPOSAL: Staff: \$5,000 Contractor: \$ 0		ACCOUNT NUMBER: Fund #41	
AMOUNT BUDGETED: \$47,000		NAME AND FUND #: Surface Water Management Fund	
ATTACHMENT(S) TO AGENDA PACKET ITEM: 1) Site location map 2) King County Property Report			
SUMMARY STATEMENT: The property at 7321 NE 192nd was purchased by Surface Water Management Fund in November of 2010. City Staff would like to declare the home and all above ground structures as surplus and to sell the structures. The structures are considered surplus for the following reasons: • The property is zoned single family residential and the use of the site for City or governmental purposes would be inappropriate. • Restoration of the site and future improvements will enhance or expand the flooded area on the property and further endanger the structure. • The structure is not designed for commercial uses and, with the recent construction of City Hall, is not necessary for City operation. The City will call for bids for the structures and sell the structures to the highest bidder. The bidder will be responsible for removing all of the structures from the site. Any revenue generated from the sale of the structures would be returned to the Surface Water Management Fund to offset the cost of the property purchase and future site restoration. Once the structures are removed, the site will be graded and seeded.			
CONSISTENT WITH OR COMPARISON TO PAST COUNCIL POLICIES, ORDINANCES, DIRECTION: Comprehensive Plan Policy SW 42.1.5 Pursue a region system for managing surface water in the Swamp Creek Basin that addresses overall planning, development regulations, funding, enforcement of rules, acquisition of significant properties, and construction of capital facilities. Ordinance No. 01-0121 Procedures for disposal of surplus City property.			

VC.

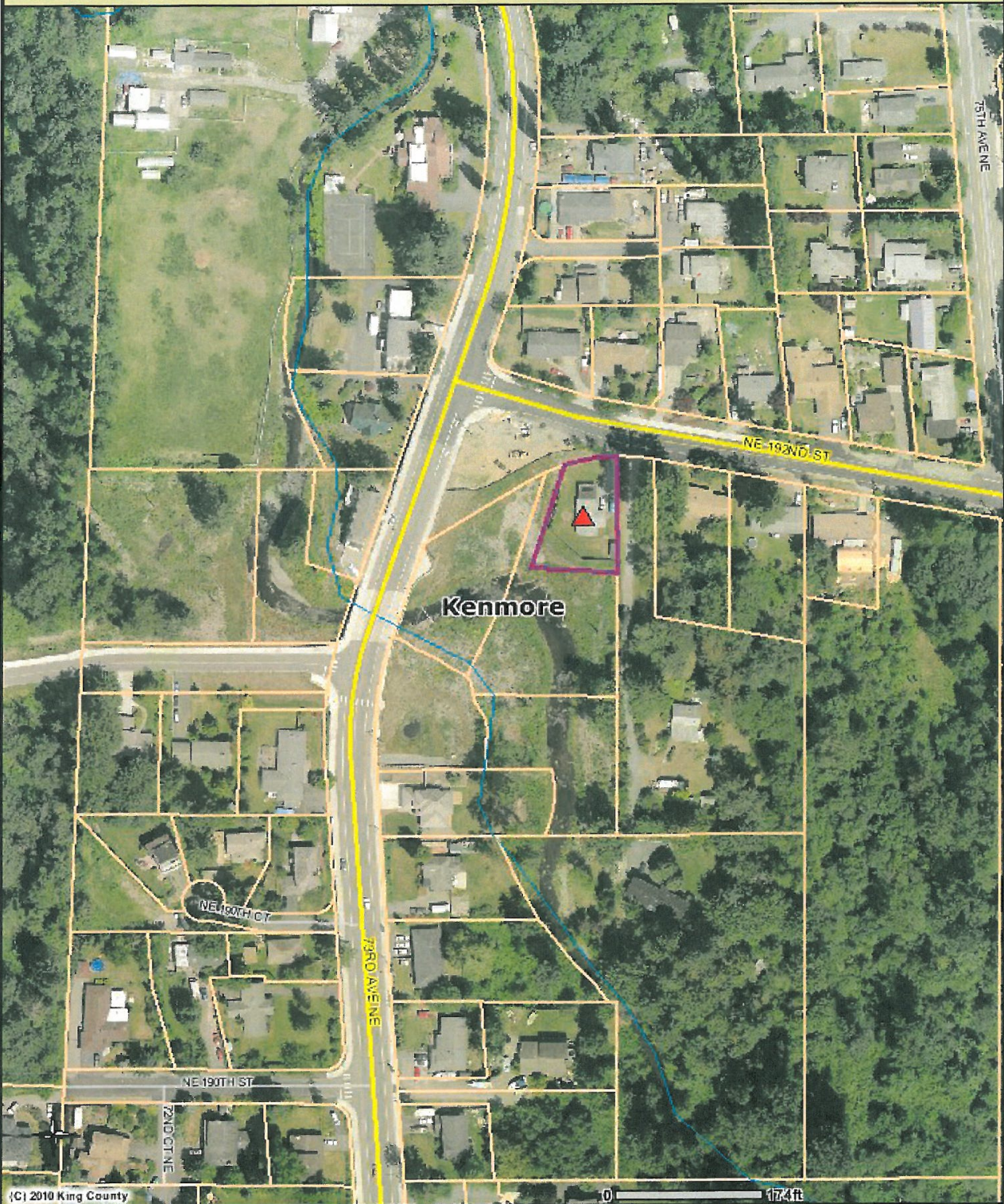
Declare the Single-Family Residence and all Above Ground Structures at 7321 NE 192nd Street to

RECOMMENDED CITY COUNCIL ACTION/SUGGESTED MOTION:		
Declare the single-family residence and all above ground structures at 7321 NE 192nd Street to be surplus and authorized for sale.		
REVIEWED BY FINANCE DIRECTOR: 	REVIEWED BY CITY ATTORNEY:	APPROVED BY CITY MANAGER: 
TODAY'S DATE: January 28, 2011	REVISION DATE(S):	FILE NAME & PATH (HYPERLINK): S:\0156 Longfellow Property Acquisition\Agenda Bill 11-02-14.doc

VC.

Declare the Single-Family Residence and all Above Ground Structures at 7321 NE 192nd Street to

7321 NE 192nd St.



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Date: 1/27/2011 Source: King County IMAP - Property Information (<http://www.metrokc.gov/GIS/IMAP>)



King County

VC.

Declare the Single-Family Residence and all Above Ground Structures at 7321 NE 192nd Street to



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King County Department of Assessments

Fair, Equitable, and Understandable Property Valuations

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[Property Tax Bill](#)

[Map This Property](#)

[Glossary of Terms](#)

[Print Property Detail](#)



PARCEL DATA

Parcel	011410-0705	Jurisdiction	KENMORE
Name	LONGFELLOW JONATHAN	Levy Code	1442
Site Address	7321 NE 192ND ST 98028	Property Type	R
Residential Area	038-002 (NW Appraisal District)	Plat Block / Building Number	13
		Plat Lot / Unit Number	1
		Quarter-Section-Township-Range	SW1-24-4

Legal Description

ALDERWOOD MANOR # 14 BEG AT NE COR OF LOT 1 TH S ALG E LN 140 FT TH N 87-06-20 W 103.53 FT TH N 15-16-10 E TO NLY LN SD LOT 1 TH ELY ALG NLY LN TO POB

LAND DATA

Highest & Best Use As If Vacant	SINGLE FAMILY	Percentage Unusable	0
Highest & Best Use As Improved	PRESENT USE	Unbuildable	NO
Present Use	Single Family(Res Use/Zone)	Restrictive Size Shape	NO
Base Land Value SqFt	0	Zoning	R1
Base Land Value	220,000	Water	WATER DISTRICT
% Base Land Value Impacted	100	Sewer/Septic	PUBLIC
Base Land Valued Date	2/7/2008	Road Access	PUBLIC
Base Land Value Tax Year	2009	Parking	
Land SqFt	11,297	Street Surface	PAVED
Acres	0.26		

Views

Rainier	
Territorial	
Olympics	
Cascades	
Seattle Skyline	
Puget Sound	
Lake Washington	
Lake Sammamish	
Lake/River/Creek	
Other View	

Waterfront

Waterfront Location	
Waterfront Footage	
Lot Depth Factor	
Waterfront Bank	
Tide/Shore	
Waterfront Restricted Access	
Waterfront Access Rights	NO
Poor Quality	
Proximity Influence	NO

Designations

Historic Site	
Current Use	
Nbr Bldg Sites	
Adjacent to Golf Fairway	NO
Adjacent to Greenbelt	NO
Other Designation	NO
Deed Restrictions	NO
Development Rights Purchased	NO
Easements	NO
Native Growth Protection Easement	NO
DNR Lease	NO

Nuisances

Topography	NO
Traffic Noise	MODERATE
Airport Noise	
Power Lines	NO
Other Nuisances	NO

Problems

Water Problems	YES
Transportation Concurrence	NO
Other Problems	NO

Environmental

Environmental	NO
---------------	----

BUILDING

Building Number	1
Year Built	1955



Click the camera to see more pictures.

Reference Links:

- [King County Tax Map](#)
- [Property Tax Account](#)
- [Washington State Department of Revenue](#) (External link)
- [Washington State Board of Tax Appeals](#) (External link)
- [Board of Appeals/Equalization](#)
- [Vehicle Report](#)
- [Map](#)
- [Recorder's Office](#)
- [Scanned images of surveys and other map documents](#)
- [Scanned images of maps](#)

VC.

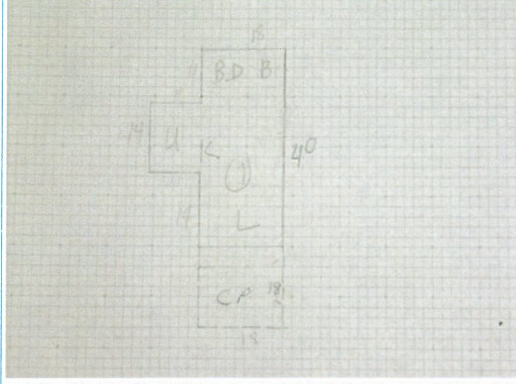
Declare the Single-Family Residence and all Above Ground Structures at 7321 NE 192nd Street to

Year Renovated	0
Stories	1
Living Units	1
Grade	6 Low Average
Grade Variant	0
Condition	Average
Basement Grade	
1st Floor	870
1/2 Floor	0
2nd Floor	0
Upper Floor	0
Finished Basement	0
Total Living	870
Total Basement	0
Basement Garage	0
Unfinished 1/2	0
Unfinished Full	0
Attached Garage	0
Bedrooms	1
Full Baths	1
3/4 Baths	0
1/2 Baths	0
Heat Source	Oil
Heat System	Forced Air
Deck Area SqFt	0
Open Porch SqFt	0
Enclosed Porch SqFt	0
Brick/Stone	0
Fireplace Single Story	0
Fireplace Multi Story	0
Fireplace Free Standing	0
Fireplace Additional	0
AddnlCost	0
Obsolescence	0
Net Condition	0
Percentage Complete	0
Daylight Basement	
View Utilization	

Picture of Building 1



Floor Plan of Building 1



Accessory Of Building Number: 1

Accessory Type	Picture	Description	SqFt	Grade	Eff Year	%	Value	Date Valued
PRK:CARPORT			320		1955			

TAX ROLL HISTORY

VC.

Declare the Single-Family Residence and all Above Ground Structures at 7321 NE 192nd Street to

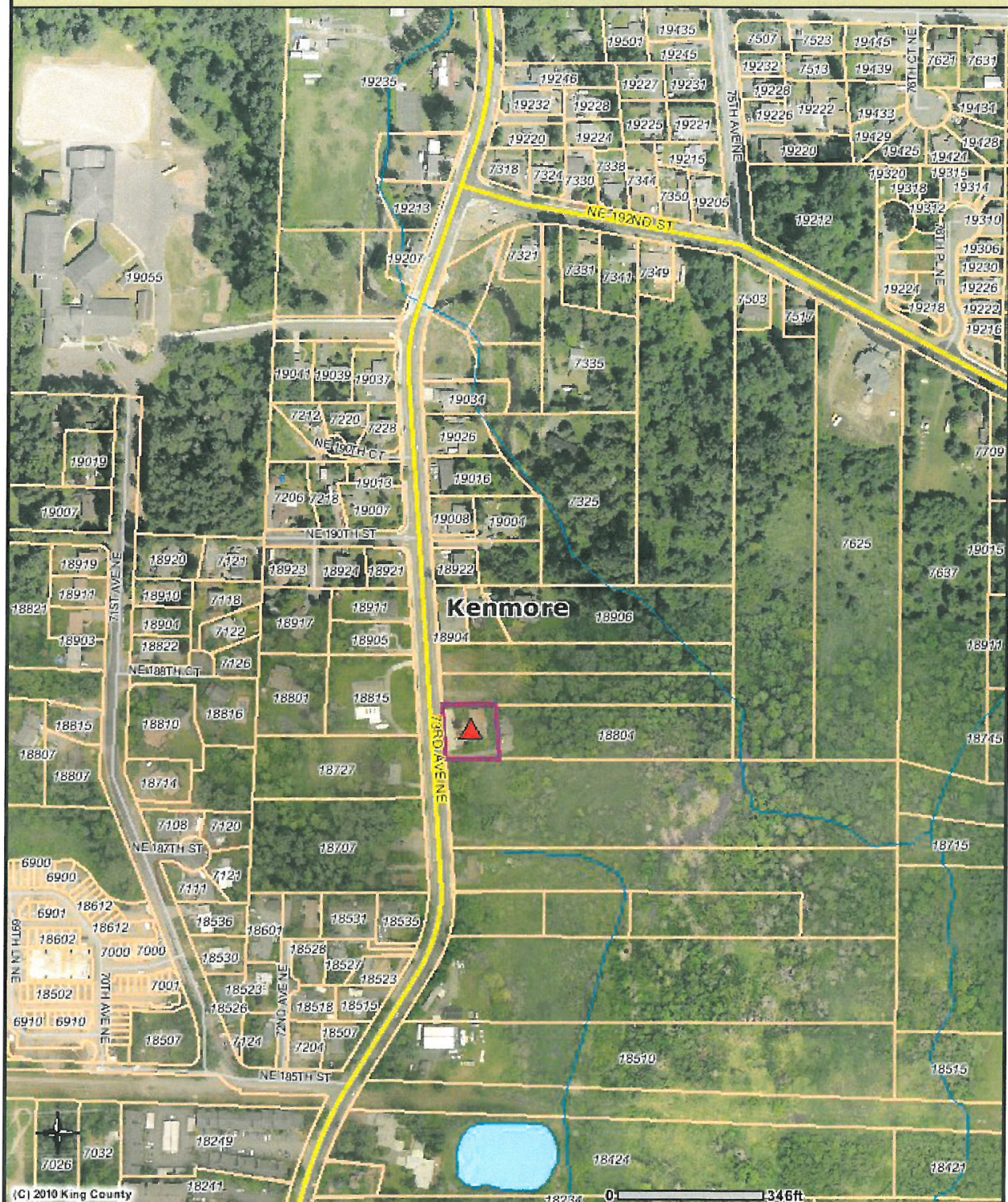
CITY OF KENMORE, WASHINGTON			
AGENDA BILL SUMMARY			
AGENDA TITLE			MEETING DATE
Authorize the City Manager to Acquire and Restore the 16,250 Square Foot Parcel at 18808 73 rd Ave NE with Surface Water Management Funds in the Amount of \$422,000, which includes the purchase price, acquisition fees, and site restoration.			February 14, 2011
DEPARTMENT	DIRECTOR	CONTACT PERSON	PHONE
Engineering	Ron Loewen	Ron Loewen	425-398-8900
COST OF PROPOSAL:		ACCOUNT NUMBER:	
Property Acquisition \$ 360,000		Fund #41	
Acquisition Fees \$ 12,500			
Relocation \$ 2,000			
Closing Cost \$ 10,000			
Staff Costs \$ 5,000			
Site Restoration \$ 25,000			
Contingency \$ 7,500			
Total \$ 422,00			
AMOUNT BUDGETED:		NAME AND FUND #:	
2011 – 2012 Biennium Budget \$0		Surface Water Management Fund	
6 Year Capital Improvement Plan \$900,000			
ATTACHMENT(S) TO AGENDA PACKET ITEM:			
1) Site location map			
SUMMARY STATEMENT:			
As part of the 73rd Street bridge rehabilitation, Council established a policy to purchase residences in the floodplain when the flood elevation was within one foot of the floor elevation of the habitable space and the owner was a willing seller. This 16,250 square foot parcel and residence meets these criteria and is recommended for acquisition. It is adjacent to other public properties that have been acquired for the same purpose. See attached site location map. The property will also help to increase wetland functions and improve fish and wildlife habitat. Following discussions with the property owner, they agreed to sell their property to the City. An appraisal report was prepared to establish fair market value for the property. Universal Field Services was contracted for \$12,500 to provide an appraisal for the property and assist with purchase negotiations. The owner has tentatively agreed to the purchase price of \$360,000 with \$2,000 for relocation costs and \$500 for reimbursement of their appraisal costs. An additional \$10,000 in closing cost is expected. Closing is scheduled for later in February or March. Once the property has been acquired, the residence will be removed and the housing site graded and seeded. Site restoration is estimated to cost \$25,000. Funds will need to be appropriated from the Surface Water Management Fund and a 2011 budget amendment will be brought forward at a later date. The proposed 6-year Surface Water Management Fund budget includes \$900,000 dollars for property acquisitions within the Swamp Creek Basin. A portion, estimated at \$328,000, will be used for the acquisition and demolition of the property at 7321 NE 192nd (previously approved by council); remaining funds may be applied to			

VD. Authorize the City Manager to Acquire and Restore the 16,250 Square Foot Parcel at 18808 73rd Ave NE with Surface Water Management Funds in the Amount of \$422,000, Which Includes

The City will pursue a Conservative Futures Tax (CFT) funds application which may reimburse the City for up to half of the acquisition cost. Previous purchases of property along Swamp Creek have been approved to receive CFT funds and it is expected that funds would be approved for this parcel as well.		
CONSISTENT WITH OR COMPARISON TO PAST COUNCIL POLICIES, ORDINANCES, DIRECTION: Comprehensive Plan Policy SW 42.1.5 Pursue a regional system for managing surface water in the Swamp Creek Basin that addresses overall planning, development regulations, funding, enforcement of rules, acquisition of significant properties, and construction of capital facilities.		
RECOMMENDED CITY COUNCIL ACTION/SUGGESTED MOTION: Authorize the City Manager to Acquire and Restore the 16,250 Square Foot Parcel at 18808 73rd Ave NE with Surface Water Management Funds in the Amount of \$422,000, which includes the purchase price, acquisition fees, and site restoration.		
REVIEWED BY FINANCE DIRECTOR: 	REVIEWED BY CITY ATTORNEY:	APPROVED BY CITY MANAGER: 
TODAY'S DATE: January 28, 2011	REVISION DATE(S):	FILE NAME & PATH (HYPERLINK): S:\0163 Schmitt - Dizzy Stitches\City Council\Agenda Bill 11-02-14.docx

VD. Authorize the City Manager to Acquire and Restore the 16,250 Square Foot Parcel at 18808 73rd Ave NE with Surface Water Management Funds in the Amount of \$422,000, Which Includes

18808 73rd Ave NE



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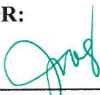
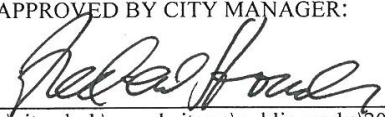
Date: 1/27/2011

Source: King County IMAP - Property Information (<http://www.metrokc.gov/GIS/IMAP>)



King County

VD. Authorize the City Manager to Acquire and Restore the 16,250 Square Foot Parcel at 18808 73rd Ave NE with Surface Water Management Funds in the Amount of \$422,000, Which Includes

CITY OF KENMORE, WASHINGTON			
AGENDA BILL SUMMARY			
AGENDA TITLE			MEETING DATE
Authorize City Manager to execute Contract No. 11-C910 with Olympic Environmental Resources for Project Management of the 2011 City of Kenmore Recycling Projects			February 14, 2011
DEPARTMENT	DIRECTOR	CONTACT PERSON	PHONE
Public Works	Jennifer Gordon	Jennifer Gordon	(425) 398-8900
COST OF PROPOSAL: Administrative staff time		ACCOUNT NUMBER: 01.19.5427	
AMOUNT BUDGETED: \$92,000		NAME AND FUND #: General Fund Recycling Administrative Services	
ATTACHMENT(S) TO AGENDA PACKET ITEM:			
Kenmore Contract No. 11-C910 for Project Management of Annual Recycling Collection Events			
SUMMARY STATEMENT:			
The City holds three recycling events annually. These events include two residential recycling collection events and one business recycling collection event. All three recycling events are 100% funded by the following grants: • Ecology CPG Grant (\$13,156 2011 Funds) • King County Solid Waste Division WRR Grant (\$24,077.50 2011 Funds) • King County Health Department Grant (\$9,444.39 2011 Funds) Since 2001, the City has contracted with Olympic Environmental Resources, OER, for project management of the annual recycling events. The work performed by OER consists of the planning, implementation and reporting requirements necessary to fulfill the different grant requirements. All costs incurred by OER associated with the annual recycling collection events are completely covered by grant funds.			
CONSISTENT WITH OR COMPARISON TO PAST COUNCIL POLICIES, ORDINANCES, DIRECTION: Contract Reviews and Management Efficiencies			
RECOMMENDED CITY COUNCIL ACTION/SUGGESTED MOTION: Motion Authorize City Manager to execute Contract No. 11-C910 with Olympic Environmental Resources for Project Management of the 2011 City of Kenmore Recycling Projects			
REVIEWED BY FINANCE DIRECTOR:	REVIEWED BY CITY ATTORNEY:	APPROVED BY CITY MANAGER:	
			
TODAY'S DATE:	REVISION DATE(S):	i:\city clerk\agenda items\public works\2011 council meeting agenda items\february 14, 2011\ab draft olympic environmental resources contract 11-c910.doc	
1/14/2011			

VE. Authorize City Manager to Execute Contract No. 11-C910 with Olympic Environmental Resources for Project Management of the 2011 City of Kenmore Recycling Projects - Jennifer

City of Kenmore
CONTRACT FOR SERVICES
Recycling Event Project Management
Contract No. 11-C910

This Agreement is entered into by and between the City of Kenmore, Washington, a municipal corporation ("City") and Olympic Environmental Resources, whose principal office is located at 4715 SW Walker St., Seattle, WA 98116 ("Contractor").

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

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

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

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

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

The City shall pay Consultant:

[Check applicable method of payment]

___ According to the rates set forth in Exhibit "B".

___ A sum not to exceed \$ 46,677.89

___ Other (describe): _____

The Contractor shall complete and return to the City Exhibit "D," Tax Identification Number," prior to or along with the first billing invoice. The City shall pay the Contractor for services rendered within ten (10) days after City Council voucher approval.

3. Duration of Agreement. This Agreement shall be in full force and effect for a period commencing on February 14, 2011 and ending, December 31, 2011

unless sooner terminated under the provisions of this Agreement. Time is of the essence of this Agreement in each and all of its provisions in which performance is required.

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

5. Independent Contractor. The Contractor and the City agree that the Contractor is an independent contractor with respect to the services provided pursuant to this Agreement. The Contractor will be solely responsible for its acts and for the acts of its agents, employees, subconsultants or representatives during the performance of this Agreement. Nothing in this Agreement shall be considered to create the relationship of employer and employee between the parties.

6. Indemnification.

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

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

7. Insurance.

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

A. Minimum Scope of Insurance.

Contractor shall obtain insurance of the types described below:

1. Automobile Liability insurance covering all owned, non-owned, hired, and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.

2. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent contractors, and personal injury and advertising injury. The City shall be named as an insured under the Contractor's Commercial General Liability insurance policy with respect to the work performed for the City.

3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.

4. Professional Liability insurance appropriate to the Contractor's profession.

B. Minimum Amounts of Insurance.

Contractor shall maintain the following insurance limits:

1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.

2. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$1,000,000 general aggregate.

3. Professional Liability insurance shall be written with limits no less than \$1,000,000 per claim and \$1,000,000 policy aggregate limit.

C. Other Insurance Provisions.

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

1. The Contractor's insurance coverage shall be primary insurance as respects the City. Any insurance, self-insurance or insurance pool coverage maintained by the City shall be in excess of the Contractor's insurance and shall not contribute with it.

2. The Contractor's insurance shall be endorsed to state that coverage shall not be canceled by either party except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.

D. Verification of Coverage.

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

8. Record Keeping and Reporting.

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

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

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

10. Termination.

A. The City reserves the right to terminate or suspend this Agreement at any time, with or without cause, upon seven (7) days prior written notice. In the event of termination or suspension, all finished or unfinished documents, data, studies, worksheets, models, reports or other materials prepared by the Contractor pursuant to this Agreement shall promptly be submitted to the City.

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

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

D. The Contractor reserves the right to terminate this Agreement with not less than fourteen (14) days written notice, or in the event that outstanding invoices are not paid within sixty (60) days.

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

11. Discrimination Prohibited. The Contractor shall not discriminate against any employee, applicant for employment, or any person seeking the services of the Contractor under this Agreement, on the basis of race, color, religion, creed, sex, sexual

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

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

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

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

15. Non-appropriation of Funds. If sufficient funds are not appropriated or allocated for payment under this Agreement for any future fiscal period, the City will so notify the Contractor and shall not be obligated to make payments for services or amounts incurred after the end of the current fiscal period. This Agreement will terminate upon the completion of all remaining services for which funds are allocated. No penalty or expense shall accrue to the City in the event that the terms of the provision are effectuated.

16. Entire Agreement. This Agreement contains the entire agreement between the parties, and no other agreements, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or bind either of the parties. Either party may request changes to the Agreement. Changes which are mutually agreed upon shall be incorporated by written amendments to this Agreement.

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

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

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

Paul Devine
Olympic Environmental Resources
4715 SW Walker St.
Seattle, WA 98116

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

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

CITY OF KENMORE, WASHINGTON

CONSULTANT

By: _____

Frederick C. Stouder

Title: City Manager

Date: _____

By: _____

Paul Devine

Title: _____

Date: _____

ATTEST AS TO FORM:

Rod Kaseguma, City Attorney

EXHIBIT A
Scope of Services

2011 City of Kenmore Recycling Projects

Two Residential Recycling Collection Events

The events are tentatively scheduled for spring (April, May) and fall (September, October, November) of 2011. At the events the following materials will be collected and recycled: tires, antifreeze, petroleum-based products, used oil filters, used motor oil, batteries, bulky yard waste (large material only), scrap wood, appliances (including refrigerators, freezers, household air conditioners, and other appliances), ferrous metals, nonferrous metals, cellular phones, electronic equipment, TV sets/computer monitors (at City direction), textiles, reusable or recyclable household goods, porcelain toilets and sinks, propane tanks, and other materials whenever practical. User fees will apply to the collection of some materials.

One Business Recycling Collection Event

To address the situation that many Kenmore businesses have of keeping/storing recyclable materials, the OER will implement a Kenmore Business Collection Event. The purpose will be to allow for the collection of recyclables that would otherwise not be collected. Many small businesses do not generate enough of a particular material to retain a service provider, so they store the material. Other businesses generate materials that there are not service providers readily available. To help City businesses recycle more material, the OER will implement a one-day event to collect and recycle a variety of materials from Kenmore businesses in 2011.

EXHIBIT B
Rate Schedule

All costs incurred by Olympic Environmental Resources associated with the annual recycling collection events are completely covered by grant funds. Olympic Environment Resources is available to provide additional services at the request of the City of Kenmore. Olympic Environment Resources hourly rates are: Project Manager - \$70/hour and Recycling Event Staff - \$55/hour. For 2011, the total contract shall not exceed \$46,677.89. Of this, no more than \$25,000 will be spent on administrative expenses.

The City of Kenmore is eligible and has applied for the following grants. It is expected that no non-grant City funds will be expended on recycling projects in 2011. The City has applied for the following:

2011 Ecology CPG Grant	\$13,156.00
2011 King County Solid Waste Division WRR Grant Total	\$24,077.50
2011 King County Health Department Grant	\$ 9,444.39
2011 Total	\$46,677.89

EXHIBIT C
City of Kenmore
Billing Invoice

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

Invoice Number: _____ Date of Invoice: _____

Consultant: _____
Mailing Address: _____

Telephone: () _____

Contract Period: _____ Reporting Period: _____

Amount requested this invoice: \$ _____

Attach itemized description of services provided.

Specific Program: _____

Authorized signature

For Department Use Only

BUDGET SUMMARY

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

Approved for Payment by: _____ Date: _____

EXHIBIT D
CITY OF KENMORE
P.O. Box 82607
Kenmore, WA 98028
Phone: (425) 398-8900
Fax: (425) 481-3236

TAX IDENTIFICATION NUMBER

In order for you to receive payment from the City of Kenmore, the must have either a Tax Identification Number or a Social Security Number. The Internal Revenue Service Code requires a Form 1099 for payments to every person or organization other than a corporation for services performed in the course of trade or business. Further, the law requires the City to withhold 20% on reportable amounts paid to unincorporated persons who have not supplied us with their correct Tax Identification Number or Social Security Number.

Please complete the following information request form and return it to the City of Kenmore prior to or along with the submittal of the first billing invoice.

Please check the appropriate category:

☐ Corporation ☐ Partnership ☐ Government Consultant
☐ Individual/Proprietor ☐ Other (explain)

TIN No.: _____

Social Security No.: _____

Print Name: _____

Title: _____

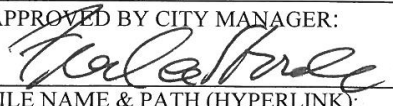
Business Name: _____

Business Address: _____

Business Phone: _____

Date

Authorized Signature (Required)

CITY OF KENMORE, WASHINGTON			
AGENDA BILL SUMMARY			
AGENDA TITLE			MEETING DATE
Approve Resolution No. 11-185 Adopting the <u>North King and South Snohomish Counties Regional Mitigation Plan 2010 Update</u> as Developed by the Emergency Services Coordinating Agency in Cooperation with Fourteen Cities, Towns and Special Purpose Districts			February 14, 2011
DEPARTMENT	DIRECTOR	CONTACT PERSON	PHONE
Executive	Frederick Stouder	Nancy Ousley	425-398-8900
COST OF PROPOSAL: Staff time		ACCOUNT NUMBER: N/A	
AMOUNT BUDGETED: N/A		NAME AND FUND #: N/A	
ATTACHMENT(S) TO AGENDA PACKET ITEM: 1) Resolution No. 11-185 2) September 28, 2009 Agenda Bill Summary 3) Introductory and Kenmore-specific sections of the Regional Mitigation Plan 2010 Update			
SUMMARY STATEMENT: The Federal Emergency Management Agency (FEMA) requires local jurisdictions to have in place a Mitigation Plan that identifies actions that can minimize recurring property damage and loss of life from natural events, and the availability of FEMA grant funds is tied to having a current plan in effect. The Plan addresses regional issues and includes sections for each local jurisdiction. Local jurisdictions are responsible for only the projects identified in their specific sections, not those of other jurisdictions. The implementation of projects or actions identified in the local sections is assumed only as funds are available. Plans are updated per federal requirements every five years, and the most recent Regional Mitigation Plan was adopted in 2004. The Emergency Services Coordinating Agency (ESCA) worked with its member agencies and four special purpose districts in developing the 2010 Update. The Plan has been approved by the State Emergency Department and FEMA, and the final step is approval by each participating local jurisdiction. In 2009, the City Council approved submitting the Plan to the State and Federal agencies for review. Washington Cities Insurance Authority has reviewed the plan content related to the City of Kenmore.			
CONSISTENT WITH OR COMPARISON TO PAST COUNCIL POLICIES, ORDINANCES, DIRECTION: The City Council authorized the Emergency Services Coordinating Agency (ESCA) to submit the Regional Mitigation Plan to the State Emergency Management Division and FEMA for review on September 28, 2009. The City Council approved Resolution No. 04-088 adopting the 2004 Regional Mitigation Plan.			
RECOMMENDED CITY COUNCIL ACTION/SUGGESTED MOTION: Approve Resolution No. 11-185 Adopting the North King and South Snohomish Counties Regional Mitigation Plan 2010 Update as Developed by the Emergency Services Coordinating Agency and Fourteen Cities, Towns and Special Purpose Districts			
REVIEWED BY FINANCE DIRECTOR:	REVIEWED BY CITY ATTORNEY:	APPROVED BY CITY MANAGER:	
			
TODAY'S DATE: 12 Jan 2011	REVISION DATE(S):		FILE NAME & PATH (HYPERLINK): I:\ACM\ACM NKO\Agenda Bill Drafts\AB 14 Feb 2011 Resolution re Mitigation Plan.doc

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VF. Approve Resolution No. 11-185 Adopting the North King and South Snohomish Counties Regional Mitigation Plan 2010 Update as Developed by the Emergency Services Coordinating

**CITY OF KENMORE
WASHINGTON
RESOLUTION NO. 11-185**

**A RESOLUTION ADOPTING THE NORTH KING AND SOUTH SNOHOMISH
COUNTIES REGIONAL MITIGATION PLAN 2010 UPDATE AS DEVELOPED BY
THE EMERGENCY SERVICES COORDINATING AGENCY IN
COOPERATION WITH FOURTEEN CITIES, TOWNS AND SPECIAL
PURPOSE DISTRICTS**

WHEREAS, the Federal Emergency Management Agency requires each local jurisdiction to adopt and have in place a Mitigation Plan in order to minimize loss of life, and recurring property damage; and

WHEREAS, the Federal Emergency Management Agency has indicated that future mitigation grant monies will not be made available to jurisdictions without a current and adopted Mitigation Plan; and

WHEREAS, mitigation planning is a logical and reasonable step in public safety as well as emergency management, response, and recovery; and

WHEREAS, the City of Kenmore recognizes the benefit and necessity of mitigation as well as regional planning and cooperation; and

WHEREAS, the Emergency Services Coordinating Agency developed a Regional Mitigation Plan for North King and South Snohomish Counties in 2004 in cooperation with: the Cities of Kenmore, Brier, Edmonds, Lynnwood, Mill Creek, and Mountlake Terrace; the Town of Woodway; the Edmonds School District; Olympic View Water and Sewer District; and the Port of Edmonds; and

WHEREAS, updates to the North King and South Snohomish Counties Regional Mitigation Plan are conducted on a five-year cycle and therefore, the Regional Plan was due for an update; and

WHEREAS, the Emergency Services Coordinating Agency updated the 2004 North King and South Snohomish Counties Regional Mitigation Plan in 2010 in cooperation with the original jurisdictions from the 2004 Regional Mitigation Plan, plus the addition of the Cities of Lake Forest Park and Mukilteo, and Edmonds Community College; and

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WHEREAS, this plan maintains consistency with existing emergency response plans, promotes regional cooperation, and meets the Federal Emergency Management Agency's requirements; and

WHEREAS, this Regional Mitigation Plan consists of both regional and localized, jurisdiction-specific information; and

WHEREAS the City of Kenmore is a member of the Emergency Services Coordinating Agency; and

WHEREAS, the City of Kenmore is responsible only for funding and implementing those projects as funds are available and as specified under the Plan Section III entitled , City of Kenmore;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KENMORE AS FOLLOWS:

Section 1: The City Council does hereby adopt the *North King and South Snohomish Counties Regional Mitigation Plan 2010 Update*.

PASSED by the City Council of the City of Kenmore this _____ day of _____, 2011, and signed in authentication of its passage this _____ day of _____, 2011.

David Baker, Mayor

ATTEST:

Lynn Suskin, City Clerk

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CITY OF KENMORE, WASHINGTON			
AGENDA BILL SUMMARY			
AGENDA TITLE			MEETING DATE
Authorize the City Manager to submit the 2009 Update of the North King and South Snohomish Counties Regional Mitigation Plan to the State Emergency Management Division and the Federal Emergency Management Agency (FEMA) for review.			28 September 2009
DEPARTMENT	DIRECTOR	CONTACT PERSON	PHONE
Executive	Frederick Stouder	Nancy Ousley	425-398-8900
COST OF PROPOSAL: Staff time to update Kenmore information, printing and meeting room costs for public review		ACCOUNT NUMBER: 01.19.5426	
AMOUNT BUDGETED: \$0		NAME AND FUND #: General Fund	
ATTACHMENT(S) TO AGENDA PACKET ITEM: 1) 2009 North King and South Snohomish Counties Regional Mitigation Plan: general information sections and Kenmore mitigation projects section 2) Resolution 04-088 Adopting the 2004 Regional Mitigation Plan			
SUMMARY STATEMENT: The 2004 Regional Mitigation Plan for Natural Hazards adopted by seven member cities(Kenmore, Lynnwood, Edmonds, Brier, Mill Creek, Mountlake Terrace, Woodway) of the Emergency Services Coordinating Agency (ESCA) plus three special districts (Edmonds School District, Port of Edmonds, and Olympic View Water & Sewer District) is being updated on the established five year update cycle. The Council is being asked to authorize submitting the updated plan, in particular, Kenmore's section, to the State Emergency Services Division and FEMA for review. Following that review, the Plan will be updated with any recommended changes and will be brought back to the Council for adoption by resolution. ESCA Emergency Coordinator Jamie Gravelle will attend the September 28 meeting. Fourteen agencies are participating in this update. ESCA has added three new cities as members since 2004—Lake Forest Park, Woodinville and Mukilteo, and Edmonds Community College requested to participate in the Plan. This Plan is part of the overall emergency management strategy and provides a framework for natural hazards mitigation projects. It identifies existing activities and planned projects (many of which are included in jurisdictions' budgets, planning documents and Capital Improvement Plans), clarifies the mitigation component and consolidates the list into one document. It also identifies hazard issues that are best addressed on a regional basis through partnerships. Grant funds are often necessary to help pay for major projects, and an approved Mitigation Plan is required for federal funding. The attached document includes the Plan Overview; Hazard Identification and Vulnerability Assessment; Introduction to Individual Jurisdictions Sections; and Kenmore's Section of Mitigation Projects. The full plan which includes each jurisdiction's mitigation projects section is on the ESCA website www.escal.com. ESCA staff is completing a Section with a summary chart of identified projects by each jurisdiction. Section 5 of the overall Plan provides lists of Critical Infrastructure identified by each jurisdiction. For security reasons this information is not subject to			

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VF. Approve Resolution No. 11-185 Adopting the North King and South Snohomish Counties Regional Mitigation Plan 2010 Update as Developed by the Emergency Services Coordinating

Public Disclosure Laws and will not be distributed with the Plan. The Plan acknowledges that external funding is generally necessary to complete many projects and project completion schedules are dependent on available funding. Pages III-8 and III-9 provide explanation of these conditions. Public Review: The Plan has been posted on the ESCA and City of Kenmore websites for review, and the City convened an Open House on September 16 for public information and input. The Plan has also been available at City Hall for review. The next update is scheduled for 2014.		
CONSISTENT WITH OR COMPARISON TO PAST COUNCIL POLICIES, ORDINANCES, DIRECTION: Kenmore City Council adopted Resolution 04-088 approving the 2004 Regional Mitigation Plan, which established a five year update cycle.		
RECOMMENDED CITY COUNCIL ACTION/SUGGESTED MOTION: Authorize the City Manager to submit the North King and South Snohomish Counties Regional Mitigation Plan for Natural Hazards as updated in 2009 to the State Emergency Services Division and the Federal Emergency Management Agency for review.		
REVIEWED BY FINANCE DIRECTOR:	REVIEWED BY CITY ATTORNEY:	APPROVED BY CITY MANAGER:
TODAY'S DATE: 9 Sept 2009	REVISION DATE(S):	FILE NAME & PATH (HYPERLINK):



**NORTH KING AND SOUTH SNOHOMISH COUNTIES
REGIONAL MITIGATION PLAN
for Natural Hazards**



2010 Update



Natural Hazards Mitigation Plan

Prepared by:
Emergency Services Coordinating Agency
(ESCA)

2901 228th Street SW, Ste A
Brier, WA, 98036
Phone: (425) 776-3722
Fax: (425) 775-7153
www.esca1.com

*North King and South Snohomish Counties
Regional Mitigation Plan*

ii

*Preceding Documents
September 2010*

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Special Thanks & Acknowledgements

Thanks to all City Staff who worked on the Mitigation Planning Committee directly or who provided input and assistance during the development and review of this document.

Thanks, too, to the Citizens and Regional Partners who read over the document and provided feedback regarding the Plan.

Cover Photos:

Thanks to the following Public Works Departments for providing photographs of natural hazard events that have occurred within their jurisdictions' limits:

- City of Lynnwood
- City of Mountlake Terrace
- Town of Woodway
- Port of Edmonds

Point of Contact

For information regarding this plan, or to comment on this plan, please contact Emergency Services Coordinating Agency (ESCA):

MAILING ADDRESS: **ESCA**
2901 228th Street SW, Ste A
Brier, WA 98036

TELEPHONE: **(425) 776-3722**

FAX: **(425) 775-7153**

EMAIL: **Jamie@esca1.com**

Record of Changes

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List of Plan Recipients

Printed and electronic versions of the *North King and South Snohomish Counties Regional Mitigation Plan* – Draft and Final versions – are provided to the following jurisdictions, locations and/or individuals:

	Name / Jurisdiction
1	Brier, City of Nicole Gaudette
2	Edmonds, City of Phil Williams
3	Kenmore, City of Nancy Ousley
4	Lake Forest Park, City of Cheryl Niclai
5	Lynnwood, City of Kevin Garrett
6	Mill Creek, City of Christi Amrine
7	Mountlake Terrace, City of Shane Hope
8	Mukilteo, City of Larry Waters
9	Woodinville, City of Alexandra Miller
10	Woodway, Town of Terrance Bryant
11	Edmonds Community College Paul Doherty
12	Edmonds School District Brian Harding
13	Olympic View Water and Sewer District Roger Eberhart
14	Port of Edmonds Bev Borth
15	ESCA Lyn Gross
16	ESCA Jamie Gravelle
17	Washington EMD Beverly O'Dea
18	Washington EMD

Final print versions of the *North King and South Snohomish Counties Regional Mitigation Plan* are provided to the following jurisdictions, locations and/or individuals:

	Name / Jurisdiction
19	Brier, City of Paula Swisher
20	Edmonds, City of Mike Cooper
21	Kenmore, City of Frederick Stouder
22	Lake Forest Park, City of David Cline
23	Lynnwood, City of Don Gough
24	Mill Creek, City of Timothy Burns
25	Mountlake Terrace, City of John Caulfield
26	Mukilteo, City of Joe Marine
27	Woodinville, City of Richard Leahy
28	Woodway, Town of Carla Nichols
29	Edmonds Community College Jack O'hara
30	Edmonds School District Dr. Nick Brossoit
31	Olympic View Water and Sewer District
32	Port of Edmonds Bob McChesney

Feedback on the draft documents were requested from the following agencies and individuals prior to the submission to the State and FEMA for review and approval.

	Name / Jurisdiction
33	King County OEM Rich Tokarzewski
34	Snohomish County DEM John Pennington
35	Snohomish Fire District 1 Brad Reading
36	Snohomish Fire District 7 Janet Jaeger
37	Northshore Fire District Tom Weathers
38	Woodinville Fire and Life Safety District Dennis Johnson

In addition, final electronic versions of the North King and South Snohomish Counties Regional Mitigation Plan are provided for their records.

Final electronic versions of the *North King and South Snohomish Counties Regional Mitigation Plan* are provided to:

	Name / Jurisdiction
39	Brier Public Library
40	Edmonds Public Library
41	Kenmore Public Library
42	Lake Forest Park Public Library
43	Lynnwood Public Library
44	Mill Creek Public Library
45	Mountlake Terrace Public Library
46	Mukilteo Public Library
47	Woodinville Public Library

Promulgation

The following document was promulgated by legal representatives of each participating agency. The original document is on file with ESCA.

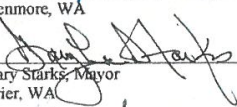
THIS DOCUMENT WILL BE REPLACED WHEN THE APPROVAL AND ADOPTION PROCESS IS COMPLETE.

Promulgation

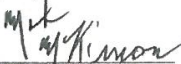
The **North King and South Snohomish Counties Regional Mitigation Plan**, dated June 2004, is hereby adopted this 30th day of June, 2004, as the official natural hazards mitigation plan for the member cities of Kenmore, Brier, Edmonds, Lynnwood, Mill Creek, Mountlake Terrace, and Woodway, and for the Edmonds School District, Olympic View Water and Sewer District, and the Port of Edmonds.

APPROVED:


Stephen L. Anderson, City Manager
Kenmore, WA

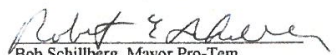

Gary Starks, Mayor
Brier, WA

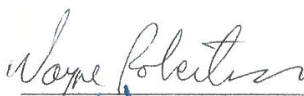

Gary Hankenson, Mayor
Edmonds, WA

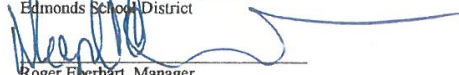

Mike McKinnon, Mayor
Lynnwood, WA

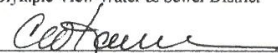

Bob Stowe, City Manager
Mill Creek, WA


Connie Fessler, City Manager
Mountlake Terrace, WA


Bob Schillberg, Mayor Pro-Tem
Woodway, WA


Dr. Wayne Robertson, Superintendent
Edmonds School District


Roger Eberhart, Manager
Olympic View Water & Sewer District


Chris Keuss, Executive Director
Port of Edmonds

How to Use This Plan

Each section of the **North King and South Snohomish Counties Regional Mitigation Plan** provides information to assist participating jurisdictions and agencies in North King and South Snohomish Counties, and the citizens within those jurisdictions and agencies, in understanding the community in which we live and work, and the hazard-related issues facing government, citizens, businesses, and the environment. Combined, the various sections of this plan work together to create a document that guides the mission to reduce vulnerability and minimize loss from future natural hazards.

The structure of this plan enables people to use only that portion of the plan that is of interest to them and/or pertains to their needs. It also allows local government to review and update specific sections as new data becomes available. New data may be easily incorporated, resulting in a natural hazards mitigation plan that remains current and relevant to the needs of the jurisdictions in North King and South Snohomish Counties.

The **North King and South Snohomish Counties Regional Mitigation Plan** is organized into five sections:

Section I contains the introduction, multi-jurisdictional community profile information, and an overview of the planning process.

Section II contains information regarding the various natural hazards that can affect North King and South Snohomish Counties.

Section III contains jurisdiction- and special district-specific information. It identifies local vulnerabilities and mitigation strategies for each jurisdiction participating in the Plan.

Section IV contains an index of mitigation action items by jurisdiction.

Section V contains the lists of critical infrastructure for each jurisdiction. This information is restricted under *RCW 42.17.310(1)(ww)* and is exempt from the Freedom of Information Act. Anyone wishing to obtain this information should apply to the individual jurisdiction.

Section VI contains Addenda for each City to address language specific to the National Flood Insurance Program (NFIP).

Section VII contains Addenda for each jurisdiction to show how the hazard ratings were considered.

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Matrix of Changes

Note: This *Matrix of Changes* documents most of the pertinent changes made from the 2004 RHMP Plan to the 2009 - 2010 RHMP Plan update. This Matrix represents high level changes made.

Grammatical and typographical changes were changed throughout the document as identified.

Participating Agencies		
	2004	2009/2010
Cities	7 cities • Brier • Edmonds • Kenmore • Lynnwood • Mill Creek • Mountlake Terrace • Woodway	10 cities Added 3 cities • Lake Forest Park • Mukilteo • Woodinville
Utility Districts	1 utility district • Olympic View Water and Sewer District	No change
School Districts	1 school district • Edmonds School District	No change
Special Districts	1 special district • Port of Edmonds	No change
Colleges / Universities	0 colleges/universities	Added 1 community college • Edmonds Community College

Section A – Preceding Document		
	2004	2009/2010
Table of Contents	Section A – Preceding Documents Section I – Overview Section II – Multi-Jurisdictional Hazard Identification (HIVA) Section III – Multi-Jurisdictional Breakouts Section IV – Action Item Index Section V - Annexes	Formatting, updates and page adjustments
List of Plan Recipients	Provided in original	Updated
How to Use This Plan	Provided in original	No significant change
Matrix of Changes		New section Added to end of Section A

Section 1 – Overview		
	2004	2009/2010
Introduction	Provided in original	No significant change
Plan Participants	Provided in original	Updated
Planning Committee Members	Provided in original	Updated
Plan Update Responsibilities		New component
Input from Stakeholders and Citizens	Provided in original	Updated
Plan Development Process	Provided in original	Updates in: - Local Involvement - Public Notification - Important dates and elements
Plan Adoption	Provided in original	Updates in: - Jurisdictions/Forms of government - Review Process and dates - Adoption
Plan Maintenance	Provided in original	Major rewrite: - Evaluating and Updating the Plan Updates in: - Maintenance Schedule - Continued Public Involvement

Section II – Multi-Jurisdictional Hazard Identification (also known as Hazard Identification and Vulnerability Assessment, or HIVA)		
	2004	2009/2010
Drought	Provided in original	No significant changes Reference and links updated
Earthquake	Provided in original	No significant changes Reference and links updated
Flood	Provided in original	Event listing updated <i>Additional information for new jurisdictions</i> <i>NFIP Compliance table</i> Reference and links updated
Landslide and Soil Displacement	Provided in original	Updates in: History of Landslides in North King and South Snohomish Counties Reference and links updated
Severe Storm	Provided in original	Updated: Population Density table Reference and links updated
Tsunami and Seiche	Provided in original	Reference and links updated
Volcanoes	Provided in original	Reference and links updated
Wildland-Urban Interface Fire	Provided in original	Reference and links updated

Section III – Breakouts		
	2004	2009/2010
Brier	Included	Regional profile updated Hazard ratings reviewed Hazard and event descriptions reviewed <i>NFIP language added</i> Maps updated Mitigation projects: - Moved to "completed" list as appropriate - Codes list updated - New items added
Edmonds	Included	Regional profile updated Hazard ratings reviewed Hazard and event descriptions reviewed. Updated: - Severe Storm <i>Map added</i> <i>NFIP language added</i> Mitigation projects: - Moved to "completed" list as appropriate - Codes list updated - New items added
Kenmore	Included	Regional profile updated Hazard ratings reviewed Hazard and event descriptions reviewed <i>Map added</i> <i>NFIP language added</i> Mitigation projects: - Moved to "completed" list as appropriate - Codes list updated - New items added
Lake Forest Park	Not included in original	Regional profile updated Annexed onto plan in 2008 Updated in 2009 to comply with review cycle Hazard ratings reviewed Hazard and event descriptions reviewed. Updated: - Severe Storm <i>Map added</i> <i>NFIP language added</i> Mitigation projects: - Moved to "completed" list as appropriate - Codes list updated - New items added

Section III – Breakouts (continued)		
	2004	2009/2010
Lynnwood	Included	Regional profile updated Hazard ratings reviewed Hazard and event descriptions reviewed. Updated: • Flood • Severe Storm Maps updated <i>NFIP language added</i> Mitigation projects: • Moved to “completed” list as appropriate • Codes list updated • New items added
Mill Creek	Included	Regional profile updated Hazard ratings reviewed Hazard and event descriptions reviewed. Updated: • Severe Storm Map added <i>NFIP language added</i> Mitigation projects: • Moved to “completed” list as appropriate • Codes list updated • New items added
Mountlake Terrace	Included	Regional profile updated Hazard ratings reviewed Hazard and event descriptions as necessary Map updated <i>NFIP language added</i> Mitigation projects: • Moved to “completed” list as appropriate • Codes list updated • New items added
Mukilteo	Not included in original	New to plan
Woodinville	Included	New to plan
Woodway	Included	Regional profile updated Hazard ratings reviewed Hazard and event descriptions reviewed. Updated: • Flooding • Dam Burst <i>NFIP language added</i> Mitigation projects: • Moved to “completed” list as appropriate • Codes list updated • New items added

Section III – Breakouts (continued)		
	2004	2009/2010
Edmonds Community College	<i>Not included in original</i>	<i>New to plan</i>
Edmonds School District	Included	Regional profile updated Hazard ratings reviewed Hazard and event descriptions as necessary Mitigation projects: • Moved to “completed” list as appropriate • New items added
Olympic View Water and Sewer District	Included	Regional profile updated Hazard ratings reviewed Hazard and event descriptions as necessary Mitigation projects: • Moved to “completed” list as appropriate • New items added
Port of Edmonds	Included	Regional profile updated Hazard ratings reviewed Hazard and event descriptions as necessary Mitigation projects: • Moved to “completed” list as appropriate • New items added

Section IV – Action Item Index		
	2004	2009/2010
Brier	Included	Reformatted and updated
Edmonds	Included	Reformatted and updated
Kenmore	Included	Reformatted and updated
Lake Forest Park	<i>Not included in original</i>	Added
Lynnwood	Included	Reformatted and updated
Mill Creek	Included	Reformatted and updated
Mountlake Terrace	Included	Reformatted and updated
Mukilteo	<i>Not included in original</i>	<i>New to plan</i>
Woodinville	Included	<i>New to plan</i>
Woodway	Included	Reformatted and updated
Edmonds Community College	<i>Not included in original</i>	<i>New to plan</i>
Edmonds School District	Included	Reformatted and updated
Olympic View Water and Sewer District	Included	Reformatted and updated
Port of Edmonds	Included	Reformatted and updated
NOTE: Includes Status clarification on projects: New or Continued (and the reason for the continuation).		

Section V – Annexes (Critical Infrastructure)		
	2004	2009/2010
Brier	Included	Updated
Edmonds	Included	Updated
Kenmore	Included	Updated
Lake Forest Park	Not included in original	Updated
Lynnwood	Included	Updated
Mill Creek	Included	Updated
Mountlake Terrace	Included	Updated
Mukilteo	<i>Not included in original</i>	<i>New to plan</i>
Woodinville	Included	<i>New to plan</i>
Woodway	Included	Updated
Edmonds Community College	<i>Not included in original</i>	<i>New to plan</i>
Edmonds School District	Included	Updated
Olympic View Water and Sewer District	Included	Updated
Port of Edmonds	Included	Updated
<i>NOTE: Includes Status clarification on projects: New or Continued (and the reason for the continuation).</i>		

Section VI – Addenda (NFIP)	
	2009/2010
Brier	Added to Plan
Edmonds	Added to Plan
Kenmore	Added to Plan
Lake Forest Park	Added to Plan
Lynnwood	Added to Plan
Mill Creek	Added to Plan
Mountlake Terrace	Added to Plan
Mukilteo	Added to Plan
Woodinville	Added to Plan
Woodway	Added to Plan
Edmonds Community College	<i>Not applicable</i>
Edmonds School District	<i>Not applicable</i>
Olympic View Water and Sewer District	<i>Not applicable</i>
Port of Edmonds	<i>Not applicable</i>
<i>NOTE: This is language is added specifically to the meet NFIP requirements.</i>	

Section VII – Addenda (Hazard Rating)	
	2009/2010
Brier	Added to Plan
Edmonds	Added to Plan
Kenmore	Added to Plan
Lake Forest Park	Added to Plan
Lynnwood	Added to Plan
Mill Creek	Added to Plan
Mountlake Terrace	Added to Plan
Mukilteo	Added to Plan
Woodinville	Added to Plan
Woodway	Added to Plan
Edmonds Community College	Added to Plan
Edmonds School District	Added to Plan
Olympic View Water and Sewer District	Added to Plan
Port of Edmonds	Added to Plan

Section I : Overview

NOTE:

This section of the Emergency Services Coordinating Agency Regional Natural Hazards Mitigation Plan contains general, multi-jurisdictional information regarding the region as well as a description of the planning process.

The statements regarding natural hazards and historical disaster events as well as the information contained in the multi-jurisdictional community profile depict the average conditions within the region.

Please refer to Section III of this Plan for jurisdiction-specific information for the plan participants.

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Introduction

The members of the Emergency Services Coordinating Agency (ESCA) have dealt with natural disasters on both a local and regional basis. These have included earthquakes, local flooding, landslides, severe storms, and wildland-urban interface fires. In addition, the region has the potential to be subjected to damage from tsunami or seiche as well as volcano eruption.

During the Inaugural Day Windstorm in 1993, the area experienced winds of more than 40 m.p.h. with gusts of 66 m.p.h. As a result, 225,000 people lost power and were without electricity for a week or more. This affected both personal lives and business operations in the area.

In December 2003, south King County experienced a windstorm that included wind gusts of as much as 80 m.p.h. 180,000 people were without power at least overnight, and about 110,000 would be without power for as much as four days.

While 100-year floods are relatively rare in this area, urban flooding is common among all jurisdictions and occurs on a nearly annual basis. In addition, three jurisdictions include properties on the Puget Sound shoreline and experience occasional shoreline flooding events. Photos of urban flooding from 1996 may be found in Section III, Mountlake Terrace.

Unusually severe urban flooding was experienced in north King and south Snohomish Counties in December 2007. This event occurred in connection with a series of three storms that moved in over the Pacific Northwest between December 1 and 3, 2007.

On December 1st, with cold arctic air already in place over the region, the first storm produced heavy snow in the mountains and low-land snow throughout western Washington. Around Seattle, up-to 1" of snow fell while the "convergent zone" (which includes the ESCA Cities) received over 6" of snow.

On December 2, the snow changed over to rain as temperatures increased along with the wind. Over two days, December 2-3,¹ an entire month's worth of rain fell in the Puget Sound Area accompanied by wind gusts of over 80 mph along much of the coast and 40 to 50+ mph inland.

While King and Snohomish Counties braced for flooding along the rivers, the resulting flooding broke the normal patterns in the ESCA area.² River flooding was minimal in most areas, but the north King and south Snohomish counties area experienced urban flooding where storm water systems were overwhelmed and problems intensified by many of the smaller creeks flooding.

1 NOAA reports that 6-hour and 24-hour precipitation amounts were near 100-year rain frequency levels during this event.

2 Lewis County was most affected, with over \$57 million of damage.

The Nisqually Earthquake, in 2001, caused only minor damage in the north King and south Snohomish Counties area, but it provided a graphic reminder that this region is Earthquake Country and that we must be prepared. It should be noted that the occurrence of one earthquake does not lessen the threat of future earthquakes.

Overall, this area has been very fortunate and has not experienced any major natural disasters in the last twenty years. This does not mean that we are safe from natural hazards, however, and the local governments and special purpose districts are committed to mitigating against natural disasters to the best of their abilities.

What is natural hazard mitigation?

Natural hazard mitigation is the development and implementation of activities designed to reduce or eliminate losses resulting from natural hazards.

Why develop a natural hazards mitigation strategy?

Developing and maintaining a mitigation strategy for the north King and south Snohomish Counties region is another step in the planning process that began with the Cities' Comprehensive Emergency Management Plans (CEMP). These Plans were developed by ESCA and provide consistent and coordinated procedures for the Cities.

The regional overview of this Plan provides a foundation for coordination and collaboration between the ten ESCA Cities and four Special Purpose Districts included in this document. It is the groundwork for identifying mitigation strategies and future mitigation projects as a means to assist in meeting the requirements of various federal assistance programs.

The rising cost of responding to and recovering from natural disasters has resulted in a renewed interest in identifying effective ways to reduce the vulnerability to natural hazards and the disasters these hazards can create. Natural hazard mitigation plans assist communities in identifying the hazards that could impact them, determining the vulnerability of the community to

Mitigation: The development and implementation of activities designed to reduce or eliminate losses.

Planning: The act or process of making or carrying out plans; establishing goals, policies, or procedures for a social or economic unit.

Hazard Mitigation (as defined by the Disaster Mitigation Act of 2000): Any sustained action taken to reduce or eliminate the long-term risk to human life and property from hazards.

these hazards, and identifying mitigation strategies to prevent or reduce the impacts these hazards pose to the community through a coordinated, multi-jurisdictional approach.

It should be noted, too, that while the Cities and Special Purpose Districts have eight natural hazards in common, and are all likely to be affected during a significant regional disaster, the level of threat for each hazard varies between the Plan participants. These differences are recognized and are accounted for in the breakouts included in Section III.

What are the benefits of hazard mitigation?

The information contained in this Plan is applicable for the region and serves to provide the framework for natural hazard mitigation among the participants. This is one more step in the emergency management cycle of *planning, response, recovery, and mitigation*. It is also consistent with the existing long-term commitment to mutual aid agreements, first responder agreements, and coordinating inter-jurisdictional cooperation in disaster response.

Hazard mitigation planning is intended to:

- **Save lives and property.**
Communities can save lives and reduce property damage from natural hazards through mitigation actions, such as moving families and their homes out of harm's way, limiting development, and/or regulating the type of construction or structures allowed in certain areas.
- **Reduce vulnerability to future hazards.**
By having a mitigation strategy in place, communities are better prepared to take proper steps that will permanently reduce the risk of future losses.
- **Facilitate post-disaster funding.**
By identifying mitigation strategies and projects before the next disaster, communities will be in a better position to obtain post-disaster funding because much of the background work necessary for funding assistance will already be in place.
- **Speed recovery.**
By developing a mitigation strategy, communities can identify post-disaster mitigation opportunities in advance of a disaster. Further, communities can develop recovery plans and policies to minimize the number of decisions that must be made while under the stress of responding to and recovering from a disaster.
- **Demonstrate commitment to improving community health and safety.**

Developing a mitigation strategy demonstrates a community's commitment to safeguarding its citizens and protecting its economic and environmental well-being.

- **Demonstrate accountability and regional coordination.**
Each jurisdiction is responsible for mitigation projects within their scope and boundaries. This includes identifying, prioritizing, funding, completing and evaluating mitigation projects.

The jurisdictions also have an ongoing commitment to regional cooperation to the greatest extent possible. To this end, the jurisdictions will continue to look for opportunities to action regionally and in partnership with each other. This allows for problem-solving at the regional level and gaining maximum benefit from potential funding sources.

Who does the natural hazards mitigation plan benefit?

The *North King and South Snohomish Counties Regional Mitigation Plan* was developed, written, and adopted as a multi-jurisdictional natural hazards mitigation plan for the benefit of ESCA's member cities, plus the regional partners of Edmonds Community College, Edmonds School District, the Port of Edmonds, and Olympic View Water and Sewer District.

The jurisdictions are all located in close proximity to each other. As a result, the Plan participants have ongoing, working relationships and recognize that they have a vested interest in coordinating mitigation efforts. It is anticipated that this cooperation will continue to develop and improve in the years to come. The results of these cooperative efforts will benefit the Cities and Special Purpose Jurisdictions as well as the citizens served by these agencies.

Each jurisdiction is responsible for identifying, planning, obtaining financing, and completing their own mitigation activities. To the greatest extent possible, the jurisdictions will coordinate efforts through existing interlocal agreements and inter-governmental jurisdictions.

To further the efforts of regional coordination, this Plan was offered to both King and Snohomish Counties for review and consistency.

Natural hazards land use policy in Washington

Planning for natural hazards in Washington has taken shape over the past 35 years, beginning with the State Environmental Policy Act (1971) and the Shorelines Management Act (1971), and followed by the State Building Code Act (1974, 1985), and the Growth Management Act (1991). It is an integral element of Washington's statewide land use planning program which focuses

on appropriate land use controls in critical areas that are prone to natural disasters, along with keeping up with the latest technology in construction methods to mitigate potential natural disasters.

Support for natural hazards mitigation

The primary responsibility for the development and implementation of mitigation strategies and policies lies with local jurisdictions. However, local jurisdictions are not alone; partners and resources exist at the state and federal levels to assist local government in the development of mitigation strategies and plans. Within Washington State, the Washington Military Department, Emergency Management Division is the lead agency for providing hazard mitigation planning assistance to local jurisdictions.

Plan Methodology

Because of the similarity in hazards within the north King and south Snohomish County region, the jurisdictions decided to create the *North King and South Snohomish Counties Regional Mitigation Plan* to meet the goals in the following ways:

- The Plan meets the requirements as specified in the Disaster Mitigation Act of 2000.
- The Plan is developed following the process outlined by the Disaster Mitigation Act of 2000.
- The Plan is multi-jurisdictional to promote and enhance regional efforts for emergency response, planning, recovery, and mitigation among the jurisdictions.
- All participating jurisdictions have a Mitigation Plan that is complete, comprehensive, and consistent with other existing emergency management documents.

The *North King and South Snohomish Counties Regional Mitigation Plan* was written using the best possible information obtained from a wide variety of sources. Throughout the planning process, a concerted effort was made to gather information from the ten ESCA Cities, the four participating Special Purpose Districts, and the region's stakeholders: citizens, businesses, other government jurisdictions and agencies.

Among others, information was solicited from regional partners such as Stevens Hospital, SNOCOM, Snohomish Fire District #1, Snohomish Fire District #7,

Northshore Fire District, Snohomish County PUD, Alderwood Water District, Puget Sound Energy, and the Washington State Ferry System.

Feedback was also solicited from the neighboring emergency management agencies that included: King County Office of Emergency Management (OEM), Snohomish County Department of Emergency Management (DEM) and Everett Emergency Management.

The natural hazards mitigation strategies contained within this Plan are the result of a lengthy and extensive planning process involving all ESCA Cities, four Special Districts, key partners, and a cross-section of the business community and local citizens.

Plan Participants

Fourteen jurisdictions are participating in the 2009 Plan. They are:

JURISDICTION	STATUS
Brier, City of	2005 Participant
Edmonds, City of	2005 Participant
Kenmore, City of	2005 Participant
Lake Forest Park, City of	Added 2007
Lynnwood, City of	2005 Participant
Mill Creek, City of	2005 Participant
Mountlake Terrace, City of	2005 Participant
Mukilteo, City of	Added 2008 (not completed in 2008)
Woodinville, City of	NEW Participant
Woodway, Town of	2005 Participant
Edmonds Community College	NEW Participant
Edmonds School District	2005 Participant
Olympic View Water and Sewer District	2005 Participant
Port of Edmonds	2005 Participant

Establishment of the ESCA Natural Hazards Mitigation Planning Committee

In 2004, the City of Kenmore, applied for a Pre-Disaster Mitigation (PDM) Grant to cover part of the costs of regional mitigation planning.

Upon receipt of the Pre-Disaster Mitigation Planning Grant for all-hazards planning, the ESCA Natural Hazards Mitigation Planning Committee was formed to assist in meeting the planning requirements and to keep the mitigation planning project on schedule. This committee was charged with the following responsibilities:

- Identify Plan development goals and objectives.
- Establish a timeline for Plan completion.
- Ensure that the Plan meets the requirements of the Disaster Mitigation Act of 2000.
- Assist in coordinating local efforts in gathering information for inclusion in the Plan.
- Oversee the public involvement process at the local level.

The Committee completed the first version of the *North King and South Snohomish County Regional Mitigation Plan* and saw it through the review and promulgation process.

While the members have changed in the five years since the first iteration of this Plan, the Committee purpose remains the same. The current Committee has one or more representatives from each of the Cities and Special Districts participating in this 5-year Update.

ESCA Natural Hazards Mitigation Planning Committee – 2009-2010 Members

- Jim Cutts, City of Brier
- Nicole Gaudette, City of Brier
- Noel Miller, City of Edmonds
- Leslie Harris, City of Kenmore
- Cheryl Niclai, City of Lake Forest Park
- Bill Franz, City of Lynnwood
- Kevin Garrett, City of Lynnwood
- Tom Rogers, City of Mill Creek
- Tom Gathmann, City of Mill Creek
- Shane Hope, City of Mountlake Terrace
- Paula Schwartz, City of Mountlake Terrace
- Heather McCartney, City of Mukilteo
- Glen Pickus, City of Mukilteo
- Larry Waters, City of Mukilteo
- Justina Tate, City of Woodinville
- Terrance Bryant, Town of Woodway
- Bill Trimm, Town of Woodway
- Steve Robinson, Edmonds Community College
- Paul Doherty, Edmonds Community College
- Brian Harding, Edmonds School District
- Lisa Skinner, Edmonds School District
- Roger Eberhart, Olympic View Water and Sewer District
- Marla Kempf, Port of Edmonds

The ESCA Natural Hazards Mitigation Planning Committee met as a group in July and September of 2008. Additional meetings between the Regional Plan Manager and each jurisdiction were held to focus on individual needs and issues. The work concluded in July 2009.

The Committee meetings provided opportunities to gather and share information, assess vulnerabilities, identify critical facilities, and assist in developing mitigation strategies. They also maintained continuity throughout the process to ensure that jurisdiction-specific natural hazards vulnerability information and mitigation strategies were incorporated into the Plan.

Plan Update Responsibilities

Each City and Special Purpose District was responsible for:

- Reviewing breakout information for their jurisdiction
- Identifying and updating data and information, including local hazards; jurisdictional descriptions; and completed and pending projects
- Reviewing internal jurisdictional plans and documents which affect the Mitigation Plan; ensuring consistency and coordination between documents
- Incorporating appropriate projects from documents such as Capital Improvement Plan, budget, etc.
- Posting legally required notifications according to State Law and local Ordinances
- Providing an on-site opportunity for community members to provide comment on the Plan
- Working with Regional Plan Manager during public input meetings and sessions
- Working with Regional Plan Manager to complete the adoption and promulgation process

The Regional Plan Manager was responsible for:

- Developing a planning timeline
- Working with each Jurisdiction to obtain and incorporate updated information and data
- Working with the new Jurisdictions to include them in the planning process and incorporate them into the final document
- Providing guidance, editing and feedback as necessary
- Coordinating with the State Mitigation Strategists to ensure appropriate Plan development
- Reviewing and updating Section A (Preceding Documents), Section I (Overview) and Section II (HIVA)
- Working with Jurisdictions to conduct public input opportunities

- Printing and submitting the proposed Plan to the State and FEMA for review and approval
- Working with Jurisdictions to complete the adoption and promulgation process

Input from Stakeholders and Citizens

Each jurisdiction looked first to existing plans, documents and budgets developed and maintained by the individual jurisdictions. As part of the development and maintenance process, these documents are usually:

- Developed by Staff based on direction from the Council or Board
- Reviewed in one or more open public meetings by the governing body (Council or Board)

The use of these existing documents, and the regular processes for the review and adoption of these documents, provides for regular and independent public review and input even before these items are considered for the Regional Mitigation Plan.

For a Plan-specific review, the ESCA Natural Hazards Mitigation Planning Committee held a series of meetings at the local level to solicit input from the stakeholders and citizens of the community.

A regional meeting in an "Open House" format was held during work hours to ensure that community members had adequate opportunity to participate in the process. This was to provide access for businesses, shift workers, and others who are unlikely to attend an evening meeting.

July 22, 2009, 1 to 4 pm

Regional meeting/Open House.

Open to all interested parties.

Location:

ESCA offices
2901 228th Street SW, Ste A
Brier, WA 98036

In addition, late afternoon and evening meetings were held at the local levels.

May 26, 2009 at 7:00 p.m

Woodinville Emergency Preparation Commission

Local meeting, open to public

Location:

Woodinville City Hall
17301-133rd Avenue NE
Woodinville, WA

June 8, 2009 at 7:00 p.m.

Woodinville Emergency Preparation Commission

Local meeting #2, open to public

Location:

Woodinville City Hall
17301-133rd Avenue NE
Woodinville, WA

June 9, 2009 at 7:00 p.m.

Woodinville City Council meeting.

Open to public

Location:

Woodinville City Hall
17301-133rd Avenue NE
Woodinville, WA

June 16, 2009 at 7:00 p.m.

Woodinville City Council meeting.

Location:

Woodinville City Hall
17301-133rd Avenue NE
Woodinville, WA

July 22, 2009; 1:00 – 4:00 p.m.

ESCA "Open House"

Location:

ESCA
2901 228th Street SW, Ste A
Brier, WA

July 27, 2009 at 5:30 p.m.

Woodinville "Open House"

Location:

Woodinville City Hall
17301-133rd Avenue NE
Woodinville, WA

August 10, 2009 at 7:00 p.m.

Mountlake Terrace Planning Commission meeting
Public Hearing

Location:

Mountlake Terrace City Hall
6100 219th Street SW, Suite 200
Mountlake Terrace, WA

August 13, 2009 at 7:00 p.m.

Mountlake Terrace Council
Work Session

Location:

Mountlake Terrace City Hall
6100 219th Street SW, Suite 200
Mountlake Terrace, WA

August 17, 2009 at 7:00 p.m.

Mountlake Terrace Council

Location:

Mountlake Terrace City Hall
6100 219th Street SW, Suite 200
Mountlake Terrace, WA

August 25, 2009 at 7:00 p.m.

Brier Council meeting
Public Hearing

Location:

Brier City Hall
2901 228th Street SW
Brier, WA

August 31, 2009 at 7:00 p.m.

Port of Edmonds Board Meeting
Public Hearing

Location:

Port of Edmonds Business Offices
336 Admiral Way
Edmonds, WA

September 8, 2009 at 6:00 p.m.

Mill Creek Council meeting
Public Hearing

Location:

Mill Creek City Hall
15728 Main Street
Mill Creek, WA

September 8, 2009 at 7:00 p.m.

Mukilteo Council meeting
Public Hearing

Location:

Mukilteo City Hall
11930 Cyrus Way
Mukilteo, WA

September 9, 2009 at 7:00 p.m.

Edmonds Council meeting
Public Hearing

Location:

Edmonds City Hall
121 5th Ave N
Edmonds, WA

September 10, 2009 at 7:45 p.m.

Lake Forest Park Council meeting
Public Hearing

Location:

Lake Forest Park City Hall
17425 Ballinger Way NE
Lake Forest Park, WA

September 14, 2009 at 7:00 p.m.

Lynnwood Council meeting
Public Hearing

Location:

Lynnwood City Hall
19100 44th Ave W
Lynnwood, WA

September 15, 2009 at 7:00 p.m.

Edmonds Council meeting
Public Hearing

Location:

Edmonds City Hall
121 5th Ave N
Edmonds, WA

September 16, 2009 at 5:00 p.m.

Kenmore

Open House

Public Hearing

Location:

Northshore Utility District offices
6830 NE 185th St
Kenmore, WA

September 17, 2009 at 7:00 p.m.

Mill Creek Council meeting

Location:

Mill Creek City Hall
15728 Main Street
Mill Creek, WA

September 11, 2009 at 7:00 p.m.

Olympic View Water and Sewer Board Meeting

Location:

General Offices
23725 Edmonds Way
Edmonds, WA

September 24, 2009 at 7:45 p.m.

Lake Forest Park Council meeting

Public Hearing

Location:

Lake Forest Park City Hall
17425 Ballinger Way NE
Lake Forest Park, WA

September 28, 2009 at 6:00 p.m.

Kenmore Council meeting

Public Hearing

Location:

Northshore Utility District offices
6830 NE 185th St
Kenmore, WA

October 6, 2009 at 6:30 p.m.

Edmonds School District - Board meeting

Public Hearing

Location:

Edmonds School District – administrative offices
0420 68th Ave. W
Lynnwood, WA

October 20, 2009 at 7:00 p.m.

Edmonds Council meeting
Public Hearing
Location:

Edmonds City Hall
121 5th Ave N
Edmonds, WA

November 16, 2009 at 7:00 p.m.

Woodway Council meeting
Public Hearing
Location:

Woodway City Hall
23920 113th PI W
Woodway, WA

December 2, 2009 at 1:30 p.m.

Edmonds Community College,
President's Cabinet

Location:

Edmonds Community College
Lynnwood Hall, Building 21
20000 68th Ave W
Lynnwood, WA 98036

January 12, 2010 at 1:30 p.m.

Edmonds Community College
Open House/Public Meeting

Location:

Edmonds Community College
Snohomish Hall Room 304

A press release was sent to local and regional newspapers on July 14, 2009. The release provided information regarding the background for the Mitigation Plan, the purpose of the meetings, and a request for public participation and input.

For those individuals who were unable to attend any of the public input meetings, a further opportunity to provide input was provided. ESCA posted background information, a series of questions, and feedback forms on ESCA's website (www.esca1.com). Newspaper articles, jurisdictional postings, and websites maintained by the participating jurisdictions directed interested parties to this information and solicited feedback. Plan participants

also maintained printed materials at the front desk of each jurisdiction to provide public access to the information and solicit public input.

Hazard-specific Research

During the course of the plan development process, a large amount of information and data was collected for eight natural disasters: drought, earthquake, flood, landslide, severe storm, tsunami and seiche, volcanoes, and wildland-urban interface fire.

Sources for this information included local records, existing Hazard Identification and Vulnerability Assessments (HIVA) and emergency management plans, local agencies, the Internet, emergency management publications, and government agencies at all levels.

Plan Development Process

The Disaster Mitigation Act of 2000

In the past, federal legislation has provided funding for disaster relief, recovery, and hazard mitigation planning. The Disaster Mitigation Act of 2000 is the latest legislation to improve the planning process. It reinforces the importance of mitigation planning and emphasizes planning for disasters *before* they occur.

The Disaster Mitigation Act is intended to facilitate cooperation between state and local authorities and to encourage coordinated efforts between jurisdictions. The Act encourages and rewards local and state pre-disaster planning and promotes sustainability as a strategy for disaster resistance.

To implement the new Disaster Mitigation Act requirements, the Federal Emergency Management Agency (FEMA) prepared an Interim Final Rule, published in the Federal Registry on February 26, 2002, at 44 CFR Parts 201 and 206, which establishes planning and funding criteria for state and local governments.

The primary purpose of hazard mitigation is to identify community policies, actions, and tools for implementation over the long-term that will result in a reduction in risk and potential future losses community-wide. This is accomplished by using a systematic process of learning about the hazards that can affect the community, setting clear goals, identifying appropriate actions, following through with an effective mitigation strategy, and keeping the Plan current.

Local Involvement

Fourteen jurisdictions in north King and south Snohomish Counties participated in this Mitigation Plan. They are: the Cities of Brier, Edmonds, Kenmore, Lake Forest Park, Lynnwood, Mill Creek, Mountlake Terrace, Mukilteo, Woodinville, the Town of Woodway, Edmonds Community College, Edmonds School District, Olympic View Water and Sewer District, and the Port of Edmonds.

Each jurisdiction contributed to plan development through dedicated staff time to oversee the development of the Plan, assist in writing the Plan, and/or compiling jurisdiction-specific information contained in the Plan.

Public Notification

In addition to each jurisdiction posting meeting notices in accordance with local Codes and Ordinances, press releases were sent to local and regional newspapers. These include:

- Edmonds Paper
- Enterprise
- Everett Herald
- Kenmore/Bothell Reporter
- Mill Creek View
- Puget Sound Business Journal
- Seattle P-I, City Desk
- Seattle P-I, North Bureau
- Seattle Times, City Desk
- Seattle Times, North Bureau

As a further attempt to get information to the public, the full document is maintained on the ESCA website (www.esca1.com), and links to the ESCA website were provided on the individual jurisdictions' websites.

Important dates and elements in the plan process

September 9, 2005 – City of Mukilteo joins ESCA

The City of Mukilteo signed the Interlocal Agreement making it the 8th ESCA member.

March 27, 2006 – City of Lake forest Park joins ESCA

The City of Lake Forest Park signed the Interlocal Agreement making it the 9th ESCA member.

July 15, 2008 – Pre-Disaster Mitigation Planning Meeting

The participating jurisdictions met with the Regional Plan Manager to discuss the development process and coordinate efforts.

September 9, 2008 – Pre-Disaster Mitigation Planning Meeting

The participating jurisdictions met with the Regional Plan Manager to discuss progress and establish next steps in the planning process.

November 4, 2008 – Pre-Disaster Mitigation Planning Meeting

The participating jurisdictions met with the Regional Plan Manager to discuss progress and to work on the document.

May 16, 2009 – City of Woodinville joins ESCA

The City of Woodinville signed the Interlocal Agreement making it the 10th ESCA member.

June 19, 2009 – Received Letter of Commitment for Disaster Mitigation Planning Project

- Edmonds Community College³

July 22, 2009 – Regional Public Input Meeting

This meeting was held at the ESCA offices. Press releases were sent out for this meeting as well as the rest of the meeting schedule. In addition to posting on the ESCA website, individual jurisdictions posted for this meeting in accordance with local codes and ordinances. Staff from each jurisdiction attended, as did ESCA staff.

August – December 2009 – Local Public Input Meetings

See pages I-11 through I-16 for full schedule and timeline of meetings.

December 14, 2009 – Submission of Mitigation Plan

May 17, 2010 – Resubmission of Mitigation Plan with suggested changes.

September 7, 2010 – Resubmission of Mitigation Plan with NFIP additions.

October 28, 2010 – Provided additional documentation as per FEMA's request.

November 4, 2010 – Received verbal confirmation of acceptance by Washington State EMD and FEMA.

³ Edmonds Community College was participating in the planning process before providing the official letter.

November 2010 – Jurisdictions formally adopt *North King and South Snohomish Counties Regional Mitigation Plan* through Resolution.
(See page I-24 for full adoption timeline and Resolution numbers.)

Xxxxxx XX, 2010 – Promulgated Plan delivered to Washington State Military Department, Emergency Management Division, Camp Murray

Plan Adoption

Organizations and Decision Making

Each participating jurisdiction is subject to one of four forms of government: Mayor-Council, Council-Manager, Elected Board and appointed Board of Trustees.

Mayor-Council Form of Government⁴

This form of government, also known as a “strong mayor,” provides for the direct election of a Mayor by the populace. The Mayor has responsibility for managing day-to-day operations of the City or Town.

The Council, also elected, is the legislative body responsible for setting policy. Issues may be placed on the agenda by either the Council or the Mayor. The issue is presented to the Council body, and an opportunity is provided for public input. After discussion among the Council members, a vote is taken, and the majority decision is implemented.

Of those jurisdictions participating in this Mitigation Planning process, the following Cities and Towns follow the Mayor-Council form of government:

- City of Brier
- City of Edmonds
- City of Lake Forest Park
- City of Lynnwood
- City of Mukilteo
- Town of Woodway

Council-Manager Form of Government⁵

For this form of government, Council members are elected by the citizens, and the Mayor is chosen from among the elected body. The Mayor, in this capacity, does not have any additional authority, but is primarily responsible for the effective operation of Council meetings. The Mayor also acts in a ceremonial capacity and represents the body to sign resolutions and other official documents.

Council sets policy and relies on the City Manager and other staff to carry out that policy. The City Manager is in charge of ensuring the City's day-to-day operations are carried out.

⁴ Municipal Research and Services Center of Washington (MRSC). Available WWW: <http://www.mrsc.org>.

⁵ Ibid.

Policy issues are placed on the agenda by Council members or the City Manager. In most cases, a presentation is made to the Council; an opportunity is presented for public input and Council discussion, followed by a vote. Policy is set based on the outcome of the Council's vote.

Upon policy approval, the Mayor signs a resolution enacting the policy.

Of those participating in this Plan, the following jurisdictions have the Council-Manager form of government:

- City of Kenmore
- City of Mill Creek
- City of Mountlake Terrace
- City of Woodinville

Elected Board⁶

This form of government relies on a Board that is elected by the voters within the jurisdiction's borders. The Board is then responsible for creating policy and directing the organization's executive – General Manager, Director, or Superintendent – to carry out day-to-day operations.

Issues are placed on the agenda by Board members or by the organization's Executive. As in the previous forms of government, a presentation is made to the Board. An opportunity for public input is provided, followed by discussion by the Board. The Board then votes upon the issue, and the Executive acts in accordance with the majority's vote.

The following jurisdictions follow this form of governance:

- Edmonds School District
- Olympic View Water and Sewer District
- Port of Edmonds

President and Board of Trustees⁷

Day-to-day operations are managed by the President, a position hired by the Board of Trustees.

The Board of Trustees is composed of five members appointed by the Governor. Each member serves a five-year term and must reside within the college's district boundaries.

The following jurisdictions follow this form of governance:

- Edmonds Community College

⁶ Ibid.

⁷ Edmonds Community College. Available WWW: <http://edcc.edu/>

As identified above, the regional partners for this Plan have differing governance roles and responsibilities.

Each jurisdiction is responsible for meeting legal requirements (i.e., State laws, local ordinances, statutes or regulations) associated with their portion of the Plan's review and adoption.

Review Process

Each City and Special Purpose District actively solicited public review and input on the document in accordance with the local jurisdiction's rules, regulations and requirements.

Each jurisdiction's Council or Board then reviewed the jurisdiction's breakout.

After review and discussion, each Council or Board approved the submission of the Plan to Washington State and FEMA for review and approval.

Agency/Jurisdiction	Date of Approval to Submit
Brier	August 25, 2009
Edmonds	October 20, 2009
Kenmore	September 28, 2009
Lake Forest Park	September 10, 2009
Lynnwood	September 14, 2009
Mill Creek	September 22, 2009
Mountlake Terrace	August 17, 2009
Mukilteo	September 8, 2009
Woodinville	June 16, 2009
Woodway	November 16, 2009
Edmonds Community College	December 2, 2009
Edmonds School District	October 6, 2009
Olympic View Water & Sewer District	September 21, 2009
Port of Edmonds	August 31, 2009

Once approved by the State and FEMA, each Council and Board is then responsible for adopting the Plan through Resolution.

Adoption

Following the jurisdiction's individual requirements, each City/Town Council or agency Board signed a Resolution formally adopting the North King and South Snohomish Counties Regional Mitigation Plan. This process was done in accordance with individual requirements and in compliance with the type of organization.

Agency/Jurisdiction	Resolution Number	Date of Adoption
Brier		
Edmonds		
Kenmore		
Lake Forest Park		
Lynnwood		
Mill Creek		
Mountlake Terrace		
Mukilteo		
Woodinville		
Woodway		
Edmonds Community College		
Edmonds School District		
Olympic View Water & Sewer District		
Port of Edmonds		

The *North King and South Snohomish Counties Regional Mitigation Plan* was formally promulgated by signature of the Mayors of Brier, Edmonds, Kenmore, Lake Forest Park, Lynnwood, Mill Creek, Mountlake Terrace, Mukilteo, Woodinville and Woodway as well as the Board Chairs of Edmonds Community College, Edmonds School District, Olympic View Water and Sewer District, and the Port of Edmonds.

Plan Maintenance

Evaluating and Updating the Plan

The *North King and South Snohomish Counties Regional Mitigation Plan* will be monitored and evaluated on an ongoing basis by the individual jurisdictions.

In general, for municipal jurisdictions, the responsibility for monitoring and evaluating progress will primarily rest with the jurisdiction's Planning Director (or equivalent) and/or the Public Works Director (or equivalent). A brief overview of the progress should be provided to the City Council on an annual basis.

For the Special Purpose Districts, the responsibility will reside with the Safety and/or Facilities Director. A brief overview of the progress should be provided to the jurisdiction's Board or governing body on an annual basis.

For the current participants, responsibility is assigned as follows:

<u>Jurisdiction</u>	<u>Monitor/Evaluation Responsibility</u>
Brier	Public Works Director & City Clerk
Edmonds	Development Services Director & Public Works Director
Kenmore	City Manager's Office
Lake Forest Park	Public Works Director
Lynnwood	Public Works Director & Community Development Director
Mill Creek	Public Works Director
Mountlake Terrace	Planning Director & Public Works Director
Mukilteo	Public Works Director
Woodinville	Assistant to the City Manager
Woodway	Public Works Director & Mayor
Edmonds Community College	Director of Facilities Operations, Security & Capital
Edmonds School District	Director of Facilities Operations
Olympic View Water and Sewer	General Manager
Port of Edmonds	Safety Committee

In addition, the Plan will be evaluated and updated on a five-year cycle to determine the effectiveness of mitigation programs, projects, or other related activities and reflect changes in land development or programs that may affect mitigation priorities and/or strategies. Five-year updates will be

delivered to the Washington State Hazard Mitigation Program Manager for review and forwarding to the Federal Emergency Management Agency, Region X Office.

Each jurisdiction will be responsible for reviewing and evaluating their section of the Plan on a regular basis. It is *suggested* that the jurisdictions conduct the evaluation half-way through the five-year cycle to ensure that the Plan is staying on target.

Five-Year Plan Update

Updates to the *North King and South Snohomish Counties Regional Mitigation Plan* shall be conducted on a five-year cycle. At this time, no funding sources are identified for additional ESCA staff time, so each jurisdiction will be responsible for updating their portion of the Plan.

At the end of this Plan cycle, each jurisdiction will receive both a printed and an electronic copy of the Plan. The electronic copy can be used as a template to update the Plan in 2015.

The Mayors of each of the participating municipalities, and the Chairs or Presidents of Edmonds Community College, Edmonds School District, Olympic View Water and Sewer District, and Port of Edmonds, or their designated representatives, shall approve the updated Plan. A copy of the updated Plan shall be submitted to the Washington State Hazard Mitigation Officer no later than July 31st of the update year.

PROJECTED TIMELINE **PLAN EVALUATION AND UPDATE SCHEDULE 2010-2015**

<u>Date</u>	<u>Required Action to be Taken</u>
September 2014	Jurisdiction(s) should investigate grant options to pay for the 5-year update. Lead agency should be identified to apply for appropriate grant(s).
January 2015	Participating jurisdictions should identify the lead, or coordinating, agency in the update process.
March 2015	Staffs, for each jurisdiction, begin 5-year Plan update process. Each jurisdiction should develop an update of all mitigation activities and/or projects.
March – May 2015	Update Plan in cooperation with participating jurisdictions.
June - July 2015	Conduct at least one public meeting regarding the Plan update. Receive comments from community and key stakeholders. Revise Plan as necessary.
July – Sept. 2015	Obtain approval of updated Plan by all participating jurisdictions.
Sept. 30, 2015	Submit updated Plan to Washington State Hazard Mitigation Officer.

Continued Public Involvement

All participating entities are dedicated to the continued involvement of the public in the natural hazards mitigation process.

Copies of the *North King and South Snohomish Counties Regional Mitigation Plan* will be kept and made available for public review on the ESCA website (www.esca1.com) as well as at the following locations:

- City/Town Hall
 - City of Mountlake Terrace
 - City of Brier
 - City of Edmonds
 - City of Kenmore
 - City of Lake Forest Park
 - City of Lynnwood
 - City of Mill Creek
 - City of Mukilteo
 - City of Woodinville
 - Town of Woodway
- Special Purpose District Offices
 - Edmonds Community College
 - Edmonds School District
 - Olympic View Water and Sewer District
 - Port of Edmonds
- Libraries
 - Brier (Sno-Isle Regional Library)
 - Edmonds (Sno-Isle Regional Library)
 - Kenmore (King County Library System)
 - Lake Forest Park (King County Library System)
 - Lynnwood (Sno-Isle Regional Library)
 - Mill Creek (Sno-Isle Regional Library)
 - Mountlake Terrace (Sno-Isle Regional Library)
 - Mukilteo (Sno-Isle Regional Library)
 - Woodinville (King County Library System)

Contact information for ESCA is included in the Point of Contact information on page *vii* of the Mitigation Plan.

A notice regarding the existence and location of these copies of the *North King and South Snohomish Counties Regional Mitigation Plan* will be publicized in accordance with each jurisdiction's requirements.

A minimum of one public meeting will be held by each jurisdiction as a part of the five-year plan update. The purpose of these meetings is to provide a public forum so that citizens can express concerns, opinions, or ideas about the *North King and South Snohomish Counties Regional Mitigation Plan*.

Additional opportunity for public review and input is provided through budget and Plan Review processes scheduled and conducted on a regular basis.

- Budgets are maintained on an annual or biennial basis, depending on the jurisdiction.
- Capital Improvement Plans are generally created with a 6-year horizon with annual reviews and updates.
- Cities maintain 5-year cycles for the Comprehensive Plan; and many jurisdictions review and update one or more sections of the Plan each year. This provides additional public input opportunity.

Plan Membership / Adding Jurisdictions

The jurisdictions within the North King and South Snohomish Counties area are committed to regional cooperation. To facilitate and expand future cooperation and regional partnerships, the *North King and South Snohomish Regional Mitigation Plan* provides the following process for jurisdictions wishing to join this Plan. There are two options for this addition.

In the *first option*, a new City, Town or Special Purpose District joins ESCA through-signing the Interlocal Agreement. In this case, the new member also commits to regional planning efforts, including the *North King and South Snohomish Regional Mitigation Plan*. A section pertaining to the new jurisdiction will be added at the soonest possible time.

The *second option* is if a jurisdiction that is *not* an ESCA member wishes to add onto the Plan. In this case:

1. The non-ESCA jurisdiction wishing to join the Plan contacts the Regional Plan Manager (ESCA) with a request to participate.
2. The Regional Plan Manager provides the jurisdiction with a copy of the approved Plan, the local planning requirements and any other pertinent data.
3. The jurisdiction reviews the Regional Mitigation Plan and develops the portions of the Plan that are specific to the jurisdiction and required by the Regional Plan Manager to comply with the Regional Plan. This portion of the Plan must meet the requirements of 44 CFR 201.6 of the Disaster Mitigation Act of 2000 including a public process.
4. The new jurisdiction submits its portions of the Hazard Mitigation Plan to the Regional Plan Manager for review and compliance with regional planning criteria.
5. The Regional Plan Manager forwards the new jurisdiction's Plan to the State Hazard Mitigation Program Manager for review and compliance with Disaster Mitigation Act of 2000. The Regional Plan Manager also sends certification to the State Hazard Mitigation Program Manager that the new jurisdiction meets the Regional Mitigation Plan criteria.
6. The State Hazard Mitigation Program Manager reviews the new jurisdiction's Plan for Disaster Mitigation Act of 2000 criteria compliance in conjunction with the approved Regional Plan. If the Plan does not meet criteria, the State Hazard Mitigation Program Manager works with the jurisdiction to resolve issues until it does.

7. The State Hazard Mitigation Program Manager Disaster Mitigation Act of 2000 compliance.
8. Upon approval from FEMA Region X, the new jurisdiction is considered part of the Regional Mitigation Plan and will comply with the update schedule, workgroups, planning committee and criteria in the Regional Mitigation Plan as required.

Section III: Multi-Jurisdictional Breakouts

Section III provides individualized information for each jurisdiction. It includes a brief description of each City or Special Purpose District. Additionally, each jurisdiction has individually rated the risk from all eight identified natural hazards.

Once each jurisdiction identified local risks, they developed a schedule of mitigation action-items to be implemented within their borders. ***These action items were developed through coordination with, and consideration of, existing documents*** such as budgets and Capital Improvement Plans (CIP), public input, internal policies, local knowledge, and staff expertise.

Additionally, each jurisdiction recognizes the necessity for regional cooperation in both day-to-day activities as well as regional mitigation efforts. Every effort is made to coordinate and maximize mitigation benefits on a regional basis.

The jurisdictions participating in this plan are committed to developing regional projects as necessary and appropriate, and as funds are available.

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Multi-Jurisdictional / Multi-Hazard Mitigation

The pages in Section III provide the individual breakouts for each jurisdiction.

Each breakout contains the following sections:

- A brief summary or description of the City or Special Purpose District. It includes information such as population, area covered, and other features or concerns unique to the jurisdiction.
- A hazard rating score and description of the identified vulnerabilities.
- A list of some mitigation projects that have been completed in the past or are currently in process.
- A summary of the Mitigation Action Items identified for future efforts.

Local Hazard Identification and Vulnerability Analysis (HIVA)

While each jurisdiction has some potential exposure to each of the natural hazards identified in Section II of this document, the levels of risk and vulnerability may widely vary between the jurisdictions. As a result, each jurisdiction addresses these issues individually with a brief description of the local concerns.

Hazard Ratings

In 2003, the State of Washington provided 20/20 software to the counties to provide a consistent rating system for natural hazards. The *North King and South Snohomish Counties Regional Mitigation Plan* adapted the rating criteria into a spreadsheet and used this tool to rate local hazards. There was no effort made to duplicate all the functions of the 20/20 software. Instead, the intent was to ensure that the rating system was consistent with that being used by the counties.

All hazard rating spreadsheets are included at the end of this document in Section VII.

Based on the description of this software, and using the same basic criteria as derived from the 20/20 software, the following spreadsheet was developed:

**Criteria for Scoring Natural Hazards
(Based on 20/20 software)**

<i>Impacted Areas</i>	<i>Rating</i>	<i>"Areas impacted by the hazard"</i>
	1	Less than 25% of developed areas
	2	Less than 50% of developed areas
	3	Less than 75% of developed areas
	4	More than 75% of developed areas

<i>Health and Safety</i>	<i>Rating</i>	<i>"Probability of persons killed or injured"</i>
	1	Few injuries/illnesses
	2	Few fatalities, but many injuries/illnesses
	3	Numerous fatalities

<i>Property</i>	<i>Rating</i>	<i>"Probability of property damaged or destroyed"</i>
	1	Few properties destroyed/damaged
	2	Few destroyed/many damaged -- OR -- Many destroyed, few damaged
	3	Many properties destroyed and damaged

<i>Environment</i>	<i>Rating</i>	<i>"Probability of environmental damage"</i>
	1	Resources damaged with short-term recovery
	2	Resources damaged with long-term recovery
	3	Resources damaged beyond recovery

<i>Economic</i>	<i>Rating</i>	<i>"Probability of economic disruption"</i>
	1	Low direct and/or low indirect costs
	2	High direct and low indirect costs -- OR -- Low direct and high indirect costs
	3	High direct and high indirect costs

<i>Probability of Occurrence</i>	<i>Rating</i>	<i>"Probability or frequency of occurrence"</i>
	1	Unknown but rare occurrence
	2	Unknown but anticipated
	3	100 years or less
	4	25 years or less
	5	Once per year or more

Using the criteria as defined above, members filled out the following form, with one section provided for each of the eight natural hazards identified for the North King and South Snohomish Counties region. Examples of two forms are below.

EXAMPLE

Drought

	Rating Scale	Risk Categories
4	(1-4)	Areas impacted by the hazard
1	(1-3)	Probability of persons killed or injured
1	(1-3)	Probability of property damaged or destroyed
1	(1-3)	Probability of environmental damage
1	(1-3)	Probability of economic disruption
	8	Sum of Risk Categories
2	(1-5)	Probability or frequency of occurrence
16	Natural Hazard Rating	
	(Sum of Risk Categories x Probability or frequency of occurrence)	

EXAMPLE

Earthquake

	Rating Scale	Risk Categories
4	(1-4)	Areas impacted by the hazard
3	(1-3)	Probability of persons killed or injured
3	(1-3)	Probability of property damaged or destroyed
3	(1-3)	Probability of environmental damage
3	(1-3)	Probability of economic disruption
16	Sum of Risk Categories	
3	(1-5)	Probability or frequency of occurrence
48	Natural Hazard Rating	
	(Sum of Risk Categories x Probability or frequency of occurrence)	

The rating scales varied from “1 to 3” to “1 to 5,” with six criteria being considered independently. The first five criteria were rated and subtotaled. These were:

Impacted Areas	(scale of 1 – 4)
Health and Safety	(scale of 1 – 3)
Property	(scale of 1 – 3)
Environment	(scale of 1 – 3)
Economic	(scale of 1 – 3)

Once these ratings were established, they were multiplied by the “Probability of Occurrence” (scale of 1- 5). The maximum score possible was 80 points.

For continuity purposes, the same tool was used in the 5-year update. New plan participants used this rating system as the basis of the rest of their document. Jurisdictions doing a 5-year update reviewed the previous ratings to confirm that there had not been any significant changes or events within their borders.

Mitigation Goals

The natural hazard mitigation goals listed in this portion of the plan are intended to help guide the direction of and prioritize future natural hazard mitigation activities at the local level aimed at reducing risk and preventing loss from natural hazards.

1. Protect Life and Property

- Implement mitigation activities that will assist in protecting lives and property by making homes, businesses, infrastructure, and critical facilities more resistant to natural hazards. In addition to large-scale projects, this may include items such as:
 - Continuing the ESCA Community Emergency Response Team (C.E.R.T.) Program to provide citizens from the north King and south Snohomish Counties area with the information and tools they need to help themselves, their families, and their neighbors in the hours and days immediately following an emergency or disaster event.
 - Encouraging homeowners and businesses to purchase insurance coverage for damages caused by natural hazards.
 - Encouraging homeowners and businesses to take preventative actions in areas that are especially vulnerable to natural hazards.

2. Increase Public Awareness

- Develop and implement additional education and outreach programs to increase public awareness of the risks associated with natural hazards.

3. Encourage Partnerships

- Strengthen inter-jurisdiction and inter-agency communication and coordination and partnering of jurisdictions and agencies to foster the establishment and implementation of natural hazard mitigation strategies and/or projects designed to benefit multiple jurisdictions.

4. Provide for Emergency and Critical Services

- Encourage the establishment of policies at the local level to help insure mitigation strategies and/or projects are designed, prioritized, and implemented, to benefit critical/essential facilities, services, and infrastructure.

5. Facilitate Continuity and Recovery

- Minimize the disruption of services and enable swift recovery after a natural disaster.

6. Protect Natural Systems

- Restore damaged environments and minimize future damage or destruction.

Multiple-Hazard Mitigation Actions

For the purpose of this plan, multiple-hazard action items are those strategies and/or activities that pertain to more than one hazard, as described in the hazard identification section of this plan.

The action items included in this section of the plan may be short-term (ST) or long-term (LT). Some actions may include activities that jurisdictions may implement with existing resources and authorities. Other, more complex, actions may require new or additional resources and authorities as well as multi-agency and/or multi-jurisdictional partnering.

Timeframes are tentative and are intended to be guidelines as opposed to hard commitments. The completion of these projects is contingent upon identifying and obtaining additional resources.

Each item has an individual "code" or identifier. The conventions are as follows:

- Jurisdiction abbreviation
 - BR = Brier, City of
 - ED = Edmonds, City of
 - KM = Kenmore, City of
 - LF = Lake Forest Park, City of
 - LW = Lynnwood, City of
 - MC = Mill Creek, City of
 - MT = Mountlake Terrace, City of
 - MK = Mukilteo, City of
 - WV = Woodinville, City of
 - WW = Woodway, Town of
 - ECC = Edmonds Community College
 - ESD = Edmonds School District
 - OF = Olympic View Water and Sewer District
 - PE = Port of Edmonds
- Number
 - Progressive numbering
- Hazard abbreviation
 - MH = Multi-Hazard
 - D = Drought
 - E = Earthquake
 - F = Flood
 - L = Landslide
 - S = Severe Storm
 - T = Tsunami and/or Seiche

- V = Volcano
- W = Wildland-Urban Interface Fire
- Expected timeframe
 - LT = Long-term
 - ST = Short-term

Example:

BR - 01- MH - ST"
 Brier – Project 1 – MultiHazards – Short Term

Prioritizing Mitigation Actions

Because this plan is multi-jurisdictional, each jurisdiction will develop mitigation priorities at the local level with the direct involvement of the governing body and other participating agencies and organizations.

Due to budget constraints, most of the mitigation measures incorporated into this plan are dependent upon local jurisdictions receiving outside funding; as a general rule, local funding is not available. As a result, local jurisdictions are unsure when many of these mitigation measures will be implemented and the conditions and/or requirements under which implementation may occur.

Unless stated otherwise within an individual entity's break-out, each jurisdiction participating in this plan should prioritize their proposed mitigation projects based on the following factors:

- ***Mitigation action items that have a benefit-to-cost review rating of "2" or greater.***
- Mitigation action items that reduce or eliminate repetitive loss properties.
- Mitigation action items that are multi-jurisdictional and/or multi-agency in nature.
- Mitigation action items that provide the greatest good for the greatest number.
- Mitigation action items that have broad-based public and/or elected official support.
- Mitigation action items that have previously-secured funding sources.
- Mitigation action items that qualify for alternate and/or matching funding.

While it is highly recommended that each of the jurisdictions participating in this plan use the factors listed above in prioritizing mitigation measures, it is recognized that final prioritization is determined by each jurisdiction's Council or Board. A change in local elected officials, changing environmental

requirements, public acceptance of a project, or the occurrence of an actual disaster event may dramatically affect the priority ranking of mitigation actions at the local level.

(Note: A description and example of the benefit-to-cost review rating process is included at the beginning of each jurisdiction's Mitigation Action Items section.)

If federal funding is involved in the implementation of a hazard mitigation project, the City or Special Purpose District will conduct a cost-benefit analysis based on guidelines provided by the United States Department of Homeland Security (FEMA) and the Washington State Military Department, Emergency Management Division on how to determine cost-effectiveness of mitigation projects and how to calculate the cost-benefit ratio.

The purpose of the cost-benefit analysis is to determine if the benefits of the project exceed the federal costs of the project. Both the Hazard Mitigation Grant Program and the Pre-Disaster Mitigation Grant Program require a cost-benefit ratio of at least 1.0 for a project to be considered for funding.

While it may be important to emphasize a positive cost-benefit analysis in the prioritizing of mitigation actions, it is also important to recognize the influence of local political factors, community needs, local values, historic properties, and habitat/environmental issues upon the selection of specific mitigation actions.

Implementing Mitigation Actions

Mitigation measures are already in place at the jurisdiction level through existing plans, codes, and ordinances as well as programs such as the Community Emergency Response Team (C.E.R.T.). Current and ongoing programs are funded through existing and established budgets.

The implementation of new and/or additional mitigation measures is dependent upon the approval of the local elected body as well as obtaining funding from outside sources that have not been secured at this time. As a general rule, local funds are not available for implementation of new mitigation measures. Funding for mitigation measures is largely dependent upon individual entities applying for and receiving federal and/or State hazard mitigation grant funding.

For each action item listed and described in this plan, every effort has been made to identify the lead agency and/or community partners, current or possible funding sources, and an estimated timeline for planning and implementation.

Where mitigation is accomplished through policies, procedures, and/or Building Code adoption and enforcement, the jurisdictions will continue to maintain and enforce these instruments consistent with those adopted and maintained by the State of Washington. This includes, but is not limited to, building inspections and code enforcement, and review processes appropriate for areas with known vulnerabilities.

When feasible, projects and activities with mitigation components will be given a higher priority – and undertaken sooner – than projects or activities without mitigation components.

It should be noted that **short-term** action items and/or mitigation measures are those activities that are expected to be completed in less than two years from the receipt of funding by the jurisdiction. **Long-term** action items and/or mitigation measures are those activities that are expected to take more than two years to complete from the receipt of funding by the local entity, or it is expected that it will take more than two years to obtain funding for the project. Action items and/or mitigation measures that are **current and ongoing** have been identified as such.

The jurisdictions participating in the North King and South Snohomish Counties Regional Mitigation Plan have a variety of local, state, and federal resources available to support implementing and administering the mitigation actions. Each jurisdiction will continue to identify additional resources to support implementing action items.

Local Funding Sources

Local implementation sources vary based on each jurisdiction's scope of function(s), authorities, and operational capability and capacity. They may include:

- Use of zoning ordinances and building codes.
- Enforcement of sensitive or critical areas ordinances.
- Incorporation into local emergency response plan(s).
- Incorporation into local economic development plan(s).
- Use and support of existing local personnel (planners, city engineers, GIS specialists, and/or emergency managers).
- Capital improvement project funding.
- Authority to levy taxes and special bonds.
- Fees for services.
- Other sources yet to be identified.

The current economic condition and funding level of the participating jurisdictions drastically limits the use of local resources. State or federal funding will be needed to accomplish many of the action items and mitigation measures referenced in this plan.

State Funding Sources

- State-administered Hazard Mitigation Grant Program, Flood Mitigation Act, and Pre-Disaster Mitigation Program
- Department of Ecology Flood Control Assistance Account Program (FCAAP)
- Department of Transportation Emergency Relief Program
- Office of Community Development Block Grants
- Programs administered by the Washington State Transportation Improvement Board
- Other sources yet to be identified

NOTE: An extensive listing of state funding opportunities is available at the following website: <http://www.infracfunding.wa.gov>.

Federal Funding Sources

- Stafford Act, Section 406 – Public Assistance Program Mitigation Grants
- Stafford Act, Section 404 – Hazard Mitigation Grant Program
- Disaster Mitigation Act of 2000 – Pre-Disaster Mitigation Program Competitive Grants
- United States Fire Administration – Assistance to Firefighters Grants
- United States Small Business Administration – Pre- and Post-Disaster Mitigation Grants
- United States Department of Economic Development Administration Grants
- United States Department of Housing and Urban Development Grants, such as the Community Development Block Grant Program
- United States Army Corps of Engineers
- United States Department of the Interior, Bureau of Land Management
- Federal Highway Administration
- Other sources yet to be identified

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Kenmore

Kenmore¹ became the 39th city within King County when it incorporated in 1998. The City is located in the northern portion of King County, commonly known as the "Northshore" area. (See map, page III-92.) Kenmore is defined by the Lake Washington shoreline as well as hillsides and the Sammamish River valley that ultimately drains to the Lake.

Kenmore contains about 6.1 square miles of land with approximately 6.4% of the currently incorporated area lying vacant.² It has a population of 20,200 people (2008) living in 8,256 (2007) housing units.³ This translates to population density levels of 3,311 people per square mile and about 2.1 housing units per acre.⁴

Critical structures are identified in Annex C.

Hazard Identification

Based on past experience and regional histories, the City of Kenmore rates its risk of natural hazards as follows:

HAZARD	RATING* (of 80 possible points)
Drought	20
Earthquake	48
Flood	
100-year	24
Urban	25
Landslide	32
Severe Storm	28
Tsunami & Seiche	22
Volcano	24
Wildland Urban Interface Fire	20

* Please see pages III-3 through III-5 of this document for information on the rating system used in this plan.

Drought

Rating: 20

Drought is not considered to be a high-risk hazard for the City of Kenmore. The City's potable water is supplied by the Northshore Utility District and is relatively stable for short-term (one season) droughts. Citizens may be asked to take conservation measures and limit lawn watering, but the City will still receive adequate potable water for its needs.

At greater risk are Lake Washington, and the rivers and streams running through Kenmore. A severe but short-term drought is likely to reduce water levels in Lake Washington and the City's rivers and streams. Reduced water levels lead to higher

water temperatures which, in turn, may make the streams uninhabitable for salmon and other aquatic organisms downstream. With several species of salmon listed as "endangered" or "threatened," this could delay recovery efforts.

The City of Kenmore considers drought to be a LOW risk.

Earthquake

Rating: 48

Kenmore is located in Seismic Zone 3, between several fault lines, and an earthquake is therefore considered to be a significant risk for the City.

As discussed in this document's HIVA, earthquakes occur in Washington State on an almost daily basis. While most quakes are minor, seismologists tell us that we can expect a 7.0 magnitude deep or intraplate earthquake about every 70 years and an 8.0 or greater subduction quake every 150 to 1,100 years.

Based on this information, when a major earthquake occurs in the region, the City can expect significant damage, injuries, and possibly deaths.

Earthquake is rated as a MODERATE to HIGH RISK.

Flooding

Kenmore does not have any major rivers flowing in or around its borders. It does, however, have a lake, wetlands, and several streams running through it as well as 103 miles of road (impervious surface) and another 150 miles of stormwater system. All of these items contribute to intermittent flooding in sections of the City, though it should be noted that the *City of Kenmore has one repetitive flood property*.

The City of Kenmore is a participant in the NFIP, and does not have any findings.

*For more complete information on the City's NFIP standings, please see **Section VI, Addendum C**.*

100-Year Flood

Rating: 24

The Sammamish River runs through the City of Kenmore and empties into Lake Washington. The City also has multiple creeks and wetlands located within the city limits, and these are vulnerable to regular, seasonal flooding events. While these events are damaging, they are limited in scope and not catastrophic in nature.

Altogether, the City of Kenmore has 651 acres located in the 100-year floodplain, affecting 451 lots. The total value for this property is \$134,433,800.

Three mobile home parks are among the properties in the floodplain. These are:

- Sarvis Mobile Home Park – 27 spaces and duplex dwelling unit
- Lakewood Villa Mobile Home Park – 57 spaces
- Inglewood East Mobile Home Park – 74 spaces

Mobile homes are of particular concern in the flood zone. These residences are usually mounted on blocks and may be more than 20 years old. A flood event may destabilize the structure by eroding soil and cause the mobile home to shift off the supports. Additionally, if water enters the structure, the mobile home may be damaged beyond repair and rendered uninhabitable.

Overall, the risk for a 100-year flood in the City of Kenmore is low-to-moderate. While the City has risk from a major flooding event, it is limited in its impact to the City, and the likelihood of occurrence (1%, by definition) limits the risk still further.

Urban Flooding

Rating: 25

Kenmore is prone to urban flooding on a regular basis. This is due to excessive rainfall or snowmelt which overwhelms the stormwater system, wetlands, lake, and streams. It is intensified by the increasing amount of impervious surface as surrounding jurisdictions and areas upstream develop and Kenmore continues to in-fill.

Flooding is a LOW to MODERATE risk.

Landslide and Soil Displacement

Rating: 32

Kenmore has several geologically hazardous areas related to steep slopes and unstable soils.⁵ These areas are made more vulnerable by the fact that Kenmore is in Seismic Zone 3 and is therefore exposed to the possibility of earthquakes from several fault lines in the area. A large earthquake may destabilize and displace soil causing landslides.

Some areas of the city are also made more vulnerable because of creeks. If the creeks flood, or even have an unusually high waterflow, the water may undercut or wash away sections of the creek banks. Heavy, saturating rains may also cause soil erosion, wash creek banks away, and cause sinkholes.

Landslide and soil displacement is considered is a MODERATE risk.

Severe Storm

Rating: 28

Kenmore is subjected to severe storms on a regular basis. Windstorms occur nearly every winter, and rainstorms are not unusual. While rarer, the City has also experienced heavy snows and freezing rains.

Winds and snow or ice regularly cause tree branches to break and/or trees to fall. This may cause power outages or damage buildings.

The Inaugural Day Storm in 1993 had winds of 66 mph. This storm interrupted power to the City for more than three days. Branches and trees were downed and laid across streets, roads, and yards. Roofs were damaged from a combination of branches and the wind itself. High winds, storms and widespread power outages in December 2006 caused significant disruption in Kenmore.

Severe Storm is a LOW to MODERATE risk.

Tsunami and Seiche

Rating: 22

Tsunami is the least likely of the hazards that Kenmore could be subject to. The lack of risk from tsunami is due to the fact that Kenmore is not on the oceanfront and is buffered by the land masses in Puget Sound.

Seiche is a somewhat more viable hazard, primarily because of Kenmore's location on the north end of Lake Washington. While some 3,000 feet of the shoreline are part of St. Edward State Park and therefore undeveloped, most of the rest of the shoreline is developed with a combination of homes, businesses, and boating facilities. These are all vulnerable to damage during a seiche event.

Tsunami and seiche are LOW to MODERATE risk.

Volcano

Rating: 24

Kenmore is unlikely to suffer direct damage from a volcano eruption. In the event of an eruption, the City may experience ashfall, and this can interfere with the operation of motor vehicles, require expensive clean-up efforts by the City, and cause respiratory distress to the citizens. The City is highly unlikely to experience any lava flow, lahar activity, or any of the other risks associated with volcanoes.

A secondary effect of a volcano eruption is the influx of refugees into the area. This may be an issue to the City, and the region as a whole, as resources are overwhelmed by numbers of people that the infrastructure is not designed to handle.

This includes everything from roads and highways, water and electric utilities, to the regional hospital.

Volcanic eruption is a LOW to MODERATE risk.

Wildland-Urban Interface Fire

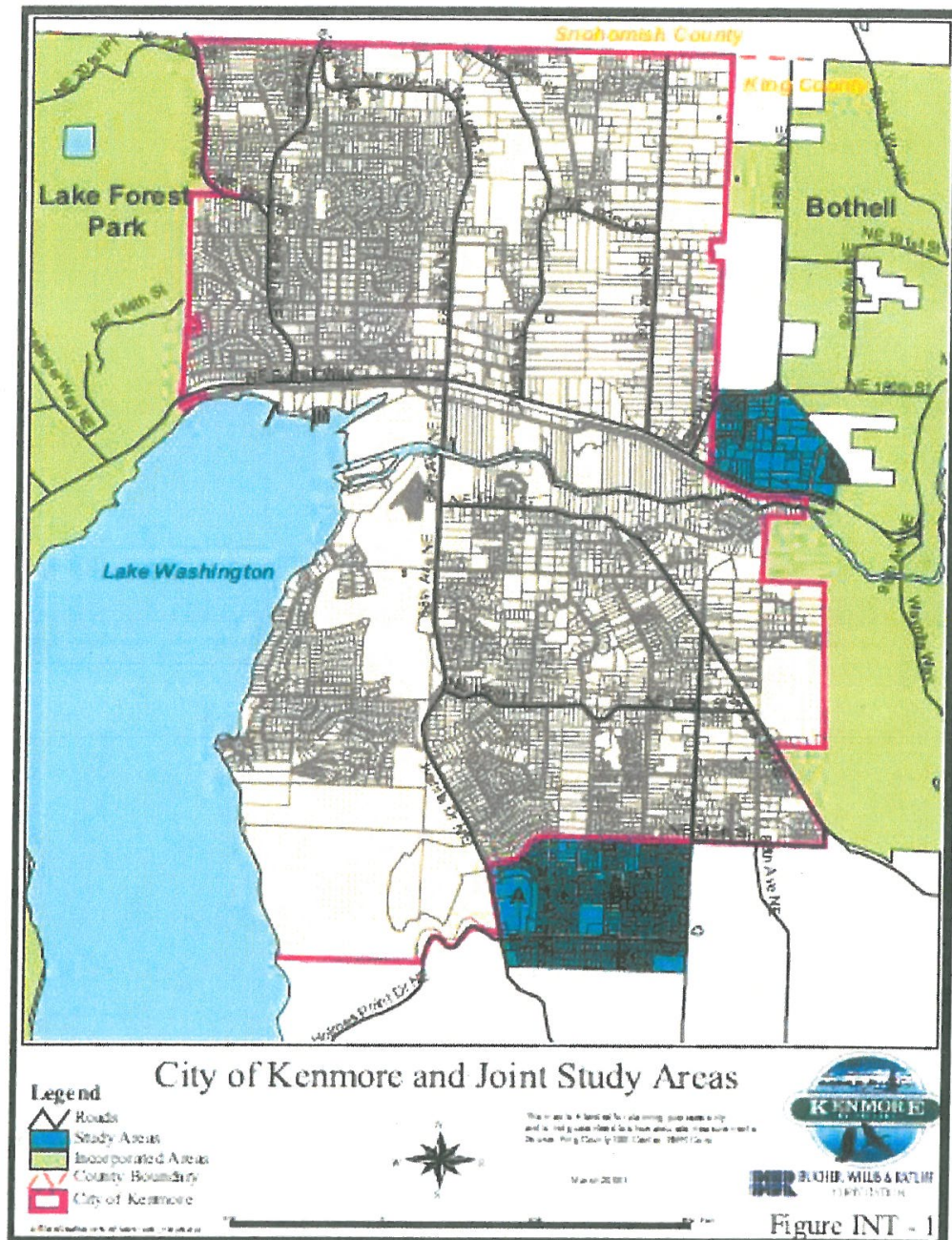
Rating: 20

Wildland-urban interface fire is a concern to the City of Kenmore due to the parks, wetlands, greenbelts, and undeveloped land parcels that are scattered throughout the city. The threat is in reverse proportion to the amount of rainfall in the region. When rain is scarce, the fire threat increases.

During the summer of 2003, new records were set for number of days without rain. As a result, Kenmore and the north King and south Snohomish Counties region experienced several fires that were caused by careless smokers or sparks from machinery being operated next to dry grass. These fires were quickly contained and extinguished, but the close proximity of houses to these wildland areas, and the relative density of the housing units, makes wildland-urban interface fires a significant risk during periods of drought or excessive dryness.

Wildland-urban interface fire is a LOW risk.

Figure 1: Kenmore City Map



Mitigation

Existing and Ongoing Mitigation Activities

The City of Kenmore is taking the following actions in ongoing efforts to mitigate for natural hazards and to maintain public safety.

All Hazards

The City of Kenmore is a member of the Emergency Services Coordinating Agency (ESCA). As such, Kenmore receives emergency management planning and response services.

As part of the preparation and mitigation services, ESCA provides education in the form of Community Emergency Response Team (CERT) training. This training is provided to the citizens of the member Cities and Towns. The goal is to prepare people to be self-sufficient for as much as three days after a major disaster until safety personnel can get to them.

Capital Improvement Plan and Operations and Maintenance Budget.

- Address deficiencies in the public works infrastructure, such as the end of service life of components (piping, valves, and electronics). Several projects are done each year to increase reliability or restore the system to original reliability.

Codes

Table 1: Kenmore City Codes

Name of Document	Purpose	Review Schedule*
Zoning Code Ordinance	Adoption as a minimum standard the most current publications and standards.	Sections revised annually through the docket process.
State Environmental Policy Act – City Environmental Policy (SEPA)	Implement procedures and policies to improve and coordinate plans, functions, programs, and resources consistent with state and county policies for environmental protection.	Adopted 1998
Shorelines Management Act	Protect against adverse effects to the public health, the land and its vegetation and wildlife by managing shorelines.	Adopted 1998. Shoreline Master Program Under review 2008-2009.
KMC 18.55.240. Critical Area Regulations	Protect the public from damages from landslides, subsidence erosion, flooding and water courses.	New Critical Area Regulations Adopted 2006. Floodplain regulations adopted 1998.
Surface Water Management Plan	Address City's regulatory compliance and capital improvement needs related to surface water.	Adopted 1998 Reviewed and adopted in 2001. Reviewed and adopted in 2008.
King County Surface Water Design Manual	Provide guidance on the estimation and control of stormwater runoff quantity and quality.	Adopted January 2010 (Kenmore Municipal Code 13.35)
2006 Edition of the International Building Code	Construct to the highest standards available.	Adopted 2007
2006 Edition of the International Fire Code	Construct to the highest standards available.	Adopted 2007
2006 Edition of the International Mechanical Code	Construct to the highest standards available.	Adopted 2007
2006 Edition of the Uniform Plumbing Code	Construct to the highest standards available.	Adopted 2007
2006 Edition of the National Electric Code	Construct to the highest standards available.	Adopted 2007
Kenmore Comprehensive Plan	Contains community's vision of the City's future, provides a statement of long-range goals and policies.	Kenmore Comprehensive Plan – adopted 2001. Revised 2003 and annually since 2006 as part of the annual docket process. Major review updated due 2011.
National Flood Insurance Program		Adopted October 19, 1998.

* Regulations are updated approximately once every ten years with interim minor updates.

Drought

- Encourage water conservation. The City provides several hundred conservation kits to citizens free of charge each summer. These kits include low-volume shower heads, toilet tank "balloons," hose nozzles, rain/watering gauges, and information booklets on how to conserve water.

Earthquake

- Bridge inspections and repairs, including seismic retrofitting.

Flood

- NE 193rd Place storm drainage improvements
- NE 163rd Street storm drainage improvements
- Property acquisition in Swamp Creek Flood Plain
- Swamp Creek Regional Basin Study
- Little Swamp Creek Basin Study
- Little Swamp Creek Relocation Project
- Tributary 0057 channel relocation
- 74th Avenue NE culvert replacement
- NE 192nd Street culvert replacements

Landslide

- Reconstruct and stabilize slopes supporting roadways along SR 522 HOV Enhancement Project, Phase II.

Severe Storm

- Work with utilities to minimize damage to power and telephone lines from trees.

Tsunami and Seiche

- None at this time.

Volcano

- None at this time.

Wildland-Urban Interface Fire

- Maintain right-of-way to minimize dry grasses and undergrowth.
- Restrict fireworks to 4th of July.

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Mitigation Action Items

The Mitigation Plan identifies short- and long-term action items developed through data collection, research, and the public participation process. Mitigation Plan activities may be considered for funding through federal and state grant programs and when other funds are made available through the budgeting process or the passage of bonds.

Action items address multi-hazard (MH) and hazard-specific issues. To help ensure activity implementation, each action item includes information on the timeline and coordinating organizations. Upon implementation, the coordinating organizations may look to partner organizations for resources and technical assistance.

To help ensure activity implementation, each action item includes several pieces of information in the description. These include:

- *Coordinating Organization*
The coordinating organization is that which is willing and able to organize resources, find appropriate funding, or oversee activity implementation, monitoring and evaluation. The coordinating organizations may be local or regional agencies. Organizations written in *italics* are not participating in this Plan but have an established relationship with this jurisdiction.
- *Timeline*
Action items include both long- and short-term activities. Each action item includes an estimate of the timeline for implementation. *Short-term* action items (ST) are activities that organizations may implement with existing resources and authorities within one to two years. *Long-term* action items (LT) may require new or additional resources or authorities, and may take between two and five years to implement.
- *Ideas for Implementation*
Each action item includes ideas for implementation. This may be individual steps for one project, or it may be several related projects that address the natural hazard.
- *Plan Goals Addressed*
The plan goals are identified to monitor and evaluate how well the Mitigation Plan is achieving its goals once implementation begins.
- *Benefit-to-Cost Review*
Due to limitations in staff time, and because project priorities may shift based on changes in funding options and local events, a generalized benefit-to-cost review is used. The steps associated with prioritizing the mitigation projects are as follows:

1. The jurisdiction rates the project cost as “high,” “medium,” or “low” in relation to budget and previous projects, and each rating is assigned a numerical value.
2. The project outcome is then rated as “low,” “medium,” or “high,” and each of these ratings is assigned a numerical value.
3. The two values are added together, and the total provides the cost-benefit and the priority.

Example:

If a project has a *medium approximate cost*, and is considered to be *highly effective*, the benefit-to-cost score would be “5” as indicated below. The benefit-to-cost review score is used as a rough proxy to priority.

Approx Cost	+	Effectiveness	=	Priority / Benefit-to-Cost Review
☐ 1 – High		☐ 1 – Low		☐ 2 – Lowest
☒ 2 – Medium		☐ 2 – Medium		☐ 3
☐ 3 – Low		☒ 3 – High		☐ 4
				☒ 5
				☐ 6 – Highest

The priority/benefit-to-cost review ratings with the highest numbers are considered to be the highest priorities. As always, however, these are subject to financial realities and may not be carried out in the exact order indicated.

MULTI-HAZARD MITIGATION ITEMS (MH)

KM-01-MH-ST: Incorporate the full emergency management cycle – including Planning, Response, Recovery and *Mitigation* – into Kenmore's planning, policy, and financial processes.

Ideas for implementation:

- Revise and update Comprehensive Plan goals, policies and implementation strategies and other appropriate documents to include mitigation measures.
- Update Capital Improvement Plan. Identify and pursue funding opportunities to implement the mitigation activities.
- New Critical Area Regulations adopted 2006.
- Floodplain regulations adopted in 1998. Implement cycle for regular review and updates.
- Encourage Utilities to underground their facilities

Coordinating Organization: Kenmore Community Development; Kenmore Executive Administration; Kenmore City Council; Kenmore Public Works
Estimated Price: To be determined (low costs)
Funding Source: General Fund
Timeline: Ongoing
Plan Goals Addressed: Protect Life & Property; Increase Public Awareness; Provide for Emergency or Critical Services; Facilitate Continuity and Recovery; Protect Natural Systems
Benefit-to-Cost Review: 5

Approx Cost	+	Effectiveness	=	Priority / Benefit-to-Cost Review
☐ 1 – High		☐ 1 – Low		☐ 2 – Lowest
☐ 2 – Medium		☒ 2 – Medium		☐ 3
☒ 3 – Low		☐ 3 – High		☐ 4
				☒ 5
				☐ 6 – Highest

KM-02-MH-ST: Identify equipment necessary for safety and operations.

Ideas for implementation:

- Maintain existing generator and procure 1-2 portable generators. City Hall design and project budget includes generator that will serve the building. Identify alternate source(s) for key parts and components.
- Research, identify and provide safety gear and equipment necessary for city/employee safety.

Coordinating Organization: Kenmore Public Works
Estimated Price: \$300 + To be determined (low cost)
Funding Source: General Fund
Timeline: Ongoing
Plan Goals Addressed: Protect Life & Property; Provide for Emergency or Critical Services; Facilitate Continuity & Recovery
Benefit-to-Cost Review: 6

<u>Approx Cost</u>	<u>+</u>	<u>Effectiveness</u>	<u>=</u>	<u>Priority / Benefit-to-Cost Review</u>
☐ 1 – High		☐ 1 – Low		☐ 2 – Lowest
☐ 2 – Medium		☐ 2 – Medium		☐ 3
☒ 3 – Low		☒ 3 – High		☐ 4
				☐ 5
				☒ 6 – Highest

KM-03-MH-ST: Continue and enhance hazard education programs.

Ideas for implementation:

- Provide CERT classes and preparedness training.
- Supply educational materials for Family Disaster Preparedness.
- Identify other opportunities to enhance local emergency preparedness.

Coordinating Organization: Kenmore Executive Administration; *Northshore Fire District; ESCA, Northshore Utility District*

Estimated Price: \$27,415

Funding Source: General Fund

Timeline: Ongoing

Plan Goals Addressed: Protect Life & Property; Increase Public Awareness; Encourage Partnerships; Provide for Emergency or Critical Services; Facilitate Continuity and Recovery

Benefit-to-Cost Review: 6

Approx Cost	+	Effectiveness	=	Priority / Benefit-to-Cost Review
☐ 1 – High		☐ 1 – Low		☐ 2 – Lowest
☐ 2 – Medium		☐ 2 – Medium		☐ 3
☒ 3 – Low		☒ 3 – High		☐ 4
				☐ 5
				☒ 6 – Highest

KM-04-MH-ST: Enhance public safety strategies for debris avoidance and management for natural hazards events.

Ideas for implementation:

- Minimize threat of debris by developing and enhancing right-of-way maintenance programs.
- Educate and encourage property owners to maintain trees located near roadways.
- Develop coordinated management strategies for public safety issues such as de-icing roads, plowing roads, clearing roads of fallen trees, and clearing debris from public and private property.

Coordinating Organization: Kenmore Public Works
Estimated Price: To be determined (low costs)
Funding Source: General fund
Timeline: Ongoing
Plan Goals Addressed: Protect Life & Property; Provide for Emergency or Critical Services; Facilitate Continuity & Recovery
Benefit-to-Cost Review: 6

Approx Cost	+	Effectiveness	=	Priority / Benefit-to-Cost Review
☐ 1 – High		☐ 1 – Low		☐ 2 – Lowest
☐ 2 – Medium		☐ 2 – Medium		☐ 3
☒ 3 – Low		☒ 3 – High		☐ 4
				☐ 5
				☒ 6 – Highest

KM-05-MH-LT: Develop mapping capabilities to better identify hazard areas and assess potential damage.

Ideas for implementation:

- Implement GIS system (proposed in 2009-2010 biennial budget)
- Incorporate GIS mapping information into zoning and land use processes.
- Use HAZUS to run damage scenarios.
- Coordinate with other agencies such as the Northshore Utility District, Northshore Fire District, King County and other utilities to include mapping of utility facilities.

Coordinating Organization: Kenmore Community Development
Estimated Price: To be determined (low to medium cost)
Funding Source: General Fund
Timeline: 2009 - 2012
Plan Goals Addressed: Protect Life & Property; Increase Public Awareness; Encourage Partnerships; Provide for Emergency or Critical Services; Facilitate Continuity and Recovery; Protect Natural Systems
Benefit-to-Cost Review: 4

<u>Approx Cost</u>	+	<u>Effectiveness</u>	=	<u>Priority / Benefit-to-Cost Review</u>
☐ 1 – High		☐ 1 – Low		☐ 2 – Lowest
☒ 2 – Medium		☒ 2 – Medium		☐ 3
☐ 3 – Low		☒ 3 – High		☒ 4
				☐ 5
				☐ 6 – Highest

DROUGHT MITIGATION ITEMS (D)

KM-06-D-ST: Work with Northshore Utility District to educate consumers about drought impacts and ways to minimize water waste.

Ideas for implementation:

- Insert water conservation information in utility bills.
- Work with schools to educate young people on the importance of water conservation and the impact of drought on watersheds.
- The City loans out a Car Wash kit that removes pollutants from the water and this comes with a brochure for water conservation.
- Encourage participation in the Composter Program.

Coordinating Organization: Kenmore Executive Administration;
Northshore Utility District
Estimated Price: To be determined (low cost)
Funding Source: General funds; Utility funds
Timeline: Ongoing
Plan Goals Addressed: Increase Public Awareness; Encourage Partnerships; Protect Natural Systems
Benefit-to-Cost Review: 4

Approx Cost	+	Effectiveness	=	Priority / Benefit-to-Cost Review
☐ 1 – High		☒ 1 – Low		☐ 2 – Lowest
☐ 2 – Medium		☐ 2 – Medium		☐ 3
☒ 3 – Low		☐ 3 – High		☒ 4
				☐ 5
				☐ 6 – Highest

EARTHQUAKE MITIGATION ACTIONS (E)

KM-07-E-ST: Conduct non-structural retrofit activities.

Ideas for implementation:

Essential Facility design features in new Kenmore City Hall

- Strap down and secure computers and other office equipment and machinery.
- Secure shelves, lockers, and furniture to walls.
- Conduct walk-throughs to ensure that heavy items are not stored overhead. Secure in place or move to safer locations.
- Mount computer servers on seismic isolation platforms, or use other appropriate technology to secure servers.
- Ensure facility water heaters are strapped securely to wall studs in accordance with current requirements.
- Secure ceiling tiles and light fixtures with wires.
- Secure back-up generator and HVAC equipment.
- Secure ducts and piping.
- Use plastic sleeves on fluorescent lighting tubes.
- Replace untempered glass with tempered glass, or install polyester shatter-resistant film over existing glass.
- Install child-proof latches on drawers and cabinets in appropriate locations.

Coordinating Organization:	Kenmore Executive Administration, Kenmore Public Works
Estimated Price:	Structural and other design features incorporated into construction budget for City Hall project; securing equipment is low cost
Funding Source:	Capital Projects Fund; General Fund
Timeline:	City Hall project completion scheduled for 2010, other activities ongoing
Plan Goals Addressed:	Protect Life & Property; Provide for Emergency or Critical Services; Facilitate Continuity and Recovery
Benefit-to-Cost Review:	6

Approx Cost	+	Effectiveness	=	Priority / Benefit-to-Cost Review
☐ 1 – High		☐ 1 – Low		☐ 2 – Lowest
☐ 2 – Medium		☐ 2 – Medium		☐ 3
☒ 3 – Low		☒ 3 – High		☐ 4
				☐ 5
				☒ 6 – Highest

KM-08-E-ST: Encourage reduction of nonstructural and structural earthquake hazards in homes, schools, businesses, and government offices.

Ideas for implementation:

- Provide information to all Northshore School District, City and government departments and school facility managers and teachers on securing bookcases, filing cabinets, light fixtures, and other objects that can cause injuries and block exits.
- Explore partnerships to provide retrofitting classes for homeowners, renters, building professionals, and contractors.
- Provide information on the City's website and in City newsletters on disaster preparedness.

Coordinating Organization: Kenmore Community Development;
Northshore School District

Estimated Price: \$500

Funding Source: General funds

Timeline: Ongoing

Plan Goals Addressed: Protect Life & Property; Increase Public Awareness; Encourage Partnerships

Benefit-to-Cost Review: 4

Approx Cost	+	Effectiveness	=	Priority / Benefit-to-Cost Review
☐ 1 – High		☒ 1 – Low		☐ 2 – Lowest
☐ 2 – Medium		☐ 2 – Medium		☐ 3
☒ 3 – Low		☐ 3 – High		☒ 4
				☐ 5
				☐ 6 – Highest

KM-09-E-ST: Identify city-owned buildings and infrastructure that require structural retrofitting.

Ideas for implementation:

- Conduct a seismic survey of all city-owned buildings and infrastructure.
- Complete City Hall project with structural design that conforms to Essential facility standards
- Coordinate with State to identify transportation infrastructure in Kenmore that requires seismic retrofits.

Coordinating Organization: Kenmore Public Works; Kenmore Executive Administration, Kenmore Engineering
Estimated Price: To be determined (medium cost)
Funding Source: capital funds, general fund
Timeline: City Hall project scheduled for completion in 2010 & ongoing
Plan Goals Addressed: Protect Life & Property; Increase Public Awareness; Provide for Emergency or Critical Services; Facilitate Continuity & Recovery
Benefit-to-Cost Review: 5

Approx Cost	+	Effectiveness	=	Priority / Benefit-to-Cost Review
☐ 1 – High		☐ 1 – Low		☐ 2 – Lowest
☒ 2 – Medium		☐ 2 – Medium		☐ 3
☐ 3 – Low		☒ 3 – High		☐ 4
				☒ 5
				☐ 6 – Highest

KM-10-E-LT: Identify funding sources for structural and nonstructural retrofitting of structures that are identified as seismically vulnerable.

Ideas for implementation:

- Provide information for property owners, small businesses, and organizations on sources of funds (loans, grants, etc.).

Coordinating Organization: Kenmore Executive Administration;
Estimated Price: To be determined (low cost)
Funding Source: Grants and partnerships
Timeline: 4 years
Plan Goals Addressed: Protect Life & Property; Increase Public Awareness; Encourage Partnerships
Benefit-to-Cost Review: 4

Approx Cost	+	Effectiveness	=	Priority / Benefit-to-Cost Review
☐ 1 – High		☒ 1 – Low		☐ 2 – Lowest
☐ 2 – Medium		☐ 2 – Medium		☐ 3
☒ 3 – Low		☐ 3 – High		☒ 4
				☐ 5
				☐ 6 – Highest

FLOOD ACTION ITEMS (F)

KM-11-F-ST: Incorporate Flood Reduction Management Plan and Surface Water Management Plan recommendations into the City of Kenmore's Capital Improvement Schedule.

Ideas for implementation:

- Identify mitigation activities for identified repetitive flood properties.
- Contact repetitive loss property owners to discuss mitigation opportunities; determine interest should project opportunities arise.
- Explore incentive options to encourage property owners to engage in mitigation.
- Complete Swamp Creek Flood Reduction project.
- Assess Roof Coverage area within the City of Kenmore.
- Coordinate with Snohomish County to identify flood reduction projects north of Kenmore.
- Evaluate elevation requirements for new residential and non-residential structures in the floodplain area.
- Explore raising the base elevation requirement for new residential construction to two or three feet – or more – above base flood elevation. *(An increased elevation standard is one activity that cities can engage in to receive credit from the NFIP Community Rating System Program.)*
- Identify opportunities to upgrade Federal Insurance Rate Map (FIRM), and arrange for Cooperative Technical Partnership mapping upgrades for select areas.
- Identify alternatives to reduce development in the floodplain.

Coordinating Organization: Kenmore Engineering, Public Works, Community Development

Estimated Price: To be determined (medium costs)

Funding Source: To be determined

Timeline: 3-5 years

Plan Goals Addressed: Protect Life & Property; Increase Public Awareness; Provide for Emergency or Critical Services; Facilitate Continuity & Recovery; Protect Natural Systems

Benefit-to-Cost Review: 5

Approx Cost	+	Effectiveness	=	Priority / Benefit-to-Cost Review
☐ 1 – High		☐ 1 – Low		☐ 2 – Lowest
☒ 2 – Medium		☐ 2 – Medium		☐ 3
☐ 3 – Low		☒ 3 – High		☐ 4
				☒ 5
				☐ 6 – Highest

KM-12-F-ST: Identify surface water drainage obstructions within the City of Kenmore

Ideas for implementation:

- Map culverts
- Prepare an inventory of culverts that historically create flooding problems and target them for retrofitting.
- Prepare an inventory of major urban drainage problems.
- Continue to identify causes and potential mitigation actions for urban drainage problem areas.

Coordinating Organization: Kenmore Community Development; Kenmore Public Works and Engineering

Estimated Price: To be determined (low cost)

Funding Source: General fund; utility fund

Timeline: Ongoing. 1-2 years

Plan Goals Addressed: Protect Life & Property; Provide for Emergency or Critical Services; Facilitate Continuity & Recovery; Protect Natural Systems

Benefit-to-Cost Review: 5

Approx Cost	+	Effectiveness	=	Priority / Benefit-to-Cost Review
☐ 1 – High		☐ 1 – Low		☐ 2 – Lowest
☐ 2 – Medium		☒ 2 – Medium		☐ 3
☒ 3 – Low		☐ 3 – High		☐ 4
				☒ 5
				☐ 6 – Highest

KM-13-F-LT: Enhance data and mapping for floodplain information within the city, and identify and map flood-prone areas outside of designated floodplains.

Ideas for implementation:

- Apply for FEMA's cooperative technical partnership using the 2-foot contour interval floodplain mapping data in The City of Kenmore's GIS system.
- Update flood plain maps in the Comprehensive Plan.
- Use mapping data to update the flood-loss estimates for the City of Kenmore.

Coordinating Organization: Kenmore Community Development, Public Works and Engineering

Estimated Price: To be determined (low to medium costs)

Funding Source: General fund; grants

Timeline: 3 years (as funding allows)

Plan Goals Addressed: Protect Life & Property; Increase Public Awareness; Encourage Partnerships

Benefit-to-Cost Review: 4

Approx Cost	+	Effectiveness	=	Priority / Benefit-to-Cost Review
☐ 1 – High		☐ 1 – Low		☐ 2 – Lowest
☒ 2 – Medium		☒ 2 – Medium		☐ 3
☐ 3 – Low		☐ 3 – High		☒ 4
				☐ 5
				☐ 6 – Highest

KM-14-F-LT: Develop acquisition and management strategies to preserve opens space for flood mitigation, fish habitat, and water quality in the floodplain.

Ideas for implementation:

- Project No. SW-9 (Capital Improvement Plan): Swamp Creek Drainage Basin Study.
- Project No. SW-10 (Capital Improvement Plan): Swamp Creek property purchase.
- Continue to implement and require conservation easements for the Swamp Creek Corridor by acquiring and managing floodplain open space in The City of Kenmore.
- Explore funding for additional property acquisition from federal (e.g., FEMA's Hazard Mitigation Grant Program), state, regional, and county governments, as well as private and non-profit organizations, trails programs, fish programs, as well as options for special appropriations.
- Develop a regional partnership between flood mitigation, fish habitat, and water quality enhancement organizations and programs to improve educational programs.
- Identify sites where environmental restoration work can benefit flood mitigation, fish habitat, and water quality.
- Work with landowners to develop flood management practices that provide healthy fish habitat.
- Identify existing watershed education programs and determine which programs would support a flood education component.

Coordinating Organization: Kenmore Community Development; Kenmore Administration; Kenmore Public Works and Engineering;

Estimated Price: \$125,000 (Project No. SW-9)
\$1,200,000 (Project No. SW-10)
Other project components funded as available.

Funding Source: Surface Water Management Funds

Timeline: 2011-2012 (Project No. SW-9)
2011-2016 (Project No. SW-10)
Ongoing (other projects)

Plan Goals Addressed: Protect Life & Property; Increase Public Awareness; Encourage Partnerships; Protect Natural Systems

Benefit-to-Cost Review: 4

Approx Cost	+	Effectiveness	=	Priority / Benefit-to-Cost Review
☐ 1 – High		☐ 1 – Low		☐ 2 – Lowest
☒ 2 – Medium		☒ 2 – Medium		☐ 3
☐ 3 – Low		☐ 3 – High		☒ 4
				☐ 5
				☐ 6 – Highest

LANDSLIDE MITIGATION ACTIONS (L)

KM-15-L-ST: Improve knowledge of landslide hazard areas and understanding of vulnerability and risk to life and property in hazard-prone areas.

Ideas for implementation:

- Incorporate landslide information into GIS mapping, and planning and the City of Kenmore Comprehensive Plan.
- Develop public information to emphasize economic risk when building on potential or historical landslide areas.
- Develop public information brochures to educate the community on how to maintain and enhance slope stability.

Coordinating Organization: Kenmore Community Development
Estimated Price: To be determined (small to medium costs)
Funding Source: General fund
Timeline: 2 years
Plan Goals Addressed: Protect Life & Property; Increase Public Awareness; Encourage Partnerships
Benefit-to-Cost Review: 5

Approx Cost	+	Effectiveness	=	Priority / Benefit-to-Cost Review
☐ 1 – High		☐ 1 – Low		☐ 2 – Lowest
☒ 2 – Medium		☐ 2 – Medium		☐ 3
☐ 3 – Low		☒ 3 – High		☐ 4
				☒ 5
				☐ 6 – Highest

KM-16-L-ST: Encourage construction and subdivision design that can be applied to steep slopes to reduce the potential adverse impacts from development.

Ideas for implementation:

- Continue to implement the City's Comprehensive Plan and Municipal Code that encourages the retention of natural features of the land and minimizes impacts to steep slopes.
- Develop guidelines to mitigate and prevent landslides.

Coordinating Organization: Kenmore Community Development
Estimated Price: To be determined (small to medium costs)
Funding Source: General fund
Timeline: 1 year
Plan Goals Addressed: Protect Life & Property; Increase Public Awareness; Encourage Partnerships; Provide for Emergency or Critical Services; Facilitate Continuity & Recovery
Benefit-to-Cost Review: 5

Approx Cost	+	Effectiveness	=	Priority / Benefit-to-Cost Review
☐ 1 – High		☐ 1 – Low		☐ 2 – Lowest
☒ 2 – Medium		☐ 2 – Medium		☐ 3
☐ 3 – Low		☒ 3 – High		☐ 4
				☒ 5
				☐ 6 – Highest

SEVERE STORM MITIGATION ITEMS (S)

KM-17-S-ST: Develop and implement programs to coordinate maintenance and mitigation activities to reduce risk to public infrastructure from severe storms.

Ideas for implementation:

- Partner with responsible agencies and organizations to design and implement programs that reduce risk to life, property, and utility systems.
- Develop partnerships between utility providers and City public works agencies to document known hazard areas.

Coordinating Organization: Kenmore Public Works; *Northshore Utility District; Puget Sound Energy*
Estimated Price: To be determined (small to medium cost)
Funding Source: General fund
Timeline: 2 years
Plan Goals Addressed: Protect Life & Property; Encourage Partnerships; Provide for Emergency or Critical Services; Facilitate Continuity & Recovery
Benefit-to-Cost Review: 4

Approx Cost	+	Effectiveness	=	Priority / Benefit-to-Cost Review
☐ 1 – High		☐ 1 – Low		☐ 2 – Lowest
☒ 2 – Medium		☒ 2 – Medium		☐ 3
☐ 3 – Low		☐ 3 – High		☒ 4
				☐ 5
				☐ 6 – Highest

KM-18-S-ST: Increase public awareness of severe storm mitigation activities.

Ideas for implementation:

- Collect information on public education materials for protecting life, property, and the environment from severe storm events.
- Distribute educational materials to residents and public and private sector organizations regarding evacuation routes during road closures.
- Target the vulnerable or at-risk populace for disseminating preparedness information. (Seniors, medically fragile, etc.)

Coordinating Organization: Kenmore Executive Administration; Kenmore Public Works; *Puget Sound Energy*; *Northshore Utility District*

Estimated Price: To be determined (low costs)

Funding Source: General fund

Timeline: Ongoing

Plan Goals Addressed: Protect Life & Property; Increase Public Awareness; Encourage Partnerships

Benefit-to-Cost Review: 4

Approx Cost	+	Effectiveness	=	Priority / Benefit-to-Cost Review
☐ 1 – High		☒ 1 – Low		☐ 2 – Lowest
☐ 2 – Medium		☐ 2 – Medium		☐ 3
☒ 3 – Low		☐ 3 – High		☒ 4
				☐ 5
				☐ 6 – Highest

KM-19-S-ST: Develop and implement programs to keep trees from threatening lives, property, and public infrastructure during severe storm events.

Ideas for implementation:

- Partner with responsible agencies and organizations to design and disseminate education information to property owners to reduce risk from tree failure to life, property, and utility systems.
- Develop partnerships between utility providers and local public works agencies to document known hazard areas.
- Continue to identify potentially hazardous trees in urban areas.

Coordinating Organization: Kenmore Community Development; Kenmore Public Works; *Puget Sound Energy*
Estimated Price: To be determined (low costs)
Funding Source: To be determined
Timeline: Ongoing
Plan Goals Addressed: Protect Life & Property; Increase Public Awareness; Provide for Emergency or Critical Services; Facilitate Continuity & Recovery
Benefit-to-Cost Review: 5

Approx Cost	+	Effectiveness	=	Priority / Benefit-to-Cost Review
☐ 1 – High		☐ 1 – Low		☐ 2 – Lowest
☐ 2 – Medium		☒ 2 – Medium		☐ 3
☒ 3 – Low		☐ 3 – High		☐ 4
				☒ 5
				☐ 6 – Highest

TSUNAMI & SEICHE MITIGATION ACTIONS (T)

KM-20-T-ST: Develop public information to educate citizens on this type of hazard.

Ideas for implementation:

- Collect information on public education materials for protecting life, property, and the environment from seiche events.
- Distribute educational materials to residents and public and private sector organizations regarding evacuation routes during road closures and seiche events.

Coordinating Organization: Kenmore Executive Administration; King County; *Washington Department of Natural Resources*

Estimated Price: To be determined (low costs)

Funding Source: To be determined

Timeline: 2 years

Plan Goals Addressed: Protect Life & Property; Increase Public Awareness; Encourage Partnerships; Provide for Emergency or Critical Services; Facilitate Continuity & Recovery

Benefit-to-Cost Review: 4

Approx Cost	+	Effectiveness	=	Priority / Benefit-to-Cost Review
☐ 1 – High		☒ 1 – Low		☐ 2 – Lowest
☐ 2 – Medium		☐ 2 – Medium		☐ 3
☒ 3 – Low		☐ 3 – High		☒ 4
				☐ 5
				☐ 6 – Highest

VOLCANO MITIGATION ACTIONS (V)

KM-21-V-ST: Collaborate to develop ash fall models that are specific to the north King and south Snohomish Counties area.

Ideas for implementation:

- Determine critical activities that must be implemented for varying degrees of ash fall.

Coordinating Organization: Kenmore Public Works
Estimated Price: To be determined (low costs)
Funding Source: To be determined
Timeline: 4 years
Plan Goals Addressed: Protect Life & Property; Increase Public Awareness; Encourage Partnerships; Provide for Emergency or Critical Services; Facilitate Continuity & Recovery
Benefit-to-Cost Review: 3

Approx Cost	+	Effectiveness	=	Priority / Benefit-to-Cost Review
☐ 1 – High		☒ 1 – Low		☐ 2 – Lowest
☒ 2 – Medium		☐ 2 – Medium		☒ 3
☐ 3 – Low		☐ 3 – High		☐ 4
				☐ 5
				☐ 6 – Highest

KM-22-V-ST: Develop and implement policy for maintaining stock of filters for key vehicles and pieces of equipment.

Ideas for implementation:

- Establish policy and budget to maintain spare filters.
- Identify key vehicles and equipment such as: back-up generators, HVAC systems and/or other large or unusual equipment requiring filters.

Coordinating Organization: Kenmore Public Works
Estimated Price: To be determined (low cost)
Funding Source: General fund
Timeline: 3 years
Plan Goals Addressed: Protect Life & Property; Provide for Emergency Services; Facility Continuity and Recovery
Benefit-to-Cost Review: 5

<u>Approx Cost</u>	<u>+</u>	<u>Effectiveness</u>	<u>=</u>	<u>Priority / Benefit-to-Cost Review</u>
☐ 1 – High		☐ 1 – Low		☐ 2 – Lowest
☐ 2 – Medium		☒ 2 – Medium		☐ 3
☒ 3 – Low		☐ 3 – High		☐ 4
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				☐ 6 – Highest

WILDLAND-URBAN INTERFACE FIRE MITIGATION ACTIONS (W)

KM-23-W-LT: Increase communication, coordination, and collaboration between wildland-urban interface property owners, city planners, fire prevention crews, and city officials to address risks, existing mitigation measures, and federal assistance programs.

Ideas for implementation:

- Encourage all residents to practice fire plans and evacuation routes.
- Encourage fire inspections in residential homes by the fire department to increase awareness among homeowners and potential fire responders.
- Encourage a standard for the State Fire Marshall to evaluate fire plans and emergency plans.
- Require fire department notification of new business applications to ensure that appropriate fire plans have been developed.
- Encourage City Planners and Northshore Fire District work closely with those who choose to build in the wildland-urban interface area to identify and mitigate conditions that aggravate fire hazards, including:
 - Limited access for emergency equipment due to width and grade of roadways.
 - Poor turn-around for emergency equipment.
 - Inadequate water supplies.
 - Spacing, consistency, and species of vegetation around structures.
 - Inadequate fuel breaks, or lack of defensible space.
 - Highly flammable construction materials.
- Building lots and subdivisions that are not in compliance with state and local land use and fire protection regulations.
- Inadequate entry/escape routes.
- Encourage all new homes and major remodels that are located in the interface to have fire-resistant roofs and residential sprinkler systems.

Coordinating Organization: Kenmore Community Development,
Northshore Fire District
Estimated Price: To be determined (low to medium costs)
Funding Source: Grant
Timeline: Ongoing
Plan Goals Addressed: Protect Life & Property; Increase Public Awareness; Encourage Partnerships; Provide for Emergency or Critical Services; Facilitate Continuity & Recovery

Benefit-to-Cost Review: 4

Approx Cost	+	Effectiveness	=	Priority / Benefit-to-Cost Review
☐ 1 – High		☐ 1 – Low		☐ 2 – Lowest
☒ 2 – Medium		☒ 2 – Medium		☐ 3
☐ 3 – Low		☐ 3 – High		☒ 4
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				☐ 6 – Highest

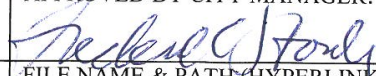
¹ City of Kenmore. *Comprehensive Plan* (January 2008).

² Based on the King County Buildable Lands Report.

³ Washington State Office of Financial Management.

⁴ City of Kenmore. *Comprehensive Plan* (January 2008).

⁴ *Ibid.*

CITY OF KENMORE, WASHINGTON			
AGENDA BILL SUMMARY			
AGENDA TITLE			MEETING DATE
Approve Resolution No. 11-188 in support of placing on the ballot for King County voters' consideration in 2011 a measure that would renew the King County Veterans and Human Services Levy.			14 February 2011
DEPARTMENT	DIRECTOR	CONTACT PERSON	PHONE
Executive	Frederick Stouder	Frederick Stouder	425-398-8900
COST OF PROPOSAL: n/a		ACCOUNT NUMBER: n/a	
AMOUNT BUDGETED: n/a		NAME AND FUND #: n/a	
ATTACHMENT(S) TO AGENDA PACKET ITEM:			
1) Proposed Resolution No. 11-188 2) King County Veterans and Human Services Levy 2009 Report			
SUMMARY STATEMENT:			
King County Councilmember Bob Ferguson presented information on King County's Veterans and Human Services Levy to the City Council in January 2011. The Levy was approved by King County voters in November 2005 and provides \$13.3 million each year to services targeted to veterans, military personnel and their families and to individuals and families in need. The Levy expires at the end of 2011. The proposed Resolution supports putting a measure on the ballot for King County voters to consider renewing the levy. The King County Council is responsible for voting to put the measure on the ballot.			
CONSISTENT WITH OR COMPARISON TO PAST COUNCIL POLICIES, ORDINANCES, DIRECTION:			
RECOMMENDED CITY COUNCIL ACTION/SUGGESTED MOTION:			
Approve Resolution No. 11-188 in support of placing on the ballot for King County voters' consideration in 2011 a measure that would renew the King County Veterans and Human Services Levy.			
REVIEWED BY FINANCE DIRECTOR:	REVIEWED BY CITY ATTORNEY:	APPROVED BY CITY MANAGER:	
			
TODAY'S DATE:	REVISION DATE(S):	FILE NAME & PATH (HYPERLINK):	
31 January 2011			

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VG. Approve Resolution No. 11-188 in Support of Placing on the Ballot for King County Voters' Consideration in 2011 a Measure that Would Renew the King County Veterans and Human

CITY OF KENMORE

RESOLUTION NO. 11-188

A Resolution of the City of Kenmore, Washington in support of placing on the ballot for King County voters' consideration in 2011 a measure that would renew the King County Veterans and Human Services Levy.

WHEREAS: King County voters approved the Veterans and Human Services Levy in November 2005; and

WHEREAS: the Veterans and Human Services Levy provides \$13.3 million each year through 2011, and the levy revenue is divided equally to provide services to 1) veterans, military personnel and their families(Veterans Levy Fund) and 2) other individuals and families in need (Human Services Fund); and

WHEREAS: the Levy serves the following groups of people:

- Veterans, military personnel and their families
- Individuals and families who have experienced long-term homelessness
- Individuals who have recently been released from prison or jail
- Families and young children who are at risk

WHEREAS: funds from the Veterans and Human Services Levy have been directed to five strategy areas: 1) Enhancing services and access for veterans, military personnel and their families 2) Ending homelessness through outreach , prevention, permanent supportive housing and employment 3) Increasing access to behavioral health services 4) Strengthening families at risk 5) Increasing the effectiveness of levy funds by evaluating programs and managing levy resources; and

WHEREAS: the programs supported by Levy funds have served over 50,000 of King County residents through 2009 at a cost of less than \$15 per year for the average King County household; and

WHEREAS: the Veterans and Human Services Levy expires in at the end of 2011 and the King County Council is responsible for placing measures on election ballots for countywide action; and

WHEREAS: federal and state budget reductions will likely affect local veterans and human service programs.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Kenmore, Washington as follows:

Section 1. The City Council supports placing on the ballot for King County voters' consideration in 2011 a measure that would renew the King County Veterans and Human Services Levy.

ADOPTED BY THE KENMORE CITY COUNCIL THIS _____ DAY OF _____ 2011.

David Baker, Mayor

ATTEST:

Lynn Suskin, City Clerk

► 2009 Annual Report ◀

Veterans & Human Services Levy



King County

The Veterans and Human Services Levy was approved by King County voters in November 2005. It will provide over \$13 million each year through 2011 to help people in need around the county. The levy serves four different groups of people:

- Veterans, military personnel, and their families
- Individuals and families who have experienced long-term homelessness
- Individuals who have recently been released from prison or jail
- Families and young children who are at risk

Half of the levy revenue is dedicated to veterans, military personnel, and their families (Veterans Levy Fund) and the other half is for other individuals and families in need (Human Services Fund).

To best serve these groups, funds from the levy have been allocated to five different strategy areas:

1. Enhancing services and access for veterans, military personnel, and their families
2. Ending homelessness through outreach, prevention, permanent supportive housing, and employment
3. Increasing access to behavioral health services
4. Strengthening families at risk
5. Increasing the effectiveness of levy funds by evaluating programs and managing levy resources

For further information please see the levy website at:
www.kingcounty.gov/DCHS/levy

Veterans Citizen Levy Oversight Board

Ronald Forest
Stanley Gunno
Oren J. Hadaller
Douglas Hoople
Francisco Ivarra, Vice Chair
Gary Kingsbury
Kathleen Lewis
Cynthia Lefever
Robert Stephens, Jr.
Roger Welles
William Wood, Chair

Regional Human Services Levy Oversight Board

Kevin Bernadt
Kathleen A. Brasch, Co-Chair
Dorry Elias-Garcia
Kathleen Hadaller
Loran Lichty, Co-Chair
Edith Loyer Nelson

Department of Community and Human Services

401 Fifth Avenue, Suite 500
Seattle, WA 98104
Phone: 206-263-9100
Fax: 206-296-5260

Jackie MacLean, Director

Sadikifu Akina-James, Levy Project Manager
Linda Peterson, Community Services Division Director
Pat Lemus, Community Services Division Asst. Director
Debora Gay, Veterans and Levy Program Manager
Joel Estey, Veterans Regional Services Liaison
Fred Steele, Veterans Program Administrator
Marcy Kubbs, Levy Coordinator
Jon Hoskins, Levy Evaluator

2009 Annual Report

Writing: Mary Bourguignon, Steeple-jack Consulting
Design: Lynn Hernandez, Artifact Design
Photography: © Tim Ripley – timripley.net unless noted

Alternate format
available.
Call 206.263.9105
or TTY Relay 711

Dear Friend:

IN THE MIDST OF DIFFICULT ECONOMIC TIMES, the people of King County have come together to care for our neighbors. Thanks to the voter-approved Veterans and Human Services Levy, we have had the resources to help thousands of veterans, families, and individuals who might otherwise have had nowhere else to turn. Levy services have been important, not only to veterans of the wars in Iraq and Afghanistan, who have returned home from their deployments to find a welcoming hand and help with the transition to peacetime life, but also to those who served in prior engagements such as the Gulf and Vietnam Wars. The levy has helped young, first-time mothers grow confident as parents and set goals for the future, linked immigrant parents with resources to stabilize their families in a new country, and given many living on the streets for far too long, a place to call home. The levy served approximately 28,000 people throughout King County during 2009:

- We expanded King County Veterans Program (KCVP) outreach services to 22 sites throughout the county to serve families of active duty and returning service members, and began outreach services to National Guard and Reserve members and their families. We also completed a new Military Kids Curriculum to help children with the issues they face when their parents deploy. The new curriculum is being implemented with the assistance of the Puget Sound Educational Service District.
- We completed three affordable housing projects during 2009, adding 208 new housing units. We broke ground on nine additional projects, including Compass Center's Veterans Housing Program in Renton that will provide 44 units of housing for veteran households. One previously opened housing project, Plymouth Housing Group's Simons Apartments, was a finalist in Affordable Housing Finance Magazine's Fifth Annual Reader's Choice Award for the nation's best low-income housing developments.
- We leveraged many community efforts to serve people in need. Behavioral health services, for example, as part of King County's safety net consortium of community health clinics, screened nearly 7,500 people for mental health and substance abuse issues. Another project identified almost 1,000 women experiencing maternal depression and helped more than 600 of them receive treatment and follow-up through integrated behavioral health programs.

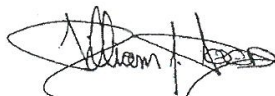
As members of the levy's oversight boards, we have worked to ensure that levy funds are managed prudently and strategically, and that they serve as many people as possible. During 2009, we visited levy programs in action and reviewed all evaluations completed on the levy to date. We reached out to local governments and citizen organizations throughout the county, informing them about the levy and learning from them how this countywide resource could best continue to serve the people in their communities. This annual report documents our progress in each of the levy's five strategy areas and outlines the funding we awarded during 2009. For more information on the levy's activities, please see www.kingcounty.gov/DCHS/levy.

For a cost of less than \$15 a year for the average King County household, the Veterans and Human Services Levy has accomplished a great deal. We are proud of our success to date, and prouder still of the fact that we live in a community that has banded together in tough times to help those in need.

Sincerely,



Kathleen A. Brasch, Co-Chair
Regional Human Services Levy
Oversight Board



Bill Wood, Chair
Veterans Levy
Oversight Board



Loran Lichty, Co-Chair
Regional Human Services Levy
Oversight Board

► Strategy 1

Enhancing Services and Access for Veterans, Military Personnel, and their Families

Craig: Retraining for success

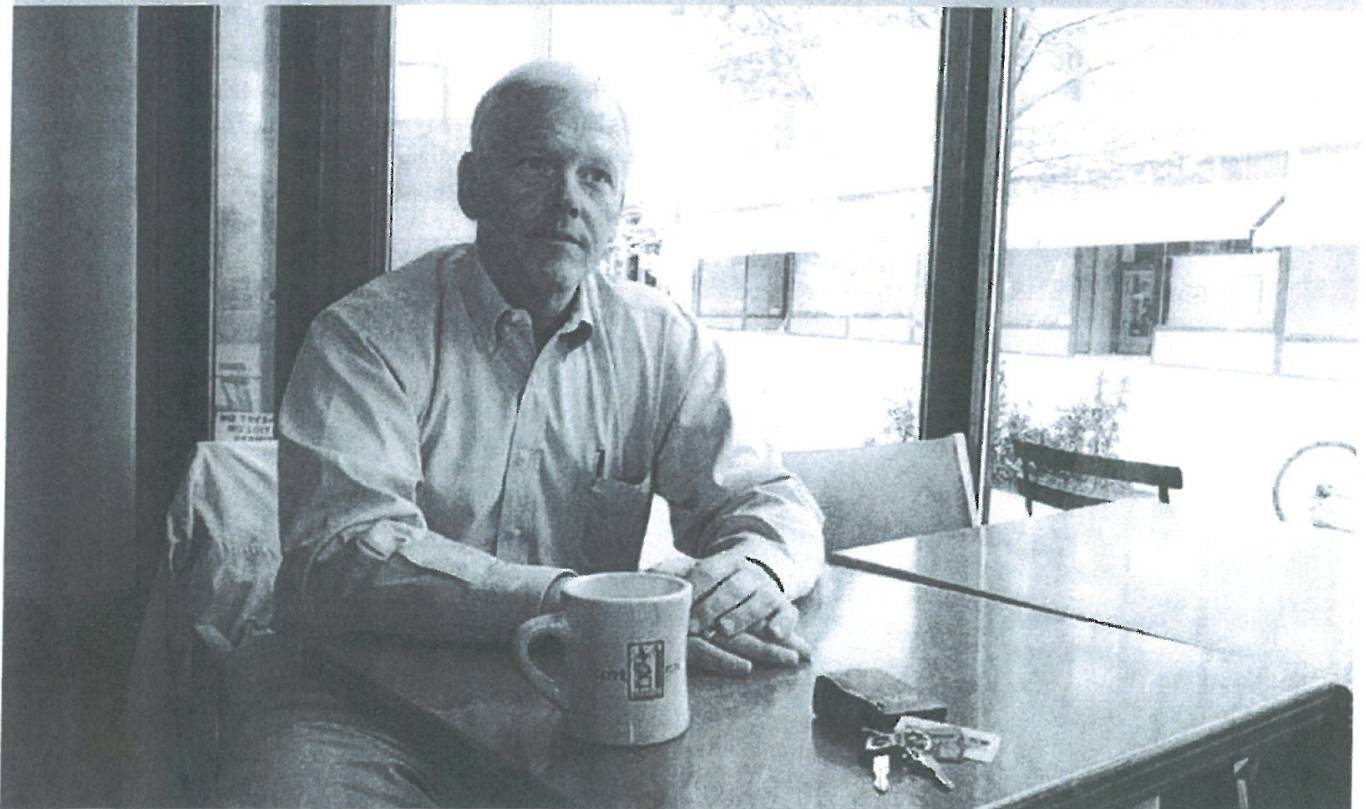
AFTER CRAIG LEFT THE 3RD U.S. ARMY INFANTRY REGIMENT having risen to the rank of sergeant, he got married, used his GI Bill benefits to get an associate's degree in marketing and management, and found a job as a sales manager in the satellite and cable TV industry.

Craig spent years working in cable and satellite TV. In 2009, however, as the bleak national economy forced consolidations among TV providers, Craig lost his job. Out of work at 58, Craig wasn't sure where to turn. He had been successful at his job and he had a great skill set... but his skills were based on a shrinking industry.

Craig knew that Seattle had become a national environmental leader, and thought a green job would give him better employment opportunities for the future. But he knew he would need training to succeed.

Thanks to the King County Veterans Program and the levy-funded Veterans Conservation Corps, Craig was able to enroll in South Seattle Community College's Conservation and Weatherization Program. Of the 33 students in his class, more than 20 were fellow veterans. After completing the program, Craig passed the Building Performance Institute, Inc. (BPI) professional certification test, a nationally recognized credential for energy efficiency retrofit work.

With his BPI certification, Craig was eligible to work on conservation and retrofit projects and quickly found a job on Seattle City Light's Quick Lighting Upgrade Initiative. Today, he uses both his sales experience and his new conservation skills to help local businesses replace obsolete, inefficient lighting with new, energy-conserving fixtures, a win for everyone involved.



VG. Approve Resolution No. 11-188 in Support of Placing on the Ballot for King County Voters' Consideration in 2011 a Measure that Would Renew the King County Veterans and Human

Half of all Veterans and Human Services Levy funds are dedicated to the needs of veterans, military personnel, and their families. This first levy strategy includes four activity areas designed to serve veterans. In addition, most of the other levy strategies include services or set-asides for veterans and their families.

► **1.1 Expand the geographic range of the King County Veterans Program:** In 2009, the King County Veterans Program (KCVP) opened satellite offices in Federal Way, Lake City, Enumclaw, Auburn, Maple Valley, Redmond, and Kirkland. As these satellites opened, KCVP focused on implementing needed programs for veterans, collaborating with work training centers and community colleges, and partnering with drug/alcohol and mental health providers.

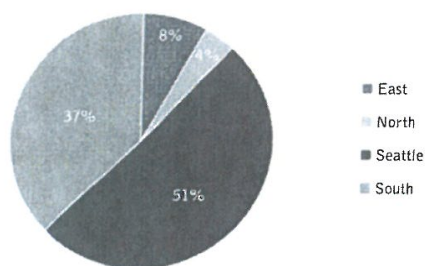
► **1.2 Increase the capacity of the King County Veterans Program:** The KCVP has developed programs to meet a wide range of veterans' needs, including the Homeless Prevention Project, the Veterans Incarcerated Program, post-traumatic stress disorder (PTSD) counseling, and increased outreach to families of National Guard and Reserve members. During 2009, KCVP funded the development of the Military Kids Curriculum to help school-aged children when a parent deploys, and built a partnership with the Veterans Conservation Corps to help clients interested in green collar careers. The KCVP served more than 2,600 people during 2009.

► **1.3 Provide phone resources for veterans:** During 2009, King County conducted a Request for Proposal process to expand phone services for veterans. The Washington Department of Veterans Affairs (WDVA) was awarded funds to implement this project. The expanded system, devoted exclusively to veterans, military personnel, and their families, will help them learn about the benefits and services available to veterans and military personnel, as well as the broad range of regional housing, health, and human services they may access.

► **1.4 Provide training and information on Veterans Administration linkages:** Another way to assist veterans is to increase community-based service providers' knowledge of the services and benefits available through the U.S. Department of Veterans Affairs (VA) and help them to link veterans to these services. Progress has been made, and additional planning will be undertaken to determine more approaches to educate providers about the VA system to help veterans access those services.

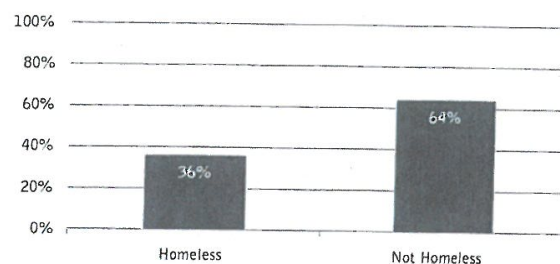
People served by the activity areas in this first levy strategy live throughout King County. During 2009, residents of Seattle and South King County constituted most of those served.

Location of People Served by Strategy 1



More than one-third of those served by the KCVP during 2009 reported that they were homeless, reflecting the fact that veterans are disproportionately more likely to be homeless.

Living Situation of Strategy 1 Clients



► Strategy 2

Ending homelessness through outreach, prevention, permanent supportive housing, and employment

Johnny: Mobile medical van helps elderly veteran

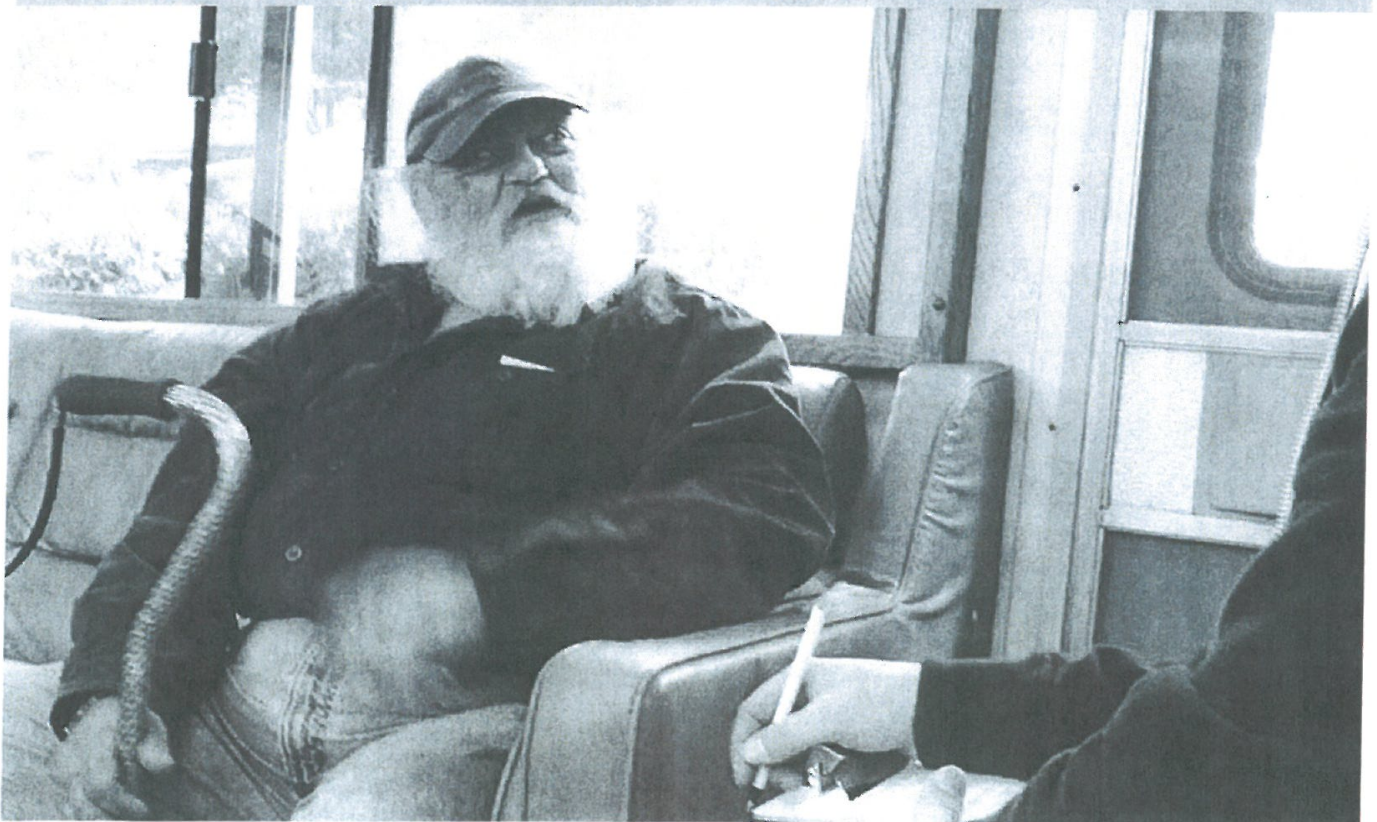
JOHNNY HAD SEEN ACTION IN BOTH THE KOREAN AND VIETNAM WARS, but his life since then had been nearly as difficult. The 75-year-old combat veteran had lived in a tent in wooded areas in Burien and Federal Way since 1992, and struggled with a heroin addiction for much of that time.

Johnny finally triumphed over his addiction, but his experiences in Vietnam left him deeply traumatized and he was unwilling to live indoors, or to seek help.

King County's Mobile Medical Program was able to help. Outreach staff engaged Johnny every time the medical van visited the drop-in center where he ate lunch, and Johnny began visiting the van to have his blood pressure checked. Johnny acknowledged that he was having more difficulty each year making it through winter in the woods, though he was, at first, unwilling to talk about getting help.

Gradually, however, the medical van staff was able to win his trust. Johnny asked to see the medical van's doctor and accepted blood pressure medication. Next, he agreed to make an appointment at a clinic for follow-up care, and then agreed to inpatient treatment for a cardiac condition.

After his hospitalization, Johnny began to talk with the mobile medical van's social worker about his Vietnam experiences. He has a long way to go before he is ready to address his living situation, but he is finally able to trust someone with his story, and he is able to take charge of his health care needs.



The levy helps people who have experienced long-term homelessness, many of whom are veterans. The levy's second strategy includes eight activities that prevent homelessness and that help people who have been homeless find safe, affordable housing and the supportive services they need.

► **2.1 Identify, engage, and house those who have experienced long-term homelessness:**

- **Triaged list of homeless users of emergency services.** The list has helped find safe and stable housing for people with the highest level of need.
- **Service improvements for homeless users of emergency services.** During 2009, levy funds focused on finding stable, long-term care and housing for the highest users of sobering services.
- **Outreach and engagement of long-term homeless people in South King County.** Sound Mental Health staff worked with chronically homeless adults to win their trust and help them get care.
- **Mobile Medical Unit.** The mobile medical van held 105 clinics and served 332 unduplicated people during 2009.

► **2.2 Increase permanent housing with support services:** During 2009, three new housing projects opened and nine broke ground. One recent opening was Community House Mental Health Agency's Brierwood project, which provides 23 housing units for individuals with chronic mental illness.

► **2.3 Support landlord risk reduction:** The Landlord Liaison Project helped 39 agencies and 73 landlords assist 273 first-time renters. The project also provided regular trainings and meetings for landlords and service providers.

► **2.4 Invest in support services for housing:**

- **Housing Health Outreach Team (HHOT).** The HHOT worked with 945 formerly homeless tenants to ensure that they have ongoing health, mental health, and chemical dependency care.
- **Supportive services for permanent housing.** The levy funded case management, life skills training, employment counseling, and tenant education for 217 people.

► **2.5 Provide housing and support for those in the King County Criminal Justice Initiative:** Sound Mental Health provided intensive support and transitional housing for 92 people who had been in jail and involved in mental health court.

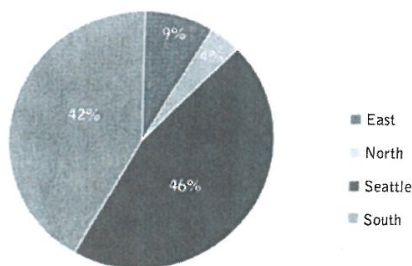
► **2.6 Provide housing and support for parents exiting the criminal justice system:** First Place and the YWCA helped 29 homeless parents who had been released from prison prepare to reunite with their children.

► **2.7 Promote housing stability:** Solid Ground and 12 partner agencies helped 623 households with emergency rental assistance and other support to prevent homelessness.

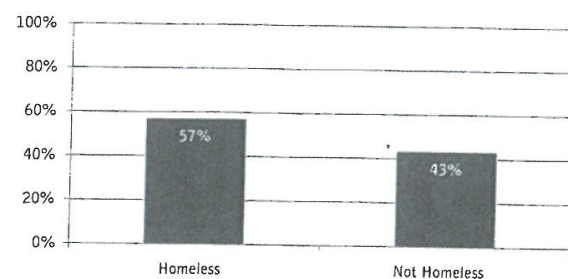
► **2.8 Link education and employment to supportive housing:** The levy funded job training for 792 people. More than half were able to increase and stabilize their incomes.

The programs funded through Strategy 2 served nearly 6,500 people during 2009. Nearly two-thirds of those served were homeless at the time they first received service.

Location of People Served by Strategy 2



Living Situation of Strategy 2 Clients



► Strategy 3

Increasing access to behavioral health services

Sophia: Son's deployment leads to depression

SOPHIA WAS PROUD when her son Kyle enlisted in the Army after graduating from high school. But her pride turned to anxiety and then depression after his unit deployed to Iraq. She began to have panic attacks and feelings of intense anxiety when she left the safety of home. That led to more and more trouble managing at work, and Sophia worried she might be fired.

Since she did not have medical insurance, Sophia had no way to get help.

But HealthPoint was able to help, thanks to levy funding. At a moment of crisis, Sophia stopped by one of HealthPoint's South King County clinics, and was relieved to learn that she could be treated without insurance. Sophia began regular appointments with a psychologist, who helped her manage her depression and anxiety with both behavioral modification and an antidepressant medication.

Since she started treatment, Sophia has been able to keep her counseling appointments and has made significant improvement. Her sense of worry no longer overwhelms her, and she is now able to function more independently and has become less isolated. Sophia has also started seeing a HealthPoint primary care physician, who coordinates with her psychologist to manage her overall health.

"I'm still worried about Kyle, of course," she said recently. "But I've learned how to cope with it. It's all thanks to HealthPoint."



The levy's third strategy helps King County residents with behavioral health issues, such as depression and PTSD, that are often not covered by insurance. By helping people receive the mental health treatment they need, the levy lessens their risk for homelessness, hospitalization, and criminal activity. The behavioral health services strategy includes four activities.

► **3.1 Integrate mental health and chemical dependency treatment into primary care clinics:**

During 2009, the King County safety net consortium and other community-based providers screened 8,253 low-income adults for depression, anxiety, PTSD, and substance abuse in primary care clinics around the county. Of those who were screened, 2,886 were found to have significant mental health symptoms. A total of 38 percent of those entering treatment experienced clinical improvement, a very promising rate.

► **3.2 Provide training programs in trauma sensitive services and PTSD treatment:** Veterans, people who have been homeless or incarcerated, and those who have suffered from domestic violence often experience PTSD. Because PTSD affects such a high proportion of people seeking housing and human services, levy funds have been set aside to provide trauma-sensitive training for agencies such as jails, courts, schools, social services, health clinics, and housing programs. The WDVA developed the curriculum and is implementing it in coordination with Activity 3.3, training behavioral providers.

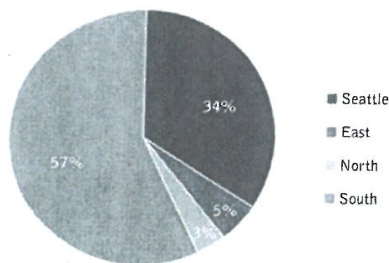
► **3.3 Train behavioral health providers in PTSD:**

In addition to offering basic training on PTSD to community-based service providers, the WDVA also provided evidence-based training on PTSD to 626 individuals who needed advanced training on signs, symptoms, and treatment to help the people they serve. Individuals trained included educators, law enforcement, service members, family members, first responders, and mental health and chemical dependency providers.

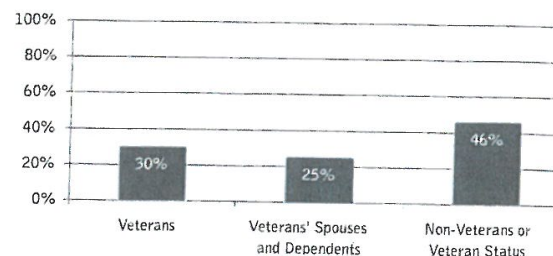
► **3.4 Provide in-home services to treat depression in elderly veterans and others:** Levy funds have been used to support the Program to Enhance Active, Rewarding Lives for Seniors (PEARLS) to provide in-home counseling and support to homebound seniors. During 2009, 171 participants were recruited to PEARLS, 78 completed the program, and 62 were referred for more comprehensive services. Those who completed the program improved significantly in reducing their depression. PEARLS has been shown to increase clients' community involvement and reduce their need for more costly care.

People served during 2009 lived throughout King County. Because of the inclusion of PTSD treatment as part of Strategy 3, a significant number of veterans and their spouses and dependents were served.

Location of People Served by Strategy 3



Veteran Status of Those Served by Strategy 3.4



► Strategy 4

Strengthening families at risk

Keisha: A Bright Future

WHEN KEISHA'S STEPFATHER started beating her mother, Keisha reacted by getting high. That helped her escape the conflict at home, but it wasn't a good way to live, and Keisha realized she needed help. A school counselor helped her enroll in a drug counseling program, and she worked hard to catch up at school.

In November of her junior year, though, Keisha discovered that she was pregnant. She didn't know what to do, and to make things worse, her parents kicked her out of the house.

Keisha dropped out of school, moved into her boyfriend's apartment, and got a job at McDonald's. It wasn't a great situation, but Keisha didn't know what else to do. Because she was under 18, she couldn't qualify for welfare or subsidized housing, and couldn't even open her own bank account. Instead, she gave her paychecks to her boyfriend, who cashed them and gave her a little money to live on.

Luckily, Keisha found the levy's Healthy Start program. Healthy Start provides regular home visits to young mothers to help them learn to care for their babies and set goals for the future. The Healthy Start counselor first addressed Keisha's homelessness, helping her reconcile with her parents and move back home. Then she focused on Keisha's education, helping her enroll in a General Education Development (GED) program.

After Keisha's son, Adam, was born, her counselor shifted the focus to parenting skills. All new mothers are a bit nervous, but Keisha blossomed into a confident and responsible parent who was determined to succeed for the sake of her son. She decided to work toward her dream of becoming a nurse, and by the time she would have graduated from high school had passed her GED and finished a medical assistant training program. Today, she is eagerly planning her next steps. Her future looks bright!



The levy's fourth strategy provides assistance to at-risk families. These programs help teen parents, immigrants, domestic violence victims, and parents who have been homeless or incarcerated gain the extra support they need to care for their children and build a stable life. This strategy includes six activities designed to strengthen family bonds and help parents become self-sufficient.

► **4.1 Support new mothers through the Nurse Family Partnership:**

Public Health–Seattle & King County (PHSKC) supports teen mothers with home visits from pregnancy to toddlerhood. During 2009, the levy funded additional services for 133 of the 573 mothers in this program, and helped 90 percent of them deliver healthy weight babies.

► **4.2 Pilot new services for maternal depression:**

New mothers frequently suffer from depression, which can affect their parenting and slow their children's development. During 2009, staff at nine community clinics screened 3,759 low-income women and their children for depression. More than 600 women were referred for counseling or other support.

► **4.3 Fund early childhood intervention and prevention services:**

- **Healthy Start** program served 335 families with home visits to strengthen interactions between parents and their children.
- **Family, Friend, and Neighbor** Care Play and Learn groups helped 2,492 family caregivers learn about child development.
- **Cultural Navigator Project** opened a Redmond office

that, together with its other sites, provided early childhood services to 835 immigrants and refugees.

- **Training.** The University of Washington continues to provide Promoting First Relationship Train-the-Trainer services to agencies to help parents with their children's social and emotional needs.

► **4.4 Provide early intervention for parents exiting the criminal justice system living in transitional housing:** Activities 4.4, 4.5 and 2.6 support young parents who have left jail and hope to reunite with their children

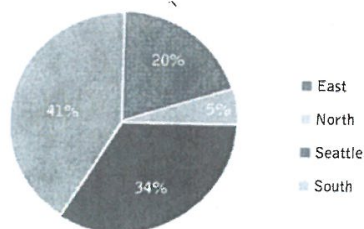
► **4.5 Invest in education and employment for single parents exiting the criminal justice system:**

The 29 parents served by this program in 2009 were helped with education, training, and job assistance.

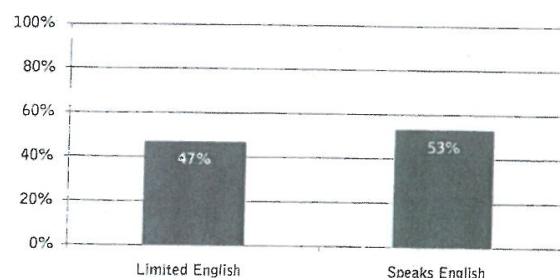
► **4.6 Provide treatment for parents involved with the King County Family Treatment Court for child dependency cases:** This activity served 54 parents in Family Treatment Court with a focus on helping the parents overcome their challenges and regain custody of their children. To date, 88 percent have successfully completed their court-assigned treatment plans.

Those served by Strategy 4 lived throughout the county. Nearly half had limited English-speaking ability.

Location of People Served by Strategy 4



English-speaking Ability of Those Served by Strategy 4



Strategy 5

Increasing the effectiveness of resource management and evaluation

The significant majority of levy funds are dedicated to direct services and housing development. However, a small amount of funding has been set aside to improve regional systems coordination and for evaluation of the effectiveness of levy programs.

► **5.1 Support levy evaluation:** A detailed report on 2009 evaluation activities and levy achievements is provided on page 11.

► **5.2 Cross system planning for youth:** Planning for preventing youth homelessness, including youth aging out of foster care, is being coordinated through the Committee to End Homelessness, with the involvement of United Way, DSHS and other youth serving systems.

► **5.3 Profile of offenders:** A report on individuals with mental illness, chemical dependency, and who are homeless and/or involved in the criminal justice and emergency medical systems was completed in 2007.

► **5.4 Planning, training, service design:** Funds in this activity are reserved for levy renewal planning and design.

► **5.5 Facilitate the Homeless Management Information System:** Called Safe Harbors, this information system provided training to 220 homeless service agencies to enhance information available about services they provide.

► **5.6 Enhance information systems to support administration and evaluation of the levy:**

Levy funds helped support improvements to the KCVP Veterans Information System to ensure veterans receive consistent, high quality care.

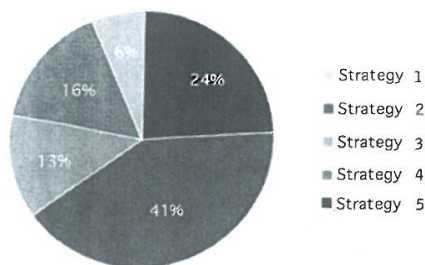
► **5.7 Consultation and training (HIPAA):** Consultation and training regarding patient records and information sharing is underway.

► **5.8 Develop common data set for assessment for those seeking services:** A new initiative called Partnership for Health Improvement through Shared Information (PHISI) was launched. Planning is underway for the health information exchange that will improve the efficiency of care provided to people who use more than one service system.

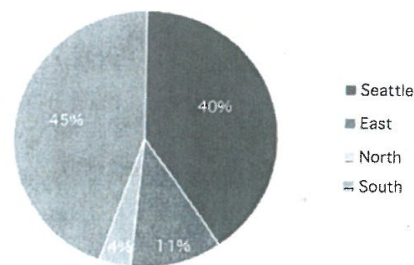
► **5.9 Facilitation of ongoing partnerships:** In 2009, twenty presentations were made to city councils, commissions, community and veteran organizations by board members and levy staff.

During 2009, a total of \$13.9 million was allocated to levy programs. People served by the levy lived throughout King County.

Allocation of All Levy Funds



Geographic Distribution of Those Served by All Levy Strategies



► 2009 Evaluation Report

Plans to evaluate the results of levy activities were outlined in the Service Improvement Plan (SIP) and further defined in the *Evaluation Framework* that was developed in fall 2007. Building on these documents, the levy oversight boards adopted the *2008-2009 Levy Evaluation Work Plan and Evaluation Matrix* in May 2008. The work plan was updated in 2009 to incorporate additional approaches. Evaluation activities and 2009 efforts to evaluate the levy are described below. The chart on pages 12 through 14 summarizes progress made by individual levy activities in meeting performance outcomes.

► **Established evaluation measurement structure and framework:** Specific performance measurement outcomes were established for every activity funded through the levy. These outcomes were established in an evaluation matrix. They guided contract development and reporting during 2009.

► **Improved King County tools for collecting evaluation data:** Levy

evaluation staff worked with project managers to develop and/or improve data collecting systems such as the improved Veterans Information System.

► **Reviewed projects and implemented measurement strategies within contracts:** Every procurement plan identified the objectives, outputs, and outcomes to be achieved. Performance measurement strategies were negotiated with

project managers to ensure they were appropriate, realistic and meaningful.

► **Facilitated activity-level review by levy boards:** During 2009, levy management staff coordinated the development of progress reports for each project that had received levy funding in 2008. These reports were reviewed by both levy oversight boards. In addition, the boards visited levy program sites and heard presentations on a number of unique projects at four joint board meetings that were held throughout the county and were open to members of the public.

► **Conducted strategy level and activity level evaluations:** In 2009, levy evaluation staff produced an in-depth report, *Strategy 1 – Increasing Veterans' Access to Services*. It included performance measurement through June 2009 and an appendix that provided the first detailed needs assessment of King County veterans and their dependents. The needs assessment included information from the Census, VA records, and service data from the KCVP and WDVA. Evaluation staff also monitored the performance of each individual levy-funded activity. The following 2009 Performance Management Report summarizes results achieved by these activities. Reports providing a more detailed review of the performance of individual activities will be available by the fall of 2010.



The Langdon and Anne Simons Senior Apartments developed by Plymouth Housing Group and supported by the levy was recently named a finalist in *Affordable Housing Finance Magazine's* Fifth Annual Reader's Choice Award for the nation's best low-income housing developments in 2008.

2009 Levy Performance Management Report: Summary

An up arrow designates a successful outcome. Sideways arrows designate an unclear outcome or that the project is not yet completed.

Activity	Lead Implementing Agency*	Date of First Service	Clients Served in 2009	Services		Outcomes		
				Types	Quantity	Outcome Measures	Results**	Success Rating
► Overarching Strategy 1: Enhancing Services and Access for Veterans								
Activity 1.1 Expand the Geographic Range of King County Veterans Program								
1.1.A	Satellite sites North, East and South King County	July 2008	137	Case management contacts	283	New clients engaging in services	91 first-time clients	↕
1.1.B	Military kids curriculum development	January 2009	NA	Curriculum development Curriculum testing	Developed In testing	Completion of curriculum Number of piloting schools	Curriculum complete One school piloting	↔
1.1.C	Homeless Veterans Reintegration Project	April 2007	317	Clients assessed Job-housing placements	317 161	Retain jobs 90 days Retain housing 90 days	76% successful 96% successful	↕
1.1.D	National Guard Family Assistance Coordinator	Sept 2009	241	Outreach service hours Referrals	713 76	Increased stability	98% successful	↕
Activity 1.2 Increase the capacity of King County Veterans Programs								
1.2.A.1	Increase KCVP financial services	Nov 2006	1,727	Financial assistance recipients	1,727	Increased financial stability	75% measured retain housing	↕
1.2.A.2	Increase capacity of KCVP shelter services	Dec 2007 Dec 2007	114 273	Stable bednights Transitional housing bednights	3,909 24,287	Increase housing stability Moving to more stable housing	76% successful 68% successful	↕
1.2.A.3	Housing planning for veterans	August 2009	N/A	Plan development	In progress	Increase veterans' access to housing	Plan in progress	↔
1.2.B	PTSD treatment for veterans and their families	April 2007	444	Counseling hours Community education hours	3,162 2,510	Reduced PTSD symptoms	95% successful	↕
1.2.C	Veterans Incarcerated Project	April 2007	204	Clients enrolled Job-housing placements	204 123	Reduced jail days Reduced recidivism	5,942 days reduced 88% do not recidivate within year	↕
1.2.D.1	Employment, outreach and case management enhancements	Sept 2007	870	Case management contacts	1,884	Complete case plans Increased stability	Redesigned information system will report in 2010	↔
1.2.D	Veterans Conservation Corps program	August 2008	118	Clients screened Job-training placements	118 60	Secure employment and job retention for one year	Too early to measure retention	↔

* CSD = Community Services Division, MHCA/DSO = Mental Health, Chemical Abuse and Dependency Services Division

**Outcome results are based upon the number of clients eligible to be measured, which is likely to be different from clients served in 2009

* CSD = Community Services Division, MHCADSD = Mental Health, Offender Abuse and Dependency Services Division

** Outcome results are based upon the number of clients eligible to be measured, which is likely to be different from clients served in 2009.

Activity	Lead Implementing Agency	Date of First Service	Clients Served in 2009	Services		Outcomes		
				Types	Quantity	Outcome Measures	Results	Success Rating
► Overarching Strategy 2: Ending Homelessness through Outreach, Prevention, Permanent Support Housing and Employment								
Activity 2.1 Identify and engage those who have experienced long-term homelessness								
2.1.A.1	MHCADSD	N/A	N/A	Develop list of high utilizers	Ongoing	List developed	List created	↗
2.1.A.2.a	MHCADSD	July 2008	1,323	Outreach contacts (individuals)	1,323	Increased engagement in services (individuals)	383	↗
2.1.A.2.b	PHSKC	January 2008	502	Clients enrolled	502	Clients in permanent housing Enrolled in benefits and substance abuse services	25% 48% 47%	↗
2.1.B.1	CSD	January 2008	532	Outreach contacts	532	Increased access to resources	89%	↗
2.1.B.2	PHSKC	July 2008	332	Referrals for assistance	942	Increased access to resources	89%	↗
2.2.	CSD	Fall 2007		Capital projects funded through 2009	20	Vets units funded Homeless units funded	162 381	↗
2.3	CSD	January 2009	273	Hours of education-outreach	5,226	New landlords renting units	62	↗
2.4.A	PHSKC	January 2008	945	Linked to Primary Care MH/CD engagement Self-manage chronic condition	271 406 344	Increase housing stability	97%	↗
2.4.B	CSD	January 2008	217	Households served Case management hours	177 20,550	Increase housing stability	86%	↗
2.5.A	MHCADSD	January 2008	51	Client visits	490	Move into supportive housing	67%	↗
2.5.B	MHCADSD	April 2009	41	Clients enrolled	41	Move into supportive housing Increased stability/retention	35 81%	↗
2.6	CSD	2008	29	Individuals contacted Families enrolled Case management hours	443 29 1,204	Increase housing stability	52%	↕
2.7	CSD	2008	1,623	Households assisted	623	At-risk families who maintain their housing 12 months	93%	↗
2.8	CSD	2008	792	Clients enrolled	792	Secure job/Meet job goals Retain jobs/increase income	431 67%	↗

Activity	Lead Implementing Agency	Date of First Service	Clients Served in 2009	Services		Outcomes		
				Types	Quantity	Outcome Measures	Results	Success Rating
► Overarching Strategy 3: Increasing Access to Behavioral Health Services								
3.1.A	PHSKC	2008	7,476	Clients assessed Enrolled in treatment	7,476 2,435	Reduced depression scale	38%	↑
3.1.B	PHSKC	2008	777	Assessed for PTSD/MH Enrolled in treatment Outreach CM & Referrals	777 451 180	Reduced depression scale	38%	↑
3.2/3.3	WDVA	July 2009	626	Treatment professionals educated	626	Clients referred/ Improved treatment	Too early to measure	↔
3.4	CSD	2008	171	Recruited Clients enrolled	171 81	Reduced depression scale	98.5%	↑
► Overarching Strategy 4: Strengthening Young Families at Risk								
4.1	PHSKC	2008	133	Clients enrolled NFP Clients enrolled WTP	133 116	Successful birth outcome Improved employment	90% 68%	↑
4.2	PHSKC	2008	3,759	Clients screened Positive for depression Receiving treatment	3,759 995 628	Increased mental health status	64%	↑
Activity 4.3 Fund early childhood and prevention services								
4.3.A	PHSKC	2008	335	Clients assessed Receiving home visits Linked with medical	335 335 328	Delaying birth of second child	91%	↑
4.3.B	PHSKC	2008	835	Clients receiving info Information contacts Agencies- technical assistance	835 2,144 142	Increased access to culturally appropriate services	92%	↑
4.3.C	PHSKC	2009	16	Number of caregivers trained	16	Increased caregiver skills	67%	↑
4.3.D	PHSKC	2009	6,901	Families served Attendees Play and Learn	2,492 6,901	Increased caregiver skills	83%	↑
4.4/4.5	CSD	2009	47	Parents served Case management hours	29 3,837	Families do not re-enter the CJ system	100% of those measured did not return	↑
4.6	King County Superior Court	2009	54	Clients served New enrollees with treatment plan	54 26	Completed treatment plans	88%	↑

2009 Financial Report: Combined Levy Funds by Strategy

The Veterans and Human Services Levy will generate more than \$13 million per year for six years to support a range of housing and human services for veterans, their families, and others in need in King County. This table shows that by the end of 2009, plans for more than \$51 million in available funding had been reviewed by the levy oversight boards.

Strategy	Step 1		Step 2	Step 3		Step 4
	Program Dollars Per Plan 2009	Program Dollars Per Plan 2006-2009	Board/Public Review Status as of 12/31/09	2009 Funds Committed*	2006-2009 Funds Committed*	Cumulative Expenditures (incl 2009)
Overarching Strategy 1: Enhancing Services and Access for Veterans						
1.1 Expand geographic range of the King County Veterans Program	\$789,939	\$1,484,909	Periodic	Completed	\$789,939	\$213,368
1.2 Increase capacity of the King County Veterans Program	\$2,413,640	\$7,448,720	Completed	Completed	\$2,413,640	\$5,335,525
1.3 Phone resource for veterans	\$100,000	\$300,000	Completed	Completed	\$100,000	-
1.4 Provide training & info re VA linkages	\$40,000	\$120,000	Under Discussion	N/A	\$40,000	-
Overarching Strategy 2: Ending Homelessness through Outreach, Prevention, Permanent Support Housing and Employment						
2.1 Initiatives to identify/engage/house long term homeless	\$820,000	\$2,110,000	Completed	Completed	\$820,000	\$1,474,962
2.2 Increase permanent housing w/ support services	\$1,000,000	\$3,816,782	Completed	Annual RFP	\$1,000,000	\$11,206,326
2.3 Landlord risk reduction	\$1,000,000	\$1,000,000	Completed	Completed	\$1,000,000	\$2,663
2.4 Investment in support services for housing	\$1,250,000	\$3,750,000	Completed	Annual RFP	\$1,250,000	\$934,293
2.5 KCCJ housing services	\$500,000	\$500,000	Completed	Completed	\$500,000	\$635,000
2.6 Perin housing placement supp/CJ parents exiting transitional hsg	\$110,000	\$220,000	Completed	Completed	\$110,000	\$61,126
2.7 Housing stability program	\$1,000,000	\$3,000,000	Completed	Completed	\$1,000,000	\$1,717,888
2.8 Link education & employment to supportive housing	\$1,000,000	\$2,550,000	Completed	Completed	\$1,000,000	\$1,478,089
Overarching Strategy 3: Increasing Access to Behavioral Health Services						
3.1 Integrate MH/CD into primary care clinics	\$1,300,000	\$3,700,000	Completed	Completed	\$1,300,000	\$2,850,714
3.2 Training programs in trauma services for PTSD treatment	\$75,000	\$225,000	Completed	Completed	\$75,000	\$166,000
3.3 Train behavioral health providers in PTSD	\$250,000	\$750,000	Completed	Completed	\$250,000	\$419,967
3.4 In-home services to treat depression in elderly vets, others	\$196,000	\$504,000	Completed	Completed	\$196,000	-
Overarching Strategy 4: Strengthening Young Families at Risk						
4.1 Nurse Family Partnership	\$641,949	\$1,509,449	Completed	Completed	\$641,949	\$1,429,670
4.2 Pilot new services for maternal depression	\$461,638	\$1,461,638	Completed	Completed	\$461,638	\$1,211,638
4.3 Early childhood intervention/prevention	\$424,413	\$1,410,413	Completed	Completed	\$424,413	\$1,150,587
4.4 Early intervention support for parents exiting CJ in transitional hsg	\$280,000	\$860,000	Completed	Completed	\$280,000	\$297,607
4.5 Invest in education and employ for single parents exiting CJ	\$150,000	\$300,000	Completed	Completed	\$150,000	\$42,644
4.6 Family Treatment Court	\$225,000	\$425,000	Completed	N/A	\$225,000	\$321,755
Overarching Strategy 5: Resource Management and Evaluation						
5.1 Evaluation	\$350,000	\$1,250,000	Completed	N/A	\$350,000	\$351,459
5.2 Cross system planning/Youth	-	\$250,000	Under Discussion	N/A	-	-
5.3 Profile of offenders with MH & CD	\$100,000	\$200,000	Completed	Completed	\$100,000	\$120,000
5.4 Planning, training, service design efforts	\$200,000	\$825,000	Completed	Completed	\$200,000	\$457,440
5.5 Safe Harbors	-	\$350,000	Completed	N/A	-	-
5.6 Information systems	\$80,000	\$150,000	Completed	Completed	\$80,000	\$150,000
5.7 Consultation and training (HIPAA)	-	\$380,000	Completed	N/A	-	-
5.8 Common data set	\$150,000	\$450,000	Completed	Completed	\$150,000	\$380,000
5.9 Facilitation of ongoing partnerships	-	-	Completed	Completed	-	\$450,000
Percent of available program dollars:						
Administration and Board Support	\$13,907,579	\$52,120,911	98.2%	\$51,200,911	\$13,807,579	\$51,920,911
Planning, Development and Start-up	\$1,072,085	\$2,294,734	98.2%	\$1,072,085	\$1,072,085	\$33,101,882
	\$1,072,085	\$4,012,142		\$1,072,085	\$2,294,734	\$63,5%
	\$1,072,085	\$4,012,142		\$1,072,085	\$1,717,408	\$2,126,279
	\$1,072,085	\$4,012,142		\$1,072,085	\$584,087	\$584,087
	\$1,072,085	\$4,012,142		\$1,072,085	\$4,012,142	\$2,710,466
	\$1,072,085	\$4,012,142		\$1,072,085	\$55,933,053	\$55,812,348

*Includes funds committed by Letter of Award, Contract, and/or Memorandum of Agreement, as well as funds committed to expanding the range/capacity of King County Veterans Programs.

2009 Financial Report: Veterans Levy Fund by Strategy

When the Veterans and Human Services Levy was approved, voters committed half its funds to serve veterans, military personnel, and their families. Many of the levy's programs for veterans are funded through Strategy 1, but all but one of the other strategies also provides a range of services directed at veterans. This table shows over \$26 million in levy funds committed to serving veterans by the end of 2009.

Strategy	Program Dollars Per Plan 2009	Program Dollars 2006-2009	Step 1 Board/Public Review Status as of 12/31/09	Step 2 RFP or Other Process	2009 Funds Committed*	2006-2009 Funds Committed*	Step 4 Cumulative Expenditures (incl 2009)
► Overarching Strategy 1: Enhancing Services and Access for Veterans							
1.1 Expand geographic range of the King County Veterans Program	\$789,939	\$1,484,909	Please see the Consolidated Financial Status Report		\$789,939	\$1,484,909	\$213,368
1.2 Increase capacity of the King County Veterans Program	\$2,413,640	\$7,448,720			\$2,413,640	\$7,448,720	\$5,835,525
1.3 Phone resource for veterans	\$100,000	\$300,000			\$100,000	\$300,000	-
1.4 Provide training & info re VA linkages	\$40,000	\$120,000			\$40,000	\$120,000	-
► Overarching Strategy 2: Ending Homelessness through Outreach, Prevention, Permanent Support Housing and Employment							
2.1 Initiatives to identify/engage/house long term homeless	\$246,000	\$633,000	Please see the Consolidated Financial Status Report		\$246,000	\$633,000	\$425,544
2.2 Increase permanent housing w/ support services	\$300,000	\$5,999,353			\$300,000	\$5,999,353	\$5,321,374
2.3 Landlord risk reduction	-	\$500,000			-	\$500,000	\$1,332
2.4 Investment in support services for housing	\$375,000	\$1,125,000			\$375,000	\$1,125,000	\$284,325
2.5 KCCJF housing services	\$150,000	\$450,000			\$150,000	\$450,000	\$250,500
2.6 Perm housing placement supp/CJ parents exiting transitional hsg	-	-			-	-	-
2.7 Housing stability program	\$500,000	\$1,500,000			\$500,000	\$1,500,000	\$795,954
2.8 Link education & employment to supportive housing	\$300,000	\$765,000			\$300,000	\$765,000	\$377,925
► Overarching Strategy 3: Increasing Access to Behavioral Health Services							
3.1 Integrate MH/CD into primary care clinics	\$800,000	\$2,200,000	Please see the Consolidated Financial Status Report		\$800,000	\$2,200,000	\$1,600,714
3.2 Training programs in Trauma sensitive & PTSD treatment	\$22,500	\$67,500			\$22,500	\$67,500	-
3.3 Train behavioral health providers in PTSD	\$250,000	\$750,000			\$250,000	\$750,000	\$166,000
3.4 In-home services to treat depression in elderly vets, others	\$98,000	\$252,000			\$98,000	\$252,000	\$224,000
► Overarching Strategy 4: Strengthening Young Families at Risk							
4.1 Nurse Family Partnership	-	-	Please see the Consolidated Financial Status Report		-	-	-
4.2 Pilot new services for maternal depression	-	-			-	-	-
4.3 Early childhood intervention/prevention	-	-			-	-	-
4.4 Early intervention support for parents exiting C/J in transitional hsg	-	-			-	-	-
4.5 Invest in education and employ for single parents exiting CJ	-	-			-	-	-
4.6 Family Treatment Court	-	-			-	-	-
► Overarching Strategy 5: Resource Management and Evaluation							
5.1 Evaluation	\$175,000	\$625,000	Please see the Consolidated Financial Status Report		\$175,000	\$625,000	\$175,783
5.2 Cross system planning/Youth	-	\$125,000			-	\$125,000	-
5.3 Profile of offenders with MH & COD	-	\$60,000			-	\$60,000	\$60,000
5.4 Planning, training, service design efforts	\$50,000	\$100,000			-	-	-
5.5 Safe Harbors	\$60,000	\$247,500			\$60,000	\$247,500	\$159,175
5.6 Information systems	-	\$175,000			-	\$175,000	-
5.7 Consultation and training (HIPAA)	\$40,000	\$190,000			\$40,000	\$190,000	-
5.8 Common data set	\$75,000	\$225,000			\$75,000	\$225,000	\$216,551
5.9 Facilitation of ongoing partnerships	-	-			-	-	-
Subtotal:	\$6,785,079	\$25,417,982			\$6,735,079	\$26,317,982	\$16,108,069
Percent of available program dollars:							
Administration and Board Support	\$584,005	\$1,176,172			\$584,005	\$1,176,172	63.4%
Planning, Development and Start-up	-	\$1,304,884			-	\$1,304,884	\$520,482
Subtotal:	\$584,005	\$2,481,056			\$584,005	\$2,481,056	\$1,658,158
Total:	\$7,369,084	\$27,899,038			\$7,319,084	\$27,799,038	\$17,766,228

2009 Financial Report: Human Services Levy Fund by Strategy

When the Veterans and Human Services Levy was approved, voters committed half its funds to serve veterans and the remaining half to serve individuals and families in need. Levy funds have provided a range of housing, supportive services, behavioral health care, and family support services. This table shows over \$26 million of levy funds committed to human services by the end of 2009.

Strategy	Program Dollars Per Plan 2009	Program Dollars Per Plan 2006-2009	Step 1 Board/Public Review Status as of 12/31/09	Step 2 RFP or Other Process	2009 Funds Committed*	Step 3 2006-2009 Funds Committed*	Step 4 Cumulative Expenditures (incl 2009)
Overarching Strategy 1: Enhancing Services and Access for Veterans							
1.1 Expand geographic range of the King County Veterans Program	-	-	Please see the Consolidated Financial Status Report		-	-	-
1.2 Increase capacity of the King County Veterans Program	-	-			-	-	-
1.3 Phone resource for veterans	-	-			-	-	-
1.4 Provide Training & info re: VA linkages	-	-			-	-	-
Overarching Strategy 2: Ending Homelessness through Outreach, Prevention, Permanent Support Housing and Employment							
2.1 Initiatives to identify/engage/house long term homeless	\$574,000	\$1,477,000	Please see the Consolidated Financial Status Report		\$574,000	\$1,477,000	\$1,049,418
2.2 Increase permanent housing w/ support services	\$700,000	\$7,817,429			\$700,000	\$7,817,429	\$5,975,012
2.3 Landlord risk reduction	-	\$500,000			-	\$500,000	\$1,332
2.4 Investment in support services for housing	\$875,000	\$2,625,000			\$875,000	\$2,625,000	\$649,968
2.5 KCCJ housing/services	\$350,000	\$1,050,000			\$350,000	\$1,050,000	\$584,500
2.6 Perm housing placement supp/CJ parents exiting transitional hsg	\$110,000	\$220,000			\$110,000	\$220,000	\$61,126
2.7 Housing stability program	\$500,000	\$1,500,000			\$500,000	\$1,500,000	\$921,933
2.8 Link education & employment to supportive housing	\$700,000	\$1,785,000			\$700,000	\$1,785,000	\$1,100,164
Overarching Strategy 3: Increasing Access to Behavioral Health Services							
3.1 Integrate MH/CD into primary care clinics	\$500,000	\$1,500,000	Please see the Consolidated Financial Status Report		\$500,000	\$1,500,000	\$1,250,000
3.2 Training programs in trauma sensitive & PTSD treatment	\$52,500	\$157,500			\$52,500	\$157,500	-
3.3 Train behavioral health providers in PTSD	-	-			-	-	-
3.4 In-home services to treat depression in elderly vets, others	\$98,000	\$252,000			\$98,000	\$252,000	\$195,967
Overarching Strategy 4: Strengthening Young Families at Risk							
4.1 Nurse Family Partnership	\$641,949	\$1,509,449	Please see the Consolidated Financial Status Report		\$641,949	\$1,509,449	\$1,429,670
4.2 Pilot new services for maternal depression	\$461,638	\$1,461,638			\$461,638	\$1,461,638	\$1,211,638
4.3 Early childhood intervention/prevention	\$424,413	\$1,410,413			\$424,413	\$1,410,413	\$1,150,587
4.4 Early intervention support for parents exiting CJ/m transitional hsg	\$280,000	\$560,000			\$280,000	\$560,000	\$297,607
4.5 Invest in education and employ for single parents exiting CJ	\$150,000	\$300,000			\$150,000	\$300,000	\$42,644
4.6 Family Treatment Court	\$225,000	\$425,000			\$225,000	\$425,000	\$321,755
Overarching Strategy 5: Resource Management and Evaluation							
5.1 Evaluation	\$175,000	\$625,000	Please see the Consolidated Financial Status Report		\$175,000	\$625,000	\$175,676
5.2 Cross system planning/Youth	-	\$125,000			-	\$125,000	-
5.3 Profile of offender's with MH & COD	-	\$60,000			-	\$60,000	\$60,000
5.4 Planning, training, service design efforts	\$50,000	\$100,000			-	-	-
5.5 Safe Harbors	\$140,000	\$577,500			\$140,000	\$577,500	\$298,265
5.6 Information systems	-	\$175,000			-	\$175,000	-
5.7 Consultation and Training (HIPAA)	\$40,000	\$75,000			-	\$75,000	-
5.8 Common data set	\$75,000	\$190,000			\$40,000	\$190,000	-
5.9 Facilitation of ongoing partnerships	\$75,000	\$225,000			\$75,000	\$225,000	\$216,551
Subtotal:	\$7,122,500	\$26,702,929			\$7,072,500	\$26,602,929	\$16,993,812
Percent of available program dollars:							
Administration and Board Support	\$488,080	\$1,118,562			\$488,080	\$1,118,562	63.6%
Planning, Development and Start-up	-	\$412,524			-	\$412,524	\$988,703
Subtotal:	\$488,080	\$1,531,086			\$488,080	\$1,531,086	\$63,605
Total:	\$7,610,580	\$28,234,015			\$7,560,580	\$28,134,015	\$18,046,120

*Includes funds committed by Letter of Award, Contract, and/or Memorandum of Agreement, as well as funds committed to expanding the range/capacity of King County Veterans Programs.



The Veterans and Human Services Levy is administered by the King County Department of Community and Human Services and carried out in partnership with:

African American Elders Project
 Area Agency on Aging – City of Seattle Aging
 and Disability Services
 Catholic Community Services
 Catholic Housing Services
 Center for Healthcare Improvement for Addictions, Mental
 Illnesses and Medically Vulnerable Populations
 Center for Human Services
 Child Care Resources
 Chinese Information and Service Center
 City of Seattle
 Compass Center
 Community Health Plan
 Community House Mental Health Agency
 Country Doctor Community Health Centers
 Crisis Clinic
 Downtown Emergency Service Center
 Eastside Interfaith Social Concerns Council

Evergreen Treatment Services
 Family Services of King County
 First Place
 Friends of Youth
 Foundation for the Challenged
 Harborview Medical Center
 Health Care for the Homeless Network
 HealthPoint
 Hopelink
 Housing Resources Group
 International Community Health Services
 International Drop-in Center
 King County Behavioral Health Safety Net Consortium
 Low Income Housing Institute
 Multi-Service Center
 Navos
 NeighborCare Health
 Neighborhood House
 Northshore Youth & Family Services
 Odessa Brown Children's Center
 Pioneer Human Services
 Plymouth Housing Group
 Projects for Assistance in Transition from Homelessness (PATH)
 Public Health - Seattle & King County
 Renton Area Youth & Family Services
 Salvation Army – Seattle
 SeaMar Community Health Centers
 Seattle Indian Health Board
 Seattle Jobs Initiative
 Senior Services
 Solid Ground
 Sound Mental Health
 St. Andrews Housing Group
 United Way of King County
 University of Washington
 Valley Cities Counseling and Consultation
 Vashon HouseHold
 Vashon Youth & Family Services
 Washington Department of Veterans Affairs
 Youth Eastside Services
 YWCA of Seattle-King County-Snohomish County

www.kingcounty.gov/DCHS/levy

City of Kenmore, Washington

Proclamation

WHEREAS: Les Schwab Tire Center of Kenmore has a proud tradition of giving to the community; and

WHEREAS: The City of Kenmore recognizes the contribution of Les Schwab to the quality of life in the City; and

WHEREAS: Les Schwab provided a memorable holiday in December 2010 to more than a dozen children by donating to the Secret Santa Program; and

WHEREAS: Les Schwab hosted its annual food drive to support Kenmore's local food bank; and

WHEREAS: Les Schwab's support to additional programs within the City has made a significant impact on the community.

NOW, THEREFORE I, David Baker, Mayor of the City of Kenmore in the State of Washington, on behalf of the City Council, and with great pride, do hereby extend most sincere congratulations and appreciation to **LES SCHWAB TIRE CENTER OF KENMORE**, in recognition of their generosity to the community.

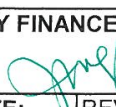
IN WITNESS THEREOF, signed this 14th day of February, 2011.

Signed _____

David Baker, Mayor

Attested _____

Lynn Suskin, City Clerk

CITY OF KENMORE, WASHINGTON AGENDA BILL SUMMARY			
AGENDA TITLE			MEETING DATE
Discussion and Adoption of Ordinance No. 11-0320 Amending Section 9.50.030 of the Kenmore Municipal Code Relating to the Definition of the Crime of Prostitution, and Providing for an Effective Date.			February 14, 2011
DEPARTMENT	DIRECTOR	CONTACT PERSON	PHONE
Public Safety	Chief Clifford Sether	Chief Sether	206-205-7656
COST OF PROPOSAL: Legal & Management time to prepare ordinance.		ACCOUNT NUMBER: N/A	
AMOUNT BUDGETED: Included as part of general administrative costs.		NAME AND FUND #: N/A	
ATTACHMENT(S) TO AGENDA PACKET ITEM:			
• Proposed Ordinance No. 11-0320 • RCW 9A.88.030 Prostitution • RCW 9A.44.010 Definitions			
SUMMARY STATEMENT: Kenmore Municipal Code Section 9.50.030, relating to the definition of the crime of prostitution, is amended to adopt the Revised Code of Washinton (RCW) definition of "Sexual Contact." The wording in the original Kenmore Ordinance was deficient and made it difficult to arrest and prosecute anyone for violation of prostitution by sexual contact. This brings the City Ordinance consistent with the RCW and is on the advice of the City's Prosecutor and King County Police Services.			
CONSISTENT WITH OR COMPARISON TO PAST COUNCIL POLICIES, ORDINANCES, DIRECTION: Maintaining consistency with best practices.			
RECOMMENDED CITY COUNCIL ACTION/SUGGESTED MOTION: Discuss and adopt Ordinance No. 11-0320.			
REVIEWED BY FINANCE DIRECTOR:	REVIEWED BY CITY ATTORNEY:	APPROVED BY CITY MANAGER:	
			
TODAY'S DATE:	REVISION DATE(S):	FILE NAME & PATH (HYPERLINK):	

VIIIA. Discussion and Adoption of Ordinance No. 11-0320 Amending Section 9.50.030 of the Kenmore Municipal Code Relating to the Definition of the Crime of Prostitution, and Providing for

CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 11-0320

**AN ORDINANCE OF THE CITY OF KENMORE,
WASHINGTON, AMENDING SECTION 9.50.030 OF THE
KENMORE MUNICIPAL CODE RELATING TO THE
DEFINITION OF THE CRIME OF PROSTITUTION, AND
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City is a community known for its wholesome civic and recreational activities and its traditional family oriented lifestyle; and

WHEREAS, it is in the public interest to maintain the health, safety, and welfare of the citizens of the City; and

WHEREAS, the City Council finds that amendments to the definition of the crime of prostitution in the Kenmore Municipal Code are necessary in order to protect the public health, safety, and welfare; and

WHEREAS, the revisions to KMC 9.50.030 are necessary and appropriate in order to provide consistency between the Kenmore Municipal Code and state law relating to the crime of prostitution, now, therefore

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

Section 1. Section 9.50.030 of the Kenmore Municipal Code is hereby amended to read as follows:

9.50.030 Prostitution defined – Sexual conduct ~~activity~~ defined.

For the purpose of this chapter, the terms “prostitution” and “sexual conduct” means engaging for hire in sexual activity, and “sexual activity” means: shall have the same meanings as provided in RCW 9A.88.030 and RCW 9A.44.010 which are adopted by reference.

~~A. Sexual intercourse within its ordinary meaning, occurring upon any penetration, however slight; and~~

~~B. Any penetration of the vagina or anus, however slight, by an object when committed on one person by another, whether such persons are of the same or opposite sex, except when such penetration is accomplished for medically recognized treatment or diagnostic purposes; and~~

~~C. Any act of sexual contact between persons involving the sex organs of one person and the mouth or anus of another whether such persons are of the same or opposite sex; and~~

~~D. Masturbation, manual or instrumental, of one person by another. [Ord. 01-0101 § 54(1) (KCC 12.63.030).]~~

Section 2. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 14th DAY OF FEBRUARY, 2011.

CITY OF KENMORE

David Baker, Mayor

ATTEST/AUTHENTICATED:

Lynn Suskin, City Clerk

Approved as to form:

Rod P. Kaseguma, City Attorney

Filed with the City Clerk:	1/14/11
Passed by the City Council:	2/14/11
Ordinance No.:	11-0320
Date of Publication:	2/18/11
Effective Date:	2/24/11

I:\City Clerk\Ordinances\2011\Ord No. 11 0320

RCW 9A.88.030
Prostitution.

(1) A person is guilty of prostitution if such person engages or agrees or offers to engage in sexual conduct with another person in return for a fee.

(2) For purposes of this section, "sexual conduct" means "sexual intercourse" or "sexual contact," both as defined in chapter 9A.44 RCW.

(3) Prostitution is a misdemeanor.

[1988 c 145 § 16; 1979 ex.s. c 244 § 15; 1975 1st ex.s. c 260 § 9A.88.030.]

NOTES:

Effective date -- Savings -- Application -- 1988 c 145: See notes following RCW 9A.44.010.

Effective date -- 1979 ex.s. c 244: See RCW 9A.44.902.

RCW 9A.44.010
Definitions.

As used in this chapter:

- (1) "Sexual intercourse" (a) has its ordinary meaning and occurs upon any penetration, however slight, and

(b) Also means any penetration of the vagina or anus however slight, by an object, when committed on one person by another, whether such persons are of the same or opposite sex, except when such penetration is accomplished for medically recognized treatment or diagnostic purposes, and

(c) Also means any act of sexual contact between persons involving the sex organs of one person and the mouth or anus of another whether such persons are of the same or opposite sex.
- (2) "Sexual contact" means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party or a third party.
- (3) "Married" means one who is legally married to another, but does not include a person who is living separate and apart from his or her spouse and who has filed in an appropriate court for legal separation or for dissolution of his or her marriage.
- (4) "Mental incapacity" is that condition existing at the time of the offense which prevents a person from understanding the nature or consequences of the act of sexual intercourse whether that condition is produced by illness, defect, the influence of a substance or from some other cause.
- (5) "Physically helpless" means a person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act.
- (6) "Forcible compulsion" means physical force which overcomes resistance, or a threat, express or implied, that places a person in fear of death or physical injury to herself or himself or another person, or in fear that she or he or another person will be kidnapped.
- (7) "Consent" means that at the time of the act of sexual intercourse or sexual contact there are actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.
- (8) "Significant relationship" means a situation in which the perpetrator is:
 - (a) A person who undertakes the responsibility, professionally or voluntarily, to provide education, health, welfare, or organized recreational activities principally for minors;
 - (b) A person who in the course of his or her employment supervises minors; or
 - (c) A person who provides welfare, health or residential assistance, personal care, or organized recreational activities to frail elders or vulnerable adults, including a provider, employee, temporary employee, volunteer, or independent contractor who supplies services to long-term care facilities licensed or required to be licensed under chapter 18.20, 18.51, 72.36, or 70.128 RCW, and home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW, but not including a consensual sexual partner.
- (9) "Abuse of a supervisory position" means:
 - (a) To use a direct or indirect threat or promise to exercise authority to the detriment or benefit of a minor; or
 - (b) To exploit a significant relationship in order to obtain the consent of a minor.

<http://www.mrsc.org/mc/rcw/RCW%20%20%209A%20TITLE/RCW%20%20%209A.%2044%20%20CH...> 2/1/2011

(10) "Person with a developmental disability," for purposes of RCW 9A.44.050(1)(c) and 9A.44.100(1)(c), means a person with a developmental disability as defined in RCW 71A.10.020.

(11) "Person with supervisory authority," for purposes of RCW 9A.44.050(1) (c) or (e) and 9A.44.100(1) (c) or (e), means any proprietor or employee of any public or private care or treatment facility who directly supervises developmentally disabled, mentally disordered, or chemically dependent persons at the facility.

(12) "Person with a mental disorder" for the purposes of RCW 9A.44.050(1)(e) and 9A.44.100(1)(e) means a person with a "mental disorder" as defined in RCW 71.05.020.

(13) "Person with a chemical dependency" for purposes of RCW 9A.44.050(1)(e) and 9A.44.100(1)(e) means a person who is "chemically dependent" as defined in RCW 70.96A.020(4).

(14) "Health care provider" for purposes of RCW 9A.44.050 and 9A.44.100 means a person who is, holds himself or herself out to be, or provides services as if he or she were: (a) A member of a health care profession under chapter 18.130 RCW; or (b) registered under chapter 18.19 RCW or licensed under chapter 18.225 RCW, regardless of whether the health care provider is licensed, certified, or registered by the state.

(15) "Treatment" for purposes of RCW 9A.44.050 and 9A.44.100 means the active delivery of professional services by a health care provider which the health care provider holds himself or herself out to be qualified to provide.

(16) "Frail elder or vulnerable adult" means a person sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself. "Frail elder or vulnerable adult" also includes a person found incapacitated under chapter 11.88 RCW, a person over eighteen years of age who has a developmental disability under chapter 71A.10 RCW, a person admitted to a long-term care facility that is licensed or required to be licensed under chapter 18.20, 18.51, 72.36, or 70.128 RCW, and a person receiving services from a home health, hospice, or home care agency licensed or required to be licensed under chapter 70.127 RCW.

[2007 c 20 § 3; 2005 c 262 § 1; 2001 c 251 § 28. Prior: 1997 c 392 § 513; 1997 c 112 § 37; 1994 c 271 § 302; 1993 c 477 § 1; 1988 c 146 § 3; 1988 c 145 § 1; 1981 c 123 § 1; 1975 1st ex.s. c 14 § 1. Formerly RCW 9.79.140.]

NOTES:

Effective date -- 2007 c 20: See note following RCW 9A.44.050.

Severability -- 2001 c 251: See RCW 18.225.900.

Short title -- Findings -- Construction -- Conflict with federal requirements -- Part headings and captions not law -- 1997 c 392: See notes following RCW 74.39A.009.

Intent -- 1994 c 271: "The legislature hereby reaffirms its desire to protect the children of Washington from sexual abuse and further reaffirms its condemnation of child sexual abuse that takes the form of causing one child to engage in sexual contact with another child for the sexual gratification of the one causing such activities to take place." [1994 c 271 § 301.]

Purpose -- Severability -- 1994 c 271: See notes following RCW 9A.28.020.

Severability -- Effective dates -- 1988 c 146: See notes following RCW 9A.44.050.

Effective date -- 1988 c 145: "This act shall take effect July 1, 1988." [1988 c 145 § 26.]

Savings -- Application -- 1988 c 145: "This act shall not have the effect of terminating or in any way modifying any liability, civil or criminal, which is already in existence on July 1, 1988, and shall apply only to offenses committed on or after July 1, 1988." [1988 c 145 § 25.]

<http://www.mrsc.org/mc/rcw/RCW%20%20%209A%20TITLE/RCW%20%20%209A.%2044%20%20CH...> 2/1/2011

CITY OF KENMORE, WASHINGTON			
AGENDA BILL SUMMARY			
AGENDA TITLE			MEETING DATE
Motion to adopt Resolution 11-187 declaring an emergency for the earth slide in the 15300 block of 61 st Place NE that endangers the public roadway and utilities.			February 14, 2011
DEPARTMENT	DIRECTOR	CONTACT PERSON	PHONE
Engineering	Ron Loewen	Kent Vaughan	425-398-8900
COST OF PROPOSAL: Staff Time to Prepare Agenda Bill: 6 hours Staff: \$ 14,000 - \$ 34,000 Design: \$100,000 - \$ 241,000 Construction: \$468,000 - \$ 844,000 Total: \$582,000 - \$1,119,000		ACCOUNT NUMBER: To be determined	
AMOUNT BUDGETED: None		NAME AND FUND #: Arterial Street Fund 0900	
ATTACHMENT(S) TO AGENDA PACKET ITEM: • Resolution 11-187 • 61st Place NE Landslide Exhibit 1 & 2 • 61st Place NE Photo Exhibit • Declaration of Emergency dated January 27th, 2011			
SUMMARY STATEMENT:			
During the December 12th, 2010 winter storm event, a substantial portion of the hillside at 15301 61st Place NE on the west side of the roadway slid as a result of saturated soils. The slide was approximately 40 feet wide, 20 feet high and debris extended 75 feet down the hillside. The top of the slide at that time was approximately 5 feet (west) behind the back of curb on 61st Place NE. Immediately south of the slide, there was evidence of soil movement adjacent to the existing house at 15219 61st Place NE. The City's Geotechnical Consultant, GeoEngineers, visited the site with City Staff and believed the roadway was stable. City Staff was advised to monitor the slide. During the snow / rain event of January 12th, 2011, an additional small slide occurred and slope conditions further deteriorated. The slide expanded to the curb of the roadway. It was concluded that the slide now endangered the roadway and utilities within the public right-of-way and that immediate action is warranted. Temporary measures have been taken to stabilize the site. Public work crews have covered the hillside in plastic to avoid further surface erosion and have barricaded off half of the street, reducing it to one lane, to keep vehicle loading away from the edge of the slide. 61st Place NE is built on a compacted fill and is the only access serving 22 homes. The right of way is 50 feet wide and the west right of way margin is 10 feet behind the curb. Within the roadway adjacent to the slide, buried utilities include a 12" stormwater pipe system, natural gas main, telephone service and electrical power line. Across the street, there are water and sanitary sewer lines.			

VIIIB.

Motion to Adopt Resolution 11-187 Declaring an Emergency for the Earth Slide in the 15300

With site conditions as they exist (20-foot high near vertical slope adjacent to the curb line with saturated ground), the roadway is in serious jeopardy of failing. If additional slides were to occur, the stormwater pipe system, natural gas line and power conduit may be lost. The City Manager has issued an emergency declaration to take immediate action to stabilize the slope and roadway.

City staff has retained a design team to prepare civil plans for the emergency restoration work and will award the construction contract to a contractor experienced with landslide projects. With the declaration of emergency pursuant to State law, the City may enter into contracts and award the project without the normal time consuming bid processes, as required by State Statute. Based on preliminary estimates, the overall restoration project cost ranges from \$582,000 to \$1,119,000. The variability in the numbers is due to the uncertainty of the retaining wall design and length. The project duration is expected to be two to three months. We will request City Council action to appropriate the funds necessary to complete the design and construction of the retaining wall at a later date along with the appropriate budget amendments.

CONSISTENT WITH OR COMPARISON TO PAST COUNCIL POLICIES, ORDINANCES, DIRECTION:

Kenmore Municipal Code 8.30

RECOMMENDED CITY COUNCIL ACTION/SUGGESTED MOTION:

Motion to adopt Resolution 11-187 declaring an emergency for the earth slide in the 15300 block of 61st Place NE that endangers the public roadway and utilities.

REVIEWED BY FINANCE
DIRECTOR:



REVIEWED BY CITY
ATTORNEY:

APPROVED BY CITY MANAGER:



TODAY'S DATE:
January 27, 2011

REVISION DATE(S):

FILE NAME & PATH (HYPERLINK):
S:\0164 61st Place Slide Repair\Council\Feb 14,
2011\2011-01-26-AB-61st PL NE Slide Repair-
Declaration of Emergency.doc

VIII.B.

Motion to Adopt Resolution 11-187 Declaring an Emergency for the Earth Slide in the 15300

**CITY OF KENMORE
WASHINGTON
RESOLUTION NO. 11-187**

**A RESOLUTION OF THE CITY OF KENMORE,
WASHINGTON, DECLARING AN EMERGENCY WITH
REGARDS TO A SLIDE AT 15301 61ST PLACE.**

WHEREAS, 61ST Avenue NE is a public right of way located within the City of Kenmore, Washington; and

WHEREAS, on December 12, 2010 a slide occurred on the west side of the street beginning within street right of way and extending on private property (15301 61st Place NE); and

WHEREAS, an additional slide occurred on January 12, 2011; and

WHEREAS, these slides threaten the stability of the roadway, stormwater facilities, natural gas main, and buried power distribution system; and

WHEREAS, 61st Place NE is the only access to 22 residences; and

WHEREAS, a residence adjacent to the slides is also in jeopardy of being impacted; and

WHEREAS, RCW 39.04.280 and the City's Purchasing Parameters and Policies authorize the City Manager to declare an emergency, waive competitive bidding requirements and award necessary contracts on behalf of the City to address the emergency situation; and

WHEREAS, the City Manager declared an emergency on January 24, 2011 with regards to the slide at 15301 61st Place NE; and

WHEREAS, RCW 39.04.280 and the City's Purchasing Parameters and Policies require the City Council to certify the existence of an emergency after a declaration by the City Manager;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, DOES RESOLVE that, based on the findings in the recitals above, the slides at 15301 61st Place NE constituted an emergency that demanded immediate action to preserve public health, protect life, and public property.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON,
AT A REGULAR MEETING THEREOF THIS 14th DAY OF FEBRUARY 2011.

CITY OF KENMORE

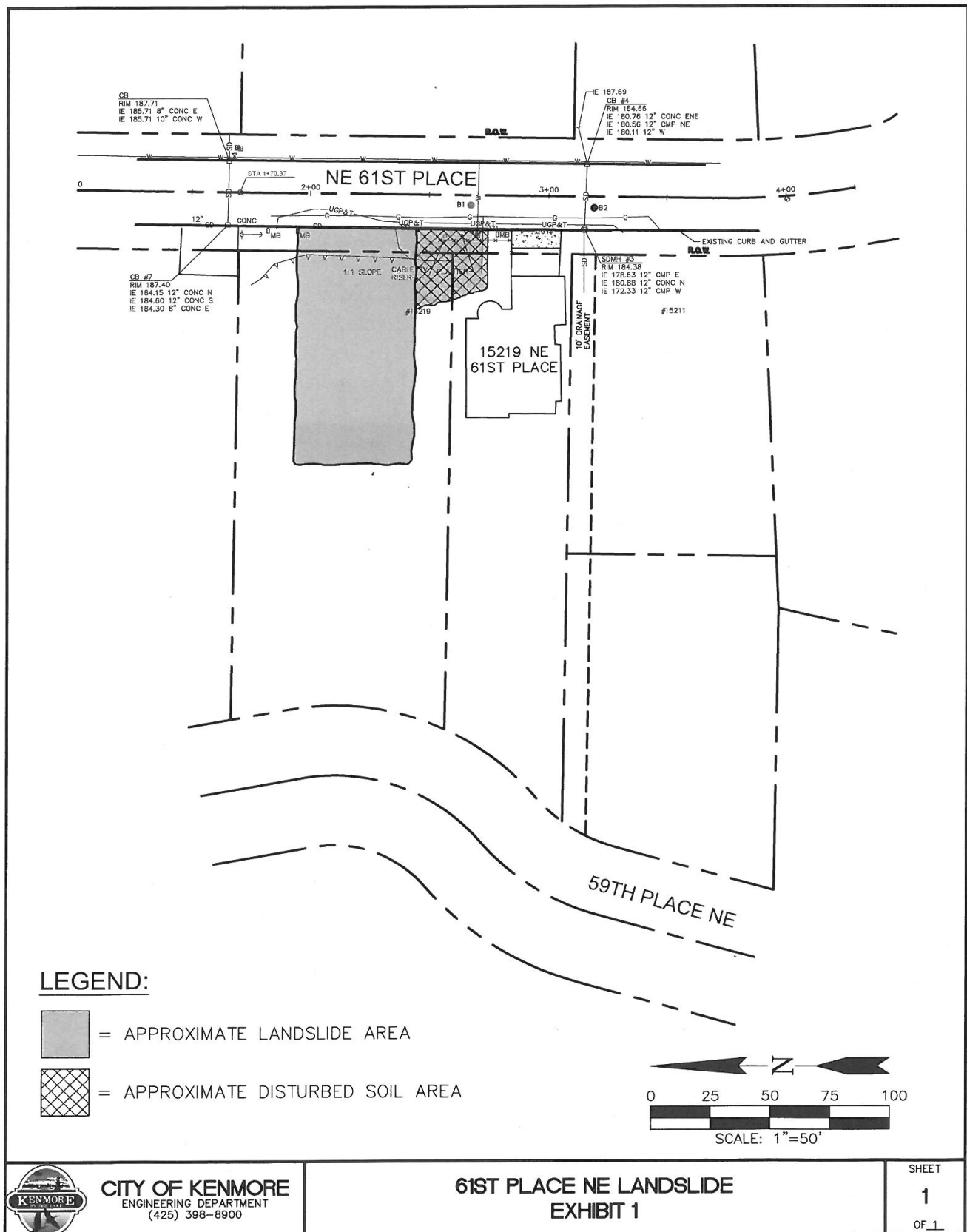
Mayor David Baker

ATTEST/AUTHENTICATED:

Lynn Batchelor, City Clerk

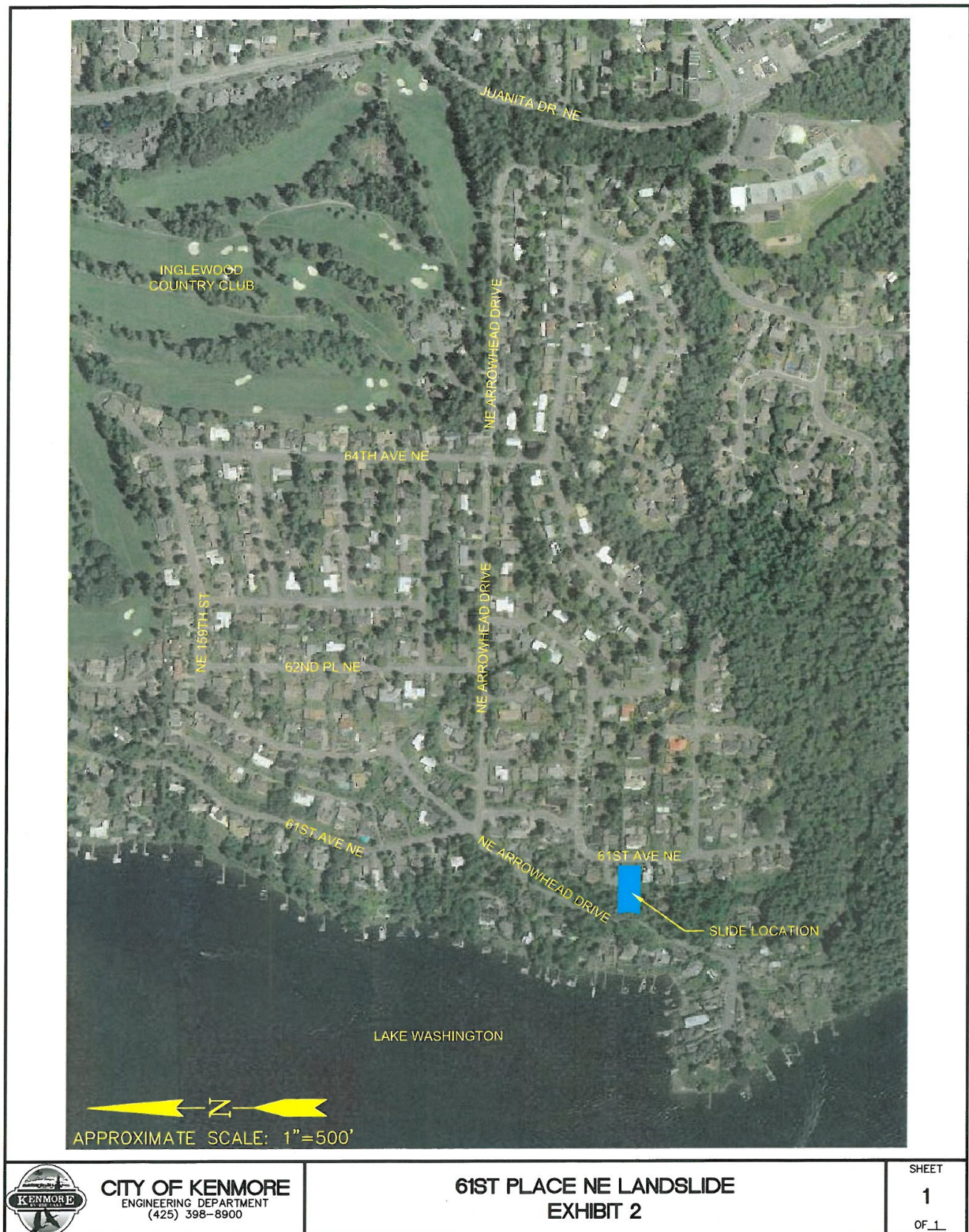
Approved as to form:

Rod Kaseguma, City Attorney



VIII.B.

Motion to Adopt Resolution 11-187 Declaring an Emergency for the Earth Slide in the 15300



VIII.B.

Motion to Adopt Resolution 11-187 Declaring an Emergency for the Earth Slide in the 15300

61st Place NE Landslide



Photo #1: 61st Place NE above slide area (facing north)



Photo #2: Top of slide area from 61st Place NE (facing north)

61st Place NE Landslide



Photo #3: Slide area from 15219 NE 61st Place NE (facing north)



Photo #4: Slide area from 15219 NE 61st Place NE (facing north-east)

61st Place NE Landslide



Photo #5: Slide area from 15219 NE 61st Place NE (facing north-east)



Photo #6: Top of slide area from 15219 NE 61st Place NE (facing north-east)

61st Place NE Landslide



Photo #7: Top of slide area from 61st Place NE (facing north-west)



Photo #8: Slide area from NE 61st Place NE (facing south-west)



Photo #8: Slide area from NE 61st Place NE (facing west)



City Of Kenmore, Washington

ATTACHMENT

3

MEMORANDUM

DATE: January 27, 2011

TO: Mayor, Members of the City Council

FROM: Fred Stouder, City Manager

SUBJECT: Declaration of Emergency – Slide at 15301 61st Place NE, Kenmore, WA

COPY

I am declaring an emergency effective February 24, 2011 with regards to the recent slide that occurred at 15301 61st Place NE, Kenmore. As we have reported earlier during the December 12, 2010 winter storm, a substantial portion of the hillside at 15301 61st Place NE, on the west side of the roadway, slid down hill as a result of saturated soil. The slide is approximately 40 feet wide, 20 feet high and debris has extended 75 feet down the hill, see attached documents. The top of the original slide was several feet behind the curb. In addition, on the south side of the slide there was evidence of soil movement adjacent to a house. During the runoff of the last snow event, January 12, 2011, there was an additional small slide. The slide is now directly behind the curb and we continue to have some movement of the area adjacent to the house.

The roadway adjacent to the slide is built on a compacted fill and is the only access to 22 homes. The right of way is 50 feet wide and the west right of way margin is 10 feet behind the curb. The slide has affected a portion of the right of way and endangers the roadway. Within the roadway, adjacent to the slide, buried utilities include a 12" stormwater sewer, natural gas main, telephone service and electrical power line. Across the street there are water and sanitary sewer lines. If the slide were to worsen, we would lose a portion of roadway, lose some utilities and have possible impact to the home.

Because of the most recent slide activity, the continued saturated soils in the area and the fact that the roadway is supported by a fill, we need to move expeditiously to resolve this situation. I am therefore declaring an emergency. This will allow staff to proceed with selecting consultants to design a solution to the slide without the typical formal process of requesting statements of qualifications and allow selection of a contractor without formal bidding procedures.

As per City policies, a formal declaration by the City Council will be requested at the February 14th City Council meeting. At that time, we will have a better idea of the potential costs and time frame to complete the improvements.

Attachments

18120 68th Ave NE

PO Box 82607

Kenmore, WA 98028

Office: (425) 398-8900

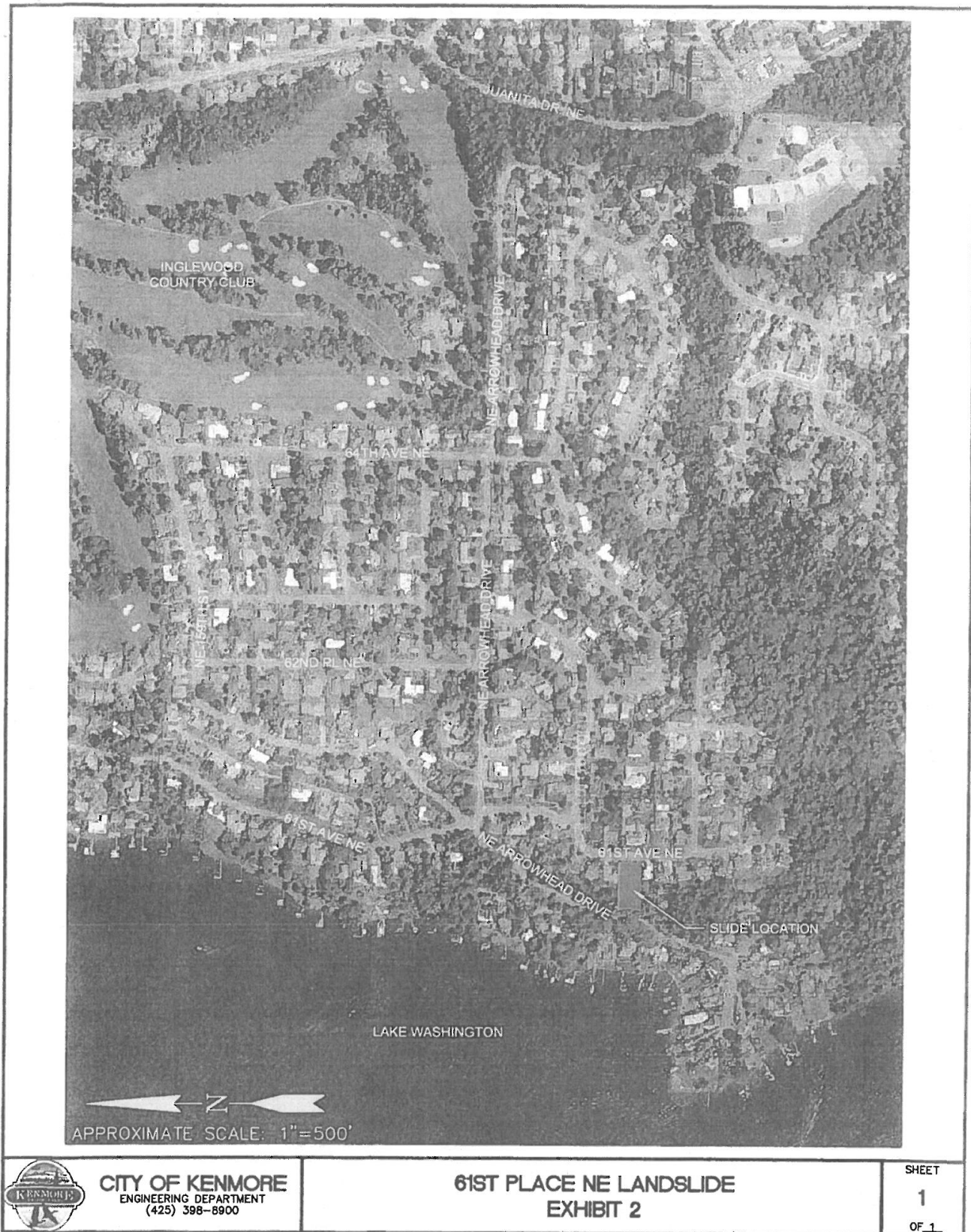
Fax: (425) 481-3236

cityhall@kenmorewa.gov

www.kenmorewa.gov

VIIIB.

Motion to Adopt Resolution 11-187 Declaring an Emergency for the Earth Slide in the 15300



VIIIB.

Motion to Adopt Resolution 11-187 Declaring an Emergency for the Earth Slide in the 15300



Photo #1: 61st Place NE above slide area (facing north)

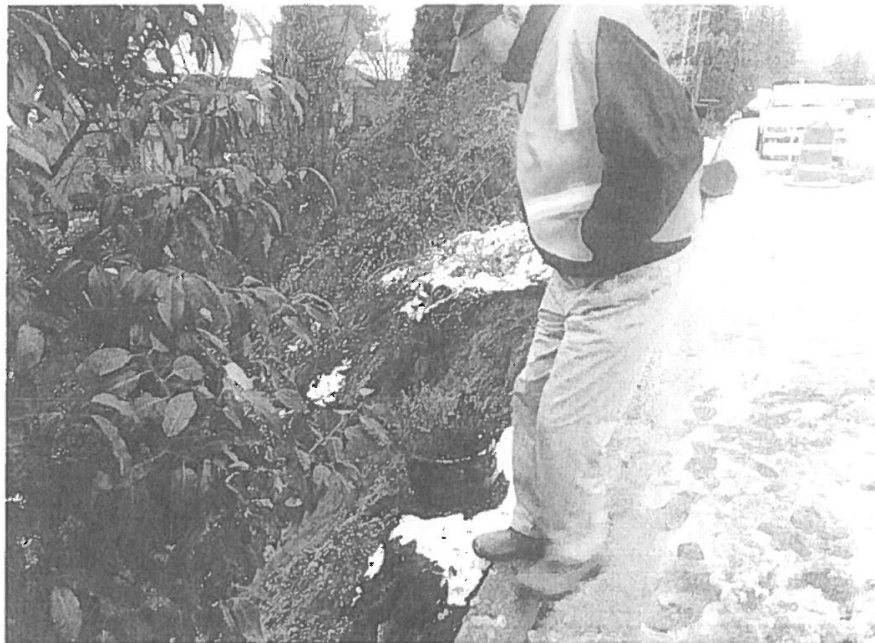


Photo #2: Top of slide area from 61st Place NE (facing north)

CITY OF KENMORE, WASHINGTON			
AGENDA BILL SUMMARY			
AGENDA TITLE			MEETING DATE
Discussion And Possible Action On Policing Evaluation Services Contract No. 11-C912 With Matrix Consulting Services In The Amount Of \$40,000.			February 14, 2011
DEPARTMENT	DIRECTOR	CONTACT PERSON	PHONE
Executive	Fred Stouder City Manager	Fred Stouder City Manager	425-398-8900
COST OF PROPOSAL: The contract dollar amount is not to exceed \$40,000 based on hourly billing and expenses.		ACCOUNT NUMBER: 01-13-5401	
AMOUNT BUDGETED: \$210,000 -two year budget, General Fund for Professional Services, Including Intergovernmental Consultants		NAME AND FUND #: General Fund -01	
ATTACHMENT(S) TO AGENDA PACKET ITEM: Attached is the proposed scope of services and contract with Matrix Consulting Services, and the firm's Statement of Qualifications.			
SUMMARY STATEMENT: One of the City Council's top five policy priorities for 2010 and 2011 is the continuation of the review of contract services and contract service delivery. Most all of the contracted services delivery day to day municipal services, such as chief building official responsibilities, project applicant development review ,and project planning have been reviewed, refined or alternative delivery services initiated, such as the retention of professional municipal employees like an in-house Chief Building Official. The largest remaining contract service for review is the policing services contract with the King County Sheriff's office. As the Sheriff's office is also consolidating services, resulting in the closure of the Kenmore precinct, and with the incorporation of the King County service area in adjacent Juanita, it is timely for review of service delivery. This review however does not imply any dissatisfaction with the professionalism or the delivery of policing services by King County. In pursuing this priority contract review, the City issued a Request for Statement of Qualifications on August 10, 2010, and received six (6) responses. Three firms were interviewed by a panel consisting of the City Manager, Fred Stouder, Finance Director, Joanne Gregory, Nancy Ousley, Assistant City Manager, Bastyr University Chief of Staff, Gregory Goode, Maple Valley City Manager , David Johnston, and the City's Organization Development Consultant, Michael Pendleton. The group's unanimous choice for further discussions and potential contract negotiations was Matrix Consulting Services, Richard Brady as Project Manager and Principal. The Sheriff's office has expressed full cooperation and support of the process. Sheriff's office personnel will be among the first resources consulted at the beginning of the study. The contract dollar amount is not to exceed \$40,000 based on hourly billing and expenses with \$25,000 for Phase One and \$15,000 for Phase Two. The task orders for each phase can be issued concurrently, or Phase Two task order can follow a draft completion and review of Phase One. The			

management team suggests both tasks be initiated as an efficiency measure and to help insure timely completion of the project. It is also helpful to be assessing and interviewing alternative resources concurrent with the initial interviews and research while Mr. Brady is on location. The project is anticipated to take 14 weeks to completion, or, assuming Council approval of the contract and scope, end of May or early June. Mr. Brady will be present at the City Council meeting of February 14th to address any questions the Council may have.

CONSISTENT WITH OR COMPARISON TO PAST COUNCIL POLICIES, ORDINANCES, DIRECTION:
One Of The City Council's Top Five Policy Priorities.

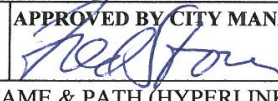
RECOMMENDED CITY COUNCIL ACTION/SUGGESTED MOTION:
Authorize The City Manager To Execute Contract No. 11-C912 With Matrix Consulting Services In An Amount Not To Exceed \$40,000.

REVIEWED BY FINANCE DIRECTOR:



REVIEWED BY CITY ATTORNEY:

APPROVED BY CITY MANAGER:



TODAY'S DATE:
2/3/2011

REVISION DATE(S):

FILE NAME & PATH (HYPERLINK):

i:\janice_gates\agenda_preparation\agenda_bills_2011\ab_matrix_consulting_services_policing_evaluation_02_14_11.doc

CONTRACT FOR CONSULTANT SERVICES
Contract No. 11-C912

This Agreement is entered into by and between the City of Kenmore, Washington, a municipal corporation ("City") and Matrix Consulting Services, whose principal office is located at 721 Colorado Ave Ste 101, Palo Alto CA 94303 ("Consultant").

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

WHEREAS, the City has selected the Consultant or contract service provider to perform such services pursuant to certain terms and conditions.

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

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

After the Contract has been authorized by the City Council or City Manager, the authorization to begin must be authorized by task or work order. If the services or task to be performed are several and distinct in nature or time sequences, each element or phase must also be authorized in writing by task or work order.

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

The City shall pay Consultant:

[Check applicable method of payment]

☒ According to the wage rates and expenses set forth in Exhibit "B".

☒ A sum not to exceed \$40,000.00.

☐ Other (describe):

The Consultant shall complete and return to the City Exhibit "D," Tax Identification Number," prior to or along with the first billing invoice. The City shall pay the Consultant for services rendered within ten (10) days after City Council voucher approval.

3. Duration of Agreement. All contracts shall have a specified ending date. This Agreement shall be in full force and effect for a period commencing on February 15, 2011 and ending July 30, 2011 unless sooner terminated under the provisions of this Agreement. Time is of the essence of this Agreement in each and all of its provisions in which performance is required. If the service is a continual or periodic, specialized, or personnel service, the City's administrative policy is to review and bring current as appropriate such contracts on an annual basis. Specific project, program or construction projects may have a longer or shorter identified Duration of Agreement and length of time based on the schedule and scope of the project.

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

5. Independent Contractor. The Consultant or contract service provider and the City agree that the contractor is an independent contractor with respect to the services provided pursuant to this Agreement. The Consultant or contract service provider will be solely responsible for its acts and for the acts of its agents, employees, subconsultants or representatives during the performance of this Agreement. Nothing in this Agreement shall be considered to create the relationship of employer and employee between the parties.

6. Indemnification.

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

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

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

A. Minimum Scope of Insurance.

Consultant shall obtain insurance of the types described below:

1. Automobile Liability insurance covering all owned, non-owned, hired, and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.

2. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent contractors, and personal injury and advertising injury. The City shall be named as an insured under the Contractor's Commercial General Liability insurance policy with respect to the work performed for the City.

3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.

4. Professional Liability insurance appropriate to the Consultant's profession.

B. Minimum Amounts of Insurance.

Consultant shall maintain the following insurance limits:

1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.

2. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$1,000,000 general aggregate.

3. Professional Liability insurance shall be written with limits no less than \$1,000,000 per claim and \$1,000,000 policy aggregate limit.

C. Other Insurance Provisions.

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

1. The Consultant's insurance coverage shall be primary insurance as respects the City. Any insurance, self-insurance or insurance pool coverage maintained by the City shall be in excess of the Consultant's insurance and shall not contribute with it.

2. The Consultant's insurance shall be endorsed to state that coverage shall not be canceled by either party except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.

D. Verification of Coverage.

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

8. Record Keeping and Reporting.

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

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

9. Audits and Inspections. The records and documents with respect to all matters covered by this Agreement shall be subject at all times to inspection, review or audit by the City during the performance of this Agreement. All work products, data, studies, worksheets, models, reports and other materials in support of the performance of the service, work products, or outcomes fulfilling the contractual obligations are the products of the City of Kenmore.

10. Termination.

A. The City reserves the right to terminate or suspend this Agreement at any time, with or without cause, upon seven (7) days prior written notice. In the event of termination or suspension, all finished or unfinished documents, data, studies, worksheets, models, reports or other materials prepared by the Consultant pursuant to this Agreement shall promptly be submitted to the City.

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

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

D. The Consultant reserves the right to terminate this Agreement with not less than fourteen (14) days written United States mail notice, or in the event that outstanding invoices are not paid within sixty (60) days.

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

11. Discrimination Prohibited. The Consultant shall not discriminate against any employee, applicant for employment, or any person seeking the services of the Consultant under this Agreement, on the basis of race, color, religion, creed, sex, sexual orientation, age, national origin, marital status, or presence of any sensory, mental or physical disability.

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

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

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

15. Non-appropriation of Funds. If sufficient funds are not appropriated or allocated for payment under this Agreement for any future fiscal period, the City will so notify the Consultant and shall not be obligated to make payments for services or amounts incurred after the end of the current fiscal period. This Agreement will terminate upon the completion of all remaining services for which funds are allocated. No penalty or expense shall accrue to the City in the event that the terms of the provision are effectuated.

16. Entire Agreement. This Agreement contains the entire agreement between the parties, and no other agreements, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or bind either of the parties. Either party may

request changes to the Agreement. Changes which are mutually agreed upon shall be incorporated by written amendments to this Agreement.

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

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

With copies sent to the Office of the City Clerk, at the same address.

Notices to the Consultant or contract service provider shall be sent to the following address:

Richard Brady
Matrix Consulting Services
721 Colorado Ave Ste 101
Palo Alto CA 94303
(650) 858-0507

The Project Manager and contact information, including mailing address, e-mail address and telephone number, on behalf of the Consultant or contract service provider are:

If the Contract Manager is different from the Project Manager and if the individual named above does not have authority for contract amendments, revisions, or day to day management decisions, please identify the individual and title.

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

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

CITY OF KENMORE, WASHINGTON

CONSULTANT

By: _____
Frederick C. Stouder

By: _____
Richard Brady

Title: City Manager

Title: Principal and Project Manager

Date: _____

Date: _____

ATTEST AS TO FORM:

Rod Kaseguma, City Attorney

EXHIBIT A

**Scope of Work for an Assessment of
Contracted Police Services**

CITY OF KENMORE, WASHINGTON



January 18, 2011

SCOPE OF WORK TO CONDUCT AN ASSESSMENT OF CONTRACTED POLICE SERVICES

BACKGROUND AND SCOPE OF WORK

Law enforcement services in Kenmore are provided under contract by the King County Sheriff's Office. The City of Kenmore is within Precinct 2, which also includes other contracted jurisdictions, including North Bend, Woodinville, Sammamish, and Skykomish. These services are provided to a resident population of nearly 21,000 covering 6 square miles and includes the following personnel:

- 1 Sergeant (serving as the police chief)
- 9 Patrol Officers
- 1 Community Storefront Officer
- 1 Traffic Officer

The police contract also provides: dispatch, bomb squad, canine, SWAT, marine patrol, bicycle patrol and major crimes investigations.

Since 2006, the costs for police services have risen by an average of over 6% annually, as shown in the following table:

2006 (Actual)	2007 (Actual)	2008 (Actual)	2009 (Adopted)	2010 (Adopted)	Annual % Increase	4-Year % Change
\$2,280,793	\$2,550,882	\$2,600,549	\$2,784,790	\$2,924,029	6.5%	28.2%

The City of Kenmore has been reviewing various contracts, contract methodologies, and potentially other means of providing services, and is interested in an overall assessment of current police services, the costs of such services, the current contract model, as well as other alternatives for the provision of police services. The questions which need to be resolved in this project encompass the following:

1. Is the City of Kenmore receiving the police services for which it is currently contracting/paying?
2. Is there a need for the police services that are currently being paid for within the police contract?

3. Is there a more efficient way to configure the police contract to better fit the service needs of the city?
4. Are there services that the city needs but is not currently provided within the existing contract?
5. What is the capability/willingness of the current police service provider to modify and/or meet the unique needs of the city in future police contracts?
6. What is the feasibility and willingness of other police service providers such as other cities to provide the police services needed by the city?
7. What are the comparative costs, services, and other key factors across potential police services providers?
8. What future trends such as service provider stability, union contracts, state legislation, etc. should be considered when entering into future police contracts?

The following task plan provides our plan to develop an assessment of contracted police services in Kenmore.

PROJECT WORK PLAN

Phase 1: Evaluation of Existing Conditions and Assumptions

During this initial phase, the project team would obtain a comprehensive understanding of the current operating conditions, including interviews with key individuals, reviewing the current contract, and collecting data and information which would impact future services and costs, as well as evaluating opportunities for enhancing services, cost-savings, etc.

Task 1 Document Law Enforcement Issues as Perceived by Key "Stakeholders" in the Community.

The purpose of this first task is to develop a thorough understanding of issues and expectations of all key parties to the study. Completion of this task will include the following:

- Interview the City Manager and the City Council members. During the course of these interviews, explore the following:
 - Attitudes toward current service levels and service responsiveness of the King County Sheriff's Office
 - Views toward any unmet law enforcement related needs

- Identification and views toward other viable contract service providers
- Identification of issues regarding regional service delivery issues, including the actions of neighboring communities.
- Initial views regarding likely growth patterns that will impact the law enforcement service delivery system.
- Views toward local control of services
- Identification of factors affecting future growth and expected service levels
- Other issues as raised in individual interviews
- Interview key representatives of the King County Sheriff's Office. These interviews would review and discuss such issues as the following:
 - How the KCSO currently serves the City of Kenmore and surrounding areas
 - Methods by which the KCSO communicates with officials and citizens
 - Methods by which the KCSO encourages citizen involvement in crime prevention programs
 - Methods by which the KCSO coordinates activities with other public safety agencies, such as County fire and EMS services
 - Trends and issues that have arisen over the years
 - Budget and resource allocation issues facing the KCSO that could further impact contract service operations
 - Additional future plans to change service delivery or service levels in the City related to the current economic environment
- Make initial contacts with key community association members and other citizen's groups in the City of Kenmore, if appropriate.

Task Result: The result of this task would be the team's improved understanding of the interest of the City in commissioning this project.

Task 2 Document Staffing, Workloads, Service Levels, and Demographic Trends in the City of Kenmore.

To establish a basis for structuring and comprehensively evaluating the law enforcement organization alternatives, we will develop a portrait of staffing, workloads and service levels. We will gather and analyze detailed information about staffing, deployment, crime and service workloads, and service levels from the KCSO. In order to understand the system of law enforcement service delivery and the basis for organizational alternatives, we will document the following:

- Community-generated calls for service (CFS) workloads by time of day and day of week.
- Part I and Part II crime rates and arrests in the City (by type).
- Field deployment levels by KCSO in the city and surrounding areas.
- Response times by priority or urgency of call.
- Officer-initiated activities currently accomplished by field patrol personnel.
- Other workloads of patrol (as well as other personnel) such as court appearances, public education, etc.
- Number of cases forwarded to investigative staff for follow-up investigation by offense type.
- Traffic enforcement workloads and traffic enforcement activities.
- Nature and scope of crime prevention programs currently provided as well as school resources, community liaisons, etc.
- Indices of workload for support service functions, including:
 - Number of reports processed
 - Number of bookings
 - Number of pieces of evidence/property booked
- Summary of the existing law enforcement contract.
- Roles and responsibilities of any non-contract law enforcement personnel
- Review of demographic trends regarding population, residential and business growth, etc.

Task Result: *In developing this database of information the project team would document how the City and the KCSO captures units of work and reports these as well as service levels to the community, and how demographic trends may impact the City in the future.*

Task 3 Profile Law Enforcement Costs.

Concurrent with Task 2, the project team will ensure that it understands the cost of services and the cost structure within the KCSO. Through interviews with staff and review of budgets and supporting documents, the project team would analyze the following:

- Current cost of service in the basic deployment of field personnel and other staff contracted to Kenmore.
 - Direct cost services associated with labor
 - Indirect and other costs including: vehicles, supervisory and management, support services and County overhead
 - Municipal contribution to law enforcement services beyond / in addition to basic services resulting from the contract and the assignment of staff to manage the contract for service
- Costs of the non-sworn personnel and services allocated to law enforcement by the City of Kenmore outside of the KCSO contract.
- Services provided by the KCSO to the City of Kenmore without charge, such as air support services, regional narcotics enforcement, crime lab services, etc.

Task Result: *This task completes the development of our understanding of the existing delivery of law enforcement services and their costs.*

Task 4 Document Community Attitudes Toward Police Services.

The Matrix Consulting Group proposes to conduct focus groups consisting of gatherings of eight to twelve people in each focus group meeting. The focus group participants will be led through a two hour discussion by the Matrix Consulting Group to get a detailed understanding of the way they feel about a law enforcement needs and services in their community, including concerns regarding desired size and scope of police services, priorities and quality of services, etc.

In conducting the focus group meetings, the Matrix Consulting Group will complete the following steps:

- **Develop the focus group questions that will be asked.** The Matrix Consulting Group will develop a list of questions and review these questions with the designated project steering committee.
- **Select the participants.** There are alternative ways to select people for a focus group – random selection or intentionally select citizens to invite. The latter approach is preferred because participants come to the meeting with some knowledge of law enforcement issues.
- **Hold the focus group meetings.** This should be conducted in a comfortable setting, such as a community center or Library meeting room. The Matrix Consulting Group would discuss confidentiality at the beginning of the meetings and clearly explain how the results will be used.

Task Result: The Matrix Consulting Group will develop a brief summary of the results, which may provide insights for the law enforcement service and alternatives analysis. The project team has found that obtaining community feedback is important for buy-in at the end of the project.

Task 5 Evaluate the Level of Law Enforcement Services Currently Provided to the City of Kenmore as Well as Costs for the Services.

The results of the previous Tasks will be analyzed to identify issues and improvement opportunities associated with current operations under contract to the King County Sheriff's Office. The analysis would focus on such areas as the following:

- How do existing services and service levels compare to services elsewhere?
- How do existing service levels compare to generally accepted industry or prevailing approaches to productivity, response times, time available for proactive patrol, investigative caseloads, etc?
- Are there areas where service needs to be improved in Kenmore? This would include:
 - Does the City receive adequate patrol and investigative resources from the KCSO?
 - Is community input effectively sought by the KCSO?
 - Are communications between the KCSO and residents of the City adequate?
 - What opportunities exist for involvement in crime prevention programs?
 - Are the contract costs reasonable relative to the services provided?

- Are there opportunities for cost-savings while maintaining appropriate levels of service?
- Are there opportunities to enhance services while staying within the current contractual budget?

Task Result: While the focus of this task is the identification of issues within the existing service delivery system and associated opportunities for improvement, these issues also set the stage for the analysis of alternatives.

Task 6 Develop Assumptions for Use in the Analysis of Alternatives.

The project team will evaluate possible alternatives (as reviewed and approved by the City of Kenmore), which may include contracting with another viable service provider, creation of a stand-alone municipal department, and / or hybrid approaches. These alternatives will be compared, in terms of service and cost effectiveness, with the existing contractual relationship with the KCSO.

The project team will review the results of the first five tasks and develop a set of service level objectives that can be employed as a basis for structuring and costing alternative law enforcement services or service levels. Issue areas could include:

- Field deployment levels.
- Response time targets.
- Proactive patrol time and use of proactive time.
- Traffic enforcement emphasis.
- Use of other field special support service units.
- Call for service management policies.
- Use of non-sworn personnel to handle lower priority calls.
- Investigative follow-up by case type; caseload levels.
- Scope of crime prevention programming.
- How each alternative would be organized.

These issues will reflect both currently contracted and alternative targeted service levels and service approaches (i.e., potentially more cost effective approaches).

Task Result: The Phase 1 Report will be submitted to the City for review and comment.

Phase 2: Analysis and Comparison of Police Service Alternatives

During the second phase, the project team will compare the alternatives in terms of capital, resource, and budget requirements, determine the administrative overhead impacts on the City, identify the transition costs, start-up costs, and the ongoing operational costs, etc.

Task 7 Identify the Resources Needed for the Alternatives.

In this task, the project team will evaluate opportunities to improve the service provided by the County via the contract or other alternatives. This task is important for two reasons: first, because the results of previous tasks may result in opportunities to change service level objectives; second, because some services may be better provided in a more efficient or cost effective way. In resolving the issues identified in this task, we will explore:

- Quantitative and qualitative approaches to evaluating resource requirements in Kenmore.
- The number of staff required to handle each function at appropriate service levels and based on projected workloads.
- Alternative work methods to handle each work unit.
- Alternative staff classifications that could be employed to handle work – for example the use of civilians to handle lower priority workloads.

Task Result: The result of this task would be an analysis of the staffing required to provide services to the City of Kenmore based on identified appropriate service levels, workloads and effective management practices.

Task 8 Identify Alternative Organizational Approaches for Delivering Law Enforcement Services to Kenmore.

Once staff requirements have been determined, the project team will structure alternative organizational approaches for delivering law enforcement services to the City of Kenmore. Each alternative organizational approach would be analyzed in terms of the following:

- How each alternative would be structured legally and organizationally.
- For inter-jurisdictional alternatives, how each would be governed.

- How each alternative would be impacted by any current or potential labor agreements.
- How each alternative would impact other municipal services (e.g., human resources, finance, risk management).
- The advantages and disadvantages of each alternative.
- The potential incremental steps that could be taken to transition from the current service delivery model to a municipal police department or other alternative.

Task Result: The result of this task would be a detailed assessment of how each alternative would be structured and would fit into the City's overall plan of organization.

Task 9 Develop a Detailed Analysis of Operating Costs for Identified Service Delivery Alternatives.

We feel that it is important to develop and evaluate alternatives at a level of detail sufficient for the City of Kenmore to pursue the choice with a level of confidence. As a result, we will structure and estimate the costs of alternatives in significant detail, as follows:

- Summarize the number of line staff, by position type, required.
- Develop a plan of administrative, command, and support staffing necessary to support operations.
- Once the alternative organizational structure has been defined, estimate the competitive labor costs associated with the staffing plan. Base the analysis on the following:
 - Prepare a likely compensation schedule, by position, for the staffing plan associated with a municipal police department
 - Convert the staffing plan to estimated salary costs
 - Estimate fringe benefit costs based on competitive local fringe benefit packages
- Then, develop a detailed operating expense budget by cost component for the chosen service delivery alternative. This will include such costs as vehicles, technologies, facilities, and the provision of support services (i.e., human resources and risk management, information technology, etc.).

- The possible costs to the alternative contract service provider based on the level of resources and services allocated for Kenmore.

Task Result: *The result of this task would be a detailed line item assessment of the operating costs associated with each alternative.*

Task 10 Develop Implementation Action Plans.

During the final task, the project team would develop transition and implementation plans which outlines the tasks and activities to implement each alternative, including costs, priorities, and responsible party / individual. This would include:

- Determining the types and numbers of vehicles and other equipment needed.
- Identifying any facility issues associated with the alternatives.
- Developing start-up / transition / and ongoing operational costs.
- How to bring a basic management infrastructure on board to accomplish steps necessary to develop the service delivery alternative, including:
 - Coordinating and directing the recruiting and selection program
 - Developing operating policies and procedures for the new service delivery agency
 - Managing equipment acquisition
- How to transition service responsibility from the KCSO to a new service delivery agency to maintain services and minimize transition costs.
- Developing an implementation action plan timeline, including priorities, roles and responsibilities, and task / activity "owners".

Task Result: *The Phase 2 Report will be submitted to the City for review. Once the project deliverables have been approved and finalized, we would be prepared to present the final report to the Kenmore City Council.*

PROJECT SCHEDULE

As shown below, the project schedule is expected to be 12 weeks.

CITY OF KENMORE, WASHINGTON
Qualifications to Conduct the Assessment of Contracted Police Services

Project Task	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
1. Initial Interviews												
2. Document Services												
3. Law Enforcement Costs				√								
4. Community Input												
5. Analysis of the Contract												
6. Assumptions						√	1					
Phase II												
7. Alternative Resource Needs												
8. Alternative Organization												
9. Alternative Cost												
10. Implementation Plan											√	2

√ - Interim / Progress Meetings
 1 - First Draft Delivered
 2 - Final Draft Delivered

PROJECT COST

The Matrix Consulting Group proposes to conduct the Police Services Study for a fixed price of **\$40,000**. The detailed calculations of these pricings are provided below.

Project Task	Officer	Senior Manager	Total
Phase I			
1. Initial Interviews	8	0	8
2. Document Workloads and Services	8	24	32
3. Law Enforcement Costs	8	16	24
4. Community Input	8	8	16
5. Analysis of Current Services	8	24	32
6. Assumptions for Alternatives	8	8	16
Phase II			
7. Alternative Resource Need	8	24	32
8. Alternative Organization	8	8	16
9. Alternative Cost	8	16	24
10. Implementation Plan	8	8	16
Total Staff Hours	80	136	216
Hourly Billing Rates	\$200	\$150	
Professional Staff Time Cost	\$16,000	\$20,400	\$36,400
Travel-Related Cost			\$3,600
TOTAL COST			\$40,000

These project costs can be broken down for the two phases, as follows:

- **Phase I – \$25,000**
- **Phase II – \$15,000**

EXHIBIT B

CITY OF KENMORE, WASHINGTON

Qualifications to Conduct the Assessment of Contracted Police Services

PROJECT SCHEDULE

As shown below, the project schedule is expected to be 12 weeks.

Project Task	1	2	3	4	5	6	7	8	9	10	11	12
Phase I												
1. Initial Interviews	√											
2. Document Services	√	√										
3. Law Enforcement Costs		√	√	√								
4. Community Input			√	√	√							
5. Analysis of the Contract				√	√	√						
6. Assumptions						√	1					
Phase II												
7. Alternative Resource Needs								√	√	√		
8. Alternative Organization								√	√	√		
9. Alternative Cost										√		
10. Implementation Plan											√	2

√ - Interim / Progress Meetings

1 - First Draft Delivered

2 - Final Draft Delivered

PROJECT COST

The Matrix Consulting Group proposes to conduct the Police Services Study for a fixed price of **\$40,000**. The detailed calculations of these pricings are provided below.

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4. Community Input	8	8	16
5. Analysis of Current Services	8	24	32
6. Assumptions for Alternatives	8	8	16
Phase II			
7. Alternative Resource Need	8	24	32
8. Alternative Organization	8	8	16
9. Alternative Cost	8	16	24
10. Implementation Plan	8	8	16
Total Staff Hours	80	136	216
Hourly Billing Rates	\$200	\$150	
Professional Staff Time Cost	\$16,000	\$20,400	\$36,400
Travel-Related Cost			\$3,600
TOTAL COST			\$40,000

These project costs can be broken down for the two phases, as follows:

- **Phase I – \$25,000**
- **Phase II – \$15,000**

EXHIBIT C

City of Kenmore
Billing Invoice

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

Invoice Number: _____ Date of Invoice: _____

Consultant: _____

Mailing Address: _____

Telephone: () _____

Contract Period: _____ Reporting Period: _____

Amount requested this invoice: \$ _____

Attach itemized description of services provided.

Specific Program: _____

Authorized signature

For Department Use Only

BUDGET SUMMARY

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

Approved for Payment by: _____ Date: _____

EXHIBIT D

CITY OF KENMORE
P.O. Box 82607
Kenmore, WA 98028
Phone: (425) 398-8900
Fax: (425) 481-3236

TAX IDENTIFICATION NUMBER

In order for you to receive payment from the City of Kenmore, the must have either a Tax Identification Number or a Social Security Number. The Internal Revenue Service Code requires a Form 1099 for payments to every person or organization other than a corporation for services performed in the course of trade or business. Further, the law requires the City to withhold 20% on reportable amounts paid to unincorporated persons who have not supplied us with their correct Tax Identification Number or Social Security Number.

Please complete the following information request form and return it to the City of Kenmore prior to or along with the submittal of the first billing invoice.

Please check the appropriate category:

☐ Corporation ☐ Partnership ☐ Government Consultant
☐ Individual/Proprietor ☐ Other (explain)

TIN No.: _____

Social Security No.: _____

Print Name: _____

Title: _____

Business Name: _____

Business Address: _____

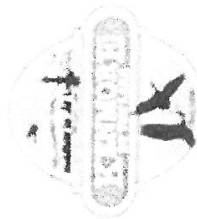
Business Phone: _____

Date

Authorized Signature (Required)

Presentation of Qualifications to Conduct an Assessment of Contracted Police Services

City of Kenmore, Washington



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Introduction to the Matrix Consulting Group

- ◆ The leaders of our firm have provided a wide range of consulting services to local government since the 1970's.
- ◆ The project team has extensive experience providing public safety consulting services nationwide through over 250 studies.
- ◆ Our recent experience in the Pacific Northwest is also extensive with recent studies for Tacoma (current), Spokane and Vancouver (WA) as well as Corvallis (OR).
- ◆ We also have extensive experience analyzing the feasibility of alternative service delivery.
- ◆ We are independent and objective – with recommendations based on the unique service environment.



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Law Enforcement Analytical Study Experience

- The project team has also conducted law enforcement studies with hundreds of law enforcement agencies nationally.
- Law enforcement studies include:

Operations, Organization, and Management Studies	Contract Service, Alternative Feasibility, and Contract Studies
Aztec, New Mexico	Augusta-Richmond, Georgia
Briarcliff Manor, New York	Citrus Heights, California
Corvallis, Oregon	College Park, Maryland
Deltona, Florida	Endicott / Vestal, NY
Spokane, Washington	Hilton Head Island, SC
Tacoma, Washington	Lauderdale Lakes, FL
Wilbraham, Massachusetts	Pinellas County, FL



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Our Project Team

Team Member	Background	Project Role
Richard Brady	Matrix CG President	Project Manager / Leads our Public Safety analytical Practice. Over 30 years of analytical experience. Has led every police feasibility study conducted by the firm and previously.
Greg Mathews	Matrix CG Vice President	Project Analyst. Over 20 years of local government and public safety consulting experience. Lead in our Tacoma and Corvallis studies.
Randy tan	Matrix CG Senior Manager	Project Analyst. 10 years of analytical experience. Lead in our Aztec and Los Angeles and Bay Area police feasibility studies.



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Methodological Overview

- ◆ Extensive input from City staff and KCSO service providers through face-to-face interviews.
- ◆ Extensive input from policy makers and other community 'stakeholders'.
- ◆ In depth data collection and analysis of workloads, service levels, resource needs and alternatives.
- ◆ In depth data collection and analysis of costs relating to personnel, operations, maintenance, infrastructure / capital, and transition.
- ◆ Implementation action planning, including timetables, roles and responsibilities, etc.



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Project Task Plan – Phase 1

Task	Issues Addressed
1. Project Initiation	What are the key issues shaping the study? What are the expectations of key 'stakeholders'?
2. Organizational Profile	How are contract police services current organized? How are staff deployed and utilized? What are workloads and levels of service?
3. Cost Profile	What are contract direct and indirect costs? How have costs and the cost structure changed over the past few years?
4. Stakeholder Input	What are key "stakeholder" perceptions of service and operations regarding service, staffing, and improvement opportunities?
5. Evaluation of Current	What opportunities exist to improve service delivery and/or cost effectiveness in the current service system?
6. Assumptions	What assumptions should be utilized in the development of the analysis of alternative service delivery?



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Project Task Plan – Phase 2

Task	Issues Addressed
7. Alternative Resources	What staffing and other resources are required for one or more police service alternatives?
8. Alternative Organization	How would a different police service be legally organized? How would it be governed? Are there collective bargaining issues?
9. Alternative Costs	What would be the operating costs of alternative police service delivery? What would be the costs to start and transition to this?
10. Action Plan	How should Kenmore transition to the new service delivery system? How long should it take? What are the key steps?



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Why Select the Matrix Consulting Group?

- ◆ Extensive experience as a team in a wide range of public safety studies with successful implementation, including:
 - Over 250 police studies nationally.
 - Extensive experience in the Pacific Northwest.
 - Extensive experience analyzing the feasibility of alternative police service alternatives.
- ◆ We are proud of our reputation of independence and objectivity.
- ◆ An interactive approach which provides staff and other stakeholders with many input opportunities.
- ◆ A detailed analytical approach which gives the City with recommendations tailored to its clearly defined needs together with detailed implementation plans.



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CITY OF KENMORE, WASHINGTON			
AGENDA BILL SUMMARY			
AGENDA TITLE			MEETING DATE
Discussion and Consideration of a City of Kenmore Transportation Benefit District			February 14, 2011
DEPARTMENT	DIRECTOR	CONTACT PERSON	PHONE
Engineering	Ron Loewen	Steve Lewis, Lochner	
COST OF PROPOSAL: City Staff to date: 15 hours Contract to date: \$14,300		ACCOUNT NUMBER: 01 32 5401	
AMOUNT BUDGETED FOR PLAN: \$30,000.		NAME AND FUND #: General Fund - Engineering	
ATTACHMENT(S) TO AGENDA PACKET ITEM:			
• Attachment 1 - Report from Lochner on Transportation Benefit District (TBD) • Attachment 2 - July 12, 2010 City Council Agenda Bill • Attachment 3 – House Bill 213.3/11 • Attachment 4 – Frequently Asked Questions: Transportation Benefit District • Attachment 5 – Frequently Asked Questions: Street Maintenance Utility District • Attachment 6 – City of Kenmore Functional Classification of Roadways • Attachment 7 – City of Kenmore TBD Regional Arterials • Attachment 8 – City of Kenmore Congested Arterials			
SUMMARY STATEMENT:			
During the 2010 Regular Session, the Washington State Legislature passed and the Governor signed an amendment related to transportation benefit districts (TBD) (RCW 36.73). The amendment included changes that clarify how projects can qualify to be included in a TBD, see Attachment 2 the July 12, 2010 Agenda Bill. Based on these changes and discussion by the City Council on July 12, 2010, City Staff was directed to proceed with the preparation of reports and documents related to the creation of a TBD. Attachment 1 is a report from Mr. Steve Lewis describing the steps necessary to create a TBD. Two items that need to be defined for the purposes of the TBD are: • A proposal to classify City arterials that meet one of three criteria, as principal arterials of regional significance, see Attachment 7. • A proposal to define congestion on principal arterials of regional significance as roadways that have approximately 704 one-way directional peak hour trips, see Attachment 8. Based on these definitions we anticipate all of the City's arterials, with the exception of 80th Avenue NE, would be eligible for the expenditure of transportation benefit district funds. Based on more current vehicle registration figures the total revenue that would be generated by the district with the imposition of a \$20 vehicle license fee would be \$284,000 per year. These funds could be spent on asphalt overlays, roadway reconstruction or new construction.			

If the City Council wishes to form a TBD, it must:

- Publish notice of a public hearing;
- Hold a public hearing; and
- Adopt an ordinance creating the TBD.

The report prepared by Mr. Lewis includes an example resolution calling for a public hearing and example ordinance establishing the district. Attachment 4 was prepared by the Association of Washington Cities and answers the most frequently asked question regarding a TBD.

The State Legislature is considering legislation that would allow local jurisdictions to form street maintenance utility districts. These districts would allow the imposition of a fee to finance street maintenance needs including asphalt overlays and other maintenance activities. The proposed legislation is included in Attachment 3 and Attachment 5 prepared by the Association of Washington Cities answers the most frequently asked question regarding the utility.

CONSISTENT WITH OR COMPARISON TO PAST COUNCIL POLICIES, ORDINANCES, DIRECTION:

Improve transportation for local residents by implementing the 6-year Transportation Improvement Plan.

RECOMMENDED CITY COUNCIL ACTION/SUGGESTED MOTION:

If the City Council chooses, schedule a public hearing to consider the establishment of a Transportation Benefit District to fund transportation improvements and direct staff to prepare the required legislation and reports.

**REVIEWED BY FINANCE
DIRECTOR:**



**REVIEWED BY CITY
ATTORNEY:**

APPROVED BY CITY MANAGER:



TODAY'S DATE:
February 3, 2011

REVISION DATE(S):

FILE NAME & PATH (HYPERLINK):
S:\Transportation Benefit District\021411_Agenda Bill
Summary_TBD.doc

Attachment 1

Report from Lochner on Transportation Benefit District (TBD)

STAFF REPORT



TO: Fred Stouder
FROM: Steve Lewis
SUBJECT: Transportation Benefit District (TBD)
DATE: November 2, 2010

INTRODUCTION

Capital:

Throughout 2007 and 2008, the Kenmore City Council met to discuss the City's transportation system, needs, funding opportunities and priorities. With the adoption of the Transportation Element of the Comprehensive Plan (2008), and Transportation Improvement Program, the Council identified over \$179 million¹ in transportation facility needs, not including maintenance.

Maintenance:

In 2010 a preliminary evaluation of the City's street rehabilitation needs over the next 10 years identified approximately \$18.2 million of asphalt overlay and roadway rehabilitation projects. This is in addition to the annual road maintenance expenditures that have averaged over \$1.08 million annually.

Revenue:

The traditional sources of funding transportation projects in Kenmore include:

- **Transfers from the General Fund:** Transfers have held steady since 2007 at \$500,000 with the same estimated in 2010. However, this is down from its 2005 high of approximately \$638,000, a 20% decrease.
- **Real Estate Excise Tax (REET):** REET fees have seen a substantial decline since its peak in 2006 of \$1,630,000 to \$645,000 estimated in 2010, a 60% decrease.
- **Transfers from the Surface Water Management Fee (SWM):** While the majority of funding sources have seen a decrease in revenue, SWM funds have steadily risen since a low in 2005 of \$233,000 to an estimated \$300,000 in 2010, a 30 percent increase.
- **Transportation Impact Fees:** Transportation impact fees have been declining with the rest of the economy since hitting a peak in 2005; going down over 6% in 2006, another 5% in 2007 and 2% in 2008. With the adoption of a new fee schedule in 2009, coupled with several public building projects, including City Hall, impact fees jumped to over \$680,000 in 2009, but are expected to decline by over \$200,000 in 2010.
- **Motor Fuel Tax (gas tax):** Over the years, the motor fuel tax has been the most relied upon source of transportation funding for State and local governments. This revenue source has remained fairly constant with one major increase in 2007. With recent wide fluctuations in the cost of gasoline, the recession and more fuel efficient vehicles, the gas tax is anticipated to decrease slightly over time.

¹ See Kenmore Transportation Element & "Allocation of Costs of Kenmore Transportation Projects" for Kenmore's transportation impact fee assessment.

STAFF REPORT



Revenue from the Motor Fuel Tax peaked in Kenmore in 2007 at \$476,856; it went down over 4% in 2008 and another 3.65% in 2009.

- **License Tab Fees:** Proposition I-776 eliminated License Tab Fees in the street fund from \$169,700 in 2002, to zero today.
- **Motor Fuel Excise Tax:** Proposition I-169 eliminated the Motor Fuel Excise Tax in 1999. According to a budget note, Proposition I-169 reduced funds available for transportation projects by approximately \$1.5 million in the 2000 budget year.
- **State and Federal Grants:** Kenmore was extremely fortunate during its early years after incorporation to be awarded a variety of sizeable grants. For the most part, those grants came from either the Federal Transportation Efficiency Act program, direct gas tax allocation or the State Transportation Improvement Board.

TRANSPORTATION BENEFIT DISTRICT

Background:

During the 2010 Washington State Legislature regular session, the Legislature passed and the Governor signed an amendment related to transportation benefit districts (RCW 36.73). The amendment included changes that clarify how projects can qualify to be included in a TBD. Key elements of the amendment and bill affecting Kenmore include:

- Previously, projects had to be consistent with existing state and regional transportation plans. The amendment now permits improvements that are consistent with local transportation plans as well.

"Transportation improvement means a project contained in the transportation plan of the state ((or)), a regional transportation planning organization, city, county, or eligible jurisdiction as identified in RCW 36.73.020(2)."
- Improvements must still be "necessitated by existing or reasonably foreseeable congestion levels."
- A transportation improvement is defined as:

"A project may include investment in new or existing highways of statewide significance, principal arterials of regional significance, high capacity transportation, public transportation, and other transportation projects and programs of regional or statewide significance including transportation demand management. Projects may also include the operation, preservation, and maintenance of these facilities or programs."
- Previously, the authorized sales tax (requires a vote of the people) could not be imposed for a period exceeding ten years, which created a potential issue if a jurisdiction wanted to bond for improvements. The amendment now allows "after July 1, 2010, may be imposed for a period exceeding ten years if the moneys received under this section are dedicated for the repayment of indebtedness incurred in accordance with the requirements of chapter 36.73 RCW."

The key words "of regional or statewide significance" and "necessitated by congestion levels" will be important to the projects potentially funded by Kenmore. To better position the City for the implementation of a TBD, or even to clarify certain elements of the Comprehensive Plan, it would be

STAFF REPORT



beneficial if Kenmore's transportation plan were amended to (1) clearly define roads of "regional significance" and (2) more clearly define which roads meet the congestion designation.

Regional Arterials Defined in Kenmore

For the purposes of the Transportation Benefit District, a *principal arterial of regional significance* is defined as any roadway that is listed as an arterial street in the City's Comprehensive Plan, Transportation Element and meets at least one of the following three criteria:

1. At least 80% of the traffic carried by the arterial street is regional – that is, no more than 20% of the traffic on an arterial, based on the City's forecast model, originates in a City Transportation Analysis Zone and is destined for another City Transportation Analysis Zone; or
2. Is considered as an alternative route when a major regional facility such as SR 520, I-5, or I-405 are closed or impeded (in Kenmore, Simonds Road NE, Juanita Drive NE, 68th Avenue NE from NE 170th Street to SR 522, and SR 522 each serve in this capacity); or
3. Provide a regional connection to a regional destination inside the City of Kenmore, such as Kenmore by the Lake, Kenmore Air, and Bastyr University.

Using this definition, all arterial streets in Kenmore qualify as "regional" including:

- 80th Avenue NE
- 61st Avenue NE
- Simonds Road NE
- 73rd Avenue NE
- The Downtown Loop Road
- 68th Avenue NE to NE 185th Street

Regional Arterial Level of Congestion Defined in Kenmore

The City of Kenmore uses intersection level of service (LOS) as part of its system evaluation within the Comprehensive Plan. While intersection LOS is one way to measure congestion, it probably best represents congestion at intersections (not necessarily along the streets between intersections). Consultant and City staff evaluated a variety of methods to evaluate congestion along City streets, including intersection LOS, volume to capacity, and travel speed and found none adequately measured congestion in the City of Kenmore.

The State of Florida has done additional evaluation of congestion on streets in urbanized areas and suggests that congestion is achieved on 2-lane undivided streets when one-way directional volume achieves approximately 704 peak hour trips.² Using this methodology, each of the above listed arterial streets in Kenmore, with the exception of 80th Avenue NE, are considered to be "congested."

² 2009 FDOT Quality/Level of Service Handbook

STAFF REPORT



Implementing a Transportation Benefit District

The Kenmore City Council would serve as the governing body of the Transportation Benefit District (TBD), acting independently of their elected position. Any council member no longer serving on the City Council would likewise no longer be serving on the TBD governing body. The council would develop a plan that specifies the transportation improvements to be provided or funded by the TBD. As part of this plan, the council can indicate if the funds will be used immediately or if they will be collected over a specified period time. The TBD would have the same powers as the city to contract for street, road, or state highway improvement projects and to enter into reimbursement contracts.

If a TBD is found to be in the interest of the council, the City is required to conduct a public hearing at the time and place specified in a notice published at least once and not less than ten days before the hearing, in a newspaper of general circulation within the City. The notice shall be in addition to any other notices required by state or municipal law to be published. The notice shall:

- specify the function and activities proposed to be provided or funded,

Additional notice of the hearing may be given by mail, by posting within the proposed district, or in any manner the City deems necessary to notify affected persons. Hearings will be public and the City will consider objections from any person affected by the formation of the boundary.

Following the hearing, the City may establish a district if it finds the action to be in the public interest and adopt an ordinance providing for the action. The ordinance establishing a district defines the functions and boundaries of the district as well as the transportation improvements to be completed or funded. The defined functions and improvements may not be expanded beyond those specified in the above mentioned public hearing requirement. If the understood function or improvements is modified, additional hearings on the change or expansion would be required in an effort to determine the public interest to expand the functions or transportation improvements proposed to be provided or funded. Notices for these hearings would again require adherence to the hearing requirements outlined above.

The TBD governing body will develop a material change policy to address major plan changes that affect project delivery or the ability to finance the plan. The policy must address material changes to cost, scope, and schedule, the level of change that will require governing body involvement, and how the governing body will address those changes. At a minimum, in the event that a transportation improvement cost exceeds its original cost by more than twenty percent as identified in a district's original finance plan, the governing body is required to hold a public hearing to solicit public comment regarding how the cost change should be resolved.

The TBD is required to produce an annual report, indicating the status of transportation improvement costs, transportation improvement expenditures, revenues, and construction schedules, to the public and to newspapers of record in the district.

The TBD shall be dissolved by the Council when all indebtedness of the district has been retired and when all of the TBD's responsibilities have been satisfied.

To summarize, the following is a bulleted list of steps that the City and the TBD governing body would follow in implementing a TBD:

1. Council approves resolution to set a public hearing regarding the potential establishment of a TBD

STAFF REPORT



2. Council reviews an ordinance to amend the city code to establish a TBD, the TBD boundary and the specific purposes of the TBD
3. Council holds the public hearing on the ordinance
4. Following deliberation, council approves or denies ordinance
5. TBD holds public hearing to adopt charter and bylaws
6. TBD adopts TBD ordinance authorizing funding
7. TBD approves inter-local agreement with State Department of Licensing and TBD.

Revenue Generation:

To meet the identified goals of the TBD, the District is authorized to impose the following taxes and fees:

- Single-year voter-approved excess property tax levies
- Multi-year voter-approved levies for bond redemption
- General obligation bonds
- A voter approved sales tax of up to 0.2% which may not exceed a ten-year period without voter reauthorization
- A voter approved motor vehicle license renewal fee of up to \$100. Up to \$20 may be imposed without voter approval – if imposed in a jurisdiction wide TBD

If it is in the Districts interest to impose a license renewal fee, the TBD would join eight other districts in the region to impose the fee (see Table 1 below).

Table 1. State of Washington Transportation Benefit Districts

District	Fee	Effective Date
Burien No. 1	\$10	Feb. 1, 2011
Des Moines	\$20	Sept. 1, 2009
Edmonds	\$20	Sept. 1, 2009
Lake Forest Park	\$20	Sept. 1, 2009
Olympia	\$20	Oct. 1, 2009
Prosser	\$20	Nov. 1, 2009
Seattle	\$20	Nov. 1, 2011
Shoreline	\$20	Feb. 1, 2010
Snoqualmie	\$20	Mar. 1, 2011

Source: Washington Dept of Licensing, 2010

If a vehicle licensing fee is imposed those vehicles that are subject to fees as well as those that are exempt are included below:

Vehicles subject to fees

- Passenger vehicles
- Trucks that weigh 6,000 pounds or less
- Motorcycles

STAFF REPORT



- Commercial passenger vehicles and trucks that weigh 6,000 pounds or less
- Combination trucks that weigh 6,000 pounds or less
- Tow trucks
- House moving dollies
- Trucks used exclusively for hauling logs that weigh 6,000 pounds or less
- Taxicabs
- For-hire or stage vehicles with 6 seats or less
- For-hire or stage vehicles with 7 or more seats that weigh 6,000 pounds or less
- Private use trailers over 2,000 pounds
- Motorcycle trailers
- Travel trailers
- Fixed load vehicles that weigh 6,000 pounds or less
- Mobile homes licensed as vehicles

Exempt vehicles

- All farm vehicles
- Campers
- Off-road vehicles
- Snowmobiles
- Mopeds
- Personal use trailers with a single axle and less than 2,000 pounds scale weight
- Commercial trailers
- Combination trailers
- Trailers used exclusively for hauling logs
- Horseless carriage, collector, or restored-plate vehicles
- Converter gear
- Government vehicles
- Private school vehicles
- Vehicles properly registered to disabled American veterans

Benefits:

Reviewing the 10 year list of asphalt overlay or rehabilitation projects using the definition of regional congested arterials previously discussed there are approximately 80 projects that would qualify. The total cost of these improvements is estimated at \$4,000,000. Based on an evaluation of this list submitted to the City Council July 12, 2010 the annual need is \$209,600. Assuming the adoption of a vehicle license fee, and an annual renewal average of 14,200 vehicles, Table 2 below offers an estimate of revenue generated at rates of \$20, \$50 and \$100.00.

TBD License Renewal Fee	Estimated Revenue Generated	10 years*	20 years*	30 years*
\$20.00	\$285,000	\$2,850,000	\$5,700,000	\$8,550,000
\$50.00	\$713,000	\$7,130,000	\$14,260,000	\$21,390,000
\$100.00	\$1,400,000	\$14,000,000	\$28,000,000	\$42,000,000

*assumes static renewal rate of 14,200 annually

If the TBD allocates revenue to asphalt overlay and rehabilitation projects any remaining revenue could be allocated to identified capital projects.

Outlined below we have included a draft public hearing resolution and a draft ordinance establishing a TBD in Kenmore for further review by the City Council, City Manager and City Attorney.

STAFF REPORT



1. Resolution No. XXX – Public Hearing

Setting a Public Hearing Regarding the Establishment of a Transportation Benefit District Pursuant to the Authority of Chapter 36.73 RCW.

WHEREAS, the City Council of the City of Kenmore is responsible under the Constitution of the State of Washington for the improvement, maintenance and protection of public ways, and,

WHEREAS, the City has limited transportation funding to pay for necessary transportation preservation and maintenance; and

WHEREAS, Chapter 36.73 RCW provides for the establishment of transportation benefit districts and the levying of additional revenue sources for transportation improvements within the district; and

WHEREAS, the City Council wishes to consider the use of transportation benefit district coexistent with its boundaries which exercise all of the powers and authorities available under state statute at a public hearing, prior to reaching and making a determination, now, therefore,

The City Council of Kenmore, Washington, hereby resolves as follows:

Section 1. A public hearing is hereby set for XXX, 2011 to consider establishment of a transportation benefit district to exercise those powers set forth in RCW 36.73.040. Said public hearing shall be held in the Council chambers at 7:00 pm or as soon thereafter as this matter may be heard.

Resolved the _____ day of _____, 20__.

2. Ordinance No. XXX – Ordinance to Enact the Kenmore Transportation District

Specifying Boundaries for the District, Specifying Maintenance and Preservation of Existing Improvement, and Fixing a Time When the TBD Becomes Effective

WHEREAS, the City of Kenmore has the responsibility under the Constitution of the State of Washington for the improvement, maintenance, and protection of public ways within the corporate limits of the City pursuant to Chapter 35.22 RCW; and

WHEREAS, the cost of the estimated roadway rehabilitation is estimated at \$4,000,000 over the next 10 years; and

WHEREAS, the cost of estimated transportation capital improvements is estimated at over \$29,000,000 in the 2011 Transportation Improvement Program; and

WHEREAS, the City has limited funding and declining revenue sources to pay for necessary preservation and maintenance of its transportation infrastructure and implementation of the Transportation Improvement Program and to make targeted investments toward creating a more effective and efficient transportation system; and

WHEREAS, Chapter 36.73 RCW provides for the establishment of Transportation Benefit Districts (TBD) by cities and counties and to levy and impose various taxes and fees to generate revenues to support transportation improvements within the district that are consistent with

STAFF REPORT



state, regional or local transportation plans and necessitated by existing or reasonably foreseeable congestion levels; and

WHEREAS, RCW 35.21.225 authorizes the City Council to establish a TBD subject to the provisions of Chapter 36.73 RCW; and

WHEREAS, the City desires to form a TBD which includes the entire City of Kenmore as the boundaries currently exist or are hereafter expanded due to annexation; and

WHEREAS, prior to establishing a TBD, the City Council is required to conduct a public hearing upon proper notice to describe the function and purposes of the proposed TBD; and

WHEREAS, the City provided proper notice, conducted a public hearing and took public comment regarding the proposed establishment of a TBD in accordance with RCW 36.73.050; and

WHEREAS, the City Council of the City of Kenmore finds it to be in the interest of the City and its residents and businesses to establish a citywide TBD for preserving and maintaining transportation infrastructure and improving public safety,

WHEREAS, the City Council of the City of Kenmore shall establish a governing body for the TBD comprised of the City Council acting in an ex officio and independent capacity; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF Kenmore AS FOLLOWS:

Section 1. A new chapter is added to the Kenmore Municipal Code as follows:

Chapter XXX Transportation Benefit District.

XXX Transportation Benefit District Established.

There is created a transportation benefit district to be known as the Kenmore Transportation Benefit District with geographical boundaries comprised of the corporate limits of the City as they currently exist or as they may exist following future annexations.

XXX Governing Board.

a. The governing board of the Transportation Benefit District shall be the Kenmore City Council acting in an ex officio and independent capacity, which shall have the authority to exercise the statutory powers set forth in Chapter 36.73 RCW.

b. The treasurer of the Transportation Benefit District shall be the City Director of Finance.

c. The Board shall develop a material change policy to address major plan changes that affect project delivery or the ability to finance the plan, pursuant to the requirements set forth in RCW 36.73.160(1).

d. The Board shall issue an annual report, pursuant to the requirements of RCW 36.73.160(2).

STAFF REPORT



XXX Authority of the District

The Board shall have and may exercise any powers provided by law to fulfill the purpose of the Kenmore Transportation Benefit District.

XXX Use of Funds.

The funds generated by the Transportation Benefit District may be used for any purpose allowed by law including to operate the District and to make transportation improvements that are consistent with existing state, regional, and local transportation plans and necessitated by existing or reasonably foreseeable congestion levels pursuant to Chapter 36.73 RCW. The transportation improvements funded by the district shall be made in an effort to preserve and maintain transportation infrastructure, improve public safety, implement projects identified in the Kenmore's Transportation Improvement Program. Additional transportation improvement projects of the district may be funded only after compliance with the provisions of RCW 36.73.050(b).

XXX Revenue Sources.

The Board shall have the authority to establish fees and other revenue sources consistent with RCW 36.73.065.

XXX Dissolution of District.

The Transportation Benefit District shall be dissolved when all indebtedness of the district has been retired and when all of the District's anticipated responsibilities have been satisfied.

Section 2. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of its application to any person or circumstance, shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 3. This ordinance shall take effect and be in force 30 days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Kenmore Municipal Code Section XXX.

Attachment 3

House Bill 213.3/11

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: H-0213.3/11 3rd draft

ATTY/TYPIST: BP:crs

BRIEF DESCRIPTION: Concerning the regulation and preservation of urban streets through a local option street maintenance utility and allowing the imposition of a charge.

1 AN ACT Relating to the regulation and preservation of urban streets
2 through a local option street maintenance utility and allowing the
3 imposition of a charge; amending RCW 82.80.070; adding a new chapter to
4 Title 35 RCW; repealing RCW 82.80.040, 82.80.050, and 82.80.060; and
5 providing an effective date.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** FINDINGS--PURPOSE. The legislature finds
8 that:

9 (1) The maintenance, operation, and preservation of the streets and
10 the provision of street maintenance utility service in urban areas is
11 essential for the safety, protection, and convenience of residents,
12 businesses, and governmental entities receiving the service.
13 Inadequate and poorly maintained streets and poor street maintenance
14 utility service adversely affect the health, safety, welfare, and
15 property of residents and businesses located in these areas. Harmful
16 impacts include traffic congestion, decreased vehicle fuel efficiency,
17 and a consequent severe adverse impact on air quality. Further adverse
18 impacts include vehicle damage, increased accident frequency, more

1 serious accidents, and decreased access to needed services and
2 businesses.

3 (2) Residents and businesses in areas with poorly maintained
4 streets and poor street maintenance utility service experience
5 decreased access to service and delivery vehicle support, including
6 decreased access to public transportation and taxi service, the
7 delivery of goods and services, and slower response times for fire,
8 police, and emergency medical vehicle services.

9 (3) Poor street maintenance utility service in urban areas
10 accelerates deterioration of private vehicles, increases traffic
11 volumes, and exacerbates peak flow traffic problems for the residents
12 and businesses in affected areas. Furthermore, it is also the intent
13 of the legislature to provide credits for demonstrable reductions in
14 automobile traffic in order to provide incentives to make better land
15 use decisions and to encourage behaviors that reduce needless wear on
16 our transportation infrastructures.

17 (4) The benefits for city residents and businesses in areas with
18 well-constructed and maintained streets and good street maintenance
19 utility service include improved air quality, fuel efficiency, travel
20 speed, travel safety, reduction of damage and deterioration of
21 vehicles, lower insurance rates, and better public transportation,
22 fire, police, and emergency medical vehicle response times.

23 (5) Access to and use of the street system and street maintenance
24 utility service is necessary to support the use of all developed real
25 property.

26 (6) Maintenance, repair, and preservation of the streets and other
27 street maintenance utility service in urban areas has traditionally
28 been funded by general taxes without regard to the burdens placed upon
29 streets by different classes of users or the respective benefits
30 derived by them.

31 (7) Objective means are available to assess pavement conditions to
32 identify distressed areas of urban streets.

33 (8) Objective measures are available to assess the relative burdens
34 placed upon streets and street maintenance utility service users in
35 urban areas by different classes of users and the respective benefits
36 derived by them.

37 (9) Maintenance and preservation of streets and street maintenance
38 utility service in urban areas should be funded by rates charged to

1 users of the streets consistent with the burden placed on the streets
2 by various classes of users and the respective benefits derived by them
3 as maintenance utility supported users of the street system.

4 (10) A street maintenance utility provides a more equitable and
5 efficient means to monitor, regulate, and maintain the streets and to
6 provide street maintenance utility service than general tax funding.

7 (11) Since 1980, vehicle registration has increased by sixty
8 percent and vehicle miles traveled on municipal streets have increased
9 far in excess of the rate of population growth.

10 (12) Pavement surfaces in urban areas are subjected to much heavier
11 use and have much higher maintenance needs than pavement in rural
12 areas. When pavement is not properly maintained, the pavement
13 deterioration process, amount of work to restore the pavement, and
14 costs of restoration all accelerate exponentially. This creates a
15 downward spiral of increasing pavement deterioration and higher costs
16 to remediate the problem.

17 (13) The institute of transportation engineers is an international
18 educational and scientific professional association. It has developed
19 reports, which fairly measure the relative benefits of streets to
20 different classes of property use. The institute of transportation
21 engineers report is a nationally recognized and accredited manual that
22 provides a reasonable basis to apportion a part of the costs of street
23 maintenance utility service.

24 (14) A street maintenance utility created and governed by the
25 legislative authority of a city consistent with the requirements of
26 this chapter provides an appropriate and efficient means to monitor,
27 regulate, and maintain public streets.

28 (15) The preservation of streets through a maintenance utility
29 service program will directly serve and benefit those who pay street
30 maintenance utility rates by allocating street maintenance utility
31 revenues to those who perform maintenance within the street maintenance
32 utility service area.

33 (16) The purpose of this chapter is to authorize the creation of a
34 street maintenance utility by cities to serve the residents,
35 businesses, governmental entities, and all other like users in street
36 maintenance utility service areas through the preservation and
37 maintenance of streets for areas with an identified street maintenance
38 utility service. In order to reflect the relative burdens placed upon

1 the streets by different classes of users, street maintenance utility
2 rates are determined in proportion to the levels of use of different
3 classes of residents, businesses, governmental entities, and all other
4 like users who depend upon access to and use of the street system.

5 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this
6 section apply throughout this chapter unless the context clearly
7 requires otherwise.

8 (1) "City" means an incorporated city or town.

9 (2) "Independent examiner" means an official appointed by a
10 majority vote of the legislative authority of the city and who is not
11 subject to discharge except for misfeasance or malfeasance in office.
12 The independent examiner considers ratepayer appeals of street
13 maintenance utility matters arising under section 6 of this act.
14 Alternatively, for cities with an administrative hearings examiner
15 system, independent examiner duties may be assigned to the hearings
16 examiner.

17 (3) "Maintenance" means maintaining or preserving existing public
18 street facilities, including meeting adopted municipal street
19 standards.

20 (4) "Sound engineering principles" means principles or practices
21 reasonably accepted within the civil engineering or traffic engineering
22 profession, including, but not limited to, the department of
23 transportation extended method in determining paving distress ratings,
24 the department of transportation pavement distress manual, the
25 department of transportation local agency pavement management guide,
26 materials developed by the institute of transportation engineers,
27 including manuals or materials differentiating types of property uses
28 and correlating property use and the expected number of annual motor
29 vehicle and pedestrian trips generated by these uses, and other
30 studies, manuals, or materials that are reliable and based on
31 engineering practices as may be developed by professional engineering
32 staff or consultants according to generally accepted professional
33 standards.

34 (5) "Street" means a city's public right-of-way within the
35 boundaries of areas used for motor vehicle, bicycle, or pedestrian
36 traffic. "Street" includes bridges, gutters, curbs, and sidewalks.

1 (6) "Street maintenance utility" means a citywide utility service
2 offered by a city to provide street maintenance services in accordance
3 with this chapter. Street maintenance utility activities may further
4 be identified by ordinance consistent with this chapter.

5 (7) "Street maintenance utility rates" means street maintenance
6 utility user charges authorized under this chapter for street
7 maintenance utility services.

8 (8) "Street maintenance utility service" means actions by a city
9 established street maintenance utility to own, manage, operate,
10 maintain, and preserve to adopted municipal standards all or any
11 described portion of its existing streets and other existing
12 transportation systems. Street maintenance utility services may also
13 include (a) repayment of revenue or general obligation bonds repayable
14 from charges listed in section 5 of this act issued in accordance with
15 chapter 35.41, 35.92, or 39.46 RCW, or (b) other evidences of
16 indebtedness issued to pay costs for which street maintenance utility
17 service revenues may be used.

18 (9) "Street maintenance utility service area" means a citywide
19 area, excluding private streets, in which street maintenance utility
20 services are provided and street maintenance utility rates are charged,
21 as established under this chapter.

22 NEW SECTION. **Sec. 3.** LEGISLATIVE AUTHORITY ACTION. (1) Subject
23 to section 4 of this act, the legislative authority of a city may
24 submit an authorizing proposition to the voters and, if approved,
25 establish a street maintenance utility to provide street maintenance
26 utility service, with the authority to own and operate the street
27 maintenance utility. A street maintenance utility may only be
28 established by a city if an authorizing proposition is approved by the
29 voters of the city.

30 (2) The legislative authority of the city is the governing body of
31 the street maintenance utility. The legislative authority of the city
32 may not assess a street maintenance utility user rate outside its
33 jurisdictional limits.

34 NEW SECTION. **Sec. 4.** FORMATION PROCESS. (1) The legislative
35 authority of a city shall conduct a public hearing prior to submitting
36 an authorizing proposition to the voters for the formation of a street

1 maintenance utility. Notice of the hearing must include an explanation
2 of the proposal and the proposed street maintenance utility service
3 area. The notice may include a description of the condition of the
4 pavement areas for the proposed street maintenance utility service
5 area, summaries of pertinent studies, field investigations, and
6 pavement condition scores, including areas classified, or at risk to be
7 classified, for no further maintenance without street maintenance
8 utility support. The notice must include a general proposed plan for
9 street maintenance utility service to be carried out with street
10 maintenance utility rates, a summary of the proposed street maintenance
11 utility rates, a description of the proposed area for utility service,
12 and any other pertinent information. The notice must be published once
13 a week for two consecutive weeks in a newspaper of general circulation
14 within the proposed street maintenance utility service area.
15 Alternatively, there may be one publication, combined with the
16 presentation of the notice information on a government cable television
17 channel at least ten times in the two-week period and prominently
18 posting the required information on a municipal web site.

19 (2) At the hearing, the city's legislative authority shall review
20 the proposal and consider comments from any interested party and may
21 modify the proposal in response to those comments, as well as any
22 information, opinion polls, or other material relevant to the question
23 presented. The hearing may be continued if necessary.

24 (3) Upon the conclusion of the hearing, the city's legislative
25 authority may submit an authorizing proposition to the voters creating
26 a street maintenance utility, together with the intended street
27 maintenance utility rates to support the maintenance utility, which
28 must be supported by an evidentiary record with findings in accordance
29 with this section and consistent with the findings and purposes of this
30 chapter.

31 (4)(a) The street maintenance utility ordinance must include:

32 (i) A finding that the creation of a street maintenance utility is
33 in the interest of the public health and safety as supported by
34 findings from the hearing and any other basis;

35 (ii) A finding that the street maintenance utility will allocate
36 the relative burdens placed on the streets by various classes of users
37 and the benefits derived by the various classes of users;

1 (iii) A finding that the street maintenance utility rates are
2 intended to be adequate to provide revenues sufficient for the street
3 maintenance utility, including payment of the principal and interest on
4 such bonds or warrants and payments that the street maintenance utility
5 is obligated to set aside in any special fund or funds created for such
6 purposes;

7 (iv) A description of the street maintenance utility service area
8 and user rate schedule consistent with section 5 of this act setting
9 forth the amounts to be charged to residential users, business users,
10 governmental entities, and other like street users located in the
11 street maintenance utility service area; and

12 (v) A provision that a street maintenance utility advisory
13 committee must be established as a part of utility formation to advise
14 the city from time to time regarding the street maintenance utility.
15 The street maintenance utility advisory committee must be appointed by
16 the mayor or mayor's designee and confirmed by the city's legislative
17 authority. Committee membership may not exceed seven members, a
18 majority of which must be city residents or business owners, and must
19 represent the different user classifications of the street maintenance
20 utility. Street maintenance utility advisory committee duties may
21 include, but are not limited to, the review of proposed maintenance
22 projects, rates, credits, or plan changes, or other matters assigned by
23 ordinance. Committee members must serve without compensation, but
24 city-approved committee expenses and staff support must be provided by
25 the city.

26 (b)(i) The street maintenance utility ordinance may include a
27 description or summary of the condition of the pavement in the street
28 maintenance utility service area, based on field investigations,
29 pavement condition scores, or other information. The description or
30 summary may include a proposed timetable for street maintenance utility
31 services, summary of the services, budget, including projected revenues
32 from street maintenance utility rates or other sources, and any other
33 factors deemed relevant.

34 (ii) In street maintenance utility service areas that include land
35 owned by port districts, street maintenance activity supporting freight
36 movement is an allowable use for utility revenue.

37 (c)(i) The street maintenance utility ordinance must include a
38 policy to address major plan changes that affect street maintenance

1 utility project delivery or ability to finance identified projects.
2 The policy must at least address material changes to cost, scope, and
3 schedule, and how the city will address those changes. At a minimum,
4 the city shall consult with the street maintenance utility advisory
5 committee and publish a public notice regarding how the plan change
6 should be resolved.

7 (ii)(A) A street maintenance utility shall issue an annual report
8 indicating the status of program revenues, annual revenues received,
9 and portion of revenues that are bonded, a summary of annual
10 expenditures on identified maintenance and preservation projects, and
11 programmed projected construction schedules for the next budget year.
12 The annual report must also provide a means of describing if rates and
13 revenues are sufficient to obtain and maintain the city's systemwide
14 pavement condition index standard and a comparison of the systemwide
15 pavement condition index data available for prior years since formation
16 of the street maintenance utility, the number of lane miles by street
17 classification within the utility, and the number of new lane miles by
18 street classification added or subtracted from the system during the
19 year.

20 (B) Where underlying public or private utilities are required by
21 city policy to make repairs to pavement structures for utility
22 trenches, the annual report must estimate the amount of contributed
23 restoration work performed for pavement restoration.

24 (C) Cities shall make available copies of the annual report to any
25 ratepayer upon request.

26 NEW SECTION. **Sec. 5. RATES.** (1)(a) If a city creates a street
27 maintenance utility, the city may establish street maintenance utility
28 rates by appropriate legislative action not inconsistent with this
29 section.

30 (b) Street maintenance utility rates apply to residents,
31 businesses, governmental entities, and other users located in the
32 street maintenance utility service area. Once rates are established
33 using sound engineering principles and the factors identified in
34 subsection (2) of this section, rates may be expressed as a designated
35 dollar amount per trip generated, type of household unit, or type of
36 business. Rates may be collected no more frequently than monthly and
37 no less frequently than annually. Rates set for users other than

1 households may be expressed in equivalents of household units or as
2 specified by ordinance. A city must phase in rates on a schedule of
3 not less than four years, as the city may determine.

4 (2)(a) In establishing street maintenance utility rates, the
5 following factors must be considered:

6 (i) The correlation between property uses and the estimated number
7 of vehicle trips from these uses; and

8 (ii) The institute of transportation engineers manual or other
9 resources of comparable acceptance or reliability.

10 (b) In establishing street maintenance utility rates, the following
11 factors may be considered:

12 (i) A cost component for the street maintenance utility's ongoing
13 base level operations. For the purposes of this subsection (2)(b)(i),
14 "base level operations" (A) means the threshold costs of operating the
15 utility per subscriber unit without regard for level of use or
16 intensity of service, and (B) refer to general systemwide costs. The
17 estimated number of vehicle trips generated by specific types of
18 property occupancies or uses may also be considered.

19 (ii) (A) User location;
20 (B) Differences in costs of service to different user classes;
21 (C) User proximity to arterial streets;
22 (D) Differences in costs or character of the service to users;
23 (E) Times of use;
24 (F) Number and type of vehicles associated with household units,
25 governmental entities, or businesses;
26 (G) Differences in the cost of maintenance, operation, repair, and
27 replacement of various parts of the street system, with consideration
28 to lowest life-cycle costing, by capital contributions made to the
29 system including, but not limited to, assessments, achievement of
30 traffic reduction, and air quality improvement goals;

31 (H) Capital contributions made to the system including, but not
32 limited to, assessments; and

33 (I) Special assessments, such as local improvement districts, for
34 streets and street-related improvements.

35 (iii) Any other matters that present a reasonable difference as a
36 grounds for distinction.

37 (3) Street maintenance utility rates may not:

38 (a) Include an exemption or credit for the payment of any tax;

1 (b) Be included for any reason on a user's property tax bill or
2 notice; or
3 (c) Be imposed on undeveloped premises.
4 (4)(a) A city may credit street maintenance utility rates on vacant
5 premises, provided that the owner produces proof of time of vacancy
6 under procedures set forth by the city.
7 (b) A city may reduce or credit rates on residential properties to
8 the extent of their occupancy by low-income senior citizens and other
9 low-income citizens as provided in RCW 74.38.070 and consistent with
10 Article VIII, section 7 of the state Constitution, or to the extent
11 determined proper for the necessary support of the poor and infirm, as
12 reasonably determined by the city in the street maintenance utility
13 ordinance.
14 (c) A city may reduce or credit rates on business or governmental
15 entities to the extent such business or governmental entities are
16 providing for streets, street-related improvements, and street
17 maintenance utility services within the street maintenance utility
18 service area, and based on a showing that the reduction or credit
19 granted is reasonably proportionate to the value contributed or cost
20 avoided by the street maintenance utility.
21 (d) A city may reduce or credit rates on residences, business
22 entities, or other users served by private streets to the extent they
23 are providing for streets, street-related improvements, and street
24 maintenance utility services, and based on a showing that the reduction
25 or credit granted is reasonably proportionate to the value contributed
26 or cost avoided by the street maintenance utility.
27 (5) If feasible, the ordinance must provide for mitigation for
28 incidental trips that are often combined with other trips, as compared
29 to destination trips that are associated with creating separate trip
30 burdens on the streets.
31 (6) The ordinance may provide for user rate reduction if there is
32 a showing of trip reduction, including reductions for residential users
33 participating in regular carpool or vanpool arrangements or for
34 commercial users offering carpool, vanpool, public transit passes, or
35 a trip reduction program approved under provisions as established by
36 ordinance.
37 (7) Street maintenance utility rates must be uniform for the same
38 class of ratepayers receiving services provided or imposing burdens on

1 a transportation system. Street maintenance utility rates collected by
2 a street maintenance utility must not be established in excess of the
3 amount authorized by the ordinance.

4 (8) Street maintenance utility rates may supplement any other
5 available resources for maintaining or preserving streets, but may not
6 duplicate or replace transportation impact fees authorized under growth
7 management laws designed to pay for increasing the capacity of the
8 street system to accommodate the needs for new growth and development
9 rather than street maintenance or remediation of existing deficiencies
10 in the street system.

11 (9) A city may provide or contract to provide billing and
12 collection services of the street maintenance utility rates as a part
13 of or separate from other maintenance utility services provided. The
14 ordinance may use the connection or consumption of other maintenance
15 utility services as a basis to establish occupancy or use.

16 (10) Street maintenance utility rates may not be computed based on
17 the ad valorem value of the underlying real property or its
18 improvements.

19 (11) The rates established under this section are not intended to
20 be regarded as tolls, but to the extent that the rates may be
21 determined to be tolls by a court of competent jurisdiction,
22 legislative approval is granted consistent with the requirements of
23 this chapter. Any amounts regarded as tolls must be computed in a like
24 manner as provided under this chapter for street maintenance utility
25 rates, subject to the same ratepayer protections.

26 (12) The rates established under this section are not intended to
27 be regarded as taxes, but to the extent that the rates may be
28 determined to be taxes by a court of competent jurisdiction,
29 legislative approval is granted consistent with the requirements of
30 this chapter.

31 (13) Street maintenance utility rates established under this
32 section do not constitute taxes or fees as provided under RCW 82.02.050
33 through 82.02.100 or chapter 39.92 RCW. A street maintenance utility
34 may be funded by rates or any other lawful revenue source.

35 (14) Prior to any rate change, the street maintenance utility shall
36 conduct a public hearing to review the condition of the street
37 infrastructure and future program needs based upon adopted standards.

1 (15) In the case of a legal challenge to any rates or rate
2 classification, it is the burden of the establishing government, by a
3 preponderance of the evidence, to show that the rates are not in excess
4 of the burden created by the ratepayer or rate class concerned.

5 NEW SECTION. **Sec. 6. APPEALS.** (1) The street maintenance utility
6 ordinance under section 5 of this act must include provision for a user
7 to appeal a rate or rate classification upon a showing that the user
8 does not generate equivalent trips, on the average, to other parcels in
9 the same rate class, that the appellant's rate has been improperly
10 calculated, or another good cause. An appeal may also request a review
11 of whether the base rate is adequate to cover ongoing base level
12 operations and whether base rate items are properly allocated to the
13 base rate for a given class of users. Refunds on collected rates are
14 not required for any period before the time a written appeal is
15 received under procedures established by ordinance. A reasonable
16 charge, not to exceed actual cost of the appeal, may be required to be
17 paid by an appealing ratepayer.

18 (2) Ratepayer appeals must be considered by an independent
19 examiner. The examiner shall receive and examine available
20 information, prepare a record of the information, and enter findings of
21 fact, conclusions based upon those facts, and a decision. The
22 jurisdiction of the independent examiner extends to appeals about the
23 base rate, rate classifications, and rates charged to an individual
24 user. The independent examiner's jurisdiction does not extend to any
25 other aspects of street maintenance utility operation, enforcement of
26 the street maintenance utility ordinance, or any management or control
27 of the city's streets. Appeals from decisions of the examiner acting
28 within its jurisdictional duties must be directly made to the superior
29 court. Additional provisions that govern appeals under this section
30 must be provided by ordinance.

31 NEW SECTION. **Sec. 7. RATE COLLECTION.** (1) A street maintenance
32 utility ordinance may include provision of a penalty for rates sixty
33 days past due, but not to exceed one percent per month thereafter on
34 the unpaid balance. All unpaid street maintenance utility rates may be
35 collected against the owner, tenant, or occupant in any manner as

1 provided by law, but for a tenant or occupant, rates collected may not
2 be outside the period of tenancy or occupancy.

3 (2) As a supplemental remedy, a street maintenance utility
4 ordinance may: (a) Provide that any unpaid rates and applicable
5 penalties are a lien against the real property for which the street
6 maintenance utility services were provided, which amounts may be
7 foreclosed in the manner of a lien for labor and materials furnished on
8 the subject premises. Each year, a lien may not exceed twelve months
9 of accrued and unpaid charges, plus any applicable penalties; or (b)
10 provide that unpaid street maintenance utility rates are a lien against
11 the property to which the services are provided, which may be enforced
12 in the same manner as rates and charges for the use of systems of
13 sewerage and storm drainage under chapter 35.67 RCW.

14 NEW SECTION. **Sec. 8.** USE OF REVENUES. (1) All street maintenance
15 utility rate revenues must be deposited in a special fund or account
16 dedicated to permissible street maintenance utility service and must be
17 used for those purposes only.

18 (2) Permitted purposes include any identified street maintenance
19 utility service.

20 NEW SECTION. **Sec. 9.** DISSOLUTION. The legislative authority of
21 a city may dissolve a street maintenance utility by ordinance upon a
22 finding that the dissolution is in the public interest, but any
23 unexpended funds must be held in trust to be expended for only those
24 permissible purposes as provided in section 8 of this act.

25 NEW SECTION. **Sec. 10.** BID LAWS. Cities that operate a street
26 maintenance utility under this chapter remain subject to public works
27 bid limits as described in RCW 35.22.620, 35.23.352, and 35A.40.210.

28 NEW SECTION. **Sec. 11.** INTERLOCAL AGREEMENTS. A city electing to
29 establish a street maintenance utility under this chapter may enter
30 into an interlocal agreement with other authorized parties pursuant to
31 chapter 39.34 RCW for the purposes of maximizing street maintenance
32 utility funding.

1 NEW SECTION. **Sec. 12.** OTHER RESOURCES. A city electing to
2 establish a street maintenance utility under this chapter may use any
3 other resources for street maintenance utility service otherwise
4 permitted by law, consistent with any limitations on the service.

5 NEW SECTION. **Sec. 13.** SCOPE. (1) This chapter or any action
6 taken under its authority does not diminish any other general or
7 specific municipal regulatory or funding powers otherwise permitted by
8 law.

9 (2) This chapter is not intended to create or enhance any duty upon
10 any city with respect to the maintenance and preservation of its
11 streets beyond that which now exists under the general law.

12 NEW SECTION. **Sec. 14.** SEVERABILITY. If any provision of this act
13 or its application to any person or circumstance is held invalid, the
14 remainder of the act or the application of the provision to other
15 persons or circumstances is not affected.

16 NEW SECTION. **Sec. 15.** REPEALER. The following acts or parts of
17 acts are each repealed:

18 (1) RCW 82.80.040 (Street utility--Establishment) and 1991 c 141 s
19 1;

20 (2) RCW 82.80.050 (Street utility--Charges, credits) and 2006 c 301
21 s 5, 2000 c 103 s 21, & 1991 c 141 s 2; and

22 (3) RCW 82.80.060 (Use of other proceeds by utility) and 1991 c 141
23 s 3.

24 **Sec. 16.** RCW 82.80.070 and 2005 c 319 s 139 are each amended to
25 read as follows:

26 (1) The proceeds collected pursuant to the exercise of the local
27 option authority of RCW 82.80.010(~~(7)~~) and 82.80.030(~~(7, and 82.80.050)~~)
28 (hereafter called "local option transportation revenues") shall be used
29 for transportation purposes only, including but not limited to the
30 following: The operation and preservation of roads, streets, and other
31 transportation improvements; new construction, reconstruction, and
32 expansion of city streets, county roads, and state highways and other
33 transportation improvements; development and implementation of public
34 transportation and high capacity transit improvements and programs; and

1 planning, design, and acquisition of right-of-way and sites for such
2 transportation purposes. The proceeds collected from excise taxes on
3 the sale, distribution, or use of motor vehicle fuel and special fuel
4 under RCW 82.80.010 shall be used exclusively for "highway purposes" as
5 that term is construed in Article II, section 40 of the state
6 Constitution.

7 (2) The local option transportation revenues shall be expended for
8 transportation uses consistent with the adopted transportation and land
9 use plans of the jurisdiction expending the funds and consistent with
10 any applicable and adopted regional transportation plan for
11 metropolitan planning areas.

12 (3) Each local government with a population greater than eight
13 thousand that levies or expends local option transportation funds, is
14 also required to develop and adopt a specific transportation program
15 that contains the following elements:

16 (a) The program shall identify the geographic boundaries of the
17 entire area or areas within which local option transportation revenues
18 will be levied and expended.

19 (b) The program shall be based on an adopted transportation plan
20 for the geographic areas covered and shall identify the proposed
21 operation and construction of transportation improvements and services
22 in the designated plan area intended to be funded in whole or in part
23 by local option transportation revenues and shall identify the annual
24 costs applicable to the program.

25 (c) The program shall indicate how the local transportation plan is
26 coordinated with applicable transportation plans for the region and for
27 adjacent jurisdictions.

28 (d) The program shall include at least a six-year funding plan,
29 updated annually, identifying the specific public and private sources
30 and amounts of revenue necessary to fund the program. The program
31 shall include a proposed schedule for construction of projects and
32 expenditure of revenues. The funding plan shall consider the
33 additional local tax revenue estimated to be generated by new
34 development within the plan area if all or a portion of the additional
35 revenue is proposed to be earmarked as future appropriations for
36 transportation improvements in the program.

37 (4) Local governments with a population greater than eight thousand
38 exercising the authority for local option transportation funds shall

1 periodically review and update their transportation program to ensure
2 that it is consistent with applicable local and regional transportation
3 and land use plans and within the means of estimated public and private
4 revenue available.

5 (5) In the case of expenditure for new or expanded transportation
6 facilities, improvements, and services, priorities in the use of local
7 option transportation revenues shall be identified in the
8 transportation program and expenditures shall be made based upon the
9 following criteria, which are stated in descending order of weight to
10 be attributed:

11 (a) First, the project serves a multijurisdictional function;

12 (b) Second, it is necessitated by existing or reasonably
13 foreseeable congestion;

14 (c) Third, it has the greatest person-carrying capacity;

15 (d) Fourth, it is partially funded by other government funds, such
16 as from the state transportation improvement board, or by private
17 sector contributions, such as those from the local transportation act,
18 chapter 39.92 RCW; and

19 (e) Fifth, it meets such other criteria as the local government
20 determines is appropriate.

21 (6) It is the intent of the legislature that as a condition of
22 levying, receiving, and expending local option transportation revenues,
23 no local government agency use the revenues to replace, divert, or loan
24 any revenues currently being used for transportation purposes to
25 nontransportation purposes.

26 (7) Local governments are encouraged to enter into interlocal
27 agreements to jointly develop and adopt with other local governments
28 the transportation programs required by this section for the purpose of
29 accomplishing regional transportation planning and development.

30 (8) Local governments may use all or a part of the local option
31 transportation revenues for the amortization of local government
32 general obligation and revenue bonds issued for transportation purposes
33 consistent with the requirements of this section.

34 (9) Subsections (1) through (8) of this section do not apply to a
35 regional transportation investment district imposing a tax or fee under
36 the local option authority of this chapter. Proceeds collected under
37 the exercise of local option authority under this chapter by a district
38 must be used in accordance with chapter 36.120 RCW.

1 NEW SECTION. **Sec. 17.** Sections 1 through 14 of this act
2 constitute a new chapter in Title 35 RCW.

3 NEW SECTION. **Sec. 18.** This act takes effect August 1, 2011.

--- END ---

Attachment 2

July 12, 2010 City Council Agenda Bill

CITY OF KENMORE, WASHINGTON			
AGENDA BILL SUMMARY			
AGENDA TITLE			MEETING DATE
Discussion and Consideration of a City of Kenmore Transportation Benefit District			July 12, 2010
DEPARTMENT	DIRECTOR	CONTACT PERSON	PHONE
Engineering	Ron Loewen	Steve Lewis, Lochner	
COST OF PROPOSAL: \$30,000		ACCOUNT NUMBER: 01 32 5401	
AMOUNT BUDGETED FOR PLAN: No funds have been budgeted for this effort.		NAME AND FUND #: General Fund - Engineering	
ATTACHMENT(S) TO AGENDA PACKET ITEM:			
- SSHB 1591 - Previous agenda bill provided for the City Council in January of this year - Previous memo from HW Lochner Describing a Transportation Benefit District and Options - Chapter 36.73 RCW Transportation benefit districts			
SUMMARY STATEMENT:			
During the 2010 Regular Session, the Legislature passed and the Governor signed an amendment related to transportation benefit districts (RCW 36.73). The amendment included changes that clarify how projects can qualify to be included in a TBD. Key elements of the amendment and bill affecting Kenmore include: - Previously, projects had to be consistent with existing state and regional transportation plans. The amendment now permits improvements that are consistent with local transportation plans as well. "Transportation improvement" means a project contained in the transportation plan of the state ((or)), a regional transportation planning organization, city, county, or eligible jurisdiction as identified in RCW 36.73.020(2)." - Improvements must still be "necessitated by existing or reasonably foreseeable congestion levels." - A transportation improvement is defined as: "A project may include investment in new or existing highways of statewide significance, principal arterials of regional significance, high capacity transportation, public transportation, and other transportation projects and programs of regional or statewide significance including transportation demand management. Projects may also include the operation, preservation, and maintenance of these facilities or programs." - Previously, the authorized sales tax (requires a vote of the people) could not be imposed for a period exceeding ten years, which created a potential issue if a jurisdiction wanted to bond for improvements. The amendment now allows "after July 1, 2010, may be imposed for a period exceeding ten years if the moneys received under this section are dedicated for the repayment of indebtedness incurred in accordance with the requirements of chapter 36.73 RCW." We believe the key words "of regional or statewide significance" and "necessitated by congestion levels" will be important to the projects potentially funded by Kenmore. To better position the City for the implementation of a TBD, or even to clarify certain elements of the Comprehensive Plan, it would be beneficial if Kenmore's transportation plan were amended to (1) clearly define roads of "regional			

significance” and (2) more clearly define which roads meet the congestion designation, given Kenmore’s Comprehensive Plan currently utilizes intersection levels of service to define areas of congestion.

Principal arterials in Kenmore include:

- | | |
|--------------------------------|---|
| (1) SR 522 | (3) 68 th Avenue NE from NE 181 st Street to NE 170 th Street, and |
| (2) 61 st Avenue NE | (4) NE 170 th Street/Simonds Road NE |

We believe the City’s transportation model will also show that Juanita Drive NE, 73rd Avenue NE and 80th Avenue NE (minor arterials) each provide an important regional function as traffic out of Snohomish County travels to and from destinations accessed by SR 522. Consideration to amending the plan to include 68th Avenue NE from NE 181st Street to NE 185th Street might have merit as well in order to include that segment of the road in a potential TBD improvement project. We can currently extend our definition of congestion to:

- | | |
|--------------------------------|---|
| (1) SR 522 | (4) NE 170 th Street/Simonds Road |
| (2) 61 st Avenue NE | (5) 73 rd Avenue NE from SR 522 to NE 18 th Street, and |
| (3) 68 th Avenue NE | (6) Juanita Drive south of NE 179 th Street* |

*Although how far south of NE 179th on Juanita will take further evaluation.

District finances are a tax assessment on registered vehicles of up to \$20 annually without voter approval. During the previous Transportation Benefit District discussion it was estimated a \$10 rate would generate \$173,100 per year or \$1,731,000 over ten years and with a \$20 rate would generate \$346,200 or \$3,462,000 over ten years.

Specific example projects would include:

Project	Project Costs
Arterial Asphalt Overlays	\$2,100,000 (Ten year total)
68 th Avenue NE – NE 175 th Street to Sammamish Bridge	\$3,100,000
61 st Avenue NE and NE 181 st Traffic Signal	\$1,330,000

If the City wishes to form a TBD, it must:

- Publish notice of a public hearing;
- Hold a public hearing; and
- Adopt an ordinance creating the TBD.

The current 2009-2010 budget does not include the costs of establishing a Board. These are estimated as \$30,000 to include the costs of the City Attorney and Consultants to create the required legislation and reports.

CONSISTENT WITH OR COMPARISON TO PAST COUNCIL POLICIES, ORDINANCES, DIRECTION:
Improve transportation for local residents by implementing the 6-year Transportation Improvement Plan.

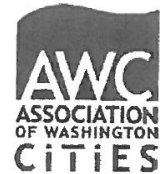
RECOMMENDED CITY COUNCIL ACTION/SUGGESTED MOTION:
If the Council chooses schedule a public hearing to consider the establishment of a Transportation Benefit District to fund transportation improvements and direct staff to prepare the required legislation and reports.

REVIEWED BY FINANCE DIRECTOR:	REVIEWED BY CITY ATTORNEY:	APPROVED BY CITY MANAGER:
TODAY’S DATE: June 23, 2010	REVISION DATE(S):	FILE NAME & PATH (HYPERLINK): S:\Transportation Benefit District\062110_Agenda Bill Summary_TBD (2) (2).doc

Attachment 4

Frequently Asked Questions: Transportation Benefit District

July 2010



Transportation Benefit District Legislation in Effect

Through the cooperative efforts of the Association of Washington Cities (AWC) and the Washington State Associations of Counties (WSAC), significant legislation went into effect in 2007, which resulted in the most important local transportation tool for cities and counties in sixteen years – Transportation Benefit Districts (TBDs). Newly enacted 2010 legislation enhanced the TBD's authority.

TBDs are independent taxing districts that can impose an array of taxes or fees either through a vote of the people or through district board action. TBDs are flexible-- they allow cities and counties to work independently or cooperatively on addressing both local and regional transportation challenges.

Frequently Asked Questions

Background

In 1987, the Legislature created TBDs as an option for local governments to fund transportation improvements. In 2005, the Legislature amended the TBD statute to expand its uses and revenue authority. In 2007, the Legislature amended the TBD statute to authorize the imposition of vehicle fees and transportation impact fees without a public vote. In 2010, the Legislature amended the TBD statute again to clarify project eligibility, the use of impact fees, and sales tax expenditures, and make TBD governance more flexible.

What is a Transportation Benefit District (TBD)?

A TBD is a quasi-municipal corporation and independent taxing district created for the sole purpose of acquiring, constructing, improving, providing, and funding transportation improvements within the district.

Who may create a TBD?

The legislative authority of a county or city may create a TBD by ordinance following the procedures set forth in Chapter 36.73 RCW. The county or city proposing to create a TBD may include other counties, cities, port districts, or transit districts through interlocal agreements.

Who governs the TBD?

The members of the legislative authority (county or city) proposing to establish a TBD serves as the governing body of the TBD. The legislative authority is acting ex officio and independently as the TBD governing body. If a TBD includes

additional jurisdictions through interlocal agreements, then the governing body must have at least five members, including at least one elected official from each of the participating jurisdictions, or may be the governing body of a metropolitan planning organization if the TBD boundaries are identical to the boundaries of the metropolitan planning organization serving the district.

What are the boundaries of a TBD?

The boundaries of a TBD may be less than the boundaries of those jurisdictions participating in the TBD. For example, a county or city may choose to have the TBD boundaries identical with the county or city, or it may choose just to include a portion of the county or city. However, if a TBD chooses to exercise the tax authority that does not require a public vote (e.g. vehicle and impact fees), the boundaries of the TBD must be countywide, citywide, or unincorporated countywide.

Why create a TBD if the county or city legislative authority is the governing board?

A TBD is an independent legal creature. Although a TBD has many of the powers of a county and city (impose taxes, eminent domain powers, can contract and accept gifts, etc.), - it is a separate taxing district. Additionally, by being a separate legal and taxing entity, TBDs have more flexibility. For example, more than one type of jurisdiction can be part of a TBD and the boundaries can be less than countywide or citywide.

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continued

Can a TBD be created without imposing fees or proposing voter approved revenue options?

Yes. A county or city takes legislative action through the ordinance process to create a TBD. The ordinance must include a finding that the creation of a TBD is in the public's interest, describe the boundaries of the TBD, and specify the activities or functions to be implemented or funded by the district. The county or city ordinance creating the TBD may also specify and authorize what fees or revenues that the TBD may pursue. The TBD, acting in its own official capacity, has the authority to identify proposed fees or revenue options.

Are TBD revenues required to be spent as they are collected?

No. The governing body which creates a TBD must develop a plan that specifies the transportation improvements to be provided or funded by the TBD. As part of this plan, the TBD's governing board can indicate if the funds will be used immediately, or if they will be collected for a specified period, prior to spending the accumulated funds. Typically, funds that are collected for a specified period before being expended are used to fully fund large projects, when bonding, or serve as a match for state or federal funds that may only become available in a specified time frame.

Does a TBD have to meet certain tests?

There are three threshold tests for transportation improvements in a TBD: 1) the type of transportation improvement contained within the boundaries of the TBD, 2) whether the improvements are identified in any existing state, regional, county, city or eligible TDB jurisdiction's (port or transit) transportation plan and that the improvements are 3) necessitated by existing or reasonably foreseeable congestion levels. The definition of "congestion" does not have a set standard in law; each TBD has the discretion to tailor and make its own determination of congestion levels when implementing its TBD ordinance.

What transportation improvements can be funded by a TBD?

The definition of transportation improvements is broad. This can include maintenance and improvements to city streets, county roads, state highways, investments in high capacity transportation, public transportation, transportation demand management and other transportation projects identified in a regional transportation planning organization plan or state plan.

In developing criteria for a transportation improvement, it can include one or more of the following: reduced risk of transportation facility failure and improved safety; improved travel time; improved air quality; increases in daily and peak period trip capacity; improved modal connectivity; improved freight mobility; cost-effectiveness of the investment; optimal performance of the system through time; and other criteria, as adopted by the governing body.

Note: In 2010, cities within King County are specifically authorized to provide or contract for supplemental

public transportation improvements to meet the mobility needs of the city, and may contract for such improvements with private and nonprofit entities and may also form public-private partnerships.

If a jurisdiction uses the SEPA process to collect impact fees, would this preclude a TBD from using impact fees?

No. However, the law requires the jurisdiction to provide a credit to commercial or industrial developments that are subject to SEPA, or transportation impact fees authorized under GMA. This is commonly called a "no double-dipping" provision.

continued

What revenue options do TBD's have?

TBD's have several revenue options subject to voter approval:

- Property taxes – a 1-year excess levy or an excess levy for capital purposes;
- Up to 0.2% sales and use tax;
- Up to \$100 annual vehicle fee per vehicle registered in the district; and
- Vehicle tolls.

Please Note: There are exemptions or unique requirements when using the vehicle fee or vehicle tolls.

TBD's have two revenue options that do not require voter approval, but are subject to additional conditions:

1. Annual vehicle fee up to \$20. This fee is collected at the time of vehicle renewal and cannot be used to fund passenger-only ferry service improvements.
2. Transportation impact fees on commercial and industrial buildings. Residential buildings are excluded. In addition, a county or city must provide a credit for a commercial or industrial transportation impact if the respective county or city has already imposed a transportation impact fee.

Please Note: Foregoing a vote is an option only. A county or city still has the option of placing either the annual fee of up to \$20 or the impact fees to the vote of the people as an advisory vote or an actual requirement of imposition.

What are the additional conditions required to impose revenue options not subject to voter approval?

To impose either fee, the TBD's boundaries must be countywide or citywide, or if applicable, in the unincorporated county.

Vehicle Fees:

When the Legislature revised the TBD authority in 2007 to enable councilmanic vehicle fees, it was intended to ensure a county-wide or regional approach for first consideration of this new option. That is why counties had the exclusive authority of the \$20 vehicle fee for the first six months

after enactment of the 2007 legislation. Today, a county that creates a countywide TBD (incorporated and unincorporated areas) and proposes to impose up to a \$20 non-voted vehicle fee should first attempt to impose a countywide fee to be shared with cities by interlocal agreement. Sixty percent (60%) of the cities representing seventy-five (75%) of the incorporated population must approve the interlocal agreement for it to be effective. The Legislative expectation is that if an interlocal agreement cannot be reached between a county and city or cities, the county is authorized to create a TBD and impose the fee only in the unincorporated area of the county.

Credits must be provided for previously imposed TBD vehicle fees. Credits are not required for voter approved vehicle fees.

Commercial and Industrial Transportation Impact Fees:

A TBD that is either countywide or citywide must provide a credit for a commercial or industrial transportation impact fee if the respective county or city has already imposed a transportation impact fee. This is commonly called a "no double-dipping" provision.

If we create a countywide TBD for the up to \$20 vehicle fee, how is the revenue distributed to cities?

The revenue must be shared according to the interlocal agreement. The law does not prescribe what the interlocal agreement contains. Consequently, the revenue can be shared by population, number of vehicles within each jurisdiction, project list, a combination of these, or whatever the county and cities can reach agreement on.

What happens if a city imposes the up to \$20 vehicle fee and then the county imposes a countywide fee without voter approval?

The law requires TBDs to provide a credit for vehicle fees previously imposed by a TBD.

continued

For example, if a city was the first to create a TBD and impose a \$20 vehicle fee and subsequently its county creates a countywide TBD imposing a \$20 vehicle fee, the county TBD must provide a \$20 credit against its fee for vehicles registered within the city. As a result, no fee would be collected by the county TBD from vehicles registered within the city. Additionally, the city would not be part of the interlocal agreement with the county or be included in the number/percentages needed for the interlocal agreement to be effective.

However, if in the same example, the city TBD imposed only \$10 of the \$20 vehicle fee and the county TBD imposed a countywide \$20 vehicle fee, only a \$10 credit would be provided for vehicles registered within the city. The county TBD would collect \$10 from vehicles registered in the city. Consequently, the county TBD would need to include the city in the interlocal agreement discussions and the city is included in the number/percentages needed for the interlocal agreement to be effective.

If a county or city is considering the \$20 vehicle fee, how does a county or city estimate revenues?

Currently, no TBD has been in effect for an entire year and therefore revenue estimates and histories are incomplete. What TBDs around the state have learned to date: vehicles per household calculations vary significantly around the state. Statistical data shows that there tends to be about one vehicle per person in rural areas and 0.8 vehicles per person in urban areas. Another factor to strongly consider is seasonality; vehicles sales are not evenly distributed throughout the year and this will affect monthly receipts. Finally, a city or county must understand and recognize that other factors such as people failing to register their vehicles, and data accuracy can affect actual revenues when compared to forecasted revenues.

What other requirements should I be aware of?

Revenue rates, once imposed, may not be increased, unless authorized by voter approval.

If project costs exceed original costs by more than 20 percent, a public hearing must be held to solicit public comment regarding how the cost change should be resolved. This is typically called a material change policy.

The TBD must issue an annual report to include the status of project costs, revenues, expenditures, and construction schedules.

The TBD must be dissolved upon completion of the project(s) and the payment of debt service.

Who has imposed a TBD?

The cities of Lake Forest Park, Edmonds, Des Moines, Olympia, Prosser, and Shoreline imposed the \$20 vehicle fee. Ridgefield and Sequim passed the 2/10% sales tax. Point Roberts and Liberty Lake formed TBD's prior to the legislative changes in 2005.

Checklist

For a checklist that highlights many of the important considerations when creating a Transportation Benefit District (TBD), please see www.awcnet.org/tbd.

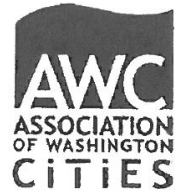
Eligibility requirements vary. For additional questions on Transportation Districts, please contact AWC staff Ashley Probart at ashleyp@awcnet.org Sheri Sawyer at sheris@awcnet.org.

Attachment 5

Frequently Asked Questions: Street Maintenance Utility District

Street Maintenance Utility

A proposed voter option for cities



Basic questions and answers

What is it?

A street maintenance utility is just that, a utility, like a water, stormwater and sewer utility. By law, utility funds are required to be dedicated for the purposes of maintaining, repairing, and replacing a system that is used by those who benefit from it. Most utilities work the same: if a citizen or business benefits from the use of the utility, then they pay for it. Usually the more they use the utility, the more they pay. For example, customers are charged by the amount of power or water they consume.

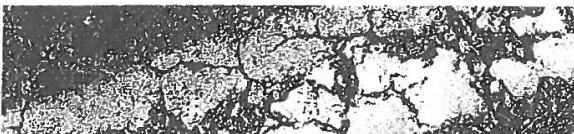
The street utility is being successfully used in other states such as Oregon, and was previously used in Washington. The street maintenance utility option being prepared for the 2011 Legislature is designed to be constitutionally sound and fair – costing only a few dollars a month for homeowners.

Why is a dedicated street maintenance utility funding option necessary?

Cities are seeing more traditional sources of revenue either reduced or eliminated, and the economic downturn has made it difficult if not impossible for cities to use their general funds to keep street maintenance and preservation funding alive.

Consider:

- **City revenues are depleted:** Unlike the state's constitutionally protected gas tax, nearly three of every four city transportation dollars rely on transfers from the city operating budget -- which means competing against other city services such as police and fire protection. In this economy, many cities simply do not have the resources to fund street maintenance.
- **Initiatives have stripped traditional transportation revenues:** I-695, I-747, and I-776 stripped away revenue that cities used to maintain, operate, replace, and improve their transportation systems.



- **State assistance is declining:** The Transportation Improvement Board's ability to partner is reduced due to declining gas tax receipts- some of the TIB's programs have been shelved, to the point that its executive director has predicted "corridor" grant funding will not be available for at least the next four years. Another potential resource, the Public Works Assistance Account, was dried up in 2009 when the legislature redirected \$368 million in local government low-interest loan funds to the state's general fund. The state is likely to take similar action in the upcoming 2011 session.
- **Funds collected from impact fees must address capacity improvements, not maintenance:** Once capacity improvements are made, they begin to deteriorate. There is no dedicated street funding mechanism to preserve this investment.
- **Maintaining and preserving streets is far more cost-effective than completely rebuilding them:** The transportation system is not unlike your house or your roof – it must be continuously maintained, operated, and replaced as it ages to assure the continued use of the system to the level of service that residents and businesses expect and deserve. And maintenance and repairs are cost effective – transportation engineers estimate it can cost as much as 15 times more to completely rebuild and replace a roadway than it costs to maintain and repair it.
- **The street maintenance utility proposal is premised on fairness:** Those who utilize, benefit from, and impact the street system are the ones who pay for the maintenance and upkeep of that system.

What would a street maintenance utility be used for, and what do you use as the basis for determining rates?

AWC, joined by several individual cities, has designed a street maintenance utility option that would be used for "curb-to-curb," basic street maintenance and preservation.

continued

What if my business uses trip reduction measures such as vanpools or bus passes?

If adopted, the street maintenance utility would encourage commute trip reduction measures. A business that demonstrates vanpooling, carpooling, or bus passes is eligible for credits because they reduce trips and wear and tear on the street system.

Examples of monthly fees

From City of Corvallis, Oregon's Transportation Maintenance Fee

Type of property	Trips	Monthly fee
Single family	9.6	\$1.36
Multi-family (8 units)	53	\$7.53
Office bldg (21,128 sq ft)	232	\$4.87
Small retail (23,500 sq ft)	532	\$11.17
Grocery store (48,000 sq ft)	2,569	\$53.80
Large retail (132,000 sq ft)	3,962	\$83.20
Hewlett-Packard	6,459	\$135.64

Are rates predictable? Can they be phased in? How much are they?

Yes. This voter-approved option requires rates to be phased in over a four year period. Each city establishes its own rates. For a typical urban city experiencing over 500,000 trips on its system and experiencing a failing transportation system:

- Single family residence could expect \$2 to \$8 a month (Oregon cities are about \$4-\$5 a month)
- Senior housing and multifamily housing ranges from 10% to 70% of a single family residence.
- Industrial buildings could expect \$10 - \$15 a month for every 10,000 square feet.
- Restaurants, office buildings, and other commercial building categories could expect rates of \$15 to \$35 per month for every 10,000 square feet
- Shopping centers in Corvallis, Oregon, pay about \$6 per month for every 10,000 square feet (which are apportioned among the many businesses within the shopping center).

What about citizen and business accountability?

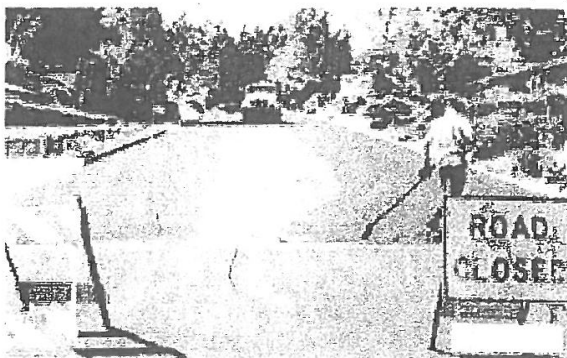
- Street utility charge funds are required to be used for transportation purposes only- they cannot be redirected to a city's operating budget.
- Appeals of rates or rate classifications are heard by an independent examiner.
- An annual report indicating program status is required.
- A street utility advisory board representing the user classifications must be included as part of the ordinance.
- The street utility charge will be identified as a line item as part of a residential or business overall utility bill.

When could this be implemented?

If adopted, the law would go into effect July 2011. Cities would then be required to go through the public involvement and rate setting process, seeking input from stakeholders from the various user groups, and gathering the necessary data to determine appropriate rates as part of the process of going before the voters.

For questions or more information

Ashley Probart, Legislative & Policy Advocate
ashleyp@awcnet.org
(360) 753-4137



Attachment 6

Figure T-6: 2010-2016 Functional Classification of Roadways

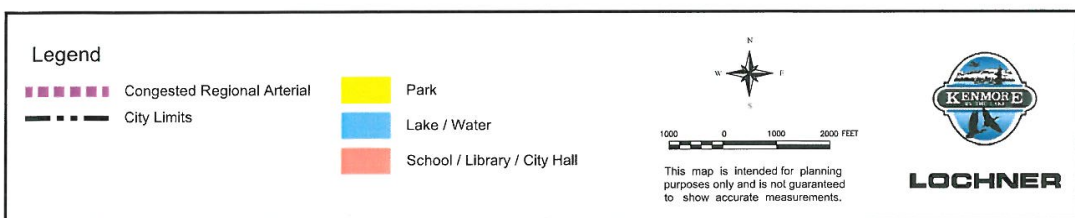
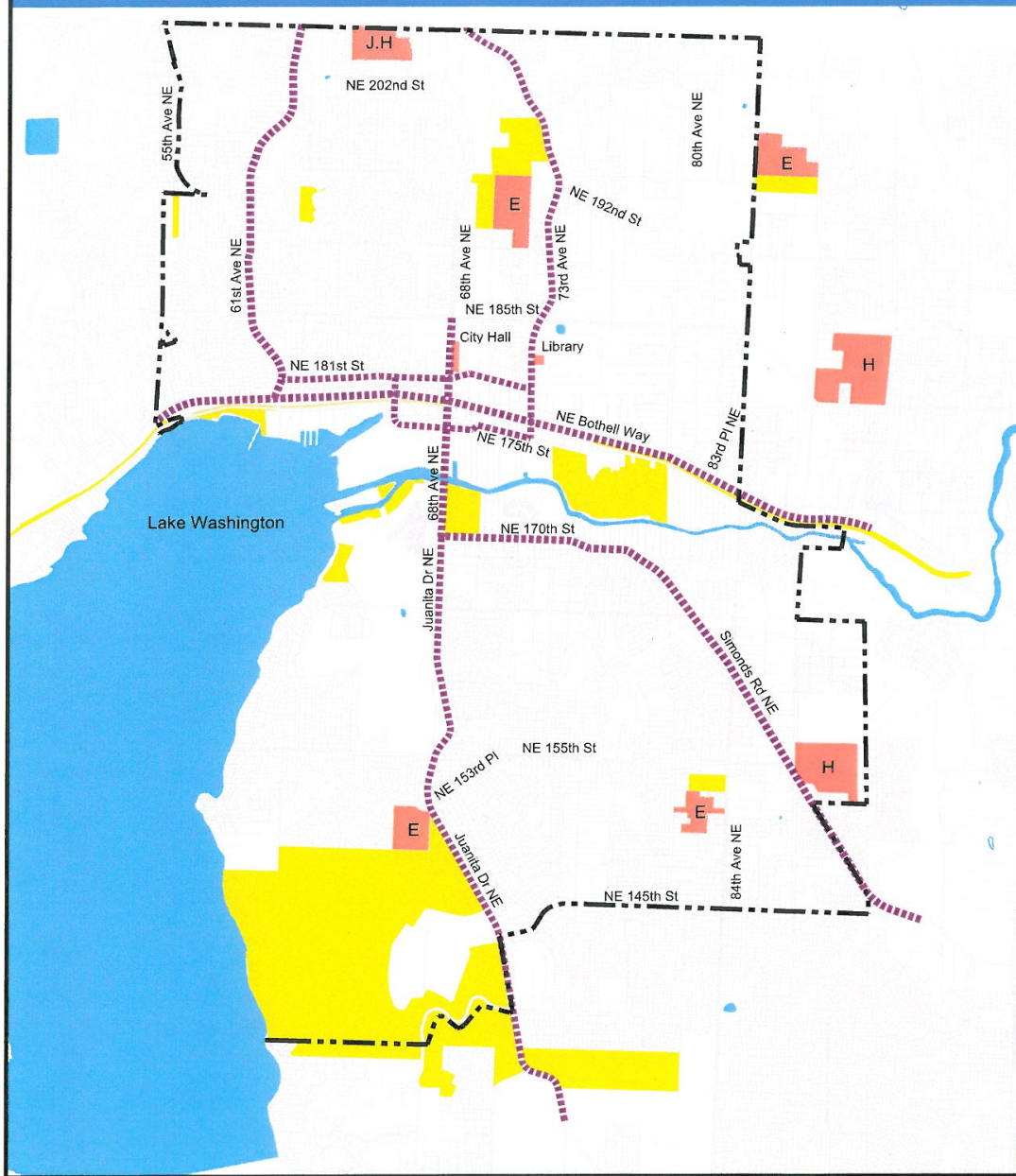
Attachment 7

Figure T-6a: TBD Regional Arterials

Attachment 8

Figure T-6b: Congested Regional Arterials

Figure T-6b: Congested Regional Arterials



CITY OF KENMORE, WASHINGTON			
AGENDA BILL SUMMARY			
AGENDA TITLE			MEETING DATE
Adoption of Ordinance No. 11-0321 Regarding Rules of Conduct Applicable to the Kenmore City Council			February 14, 2011
DEPARTMENT	DIRECTOR	CONTACT PERSON	PHONE
City Council		City Council	425-398-8900
COST OF PROPOSAL: Approximately \$15,000 in legal fees. Additional legal fees and fees for the Ethics Arbitrator (see Section 5.A of attached ordinance) would be expended for any appeals filed. A reasonable estimate would be \$7,500 for an appeal to the Ethics Arbitrator, and an additional \$7,500 - \$10,000 for an appeal to Superior Court of a decision of the Ethics Arbitrator.		ACCOUNT NUMBER:	
AMOUNT BUDGETED:		NAME AND FUND #:	
ATTACHMENT(S) TO AGENDA PACKET ITEM: Proposed Ordinance No. 11-0321.			
SUMMARY STATEMENT: Since incorporation, the City Council has adopted efficient and innovative measures on a wide range of issues designed to best ensure that City staff members serve the citizens of Kenmore in a professional and cost-effective manner. In a continuing effort to ensure that the City Council likewise serves its citizens in an equally effective manner, while recognizing and preserving the right of any councilmember to make inquiry and to dissent in a lawful manner, an ordinance establishing Rules of Conduct is presented for the City Council's consideration. The adoption of these Rules of Conduct will provide a useful means by which to balance the right of the City Council to discourage and prohibit conduct that unreasonably interferes with and interrupts the day-to-day business of the City with the right of any individual councilmember to conduct his or her duties in a lawful and proper manner. As presented, the Ordinance identifies and defines "Prohibited Conduct" which, if committed by a councilmember during his or her then-current term of office, may result in a censure. A finding of censure requires the affirmative votes of five or more Councilmembers. The penalty for a censure is placement of a letter of censure into the record. The Ordinance expressly provides that a censured councilmember may contest a censure, first by administrative appeal to an Ethics Arbitrator and then by judicial appeal to King County Superior Court. Finally, the Ordinance expressly provides that the effect of any censure is stayed during an appeal.			

CONSISTENT WITH OR COMPARISON TO PAST COUNCIL POLICIES, ORDINANCES, DIRECTION:		
RECOMMENDED CITY COUNCIL ACTION/SUGGESTED MOTION: Discussion and appropriate action on motion by City Council.		
REVIEWED BY FINANCE DIRECTOR: 	REVIEWED BY CITY ATTORNEY:	APPROVED BY CITY MANAGER: 
TODAY'S DATE:	REVISION DATE(S):	FILE NAME & PATH (HYPERLINK):

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CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 11-0321

**AN ORDINANCE OF THE CITY OF KENMORE,
WASHINGTON, ADOPTING RULES OF CONDUCT FOR CITY
COUNCILMEMBERS; PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, Article XI, section 11 of the Washington Constitution provides that “[a]ny county, city, town or township may make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws”; and

WHEREAS, under Article XI, section 11 of the Washington Constitution, the exercise of a city’s police power extends to the adoption of any ordinance, so long as the “subject matter is local, the regulation is reasonable and consistent with the general laws.” *Hass v. City of Kirkland*, 78 Wn.2d 929 (1971); and

WHEREAS, RCW 35A.11.020 endows Kenmore with “[a]ll powers possible for a city or town to have under the Constitution of this state, and not specifically denied to code cities by law”; and

WHEREAS, RCW 29A.56.110-.270 sets forth a process for voters to file a recall petition against an elected official when the voters believe that the elected official has committed misfeasance or malfeasance; and

WHEREAS, RCW 29A.56.110-.270 does not “specifically deny” to the City Council the authority to adopt its own ordinance providing for the censure of a fellow councilmember for misfeasance or malfeasance, or for other acts of defined Prohibited Conduct; and

WHEREAS, the Legislature has not preempted to the State regulation of the conduct of city councilmembers, and a local ordinance regulating such conduct does not conflict with state law; and

WHEREAS, a court will generally defer to the city council and uphold a local ordinance, and “[i]f the court can reasonably conceive of a state of facts warranting the legislation, those facts will be presumed to exist.” *Jones v. King County*, 74 Wn. App. 467 (1994); and

WHEREAS, the City Council finds that any councilmember’s public accusation that a fellow councilmember, city manager, department director, or other staff member is engaging in illegal or corrupt behavior – or is forcing or causing another to engage in illegal or corrupt behavior - constitutes an unreasonable interruption and interference with the day-to-day business of the City and with the official duties of all City councilmembers; and

WHEREAS, the City Council finds that any councilmember’s public accusation that a fellow councilmember, city manager, department director, or other staff member is lying, betraying the interests of others, or is otherwise behaving with unscrupulous motives constitutes

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a personal attack and an unreasonable interruption and interference with the day-to-day business of the City and with the official duties of all City councilmembers; and

WHEREAS, the City Council finds that any councilmember's misrepresentation to citizens, other cities or public agencies, or to any other person or organization, 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 but upon which the City Council will be required to make a final decision, constitutes an unreasonable interruption and interference with the day-to-day business of the City and with the official duties of all City councilmembers; and

WHEREAS, the City Council finds that any councilmember's modification, revision, alteration, or editing of any document, report, record, or memorandum written by the city manager, a department director, other staff, or fellow councilmembers when such modification is without the author's consent or knowledge, or when such modification represents facts, opinions, data, or ideas not belonging or not accurately attributable to the city manager, department director, other staff, or fellow councilmembers, and when such modified document is disseminated to anyone outside the City Council, city manager, department director, or other staff, constitutes an unreasonable interruption and interference with the day-to-day business of the City and with the official duties of all City councilmembers; and

WHEREAS, the City Council finds that any councilmember's unauthorized contact, either verbally or in writing, with legal counsel representing a person or entity with whom the City has ongoing litigation, negotiations, or other contact constitutes an unreasonable interruption and interference with the day-to-day business of the City and with the official duties of all City councilmembers; and

WHEREAS, the City Council finds that, other than councilmember contact with staff as authorized by duly adopted Council resolution or by the city manager, any councilmember's contact with staff, either verbally or in writing, when such contact is used or intended to impermissibly redirect, interfere with, interrupt or undermine staff's work assignments as such assignments are determined by the city manager or by majority vote of the City Council at an open public meeting, constitutes an unreasonable interruption and interference with the day-to-day business of the City and with the official duties of all City councilmembers; and

WHEREAS, the City Council finds that councilmember contact, either verbally or in writing, with state, county, regional or city elected or appointed officials, when such councilmember represents a position contrary to the adopted or otherwise declared position of the City or the City Council, and when such councilmember does not disclose such adopted or declared position of the City or the City Council, constitutes an unreasonable interruption and interference with the day-to-day business of the City and with the official duties of all City councilmembers; and

WHEREAS, the City Council finds that any councilmember's repeated mailing or e-mailing to his fellow councilmembers or others of unfounded allegations of workplace bullying or workplace harassment constitutes an unreasonable interruption and interference with the day-to-day business of the City and with the official duties of all City councilmembers; and

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WHEREAS, while the City Council recognizes the right of every councilmember to free speech as that right has been interpreted by the courts, and encourages the dissemination of a variety of opinions and ideas for discussion in a lawful manner, the City Council likewise finds that unreasonable and offensive behavior by any City councilmember makes it difficult or impossible for the City to attract and retain city managers and department heads of the highest possible professional caliber; and

WHEREAS, the City Council accordingly finds that the adoption of a Code of Conduct is necessary to ensure that the City Council as a whole has the means to discourage conduct that unreasonably interferes with and interrupts the day-to-day business of the City and the City Council;

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

Section 1. Purpose. The City Council recognizes the need to regulate the conduct of any councilmember whose conduct – during or outside of meetings open to the public – unduly interrupts and interferes with the ability of the City and the City Council to conduct its business. The City Council further recognizes that state law understandably does not prohibit the adoption by ordinance of this code of conduct, and that the Council is constitutionally and statutorily authorized under its police powers to censure a fellow councilmember for behavior and conduct that unduly interferes with and unduly interrupts the ability of the City and the City Council to conduct its business.

Section 2. Findings of Fact. The “WHEREAS” clauses set forth above are incorporated by this reference as non-exclusive findings of fact supporting the adoption of this Ordinance.

Section 3. Definitions. The following definitions shall apply for purposes of this Ordinance:

- A. “Illegal or corrupt behavior” means activity that violates local, state or federal law. By way of illustration and not limitation, “state or federal law” includes the Public Disclosure Act, the Open Public Meetings Act, the Washington State Constitution, the U.S. Constitution, or any other local, state, or federal code or legislation;
- B. “Unreasonable interruption and interference with the day-to-day business of the City” means (i) a councilmember’s contact with staff, other than as authorized by duly adopted final action of the City Council or by the city manager, and which materially limits a staff member’s ability to complete work assigned by the city manager or by majority vote of the City Council at an open public meeting, or (ii) the substantial interruption or cessation of the efficient operations of any department of the City or any staff member in order for the city manager or any staff member to correct or explain, in response to inquiry by a third party, materially inaccurate statements or conduct of a councilmember;
- C. “Letters of complaint or grievances” means materially inaccurate or unfounded oral or written allegations by a councilmember to any staff member or other councilmember that any such staff member or other councilmember is (i) engaging in illegal or corrupt behavior, or (ii) acting maliciously toward the complaining

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councilmember. By way of illustration and not limitation, “maliciously” means acting with hostility or anger toward, or by bullying or harassing, the complaining councilmember;

- D. “Modification of City documents” means the intentional revision, alteration, or editing of any written or electronic document prepared by any staff member or other councilmember when such revision, alteration, or editing (i) is done without the original author’s consent or knowledge; (ii) is done without identification by name of the author of any such revisions, alterations, or edits, and without the identification within the document of all such revisions, alterations, and edits; (iii) is done with the intent or purpose to substantially modify the meaning of the original document; (iv) represents facts, opinions, data or ideas not belonging to the staff member or other councilmember and not otherwise attributed to the source; and (v) is disseminated to anyone other than the city manager or other councilmembers;
- E. “Personal attack” means materially inaccurate or unfounded verbal or written accusations that any staff member or other councilmember is lying or acting illegally, unethically, or unprofessionally; and
- F. “Staff” means employees of the City of Kenmore and employees of persons or entities providing goods or services to the City of Kenmore by contract or otherwise.

Any reference herein to a masculine or feminine pronoun shall also include the opposite.

Section 4. Prohibited Conduct. Any one or more of the following shall constitute Prohibited Conduct and shall constitute a violation of this Ordinance:

- A. Wrongfully accusing any staff member or other councilmember of engaging in illegal or corrupt behavior, or of causing another to engage in illegal or corrupt behavior;
- B. Making a personal attack against any staff member or other councilmember;
- C. Dissemination of letters of complaint or grievances to any staff member, other than the city manager, or to any other councilmember;
- D. Modification of City documents;
- E. Engaging in unreasonable interruption and interference with the day-to-day business of the City;
- F. Representation to citizens, other cities or public agencies, or to any other person or organization 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 upon which the City Council will be required to take final action;
- G. Other than as authorized by majority vote of the City Council at an open public meeting, verbal or written contact with legal counsel representing a person or entity

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with which the City has ongoing litigation, negotiations or other contact related to City business;

- H. Verbal or written contact with staff, other than a councilmember's contact with staff as authorized by final action of the City Council or by the city manager, when such contact is used or intended to impermissibly redirect, interfere with, interrupt or undermine staff's work assignments as such assignments are determined by the city manager or by majority vote of the City Council at an open public meeting; or
- I. 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 otherwise 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.

Section 5. Censure. Any councilmember may make a motion at an open public meeting that another councilmember has committed Prohibited Conduct as set forth in this Ordinance. If the motion passes with at least five affirmative votes, the Mayor shall censure the subject councilmember by placing a letter of censure into the record at the first regular meeting open to the public following passage of the motion to censure. The letter of censure shall specify the conduct constituting the violation. The letter shall state that the censured councilmember may appeal the censure as provided herein. The filing of a timely appeal shall stay enforcement of the censure. The failure to timely file an appeal shall divest the Ethics Arbitrator of jurisdiction to hear the appeal.

A. Appeals. The censured councilmember may appeal the City Council's decision to censure by filing a letter of appeal with the City Clerk by 5:00 p.m. on the tenth calendar day following the placing of the letter of censure into the record by the Mayor. The letter of appeal shall identify in detail the manner in which the City Council's decision to censure was improper.

- 1. Ethics Arbitrator Shall Hear Appeal. An Ethics Arbitrator shall hear appeals of censures. The Ethics Arbitrator shall be an attorney licensed by the State of Washington for at least ten years, and shall be selected by agreement of the City Attorney and the censured councilmember. If the City Attorney and the censured councilmember cannot agree on an individual to serve as the Ethics Arbitrator, the City's Hearing Examiner shall choose the Ethics Arbitrator. The Ethics Arbitrator may adopt his or her own reasonable rules of procedure, but in all events the burden of proof shall be on the City to prove a violation by a preponderance of the evidence. The Ethics Arbitrator shall hear the censured councilmember's appeal within thirty (30) calendar days of the filing of the appeal unless extended for good cause shown or by agreement of the parties, and shall render a written decision on the appeal within ten (10) calendar days following the appeal hearing. The decision of the Ethics Arbitrator shall be final unless appealed to superior court.
- 2. Appeals of Decisions of Ethics Arbitrator. Appeals of decisions of the Ethics Arbitrator shall be by writ of certiorari to the King County Superior Court and shall be filed within twenty-one (21) calendar days of the date of the written

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decision of the Ethics Arbitrator. The failure to timely file an appeal shall divest the superior court of jurisdiction to hear the appeal.

Section 6. No Public Funds to be Used to Defend. No public funds shall be used to defend any censure or other allegation of Prohibited Conduct in violation of this Ordinance. This Ordinance sets forth the full scope of the authority of the City Council to take corrective action arising from a violation of this Ordinance. No other remedies or penalties are authorized. The City Council shall not assess money damages against any councilmember found to have violated this Ordinance.

Section 7. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 8. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 14th DAY OF FEBRUARY, 2011.

CITY OF KENMORE

Mayor David Baker

ATTEST/AUTHENTICATED:

Lynn Suskin, City Clerk

Approved as to form:

Rod Kaseguma, City Attorney

Filed with the City Clerk:	February 3, 2011
Passed by the City Council:	February 14, 2011
Date of Publication:	February 18, 2011
Effective Date:	February 24, 2011
Ordinance No.:	11-0321