



AGENDA

[CLICK HERE TO COMMENT ON AGENDA ITEMS](#)

[STAFF PRESENTATIONS](#)

[PUBLIC COMMENT](#)

SHORELINE CITY COUNCIL BUSINESS MEETING

Tuesday, September 4, 2012
7:00 p.m.

Council Chamber · Shoreline City Hall
17500 Midvale Avenue North

	<u>Page</u>	<u>Estimated Time</u>
1. CALL TO ORDER		7:00
2. FLAG SALUTE/ROLL CALL		
3. REPORT OF THE CITY MANAGER		
4. COUNCIL REPORTS		
5. PUBLIC COMMENT		
<i>Members of the public may address the City Council on agenda items or any other topic for three minutes or less, depending on the number of people wishing to speak. The total public comment period will be no more than 30 minutes. If more than 15 people are signed up to speak, each speaker will be allocated 2 minutes. When representing the official position of a State registered non-profit organization or agency or a City-recognized organization, a speaker will be given 5 minutes and it will be recorded as the official position of that organization. Each organization shall have only one, five-minute presentation. Speakers are asked to sign up prior to the start of the Public Comment period. Individuals wishing to speak to agenda items will be called to speak first, generally in the order in which they have signed. If time remains, the Presiding Officer will call individuals wishing to speak to topics not listed on the agenda generally in the order in which they have signed. If time is available, the Presiding Officer may call for additional unsigned speakers.</i>		
6. APPROVAL OF THE AGENDA		7:15
7. CONSENT CALENDAR		
(a) Minutes of Special Meeting of August 6, 2012	<u>1</u>	
Minutes of Special Meeting of August 13, 2012	<u>6</u>	
8. PUBLIC HEARING		
<i>Public hearings are held to receive public comment on important matters before the Council. Persons wishing to speak should sign in on the form provided. After being recognized by the Mayor, speakers should approach the lectern and provide their name and city of residence. Individuals may speak for three minutes, or five minutes when presenting the official position of a State registered non-profit organization, agency, or City-recognized organization.</i>		
(a) Resolution No. 331 Supporting Marriage Equality and Approval of Referendum 74	<u>12</u>	7:20

- (b) Resolution No. 332 Supporting Approval of the Automated Fingerprint Identification System (AFIS) Levy on the November 6 General Election Ballot 27
- (c) Resolution No. 333 establishing a Community Renewal Area (CRA) for Aurora Square Area 47

9. ACTION ITEMS: ORDINANCES, RESOLUTIONS, AND MOTIONS

- (a) Motion to Approve Resolution No. 331 Supporting Marriage Equality and Approval of Referendum 74 12 7:50
- (b) Motion to Approve Resolution No. 332 Supporting Approval of the Automated Fingerprint Identification System (AFIS) Levy on the November 6 General Election Ballot 27 8:10
- (c) Motion to Approve Resolution No. 333 establishing a Community Renewal Area (CRA) for Aurora Square Area 47 8:20

10. ADJOURNMENT 9:00

The Council meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 801-2231 in advance for more information. For TTY service, call 546-0457. For up-to-date information on future agendas, call 801-2236 or see the web page at www.shorelinewa.gov. Council meetings are shown on Comcast Cable Services Channel 21 and Verizon Cable Services Channel 37 on Tuesdays at 12 noon and 8 p.m., and Wednesday through Sunday at 6 a.m., 12 noon and 8 p.m. Online Council meetings can also be viewed on the City's Web site at <http://shorelinewa.gov>.

CITY OF SHORELINE

**SHORELINE CITY COUNCIL
SUMMARY MINUTES OF SPECIAL MEETING**

Monday, August 6, 2012
7:00 p.m.

Council Chamber - Shoreline City Hall
17500 Midvale Avenue North

PRESENT: Mayor McGlashan, Deputy Mayor Eggen, Councilmember Hall, Councilmember McConnell, Councilmember Winstead, and Councilmember Roberts

ABSENT: Councilmember Salomon

1. CALL TO ORDER

At 7:00 p.m., the meeting was called to order by Mayor McGlashan, who presided.

2. FLAG SALUTE/ROLL CALL

Mayor McGlashan led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present.

PRESENT: Mayor McGlashan, Deputy Mayor Eggen, Councilmember Hall, Councilmember McConnell, Councilmember Winstead, Councilmember Salomon, and Councilmember Roberts.

ABSENT: None

(a) Proclamation of Celebrate Shoreline

Mayor McGlashan read the proclamation declaring August 11 through August 19 as Celebrate Shoreline Week and presented the proclamation to Evan Voltsis, the 2012 Celebrate Shoreline Parade Grand Marshal, who thanked the City for the recognition.

3. REPORT OF THE CITY MANAGER

Julie Underwood, City Manager, provided reports and updates on various City meetings, projects, and events.

4. COUNCIL REPORTS

Councilmember McConnell commented on the SeaShore Transportation Forum and the Regional Water Quality Committee.

Deputy Mayor Eggen reminded everyone about the closure of Route 167 this weekend.

Mayor McGlashan discussed the Aurora Corridor Ribbon Cutting ceremony for the final phase of the project.

5. PUBLIC COMMENT

a) Nancy Morris, Shoreline, hoped that the Council carefully considers the proposed Seattle Public Utilities (SPU) purchase.

b) Robert Ransom, Shoreline, stated that the SPU Steering Committee voted to approve the SPU acquisition be put on the ballot by a large majority. He added that the City is in excellent financial shape.

c) Bill Montero, Shoreline, expressed support for the recommendation to pursue the SPU acquisition.

d) Wendy DiPeso, Shoreline, commented that a changing financial picture and legal ambiguities should give the Council reason enough to reconsider the SPU acquisition.

e) Art Maronek, Shoreline, communicated that the City of Seattle has to follow State law to sell any of their utility.

6. APPROVAL OF THE AGENDA

Upon motion by Councilmember Hall, seconded by Councilmember Roberts and unanimously carried, the agenda was approved.

7. CONSENT CALENDAR

Upon motion by Councilmember Hall, seconded by Deputy Mayor Eggen and unanimously carried, the following Consent Calendar items were approved:

- (a) **Minutes of Business Meeting of July 9, 2012**
Minutes of Business Meeting of July 16, 2012
Minutes of Special Meeting of July 23, 2012
Minutes of Business Meeting of July 23, 2012

(b) **Authorize the City Manager to Execute an Interlocal Joint Purchasing Agreement with the Shoreline School District**

8. PUBLIC HEARING

(a) Public hearing to receive citizens comments on Ordinance No. 641 Floodplain Management and Related Development Code Amendments

Brian Landau, Surface Water Manager, and Juniper Nammi, Planner, presented the recommendation for adoption of Ordinance No. 641 related to floodplain management. He

outlined the extensive public process, hearings, the several meetings with residents, the SEPA process, and the comments from the Washington State Department of Ecology.

Councilmember Roberts discussed the concerns of the residents in Richmond Beach and Mr. Landau replied that the residents of Richmond Beach are aware how they can comment and influence the process.

Ms. Nammi also replied that there haven't been any residents from Thornton Creek or Boeing Creek expressing interest at this time.

Councilmember McConnell communicated that Mr. Relph and Mr. Sanchez were very helpful to her neighborhood.

Councilmember Winstead thanked the City staff for their work.

Councilmember Salomon also thanked the City staff and stated that the only opposition was from residents in Richmond Beach and the City staff resolved their concerns.

Mayor McGlashan opened the public hearing.

No one wished to speak concerning this item.

Mayor McGlashan closed the public hearing.

9. ACTION ITEMS: ORDINANCES, RESOLUTIONS, AND MOTIONS

(a) Adoption of Ordinance No. 641 Floodplain Management and Related Development Code Amendments

Councilmember McConnell moved to adopt Ordinance No. 641 Floodplain Management and related Development Code amendments, seconded by Councilmember Salomon. Motion carried 7-0.

(b) Adoption of Ordinance No. 644 Authorizing the City to Acquire and Operate a Water Utility within the Seattle Public Utility Service Area in the City of Shoreline; and Providing for the Submission of this Ordinance to the Qualified Electors of the City of Shoreline at an Election to be Held on November 6, 2012

Debbie Tarry, Assistant City Manager, provided a short presentation with the City Manager's recommendation to move forward with placing the SPU acquisition on the November 6 General Election ballot.

Councilmember Winstead moved to adopt Ordinance No. 644 authorizing the City to acquire and operate a water utility within the Seattle Public Utility service area in the City of Shoreline; and providing for the submission of this Ordinance to the qualified electors of

the City of Shoreline at an election to be held on November 6, seconded by Councilmember McConnell.

Councilmember Winstead spoke in support of the motion and Ms Tarry clarified that there needs to be a public hearing held, but no public vote needs to occur in the City of Seattle. Additionally, there doesn't need to be a two-thirds approval by the City of Seattle Council. Councilmember Winstead spoke in favor of the acquisition.

Councilmember Roberts confirmed with City Attorney Ian Sievers that the difference between Section 1A and Section 1C is that this would be a new franchise agreement and Seattle would sell wholesale water to Shoreline. He also added that there would potentially be three agreements with Seattle, one for wholesale water, one for regional facilities, and one for up to fifteen years of franchise for retail customers. Councilmember Roberts also confirmed that the language about wanting to acquire the southeast corner doesn't preclude the ordinance and that there are many good reasons to purchase this, to include the fact that Shoreline SPU ratepayers pay millions of dollars to the City of Seattle general fund and that SPU has high utility rates. He added that he doesn't support a purchase price of more than \$26.6 million and felt the City of Seattle won't try to negotiate for more. He felt the City can administer a water utility and will be good stewards, thus setting reasonable rates. Councilmember Roberts added that he isn't convinced that the separation costs will be as low as projected, but felt this should go to the voters and people should study the implications.

Councilmember Salomon stated that he supported placing it on ballot and it would be a positive thing if the voters approve it. The City, he said, would then work with Seattle to finalize the agreement. He expressed concern regarding public comment discussion about RCW 35.94.020 and noted that the City Attorney informed the Council that RCW 35.94.040 was responsive concerning the correct way for the City of Seattle to dispose of the property.

Councilmember Hall communicated that the vision of the City when it was created was to improve the City, roads, sidewalks, drainage, etc. The Council, he said, has looked at the negatives, but there are a lot of positives and overall, this is a slam-dunk win for the City.

Councilmember McConnell communicated that this isn't an "iffy" decision for her. She supported the ordinance and the establishment of the pro and con committees.

Deputy Mayor Eggen communicated that there are significant advantages and benefits to the City of Shoreline operating its own water utility. He noted that the steering committee and City staff worked hard and came out with a strong recommendation. He acknowledged Councilmember Roberts' comments about the risk, but felt it is unlikely.

Councilmember Roberts stated that the point of no return in his opinion is when the City agrees to purchase the asset, not when a loan is asked for or budget changes occur. He added that the scenario reflects what is currently going on and he wouldn't characterize the risk as unlikely.

Mayor McGlashan summarized the comments of the Council. He noted that SPU has been discounting Seattle citizens due to our subsidy. He thanked the citizens and stated that this isn't

about SPU giving the City of Shoreline bad service, but it's about local control. He thanked City of Seattle Mayor McGinn and dispelled rumors concerning the negotiations. He supported having this going out to the residents for a vote.

A vote was taken on the motion to adopt Ordinance No. 644 authorizing the City to acquire and operate a water utility within the Seattle Public Utility service area in the City of Shoreline; and providing for the submission of this Ordinance to the qualified electors of the City of Shoreline at an election to be held on November 6, which carried 7-0.

(c) Appointment of Pro and Con Committees for City of Shoreline Proposition 1, Authorizing the Acquisition and Local Control of Seattle Water Services in Shoreline

Debbie Tarry, Assistant City Manager, provided a brief staff report. She stated that the committees are responsible for creating the pro and con statements for the ballot measure. Additionally, she stated that there can be three on each committee and the appointments will be communicated to King County. Ms. Tarry highlighted that the City staff recommends David Harris, Joseph Irons, and Sis Pohn be appointed to the Pro Committee and John Behrens, Tom Jamieson, and Art Maronek be appointed to the Con Committee.

Councilmember Roberts moved to approve the appointment of pro and con committees for the City of Shoreline Proposition 1, authorizing the acquisition and local control of Seattle water services in Shoreline as recommended by the City staff, seconded by Councilmember Salomon.

A vote was taken on the motion to approve the appointment of pro and con committees for the City of Shoreline Proposition 1, authorizing the acquisition and local control of Seattle water services in Shoreline as recommended by the City staff, which carried 7-0.

10. ADJOURNMENT

At 8:26 p.m., Mayor McGlashan declared the meeting adjourned.

Scott Passey, City Clerk

CITY OF SHORELINE

**SHORELINE CITY COUNCIL
SUMMARY MINUTES OF SPECIAL MEETING**

Monday, August 13, 2012
7:00 p.m.

Council Chamber - Shoreline City Hall
17500 Midvale Avenue North

1. CALL TO ORDER

At 7:01 p.m., the meeting was called to order by Mayor McGlashan, who presided.

2. FLAG SALUTE/ROLL CALL

Mayor McGlashan led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present.

PRESENT: Mayor McGlashan, Deputy Mayor Eggen, Councilmember Hall, Councilmember McConnell, Councilmember Winstead, Councilmember Salomon, and Councilmember Roberts

ABSENT: None

3. REPORT OF THE CITY MANAGER

Julie Underwood, City Manager, provided reports and updates on various City meetings, projects, and events.

Mayor McGlashan held a moment of silence for Kathi Goertzen.

4. COUNCIL REPORTS

No Council reports were given.

5. PUBLIC COMMENT

a) Don Dudley, Shoreline, on behalf of the Blakely Apartment residents, commended the City staff for thoroughly researching the Echo Lake traffic issue and supported the recommendation.

b) Charlotte Haines, Shoreline, announced the City of Shoreline 5th Annual Jazz Walk in North City.

6. APPROVAL OF THE AGENDA

Upon motion by Councilmember Hall, seconded by Councilmember Roberts and unanimously carried, the agenda was approved.

7. CONSENT CALENDAR

Upon motion by Councilmember Hall, seconded by Deputy Mayor Eggen and unanimously carried, the following Consent Calendar items were approved:

(a) Authorize the City Manager to Renew the Regional Affordable Housing Interlocal Cooperation Agreement and Guidelines with King County

(b) Authorize the City Manager to Execute an Interlocal Agreement with King County to Obligate FTA Grant Funds for the Aurora Corridor Project N 192nd - N 205th Streets

(c) Ordinance No. 637, Adoption of the Shoreline Water District Franchise Agreement

8. PUBLIC HEARING

(a) Public hearing to receive citizens comments on the 2013 Human Services Funding Plan and the Proposed Use of 2013 Community Development Block Grant (CDBG) Funds

Rob Beem, Community Services Manager, presented the bi-annual community services funding plan. He communicated that the plan manages direct services and capital dollars which are made up of both local and federal funds and are jointly administered by the City of Shoreline and King County, better known as the CDBG partnership. He highlighted the application process, the number of applications received, and how the funds would be allocated.

Mayor McGlashan opened the public hearing.

a) Beratta Gomillion, Kenmore, Executive Director for Center for Human Services (CHS), thanked the City for its support and described the services provided by CHS and statistics.

b) Bob Lohmeyer, Seattle, Director of the Shoreline-Lake Forest Park Senior Center, stated that Shoreline provides 75% of the senior center funding and asked for the Council to support the item on the agenda.

Mayor McGlashan closed the public hearing.

9. ACTION ITEMS: ORDINANCES, RESOLUTIONS, AND MOTIONS

(a) Motion to Authorize the City Manager to Execute the Contracts Implementing the Human Services Funding Plan

Councilmember Roberts moved to authorize the City Manager to execute the contracts implementing the Human Services Funding Plan, seconded by Councilmember McConnell.

A vote was taken on the motion, which carried 7-0.

10. STUDY ITEMS

(a) Echo Lake Traffic Issue Report

Kirk McKinley, Transportation Manager, and Rich Meredith, Traffic Engineer, provided the staff report and recommendation. He continued and gave an overview of the background, history, and larger Echo Lake actions. He concluded by discussing the actions taken on 192nd and the next steps.

Councilmember Roberts discussed the narrowing of the street near the Interurban Trail and expressed concerns. He also noted that extending Midvale Avenue all the way to 192nd might be difficult in the future.

Councilmember Winstead communicated that removing some parking on 192nd is a good thing and confirmed that this work would be done within the next four-to-five weeks.

Councilmember Salomon felt this was moving in the right direction and that there are safety issues with having a median there. He noted that this is an example of openness and the accessibility of government.

Mr. Meredith described the design and the two-way left turn lane.

Councilmember McConnell commended the citizens and applauded the process.

Deputy Mayor Eggen commented on the Echo Lake project and stated that it is a thriving community.

Councilmember Hall communicated that he supported the changes and commended the City staff and everyone involved. He stated that the City needs to retain everything learned from this so it can do better next time and that he would like to see all factors evaluated in the future.

Councilmember Roberts agreed with Councilmember Hall and added that the City needs to consider what happens to current and future residents.

Mayor McGlashan thanked Mr. Don Dudley, the other Blakely Apartment residents, and the City staff for the work on this. He discussed the left-turn pocket into the YMCA and inquired if it would be an issue. Mr. Meredith replied that there shouldn't be any issues there. Mayor McGlashan confirmed with Mr. McKinley that reclassification is done through the comprehensive plan process and when a road gets reclassified it opens it up to more grant

funding. Mayor McGlashan confirmed and discussed with Mr. Meredith what the neighborhood recommendations were for the traffic grid.

Councilmember Salomon confirmed that the Midvale Avenue to 192nd connection isn't in the City's Transportation Master Plan.

(b) Community Renewal Areas

Dan Eernisse, Economic Development Manager, introduced Alice Ostdiek, Legal Counsel at Foster Pepper PLLC and Matt Kwatinetz, Managing Partner at Quadruple Bottom Line (QBL) Real Estate. Mr. Eernisse briefed the Council on the topic of Community Renewal Area (CRA). He noted that CRA aligns itself with the Council goal of sustainability. He described the seventy acre Aurora Square site and said this year marks its 45th anniversary. He commented that Aurora Square has dealt with some systemic challenges over its history and currently there are four abandoned buildings there and ten owners. The site, he described, has a poor lot, street, and pedestrian layout, to include acres of underutilized area. He summarized that the infrastructure is obsolete and the area needs social, environmental, and especially economic renewal. This, he communicated, is a site of opportunity and compared it to the Aurora Village site development that is pulling six and a half times more sales tax revenue per acre. Mr. Eernisse pointed out that RCW 35.81 gives cities the authority to designate areas needing economic renewal like this one by having the City obtain a CRA toolkit which forms partnerships with private enterprises, allows the City to borrow and accept grants to build infrastructure, provides incentives for job creation, and to own the property needing economic renewal. Additionally, he noted that condemnation or eminent domain cannot be utilized. He gave examples and noted that Vancouver and Bremerton have successfully utilized CRA.

Councilmember Roberts confirmed with Mr. Eernisse that both of the areas addressed by CRA were underperforming districts prior to CRA being implemented.

Ms. Ostdiek communicated that community renewal powers are unique powers for cities since cities in Washington are a bit restricted when it comes to working with the private sector on economic development. She noted that CRA allows cities to have more control of the area because of the perceived value that will come out of a project like this. CRA allows cities to work with the area landowners and possibly purchase one or more of the properties if the landowner is willing to sell them and analyze the area for improvements and more public space. There are two uses for community renewal powers and this one focuses on the economic renewal of these properties to exercise control and to enhance economic development. This is an economic blight and CRA would enhance the economic growth, affordable housing goals, and economic or social liability in terms of City's economic goals. She stated that the process involves public hearings and property owner involvement.

Councilmember Hall questioned what the City was hearing from the current property owners and Mr. Eernisse responded that some are generally supportive and there haven't been any negative opinions. The Joshua Green Corporation, he pointed out, is interested in doing something big. Ms. Ostdiek added that CRA won't increase taxes or make any zoning changes, etc.

Deputy Mayor Eggen posed questions about taxes, paying for improvements, and stated he envisions having a cooperative process. He also questioned the timing of this. Ms. Ostdiek communicated that the City could establish a local improvement district (LID) or use impact fees for this.

Mr. Eernisse explained the next steps to Councilmember McConnell, which would be for the Council to declare a CRA after holding a public hearing at the Council meeting on September 4.

Mr. Kwatinetz pointed out that the City has a unique opportunity with CRA and felt the economic cycle is working in the City's favor right now. He noted that there has been interest expressed from the landowners and there will be many interesting ideas that come up which can be investigated with a CRA.

Councilmember Winstead confirmed with Mr. Eernisse that there is a \$25,000 request for professional services tied to planning and improvement ideas for Aurora Square. He added that without CRA this would be a gift of public funds and that this encourages partnership with private enterprise to bring about economic renewal.

Ms. Underwood communicated that this sends an expressive message to potential investors that this community would like to see an investment here. Mr. Kwatinetz further explained that the signaling effect of establishing a CRA is important to investors. Ms. Ostdiek added that CRA allows the City the opportunity to bring the people to the table and set the table. Mr. Eernisse also pointed out that large projects attract grants better than small ones do.

Councilmember Salomon stated that he has never seen the Aurora Square parking lot full. He felt there is a need to do something big because of the Aurora Avenue investment. He stated that this is a positive step forward and is excited about having a stormwater system on this site. He noted that the State constitution prevents public funds from going to private parties and it also prevents the City from doing creative things. However, he confirmed with Ms. Ostdiek that the Federal government provides these funds to economically develop areas such as this.

Councilmember Roberts favored moving forward on this and confirmed that it doesn't matter if the Northwest School is in or out. Mr. Eernisse responded about the benefits and disadvantages of participation in the CRA.

Councilmember Roberts questioned campus zoning and Ms. Underwood confirmed that campus zoning would only work if there was only one owner on the site. Ms. Ostdiek noted that CRA gives the ability to do spot zoning down the road as long as it is consistent with the comprehensive plan.

Councilmember McConnell noted that she would like to see the rehabilitative partner pointed out in any future ordinance. She commended the Council for expressing their desire to move forward with this on this property and is interested to hear from the community and the neighbors.

Deputy Mayor Eggen supported the City staff bringing forward an ordinance on September 4th for Council consideration following a public hearing.

Mayor McGlashan wrapped up the comments and thanked Mr. Eernisse and both presenters. He noted that he supported any assistance the City can get with this area.

11. ADJOURNMENT

At 9:08 p.m., Mayor McGlashan declared the meeting adjourned.

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

<p>AGENDA TITLE: Public Hearing and Adoption of Resolution No. 331 Supporting Marriage Equality and Approval of Referendum 74</p> <p>DEPARTMENT: City Manager's Office</p> <p>PRESENTED BY: Eric Bratton, Management Analyst</p> <p>ACTION: _____ Ordinance <u> X </u> Resolution _____ Motion _____ Discussion</p>

PROBLEM/ISSUE STATEMENT

Council has requested that this item be placed on the City Council agenda for consideration. The attached resolution would declare City Council support for marriage equality in Washington State and more specifically express support for approval of Referendum 74.

State law permits legislative bodies to vote on a resolution to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view. *RCW 42.17.130*. A public hearing has been scheduled and appropriately advertised for the purpose of receiving comment on Resolution No. 331 supporting marriage equality and approval of Referendum 74 on the November 6 general election ballot.

BACKGROUND

In 1996, the United States Congress passed the Defense of Marriage Act (DOMA) and President Clinton signed it into law. DOMA defines marriage for federal purposes as a legal union between one woman and one man. In addition, under DOMA no U.S. state (or other political subdivision) is required to recognize a same-sex relationship as a marriage even if the relationship is considered a marriage in a another state.

Soon after passage of DOMA, states began passing laws and amending their constitutions to define marriage as a union between one woman and one man. In 1998, the Washington State Legislature passed the state's version of DOMA restricting marriage to one man and one woman. In 2005, the State Supreme Court ruled against marriage equality for same-sex couples and upheld Washington's DOMA.

Domestic Partnerships in Washington State

During the 2007 legislative session, the Washington State Legislature passed the first state-wide domestic partnership law allowing same-sex couples in Washington the right to enter into domestic partnerships. The domestic partnership law granted a limited number of the rights granted to married couples in Washington State. In 2008, the

legislature expanded domestic partnerships to include more of the rights and responsibilities afforded to marriage.

In April 2009, the Washington State Legislature expanded the domestic partnership law so that all of the rights, responsibilities, and obligations accorded to state-registered same-sex partners be equivalent to those of married spouses. At the same time, the legislature specifically acknowledged that a domestic partnership was not a marriage.

Immediately after the expanded domestic partnership law was enacted, opponents began gathering signatures to place a referendum on the ballot to overturn it. Enough signatures were acquired to place Referendum 71 on the November 2009 ballot. Referendum 71 asked voters to approve or reject the law passed by the legislature. In November 2009, Washington State voters approved Referendum 71, thereby upholding the expanded domestic partnership law, by a margin of 53% to 47%.

Marriage Equality in Washington State

During the 2012 legislative session, the Washington State Legislature passed Engrossed Substitute Senate Bill 6239 relating to marriage equality. On February 13, 2012, Governor Chris Gregoire signed the bill into law, ending discrimination in marriage based on gender and sexual orientation in Washington and allowing all persons in Washington state the freedom to marry on equal terms, while also respecting the religious freedom of clergy and religious institutions to determine for whom to perform marriage ceremonies and to determine which marriages to recognize for religious purposes.

However, immediately after the Governor signed the bill into law, opponents of marriage equality filed notice with the Washington State Secretary of State's Office that they intended to gather enough signatures to place a referendum on the general election ballot to reject the bill. On June 12, 2012, the Secretary of State certified that enough signatures had been turned-in from Washington voters to place Referendum 74 on the November 6 general election ballot. Referendum 74 asks Washington voters to approve or reject the marriage equality law passed by the Legislature and signed by the Governor. The law has been stayed until the results of the election have been determined.

RECOMMENDATION

Staff recommends that the City Council first hold a public hearing to receive comments on Resolution No. 331 supporting marriage equality and approval of Referendum 74 and urging citizens to vote yes on November 6, 2012 and then adopt Resolution No. 331.

Approved By: City Manager **DT** City Attorney **FC**

ATTACHMENT A: Resolution 331

ATTACHMENT B: Engrossed Substitute Senate Bill 6239

RESOLUTION NO. 331

A RESOLUTION OF THE CITY OF SHORELINE, WASHINGTON, SUPPORTING MARRIAGE EQUALITY IN WASHINGTON STATE AND APPROVAL OF REFERENDUM 74

WHEREAS, the City of Shoreline believes that all individuals, regardless of gender or sexual orientation, should be granted the freedom to marry; and

WHEREAS, marriage equality is essential for the establishment and protection of strong healthy families and relationships; and

WHEREAS, on February 13, 2012, Governor Chris Gregoire signed Engrossed Substitute Senate Bill 6239 ending discrimination in marriage based on gender and sexual orientation, while respecting the religious freedom of religious institutions to determine for whom to perform marriage ceremonies; and

WHEREAS, on June 12, 2012, the Washington Secretary of State's Office certified that enough signatures had been turned-in from Washington voters placing Referendum 74 on the ballot; and

WHEREAS, Referendum 74 asks Washington voters to approve or reject Engrossed Substitute Senate Bill 6239 concerning marriage for same-sex couples, modified domestic-partnership law, and religious freedom; now therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, AS FOLLOWS:

Section 1. The City Council of the City of Shoreline fully supports marriage equality in Washington State and supports approval of Referendum 74, ending discrimination in marriage based on gender and sexual orientation in the State of Washington.

ADOPTED BY THE CITY COUNCIL ON SEPTEMBER 4, 2012.

Keith A. McGlashan, Mayor

ATTEST:

Scott Passey, City Clerk

RECEIVED
FEB 13 2012

Office of Secretary of State

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6239

62nd Legislature
2012 Regular Session

Passed by the Senate February 1, 2012
YEAS 28 NAYS 21

President of the Senate

Passed by the House February 8, 2012
YEAS 55 NAYS 43

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6239** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

Secretary of State
State of Washington

ENGROSSED SUBSTITUTE SENATE BILL 6239

Passed Legislature - 2012 Regular Session

State of Washington

62nd Legislature

2012 Regular Session

By Senate Government Operations, Tribal Relations & Elections (originally sponsored by Senators Murray, Pflug, Hobbs, Litzow, Kohl-Welles, Ranker, Tom, Harper, Pridemore, Keiser, Kline, Regala, Eide, Rolfes, McAuliffe, Brown, Nelson, Chase, Fraser, Frockt, Conway, Kilmer, and Prentice; by request of Governor Gregoire)

READ FIRST TIME 01/27/12.

RECEIVED
FEB 13 2012

Office of Secretary of State

1 AN ACT Relating to providing equal protection for all families in
2 Washington by creating equality in civil marriage and changing the
3 domestic partnership laws, while protecting religious freedom; amending
4 RCW 26.04.010, 26.04.020, 26.04.050, 26.04.060, 26.04.070, 26.60.010,
5 26.60.030, 26.60.090, and 1.12.080; adding new sections to chapter
6 26.04 RCW; adding a new section to chapter 26.60 RCW; adding a new
7 section to chapter 26.33 RCW; adding a new section to chapter 74.13
8 RCW; adding a new section to chapter 74.15 RCW; creating new sections;
9 and providing a contingent effective date.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

11 **Sec. 1.** RCW 26.04.010 and 1998 c 1 s 3 are each amended to read as
12 follows:

13 (1) Marriage is a civil contract between (~~a male and a female~~)
14 two persons who have each attained the age of eighteen years, and who
15 are otherwise capable.

16 (2) Every marriage entered into in which either (~~the husband or~~
17 ~~the wife~~) person has not attained the age of seventeen years is void
18 except where this section has been waived by a superior court judge of

1 the county in which one of the parties resides on a showing of
2 necessity.

3 (3) Where necessary to implement the rights and responsibilities of
4 spouses under the law, gender specific terms such as husband and wife
5 used in any statute, rule, or other law must be construed to be gender
6 neutral and applicable to spouses of the same sex.

7 (4) No regularly licensed or ordained minister or any priest, imam,
8 rabbi, or similar official of any religious organization is required to
9 solemnize or recognize any marriage. A regularly licensed or ordained
10 minister or priest, imam, rabbi, or similar official of any religious
11 organization shall be immune from any civil claim or cause of action
12 based on a refusal to solemnize or recognize any marriage under this
13 section. No state agency or local government may base a decision to
14 penalize, withhold benefits from, or refuse to contract with any
15 religious organization on the refusal of a person associated with such
16 religious organization to solemnize or recognize a marriage under this
17 section.

18 (5) No religious organization is required to provide
19 accommodations, facilities, advantages, privileges, services, or goods
20 related to the solemnization or celebration of a marriage.

21 (6) A religious organization shall be immune from any civil claim
22 or cause of action, including a claim pursuant to chapter 49.60 RCW,
23 based on its refusal to provide accommodations, facilities, advantages,
24 privileges, services, or goods related to the solemnization or
25 celebration of a marriage.

26 (7) For purposes of this section:

27 (a) "Recognize" means to provide religious-based services that:

28 (i) Are delivered by a religious organization, or by an individual
29 who is managed, supervised, or directed by a religious organization;
30 and

31 (ii) Are designed for married couples or couples engaged to marry
32 and are directly related to solemnizing, celebrating, strengthening, or
33 promoting a marriage, such as religious counseling programs, courses,
34 retreats, and workshops; and

35 (b) "Religious organization" includes, but is not limited to,
36 churches, mosques, synagogues, temples, nondenominational ministries,
37 interdenominational and ecumenical organizations, mission

1 organizations, faith-based social agencies, and other entities whose
 2 principal purpose is the study, practice, or advancement of religion.

3 **Sec. 2.** RCW 26.04.020 and 1998 c 1 s 4 are each amended to read as
 4 follows:

5 (1) Marriages in the following cases are prohibited:

6 (a) When either party thereto has a (~~wife or husband~~) spouse or
 7 registered domestic partner living at the time of such marriage, unless
 8 the registered domestic partner is the other party to the marriage; or

9 (b) When the (~~husband and wife~~) spouses are nearer of kin to each
 10 other than second cousins, whether of the whole or half blood computing
 11 by the rules of the civil law(~~or~~

12 ~~(c) When the parties are persons other than a male and a female~~)).

13 (2) It is unlawful for any (~~man to marry his father's sister,~~
 14 ~~mother's sister, daughter, sister, son's daughter, daughter's daughter,~~
 15 ~~brother's daughter or sister's daughter; it is unlawful for any woman~~
 16 ~~to marry her father's brother, mother's brother, son, brother, son's~~
 17 ~~son, daughter's son, brother's son or sister's son~~) person to marry
 18 his or her sibling, child, grandchild, aunt, uncle, niece, or nephew.

19 (3) A marriage between two persons that is recognized as valid in
 20 another jurisdiction is valid in this state only if the marriage is not
 21 prohibited or made unlawful under subsection (1) (a) (~~(1)(c)~~) or (2)
 22 of this section.

23 (4) A legal union, other than a marriage, between two individuals
 24 that was validly formed in another state or jurisdiction and that
 25 provides substantially the same rights, benefits, and responsibilities
 26 as a marriage, does not prohibit those same two individuals from
 27 obtaining a marriage license in Washington.

28 (5) No state agency or local government may base a decision to
 29 penalize, withhold benefits from, license, or refuse to contract with
 30 any religious organization based on the opposition to or refusal to
 31 provide accommodations, facilities, advantages, privileges, service, or
 32 goods related to the solemnization or celebration of a marriage.

33 (6) No religiously affiliated educational institution shall be
 34 required to provide accommodations, facilities, advantages, privileges,
 35 service, or goods related to the solemnization or celebration of a
 36 marriage, including a use of any campus chapel or church. A
 37 religiously affiliated educational institution shall be immune from a

1 civil claim or cause of action, including a claim pursuant to chapter
2 49.60 RCW, based on its refusal to provide accommodations, facilities,
3 advantages, privileges, service, or goods related to the solemnization
4 or celebration of a marriage under this subsection shall be immune for
5 civil claim or cause of action, including a claim pursuant to chapter
6 49.60 RCW.

7 NEW SECTION. Sec. 3. "Religious organization" as defined in this
8 chapter must be interpreted liberally to include faith-based social
9 service organizations involved in social services directed at the
10 larger community.

11 **Sec. 4.** RCW 26.04.050 and 2007 c 29 s 1 are each amended to read
12 as follows:

13 The following named officers and persons, active or retired, are
14 hereby authorized to solemnize marriages, to wit: Justices of the
15 supreme court, judges of the court of appeals, judges of the superior
16 courts, supreme court commissioners, court of appeals commissioners,
17 superior court commissioners, any regularly licensed or ordained
18 minister or any priest, imam, rabbi, or similar official of any
19 (~~church or~~) religious (~~denomination~~) organization, and judges of
20 courts of limited jurisdiction as defined in RCW 3.02.010.

21 **Sec. 5.** RCW 26.04.060 and 1975-'76 2nd ex.s. c 42 s 25 are each
22 amended to read as follows:

23 A marriage solemnized before any person professing to be a minister
24 or a priest (~~of any~~), imam, rabbi, or similar official of any
25 religious (~~denomination~~) organization in this state or professing to
26 be an authorized officer thereof, is not void, nor shall the validity
27 thereof be in any way affected on account of any want of power or
28 authority in such person, if such marriage be consummated with a belief
29 on the part of the persons so married, or either of them, that they
30 have been lawfully joined in marriage.

31 **Sec. 6.** RCW 26.04.070 and Code 1881 s 2383 are each amended to
32 read as follows:

33 In the solemnization of marriage no particular form is required,
34 except that the parties thereto shall assent or declare in the presence

1 of the minister, priest, imam, rabbi, or similar official of any
2 religious organization, or judicial officer solemnizing the same, and
3 in the presence of at least two attending witnesses, that they take
4 each other to be (~~husband and wife~~) spouses.

5 NEW SECTION. Sec. 7. A new section is added to chapter 26.04 RCW
6 to read as follows:

7 For purposes of this chapter, "religious organization" includes,
8 but is not limited to, churches, mosques, synagogues, temples,
9 nondenominational ministries, interdenominational and ecumenical
10 organizations, mission organizations, faith-based social agencies, and
11 other entities whose principal purpose is the study, practice, or
12 advancement of religion.

13 **Sec. 8.** RCW 26.60.010 and 2007 c 156 s 1 are each amended to read
14 as follows:

15 Many Washingtonians are in intimate, committed, and exclusive
16 relationships with another person to whom they are not legally married.
17 These relationships are important to the individuals involved and their
18 families; they also benefit the public by providing a private source of
19 mutual support for the financial, physical, and emotional health of
20 those individuals and their families. The public has an interest in
21 providing a legal framework for such mutually supportive relationships,
22 whether the partners are of the same or different sexes, and
23 irrespective of their sexual orientation.

24 (~~The legislature finds that same sex couples, because they cannot~~
25 ~~marry in this state, do not automatically have the same access that~~
26 ~~married couples have to certain rights and benefits, such as those~~
27 ~~associated with hospital visitation, health care decision-making, organ~~
28 ~~donation decisions, and other issues related to illness, incapacity,~~
29 ~~and death. Although many of these rights and benefits may be secured~~
30 ~~by private agreement, doing so often is costly and complex.))~~

31 The legislature (~~also~~) finds that the public interest would be
32 served by extending rights and benefits to (~~different sex~~) couples in
33 which either or both of the partners (~~is~~) are at least sixty-two
34 years of age. While these couples are entitled to marry under the
35 state's marriage statutes, some social security and pension laws
36 nevertheless make it impractical for these couples to marry. For this

1 reason, chapter 156, Laws of 2007 specifically allows couples to enter
 2 into a state registered domestic partnership if one of the persons is
 3 at least sixty-two years of age, the age at which many people choose to
 4 retire and are eligible to begin collecting social security and pension
 5 benefits.

6 The rights granted to state registered domestic partners in chapter
 7 156, Laws of 2007 will further Washington's interest in promoting
 8 family relationships and protecting family members during life crises.
 9 Chapter 156, Laws of 2007 does not affect marriage or any other ways in
 10 which legal rights and responsibilities between two adults may be
 11 created, recognized, or given effect in Washington.

12 **Sec. 9.** RCW 26.60.030 and 2007 c 156 s 4 are each amended to read
 13 as follows:

14 To enter into a state registered domestic partnership the two
 15 persons involved must meet the following requirements:

16 (1) Both persons share a common residence;

17 (2) Both persons are at least eighteen years of age and at least
 18 one of the persons is sixty-two years of age or older;

19 (3) Neither person is married to someone other than the party to
 20 the domestic partnership and neither person is in a state registered
 21 domestic partnership with another person;

22 (4) Both persons are capable of consenting to the domestic
 23 partnership; and

24 (5) Both of the following are true:

25 (a) The persons are not nearer of kin to each other than second
 26 cousins, whether of the whole or half blood computing by the rules of
 27 the civil law; and

28 (b) Neither person is a sibling, child, grandchild, aunt, uncle,
 29 niece, or nephew to the other person(~~and~~

30 ~~(6) Either (a) both persons are members of the same sex; or (b) at~~
 31 ~~least one of the persons is sixty two years of age or older)).~~

32 NEW SECTION. **Sec. 10.** A new section is added to chapter 26.60 RCW
 33 to read as follows:

34 (1) Partners in a state registered domestic partnership may apply
 35 and receive a marriage license and have such marriage solemnized

1 pursuant to chapter 26.04 RCW, so long as the parties are otherwise
2 eligible to marry, and the parties to the marriage are the same as the
3 parties to the state registered domestic partnership.

4 (2) A state registered domestic partnership is dissolved by
5 operation of law by any marriage of the same parties to each other, as
6 of the date of the marriage stated in the certificate.

7 (3)(a) Except as provided in (b) of this subsection, any state
8 registered domestic partnership in which the parties are the same sex,
9 and neither party is sixty-two years of age or older, that has not been
10 dissolved or converted into a marriage by the parties by June 30, 2014,
11 is automatically merged into a marriage and is deemed a marriage as of
12 June 30, 2014.

13 (b) If the parties to a state registered domestic partnership have
14 proceedings for dissolution, annulment, or legal separation pending as
15 of June 30, 2014, the parties' state registered domestic partnership is
16 not automatically merged into a marriage and the dissolution,
17 annulment, or legal separation of the state registered domestic
18 partnership is governed by the provisions of the statutes applicable to
19 state registered domestic partnerships in effect before June 30, 2014.
20 If such proceedings are finalized without dissolution, annulment, or
21 legal separation, the state registered domestic partnership is
22 automatically merged into a marriage and is deemed a marriage as of
23 June 30, 2014.

24 (4) For purposes of determining the legal rights and
25 responsibilities involving individuals who had previously had a state
26 registered domestic partnership and have been issued a marriage license
27 or are deemed married under the provisions of this section, the date of
28 the original state registered domestic partnership is the legal date of
29 the marriage. Nothing in this subsection prohibits a different date
30 from being included on the marriage license.

31 NEW SECTION. Sec. 11. A new section is added to chapter 26.04 RCW
32 to read as follows:

33 If two persons in Washington have a legal union, other than a
34 marriage, that:

35 (1) Was validly formed in another state or jurisdiction;

36 (2) Provides substantially the same rights, benefits, and
37 responsibilities as a marriage; and

1 (3) Does not meet the definition of domestic partnership in RCW
2 26.60.030,
3 then they shall be treated as having the same rights and
4 responsibilities as married spouses in this state, unless:

5 (a) Such relationship is prohibited by RCW 26.04.020 (1) (a) or (2);
6 or

7 (b) They become permanent residents of Washington state and do not
8 enter into a marriage within one year after becoming permanent
9 residents.

10 **Sec. 12.** RCW 26.60.090 and 2011 c 9 s 1 are each amended to read
11 as follows:

12 A legal union, other than a marriage, of two persons (~~(of the same~~
13 ~~sex)~~) that was validly formed in another jurisdiction, and that is
14 substantially equivalent to a domestic partnership under this chapter,
15 shall be recognized as a valid domestic partnership in this state and
16 shall be treated the same as a domestic partnership registered in this
17 state regardless of whether it bears the name domestic partnership.

18 **Sec. 13.** RCW 1.12.080 and 2011 c 9 s 2 are each amended to read as
19 follows:

20 For the purposes of this code and any legislation hereafter enacted
21 by the legislature or by the people, with the exception of chapter
22 26.04 RCW, the terms spouse, marriage, marital, husband, wife, widow,
23 widower, next of kin, and family shall be interpreted as applying
24 equally to state registered domestic partnerships or individuals in
25 state registered domestic partnerships as well as to marital
26 relationships and married persons, and references to dissolution of
27 marriage shall apply equally to state registered domestic partnerships
28 that have been terminated, dissolved, or invalidated, unless the
29 legislation expressly states otherwise and to the extent that such
30 interpretation does not conflict with federal law. Where necessary to
31 implement chapter 521, Laws of 2009 and this act, gender-specific terms
32 such as husband and wife used in any statute, rule, or other law shall
33 be construed to be gender neutral, and applicable to individuals in
34 state registered domestic partnerships and spouses of the same sex.

1 NEW SECTION. **Sec. 14.** A new section is added to chapter 26.33 RCW
2 to read as follows:

3 Nothing contained in chapter . . . , Laws of 2012 (this act) shall
4 be construed to alter or affect existing law regarding the manner in
5 which a religious or nonprofit organization may be licensed to and
6 provide adoption, foster care, or other child-placing services under
7 this chapter or chapter 74.15 or 74.13 RCW.

8 NEW SECTION. **Sec. 15.** A new section is added to chapter 74.13 RCW
9 to read as follows:

10 Nothing contained in chapter . . . , Laws of 2012 (this act) shall
11 be construed to alter or affect existing law regarding the manner in
12 which a religious or nonprofit organization may be licensed to and
13 provide adoption, foster care, or other child-placing services under
14 this chapter or chapter 74.15 or 26.33 RCW.

15 NEW SECTION. **Sec. 16.** A new section is added to chapter 74.15 RCW
16 to read as follows:

17 Nothing contained in chapter . . . , Laws of 2012 (this act) shall
18 be construed to alter or affect existing law regarding the manner in
19 which a religious or nonprofit organization may be licensed to and
20 provide adoption, foster care, or other child-placing services under
21 this chapter or chapter 74.13 or 26.33 RCW.

22 NEW SECTION. **Sec. 17.** (1) Within sixty days after the effective
23 date of this section, the secretary of state shall send a letter to the
24 mailing address on file of each same-sex domestic partner registered
25 under chapter 26.60 RCW notifying the person that Washington's law on
26 the rights and responsibilities of state registered domestic partners
27 will change in relation to certain same-sex registered domestic
28 partners.

29 (2) The notice must provide a brief summary of the new law and must
30 clearly state that provisions related to certain same-sex registered
31 domestic partnerships will change as of the effective dates of this
32 act, and that those same-sex registered domestic partnerships that are
33 not dissolved prior to June 30, 2014, will be converted to marriage as
34 an act of law.

1 (3) The secretary of state shall send a second similar notice to
2 the mailing address on file of each domestic partner registered under
3 chapter 26.60 RCW by May 1, 2014.

4 NEW SECTION. **Sec. 18.** Sections 8 and 9 of this act take effect
5 June 30, 2014, but only if all other provisions of this act are
6 implemented.

--- END ---

RECEIVED
FEB 13 2012**WA SB 6239 Referendum Ballot Title & Summary**

Office of Secretary of State

Ballot Title:

The legislature has passed Senate Bill No. 6239 concerning the definition of marriage and voters have filed a sufficient referendum petition on this bill. This bill would redefine marriage from a civil contract between one man and one woman to a 'civil contract between two persons' and makes 'husband' and 'wife' gender-neutral terms. Should this bill be: Approved Rejected"

75 Word Summary:

The bill would redefine marriage from being between one man and one woman to any two eligible persons regardless of sex. It construes terms like "husband" and "wife" to be gender-neutral. The bill permits minors to marry a person of the same sex by waiver of a superior court judge. The relationships of same-sex domestic partners under the age of 62 that are not dissolved by 2014 are converted to marriages.

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Public Hearing and Adoption of Resolution No. 332 Supporting Approval of the Automated Fingerprint Identification System (AFIS) Levy on the November 6 General Election Ballot
DEPARTMENT:	City Manager's Office
PRESENTED BY:	Scott McCall, Intergovernmental Relations Manager Debbie Tarry, Assistant City Manager
ACTION:	<input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion

PROBLEM/ISSUE STATEMENT:

On July 9, 2012, the City Council discussed the Regional Automated Fingerprint Identification System (AFIS) Program in King County and the renewal of the levy that will appear on the 2012 November general election ballot. The purpose of the July 9 discussion was a result of the Suburban Cities Association's (SCA) Public Issues Committee (PIC) considering taking a position on the potential renewal of King County's AFIS levy. Since that time Council has requested that staff provide Council with a resolution in support of the levy renewal and schedule the discussion and potential adoption of the resolution for the September 4 Council Meeting.

State law requires that if the Council is considering taking a stance in favor or in opposition to a ballot measure that equal time must be provided for the public to make statements in favor or in opposition to the measure. Tonight staff has scheduled a public hearing on the AFIS levy and the hearing was appropriately advertised.

AFIS is a voter-approved, levy funded, countywide program that matches suspects to crimes through fingerprint and palmprint identification technology. Effective January 2013, a new AFIS levy is required to maintain the program; this new levy will be put to the voters in the general election on November 6, 2012.

Tonight Carol Gillespie, Regional AFIS Manager for the King County Sheriff's Office, will be present to provide a brief presentation and respond to questions from the City Council.

FINANCIAL IMPACT:

The current levy expires at the end of 2012. The AFIS Advisory Committee recommended and the King County Council adopted Ordinance 17381 authorizing King County to have a proposition to support continuation of the regional AFIS program by renewing and replacing authorization of an expiring property tax levy in excess of the levy limitation contained in RCW 84.55. The proposed renewal levy rate is 5.92 cents per thousand of assessed valuation starting in 2013, with annual increases by the percentage increase in the consumer price index or 1%, whichever is greater, with a

maximum increase of 3% for the five succeeding years. The owner of a \$350,000 home would pay approximately \$20.72 in 2013. If approved by voters, the measure would raise \$118.9 million to maintain the current level of services and support current technology over the six-year period.

RECOMMENDATION

Staff recommends that the City Council first hold a public hearing to receive comments on Resolution No. 332 supporting the approval of the AFIS levy and then adopt Resolution No. 332 supporting and endorsing the King County AFIS levy and urging citizens to vote yes on November 6, 2012.

Approved By: City Manager ***DT*** City Attorney ***FC***

INTRODUCTION

AFIS is a valuable public safety tool that allows criminal justice agencies to fingerprint and identify arrested individuals or suspects of crimes. The AFIS program is funded by a voter-approved levy and provides the technical platform for fingerprint identification services throughout the county with links to other state, regional, and federal databases. The program allows the King County Sheriff's Office (KCSO), its contract cities, the Seattle Police Department, and the suburban police departments within the county to access to fingerprint identification information. Central to the program is the AFIS Database and Image Archive System housed at the King County Sheriff's Office and shared by Seattle Police Department and Bellevue Police Department through remote workstations. The King County Regional AFIS Computer was first implemented in 1988, with a "Year 2000" upgrade in 1999.

King County voters have approved levies to support AFIS in 1986, 1990, 1995, 2000, and 2006. Effective January 2013, the AFIS program will require a renewal or other dedicated funding source for continuation of this critical forensic tool. On November 6, 2012 King County voters will be presented with a ballot measure to approve a six-year levy to continue providing the AFIS program.

State law permits legislative bodies to vote on a resolution to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view. *RCW 42.17.130.*

The AFIS program's primary functions are to:

1. CAPTURE fingerprints from suspects;
2. STORE fingerprints and palmprints in databases;
3. SEARCH AND IDENTIFY individuals from fingerprints and palmprints in order to
4. SOLVE CRIMES by identifying prints left at crime scenes; and
5. SHARE prints and arrest data with other jurisdiction.

Since the inception of AFIS in 1988, more crimes have been solved where the detectives have no known suspect. Capturing fingerprints and palm prints from every subject booked into jail, storing those fingerprints in electronic databases, and using those prints to match against prints left behind at crime scenes have enabled police detectives to solve crimes with unidentified suspects. The system is also used to store DNA collected at crime scenes and to store booking photos. In March 2011 a new AFIS system went live, introducing palmprint matching for the first time in King County.

This new technology was used in a rape callout of a 12-year old girl in Shoreline. At the scene an examiner lifted a palmprint off a glass-topped dresser in the girl's bedroom. With the New Generation AFOS, the palmprint could be electronically searched and matched. The examiner used this new technology to identify a suspect and then notified the detective. As a result, the King County Sheriff's Office and Shoreline Police Department quickly arrested a suspect within a few days of the crime. The suspect was charged with first degree rape and first degree burglary with sexual motivation.

BACKGROUND

Live Scan is a means of capturing fingerprints and other identifying arrest data electronically; then transmitting it directly into local, state, and federal identification systems for processing. The first 22 Live Scan Capture Stations were installed in the year 2000. In 2012, the King County Regional AFIS Program supports 38 active Live Scan Capture Stations located throughout the county, eleven of which are capable of electronic palm capture. There were 74,192 Live Scan prints taken at all sites in 2011.

King County Regional Jail Identification Unit

Six of the highest-volume Live Scan Capture Stations make up the King County Regional Jail Identification Unit, located at three county detention sites: the King County Correctional Facility in Downtown Seattle, the Regional Justice Center in Kent, and the Youth Services Center (Juvenile Detention) in Seattle. The Jail Identification Unit takes fingerprints, palm prints, and mug shots for all agencies that book suspects into these locations, including the Seattle Police Department. They also take DNA samples for certain offenses, as required by state law. The first goal of the Jail Identification Unit is to print 100% of inmates, so that the King County Sheriff Office (KCSO) and/or Seattle Police Department (SPD) Ten-Print Unit can identify them before they are released from custody.

The second goal of the Jail Identification Unit is to take the highest quality prints possible, capturing as much clear ridge detail as possible for the AFIS Database. Establishing expertise in fingerprinting has far-reaching effects. Staffing the jails with fully trained, dedicated AFIS personnel has improved the quality of the King County Regional AFIS Database, which has increased the possibility for "hits." In turn, this ultimately increases warrants served on persons using false names ("liars"), and crime scene cases solved by the Latent Print Units.

Share Print and Arrest Data with Other Jurisdictions

The AFIS Computer communicates with Washington State Patrol (WSP) and through them with the Federal Bureau of Investigation (FBI), to add the latest arrest information to the individual suspect's criminal history record (rap sheet). WSP and the FBI will only accept this information for entry to the rap sheet if it is accompanied by verifiable fingerprints. Pursuant to state law, arrest information and fingerprints must be sent to the WSP within 72 hours of an arrest. The King County Regional AFIS Program was unable to meet this timeline prior to Live Scan Technology implementation. Currently, on average, it takes under two hours from the time a person is booked for their arrest record to be transmitted to WSP.

When local searches are unsuccessful, fingerprint experts in the Ten-Print and Latent Print Units are also able to electronically search other databases, such as those at WSP, FBI, California Department of Justice, Orange County (California) Sheriff's Office, and the Western Identification Network.

Courts, correctional facilities, law enforcement agencies, businesses, and citizens also rely on AFIS data to identify criminal history information for multiple purposes:

- Sentencing and release considerations
- Determination of public and officer safety threats
- Police investigations
- Hiring considerations (i.e., teachers, healthcare workers, or other occupations requiring unsupervised work with children, handicapped individuals, and the elderly).

2013-2018 Levy Planning

The AFIS Advisory Committee consists of the following individuals:

Name	Position	Jurisdiction
David Cline, Chair	City Administrator	City of Tukwila
Karim Miller, Vice-Chair	Forensic & Digital Imaging Manager	City of Seattle
Rick Kieffer	Police Chief	City of Normandy Park
Cathy Schrock	Civilian Operations Manager	City of Federal Way
John Manning	Police Major	City of Bellevue
Penny Bartley	Director	SCORE
Mark Mount	Lietenant	City of Seattle
Don Berard	Budget Supervisor	City of Seattle
John Resha	Senior Legislative Analyst	King County Council
Doug Palmer	Budget Analyst	King County Office Of Performance, Strategy, and Budget
Robin Fenton	Chief	King County Sheriff's Office
Carol Gillespie	Regional AFIS Manager	King County Sheriff's Office

In 2011, the AFIS Advisory Committee appointed a levy planning group that comprised of program staff and financial and policy advisors. This group met monthly to create a new six-year operational and levy plan. Its review included staffing revisions, end-of-life technology replacement needs, and other business needs such as supplies, equipment, and facilities. The plan suggests a new levy rate that will provide the revenue needed to maintain existing services. The levy plan was submitted to the King County Executive and Council for consideration on the 2012 general election ballot.

If the AFIS levy is not renewed it only has funds on hand to operate through June 2013. Given that this is a regional service, alternative funding would need to be made available from the budgets of the 39 participating cities and unincorporated King County. The City of Shoreline has not budgeted dollars separately for this service and would likely require that elimination of current services to fund the City's allocation.

FINANCIAL IMPACT:

RCW 84.520.043 allows jurisdictions to levy a property tax; King County can increase a levy with voter approval under RCW 84.55.050. In King County, the Regional AFIS Program is a countywide, levy-funded program and requires voter approval every levy period.

The AFIS levy is a regular property tax and is subject to the growth limitations contained in RCW 84.52.050 which limits the rate growth in AFIS levy revenue by one percent plus the prior years' new construction even if assessed values increase at a higher rate, unless voters approve a higher rate of increase. The original AFIS levy was passed in 1986. The current levy expires at the end of 2012. The AFIS Advisory Committee recommended and the King County Council adopted Ordinance 17381 authorizing King County to have a proposition to support continuation of the regional AFIS program by renewing and replacing authorization of an expiring property tax levy in excess of the levy limitation contained in RCW 84.55. The proposed renewal levy rate is 5.92 cents per thousand of assessed valuation starting in 2013, with annual increases by the percentage increase in the consumer price index or 1%, whichever is greater, with a maximum increase of 3% for the five succeeding years. The owner of a \$350,000 home would pay approximately \$20.72 in 2013. If approved by voters, the measure would raise \$118.9 million to maintain the current level of services and support current technology over the six-year period.

The 2007-2012 AFIS levy was originally approved at 5.68 cents per thousand of assessed valuation. Given the steady increase in assessed valuation during the early years of the levy and budget efficiencies gained during the levy period the 2012 levy rate is 3.53 cents per thousand of assessed valuation.

RECOMMENDATION

Staff recommends that the City Council first hold a public hearing to receive comments on Resolution No. 332 supporting the approval of the AFIS levy and then adopt Resolution No. 332 supporting and endorsing the King County AFIS levy and urging citizens to vote yes on November 6, 2012.

ATTACHMENTS

Attachment A: Resolution No. 332 Supporting and Endorsing the King County
AFIS levy

Attachment B: King County Ordinance No. 17381

Attachment C: AFIS Levy Frequently Asked Questions

RESOLUTION NO. 332

**A RESOLUTION OF THE CITY OF SHORELINE,
WASHINGTON, SUPPORTING THE AUTOMATED
FINGERPRINT IDENTIFICATION SYSTEM (AFIS) LEVY AT
THE NOVEMBER 6, 2012 STATE GENERAL ELECTION**

WHEREAS, AFIS is the voter-approved, levy-funded countywide Regional Automated Fingerprint Identification System Program, a valuable public safety tool that quickly assists criminal justice agencies to fingerprint and identify arrested individuals or suspects of crimes; and

WHEREAS, the AFIS Program's primary functions are to capture fingerprints and palm prints from subjects, to store fingerprints in databases, to search and identify individuals from fingerprints in order to solve crimes by identifying prints left at crime scenes, and to share fingerprint and arrest data with other jurisdictions; and

WHEREAS, King County is one of only two counties in the state of Washington with its own AFIS computer, and it is the only county with a shared regional model that provides services to all local law enforcement agencies and King County owns the only palmprint database in the state; and

WHEREAS, in the levy period of 2007 – 2012 AFIS has been utilized in over 36,000 investigations; and

WHEREAS, in 2011, AFIS has assisted detectives in processing 18,959 pieces of evidence for finger and palm prints; and

WHEREAS, in 2011 alone, AFIS identified 732 individuals who gave false names at the time of arrest, 3,930 crime scene fingerprints were identified and 216 crime scene palmprints were identified using the new AFIS; and

WHEREAS, at the State General Election on November 6, 2012, King County voters will be presented with a ballot measure to approve the six-year levy at a rate of 5.92 cents per \$1,000 assessed value in 2013 and annual increases by the percentage increase in the consumer price index or 1%, whichever is greater, with a maximum increase of 3%, for the five succeeding years; and

WHEREAS, the Shoreline Police Department has benefited from the use of AFIS equipment and solved crimes with the assistance of print identification including identification of a rape suspect of a 12-year old girl; and

WHEREAS, in compliance with RCW 42.17.130, the public meeting notice included the title and number of the King County AFIS levy and members of the public were given equal opportunity to give testimony on the measure.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
THE CITY OF SHORELINE, WASHINGTON AS FOLLOWS:**

Section 1. The City Council of the City of Shoreline hereby declares its support for and encourages approval of the King County AFIS levy, which will be presented to the voters at the November 6, 2012 State General Election.

ADOPTED BY THE CITY COUNCIL ON SEPTEMBER 4, 2012.

Keith A. McGlashan, Mayor

ATTEST:

Scott Passey, CMC
City Clerk



King County

Certified Copy

Ordinance: 17381

1200 King County
Courthouse
516 Third Avenue
Seattle, WA 98104

File Number: 2012-0210

Enactment Number: 17381

AN ORDINANCE providing for the submission to the qualified electors of King County at a special election to be held in King County on November 6, 2012, of a proposition to support continuation of the regional automated fingerprint identification system program by renewing and replacing authorization of an expiring property tax levy in excess of the levy limitation contained in chapter 84.55 RCW, for a consecutive six-year period, at a first year rate of not more than \$0.0592 per one thousand dollars of assessed valuation for collection beginning in 2013, with subsequent maximum levy collections being increased by the greater of one percent or the percentage increase in the consumer price index as long as that amount does not exceed three percent, for the purpose of funding the continued operation of the regional automated fingerprint identification system and related technology and services, which expand crime scene and arrest identification capabilities for all criminal justice agencies in King County.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

A. To expand and enhance upon the limited identification services provided by individual city agencies or at the state level, in 1986 the voters of King County approved funding for the purchase of a shared regional automated fingerprint identification system ("AFIS") computer which matches unknown fingerprints to known fingerprints. King County's AFIS database holds over seven hundred thousand fingerprint records, over three hundred thousand palmprint records and approximately thirty-six thousand unidentified crime scene fingerprints. The King County AFIS is a regional system with service available to every city and unincorporated area in King County.

B. The AFIS computer is used for two primary purposes:

1. To quickly identify arrested individuals, and prevent the wrongful release of those who use false names to evade arrest warrants or hide criminal records; and
2. To search fingerprints and palmprints collected from crime scenes to identify unknown suspects and

aid in convictions.

C. The county first purchased the shared AFIS computer after the voters of King County approved a property tax levy for that purpose in November 1986. The ballot measure was authorized by Ordinance 7747. The technology at the time did not include palmprint searching. Since 1986, the voters of King County have continued to endorse this service by approving renewal property tax levies ranging from \$0.0200 to \$0.0665 per one thousand dollars of assessed valuation to support, expand, and enhance AFIS services as needed. The levy history is as follows:

1. Five-year renewal levy approved in November 1990. The ballot measure was authorized by Ordinance 9603;
2. Five-year renewal levy approved in November 1995. The ballot measure was authorized by Ordinance 11948;
3. Five-year renewal levy approved in September 2000. The ballot measure was authorized by Ordinance 13894. Through careful fiscal management, the county accumulated a fund balance, which sustained AFIS program operations through 2006 without a concurrent property tax levy; and
4. Six-year renewal levy approved in September 2006. The ballot measure was authorized by Ordinance 15537. Again, careful fiscal management accumulated a fund balance, which this time was returned to taxpayers through reduced levy rates in 2011 and 2012.

D. The 1986 AFIS computer, partially updated in 1999, was completely replaced with a new system in 2011. This new system introduced palmprint searching for the first time in King County, and has improved matching capabilities and increased storage capacity. Since its installation, nineteen identifications have been made on cold cases and from palmprints left at crime scenes.

E. On December 31, 2012, the 2006 AFIS levy, which was adopted at a rate of \$0.0568 per one

twenty-four hours a day and seven days a week, for the quick identification of arrested individuals;

4. Examiners who collect prints from crime scenes, process them chemically and photographically for better clarity, search them in AFIS, and make identifications of unknown potential suspects or store the unidentified prints for continual search as new records are added to the system; and

5. Training on fingerprint collection and crime scene processing, and customer support for all law enforcement agencies.

H. The AFIS program has met all goals set forth in the current levy, well below the budget projections made in 2006. Some of these goals included:

1. Procurement, implementation, and support of a new AFIS, replacing the twenty-year-old original system with a more efficient and effective model capable of both fingerprint and palmprint searching and storage;

2. Purchase of additional criminal Livescan fingerprint capture stations, and upgrade of image resolution for print clarity, at high volume sites; and

3. A pilot for remote hand-held fingerprint capture devices that allow officers to search the regional AFIS from the field, and a study on the benefits and impacts of fingerprint capture stations in the courts.

I. With the oversight of the AFIS advisory committee, the AFIS program has prepared a new six-year financial and operational plan. The recommended levy maintains current services, streamlines staffing, and replaces an aging regional laboratory, all at a rate that is less than the voters passed in 2006. It also identifies several areas of reductions and efficiencies. The financial plan includes:

1. A reduction of eleven positions and other savings equating to approximately \$6.75 million over six years, with no corresponding reduction in services. This was achieved by identifying efficiencies and refining staffing models;

thousand dollars of assessed valuation, will expire. This ordinance proposes a renewed AFIS levy at a rate of \$0.0592 per one thousand dollars of assessed valuation starting in 2013. Without renewed revenue, funding for this program will run out in June 2013, ceasing operations.

F. Large cities and metropolitan areas around the country have realized great benefit from having their own AFIS technology. King County is one of only two counties in the state of Washington with its own AFIS computer, and it is the only county with a shared regional model that provides services to all local law enforcement agencies. King County owns the only palmprint database in the state. It is larger than the one used by Washington State Patrol, although King County AFIS staff have the ability to search that database as well. The AFIS program has made one hundred eighty palmprint 'hits' or identifications since the 2011 implementation of the new AFIS computer. In 2011, the AFIS program searched more than seventy-four thousand fingerprint records and processed almost nineteen thousand pieces of evidence. The program identified almost four thousand latent crime scene prints, and over seven hundred thirty individuals who had given false names when arrested.

G. King County's AFIS program is proven as essential to law enforcement, and is recognized for its exceptional service. The program's regional model has provided excellent and effective crime-solving support to all the criminal justice agencies in King County since its inception in 1988. The current AFIS program provides for many shared services, including:

1. The purchase, maintenance, and staff operation of the AFIS computer;
2. The purchase, maintenance, training and support for forty-eight Livescans, which are devices installed at thirty-five law enforcement agencies throughout King County for the purpose of collecting better quality prints and transmitting them electronically for a faster and more efficient response;
3. The collection of high quality fingerprints in county jail facilities, and fingerprint examiners available

2. Continued support for the remote fingerprinting initiatives started under the 2007-2012 levy; and

3. Replacement of the county's latent processing lab, which is substantially undersized to handle the volume of work it supports. The new lab will provide more space to allow different chemical processes to be performed separately and simultaneously without concerns of cross-contamination. It will also address safety concerns that are present in the current laboratory, which resides in an outdated building.

J. The AFIS program produces publicly available annual reports that provide status updates on program initiatives and accomplishments. The success of the regional AFIS program has been a result of regular collaboration with law enforcement agencies across King County.

K. Under state law, a levy lid lift is limited to a maximum term of six years if the levy provides for a specified index to be used to determine the limit factor. The proposed levy is limited to six years.

SECTION 2. Definitions. The definitions in this section apply throughout this ordinance unless the context clearly requires otherwise.

A. "AFIS" means automated fingerprint identification system.

B. "AFIS computer" means the automated fingerprint identification system, which is the computer system that utilizes AFIS as its foundation, and through modular design incorporates other databases of criminal identification records, and related equipment, technology, networks, and interfaces employed by trained staff for capturing, storing, and comparing criminal identification records based on friction ridge analysis, or successor technology.

C. "AFIS program" means the acquisition, implementation, maintenance and operation of the regional AFIS computer. It also means the countywide effort of trained personnel who, through fingerprints, palmprints, and other identification methods: identify detained persons; identify suspects of crimes from fingerprints and palmprints left on evidence at crime scenes; assist in the conviction of criminals through

identifying this crime scene evidence; train law enforcement on crime scene evidence collection and identification methods; support accurate and complete criminal history records; conduct field research aimed at improving and enhancing program services; and otherwise enhance public safety as consistent with this ordinance and permitted by law.

D. "Levy" means the levy of regular property taxes, for the specific purpose and term provided in this ordinance and authorized by the electorate in accordance with state law.

E. "Levy proceeds" means the principal amount of funds raised by the levy, any interest earnings on the funds and the proceeds of any interim financing following authorization of the levy.

F. "Limit factor" means the greater of one percent or the percentage increase in the consumer price index as long as that amount does not exceed three percent. The consumer price index is defined as the ratio of the most recent June Consumer Price Index to the immediately previous June Consumer Price Index (final published CPI-W Seattle-Tacoma-Bremerton, as calculated by the United States Bureau of Labor Statistics, or its successor) expressed as a multiple of one hundred percent to achieve the result of one hundred percent plus inflation.

SECTION 3. Levy submittal to voters. To provide necessary funds for the AFIS program, the King County council shall submit to the qualified electors of the county a proposition to renew and replace an expiring levy and authorize a regular property tax levy in excess of the levy limitation contained in chapter 84.55 RCW for six consecutive years, commencing in 2012, with collection beginning in 2013, at a rate in this first year not to exceed \$0.0592 per one thousand dollars of assessed value, with subsequent years limited by the limit factor as defined in section 2 of this ordinance.

SECTION 4. Deposit of levy proceeds. All levy proceeds collected as authorized in this ordinance shall be deposited into and retained in a designated AFIS fund.

SECTION 5. Eligible expenditures. If approved by the qualified electors of the county, all proceeds of the levy authorized in this ordinance shall be used to pay the costs of the regional AFIS program, together with the necessary software and hardware operations and maintenance expenses. Eligible expenditures include the salaries, benefits, training, office and laboratory supplies and equipment, work space, contracted goods and services, related studies and research, administration and other costs incidental to the operation and enhancement of the regional AFIS program. Work space expenditures may include the lease or rental of property, or the purchase of land and any construction or tenant improvements needed to house AFIS program technology, staff, or laboratory functions.

Eligible expenditures shall also include non-bonded debt and finance costs and the reimbursement of extraordinary expenditures incurred by the county after the effective date of this ordinance with regard to the AFIS program.

The AFIS levy is intended as supplemental funding to provide expanded crime scene and arrest identification technology and services on a regional basis. This levy shall not at any time provide general criminal justice funding or fund programs or purposes not otherwise consistent with this ordinance.

SECTION 6. Call for special election. In accordance with RCW 29A.04.321, the King County council hereby calls for a special election to be held in conjunction with the general election on November 6, 2012. The King County director of elections shall cause notice to be given of this ordinance in accordance with the state constitution and general law and to submit to the qualified electors of the county, at the said special county election, the proposition hereinafter set forth. The clerk of the council shall certify that proposition to the King County director of elections in substantially the following form, with such modifications as may be required by the prosecuting attorney:

The King County council has passed Ordinance ____ concerning this proposition for the

automated fingerprint identification system (AFIS) levy. This proposition would replace an expiring levy and fund continued operation of the regional AFIS program, which provides enhanced forensic fingerprint and palmprint technology and services to identify criminals and aid in convictions. It would authorize King County to levy an additional property tax of \$0.0592 (5.92 cents) per \$1,000 of assessed valuation in 2013 and annual increases by the percentage increase in the consumer price index or 1%, whichever is greater, with a maximum increase of 3%, for the five succeeding years. Should this proposition be:

Approved []

Rejected []

SECTION 7. AFIS advisory committee extension. If the levy is approved by the voters in accordance with section 6 of this ordinance, the AFIS advisory committee previously authorized by the voters shall be retained to review AFIS operations and expenditures and make recommendations concerning the AFIS program.

SECTION 8. Ratification. Certification of the proposition by the clerk of the King County council to the director of elections in accordance with law before the election on November 6, 2012, and any other act consistent with the authority and before the effective date of this ordinance are hereby ratified and confirmed.

SECTION 9. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

I, , certify that this is a true copy of Ordinance No. 2012-0210, passed by the Metropolitan King County Council on 07/23/2012.

Attest: _____

Date Certified

AFIS Program FAQs

2012

1. What is an AFIS?

An Automated Fingerprint Identification System (AFIS) is a searchable database of finger and palm print records used to verify identity or link unsolved crimes.

In King County, the AFIS serves two primary purposes:

- To search fingerprints and palmprints collected from crime scenes to identify unknown suspects and aid in convictions;
- To quickly identify arrested individuals, preventing the wrongful release of those using false names to evade arrest warrants or hide criminal records.

2. What is the AFIS levy?

In 1986, King County voters approved a property tax levy for the purchase of a shared, regional AFIS computer, and have renewed their support four times over the last 25 years.

This technology and regional approach enhanced the limited criminal identification services previously handled by individual police agencies or provided by the Washington State Patrol (WSP).

The levy funds not only the technology, but also the staff behind the scenes who fingerprint in the regional jails, respond to major crime scenes, and identify individuals as they are arrested throughout the county, 24 hours, seven days/week.

The King County's AFIS program is nationally recognized for its high standards, quality of services, and exceptional expertise. It also recently received international accreditation from Forensic Quality Services, which assesses every aspect of the crime laboratory operations including procedures, technical qualifications, and competence.

3. What is the benefit of having a shared regional AFIS?

At the city level AFIS and biometric technology is costly, and too great of an investment for most local agencies to support on their own. Similarly, fingerprint examiners require specialized training and experience, and the volume of work generated by a single agency would likely not support the expense to retain experts. Although criminals tend to commit their crimes in the same geographic area, they frequently cross city boundaries. Having separate local systems could result in missed identifications, or require additional time and effort to search other systems.

At the state (or federal) level State and federal systems are built to serve as repositories that retain arrest and conviction information. Many counties throughout the nation choose to implement their own AFIS for a number of reasons.

- Most crime scene prints are identified to criminals in the same geographic area. State and federal systems must search a significantly larger database, which can 'dilute' the results returned, taking more time and producing candidates who have never been in the King County area.

AFIS Program FAQs

2012

- The quality of images in a countywide database can be more tightly controlled than at a state or federal level, resulting in a higher quality database and increased matching potential.
- Decisions regarding technology, procedures, and workflow are made at a local or regional level, as opposed to depending on a state's or federal priorities.
- State services are often subject to funding limitations that reduce operating hours and limit the types of services available. These can be critical factors in quickly and successfully identifying suspects.

A regional, countywide AFIS provides enhanced criminal identification technology and services, for an investment that local police agencies would not be able to fund on their own. The sharing of resources and information lends to greater efficiency in crime-solving efforts.

Similar models can be seen in other large metropolitan areas such as Los Angeles County, San Francisco, and New York. Another successful regional system is the Northern Virginia Regional Identification System (NOVARIS), which also cites the importance of local control and quality of database and services.

Although most crime scene prints are identified to criminals in the same geographic area, it is important for agencies to have the capability to search other agencies' AFIS computers when no local hit is found. This interoperability is being driven by many agencies at the local, county, state, and federal levels, and is continually improving.

4. Why isn't this program funded in the County's current expense budget?

The current expense budget funds the basic identification services for unincorporated areas of the county. By state law, local police agencies representing incorporated cities are required to handle their own identification services or depend entirely upon the state for basic services.

Through King County's regional AFIS program, services are provided to all police departments within the county. There is no county- or state-level mandate or funding mechanism for a shared regional program of this nature.

5. What would happen if the levy failed and there was no further funding?

Without sustained funding, the responsibility for criminal identification would revert to each local city's police department, or the Sheriff's office for unincorporated areas, per state law.

The elimination of AFIS funding would likely result in a severe reduction or elimination of county-supported crime scene and arrest identifications. Most cities would not be able to fund their own examiners or technology. The King County regional jails would likely need to hire additional staff to handle the fingerprint, mugshot, and DNA collection processes performed by AFIS staff today.

A city's options would be to fund its own staff and services or rely upon WSP's minimal identification services. Another option may be for cities to contract with the County for what remained of AFIS services.

AFIS Program FAQs

2012

WSP's absorption of the high volume of work performed in King County, the largest in the state, would result in tremendous backlogs. Due to low staffing levels, WSP limits the types of cases worked. WSP is also not staffed 24/7 to provide immediate identification upon arrest; therefore, some individuals giving false identities would be released into the community prior to positive identification.

6. How much does the levy cost? What does it include?

The proposed renewal levy rate is \$0.0592 per \$1,000/assessed valuation (AV), which will continue program funding for the next six years, 2013-2018. The AFIS levy would cost the owner of a \$350,000 home about \$20.72 per year, or \$1.73 per month.

The proposed legislation would continue funding current services, including the new palmprint-matching AFIS installed in 2011. This maintenance levy would also replace an aging and inadequate regional processing lab and continue technology improvements started in the current levy cycle such as remote fingerprinting in the field by officers and/or in the courts.

Efficiencies in the proposal include a reduction of 11 positions through attrition over the life of the levy, estimated to save \$6.75 million.

7. Isn't fingerprint technology getting old? What about DNA, iris scanning, or facial recognition?

The use of *both* fingerprints and DNA are important in evidence collection, but one does not replace the other. Many times, only fingerprints are left at crime scenes, and no DNA evidence is found.

DNA cannot distinguish between identical twins, but fingerprints can.

Iris scanning is primarily used for access control and does not have much application in crime scene evidence recovery.

Facial recognition is limited to surveillance and investigations where photos or video are available.

Investigators use any and all forensic science disciplines available: again, one does not replace the other. However, fingerprints remain the 'bread and butter' of criminal identification.

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Public Hearing Adoption of Resolution No. 333 establishing a Community Renewal Area (CRA) for Aurora Square Area
DEPARTMENT: Economic Development
PRESENTED BY: Dan Eernisse, Economic Development Manager
ACTION: <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion

PROBLEM/ISSUE STATEMENT:

At Council's August 13, 2012, meeting, Staff proposed that Council consider establishing the Aurora Square area as a *Community Renewal Area* (CRA) in need of economic renewal. After considering the presentation, Council instructed staff to advertise for a public hearing for tonight's meeting and prepare a resolution to create a CRA for the Aurora Square area. Resolution No. 333¹ demonstrates that Aurora Square qualifies to be designated as a CRA, and it instructs staff to begin work on a Community Renewal Plan (the CRA Plan) for Council to consider in the future. Once the CRA and the CRA Plan are adopted, the City gains a toolkit of powers designed to help it facilitate renewal in partnership with private enterprise.

RESOURCE/FINANCIAL IMPACT:

Once the CRA is established, the Office of Economic Development estimates that additional staff time and consultant expense will be necessary to draft a comprehensive CRA Plan. Funds for launching work on the CRA Plan are currently allocated in the 2012 budget, and a one-time \$25,000 budget request has been made for expenses incurred completing the Plan in 2013. Any major expenditure beyond these allocations would need to be proposed to the City Manager and City Council.

RECOMMENDATION

Staff recommends adoption of Resolution No 333 establishing the Aurora Square Area as a Community Renewal Area and launching work on a Community Renewal Plan.

Approved By: City Manager: **DT** City Attorney: **FC**

¹ Hearing notice referenced an implementing ordinance but only a resolution is required.

INTRODUCTION

Washington law RCW Chapter 35.81 gives powers for cities to use specifically in areas that are demonstrated to need community renewal project or projects. In order for a city to exercise these powers, it must designate a *Community Renewal Area* (CRA) along with a *Community Renewal Plan* (CRA Plan) that defines how renewal will take place. According to the definitions in RCW 35.81.015, Aurora Square suffers from several indicators that qualify it as economically “blighted” and in need of renewal. By designating Aurora Square as a CRA, the Council makes clear that economic renewal is in the public interest, that city resources can be devoted to design and carry out a CRA Plan, and that the city intends to partner with private enterprise to rejuvenate Aurora Square.

DISCUSSION

The Aurora Square Area

RCW 35.81.050 requires that in order for the City to exercise any of the powers of a CRA, the Council must first adopt an ordinance or resolution declaring that one or more blighted areas exist in the City and that the rehabilitation and/or redevelopment of such area is in the interest of the welfare of the residents of the City.

Staff is recommending that Council form a CRA for the Shoreline commercial properties and the adjacent right-of-way referred to collectively as the Aurora Square area, or simply as Aurora Square. In reality, no formal designation as “Aurora Square” is shared by the entire area other than in this CRA discussion. A map of the 70+ acre area is provided as Attachment A, Exhibit 1.

The area currently includes soft-goods retailers (Sears, Marshall’s, Big Lots, Pier 1, etc.), the destination grocer Central Market, restaurants (Denny’s, Shake ‘n’ Go Burgers, Super China Buffet, etc.), bank branches (US Bank, Bank of America), the NW School for Hearing-impaired Children, and the regional headquarters for Washington State Department of Transportation. No residences are in the Aurora Square area.

Attachment B depicts that in addition to the city-owned right-of-way, ten separate owners currently own property in the designated area.

Aurora Square Qualifications as a Community Renewal Area

The term “blighted area” is defined as an area that “substantially impairs or arrests the sound growth of the city.” As defined in RCW 35.81.015, and discussed previously in the August 13th staff report, the CRA declaration would be justified by several factors that hamper the economic health of Aurora Square:

1. “Arrangement . . . and age of buildings”
 - a. The arrangement of the Sears buildings creates a physical barrier between the north and south shopping areas.
 - b. All buildings on site are over 25 years old; the Sears building is 45 years old, and the WSDOT building is 34 years old.

2. "Defective or inadequate street layout"
 - a. Aurora Square doesn't have adequate road or pedestrian connections to break the site down into manageable units.
 - b. No east/west through-streets are present.
 - c. The only north/south through-street, Westminster Way N, is exceptionally wide with 100' of ROW. It functionally acts as an off-ramp from Aurora Ave N to Westminster Way N rather than as a connector between the east and west sides of the Aurora Square site, effectively isolating the Joshua Green triangle from the rest of the site.
 - d. Finally, motorists travelling southbound on Westminster Way N find that it surprisingly does not connect to the rest of the street grid.
3. "Excessive land coverage"
 - a. Aurora Square has a high percentage of impervious surface with very little landscaping.
 - b. A high percentage of the impervious surface at Aurora Square is devoted to surface parking, much of which is poorly located and seldom used.
4. "Diversity of ownership" and "faulty lot layout in relation to size, adequacy, accessibility or usefulness"
 - a. Aurora Square has 10 property owners
 - b. Aurora Square has no center-wide cooperative agreement, so a cohesive response to opportunities is extremely challenging.
5. "Substantially impairs or arrests the sound growth of the municipality or its environs"
 - a. Aurora Square and Aurora Village are the two established large scale shopping centers in Shoreline. Aurora Square is 6 ½ times less efficient at generating sales tax revenues to support city services.
 - b. Since no buildings have been built on the Aurora Square site in the past 25 years, the improvement property tax revenue is minimal. For example, the combined property tax paid for building improvements on the Sears, Central Market, and the Joshua Green sites is approximately \$10 per year.
 - c. Four buildings on site have been vacant for a number of years, providing no contribution in revenue, service, or community building to the City of Shoreline.
6. "Is detrimental...to the public ...welfare...in its present condition and use"
 - a. Aurora Square is not delivering on its potential to be the only large-scale, walkable shopping center in Shoreline, causing our citizens to experience and spend their money outside of Shoreline.
 - b. Outstanding retailers currently are located on site, but their success is in spite of the area's economic blight rather than because of the synergies and anchored retail center should provide.
 - c. A renewed Aurora Square could provide entertainment and restaurant options that do not currently exist in Shoreline.

Community Renewal Plan (CRA Plan) and Powers

Staff has intentionally delayed detailed planning until the CRA is created, since it is in the act of designating a CRA that the City is provided the appropriate context in which such planning can be accomplished. Should the Council decide that the toolkit provided by a CRA is valuable and designate Aurora Square as a CRA, then the next step would

be to direct staff to create a Community Renewal Plan (CRA Plan) that would state how the City will partner with private enterprise to achieve renewal in the Aurora Square CRA.

The CRA Plan would likely utilize some or all of the CRA powers made available to cities by Washington law (RCW 35.81.070):

1. To undertake and carry out community renewal projects within the City, to make and execute contracts to carry out the renewal projects and to disseminate community renewal information.
2. To provide, arrange or contract for the repair of streets, roads, public utilities or other facilities.
3. In connection with a community renewal project, to install, construct, and reconstruct streets, utilities, parks, playgrounds, and other public improvements.
4. To provide financial or technical assistance, using available public or private funds, to a person or public body for the purpose of creating or retaining jobs.
5. To contract with a person or public body to provide financial assistance, authorized by RCW 35.81, to property owners and tenants impacted by the implementation of the community renewal plan and to provide incentives to property owners and tenants to encourage them to locate in the community renewal area after adoption of the community renewal plan.
6. To apply for, and accept, loans, grants, contributions any other form of financial assistance from the federal government, the state, county, or other public body, or from any sources, public or private, for the purposes of RCW 35.81.
7. To make plans necessary to carry out the purposes of the CRA.
8. Acquire, with the approval of the City Council, real property for the purposes of community renewal project. Should the City find it necessary to acquire additional property, the City would act in the public interest as a typical buyer, using a negotiated purchase agreement. In addition, RCW 35.81 prescribes that cities that acquire property for economic renewal in CRAs need to do so with the intention of returning the property to the private sector as soon as is reasonable. The City already owns a great deal of right-of-way that it can use to help renew Aurora Square.

STAKEHOLDER OUTREACH

Staff has contacted all of the ten property owners in Aurora Square in writing. Staff has also met or spoken on the phone with representatives of several of the properties to better explain the CRA process. Property owners have been encouraged to attend and/or provide written comment.

The City has received a letter from the attorney for the Northwest School for Hearing Impaired Children (Attachment C) requesting that they be excluded from the CRA. Staff has discussed the letter with the school's staff. The School's staff has indicated that they are not opposed to the CRA, but do not anticipate a need or desire to redevelop their property. Although this may be the case, staff would recommend that Council not remove the property at this time, but rather when the Council takes action to adopt the CRA plan, that Council consider action at that time to exclude the school's property if the plan is not in the best interest of the school. City staff will consult with the school's

staff as the CRA plan is developed so that they have the option of determining if the plan is of benefit or in their best interest.

If Council decides that they would like to exclude the Northwest School from the CRA at this time, Council can direct staff to remove the school from the map in their motion adopting Resolution No. 333.

COUNCIL GOALS ADDRESSED

The creation of a CRA at Aurora Square will promote the Council's Goal 1: Strengthen Shoreline's economic base. The City Council adopted a comprehensive Economic Development Strategy in January of 2012 that specifically calls out the need to improve Aurora Square as one of the city-shaping place-making opportunities in Shoreline.

RESOURCE/FINANCIAL IMPACT:

Once the CRA is established, the Office of Economic Development estimates that additional staff time and consultant expense will be necessary to draft a comprehensive CRA Plan. Funds for launching work on the CRA Plan are currently allocated in the 2012 budget, and a one-time \$25,000 budget request has been made for expenses incurred completing the Plan in 2013. Any major expenditure beyond these allocations would need to be proposed to the City Manager and City Council.

RECOMMENDATION

Staff recommends adoption of Resolution No. 333 establishing the Aurora Square Area as a Community Renewal Area and launching work on a Community Renewal Plan.

Attachments:

Attachment A: Resolution No. 333

Exhibit 1 – Aurora Square Area Map

Attachment B: The Aurora Square Area Owners

Attachment C: Letter from Northwest School for Hearing Impaired Children

RESOLUTION NO. 333

A RESOLUTION OF THE CITY OF SHORELINE, WASHINGTON DETERMINING THAT THE PROPERTY WITHIN THE CITY, KNOWN GENERALLY AS AURORA SQUARE BOUNDED BY AURORA AVE. N., N 155TH ST, WESTMINSTER WAY N., FREMONT AVE. N, DAYTON AVE. N. AND DAYTON AVE. N. AND N. 160TH ST BE DESIGNATED AS A COMMUNITY RENEWAL AREA SUITABLE FOR A COMMUNITY RENEWAL PROJECT OR PROJECTS; AND DIRECTING THAT A COMMUNITY RENEWAL PLAN BE PREPARED FOR THE AREA

WHEREAS, under Chapter 35.81 RCW (the "Community Renewal Act") the City is authorized to undertake certain community renewal activities within areas of the City designated as "blighted"; and

WHEREAS, the City of Shoreline , Washington, desires to encourage and assist with the redevelopment of an approximately 70-acre parcel of property within the City known generally as Aurora Square; now, therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON AS FOLLOWS:

Section 1. Findings. The City makes the following findings:

A. The property depicted in Exhibit 1 attached hereto and incorporated by reference herein (hereafter "Aurora Square") is a blighted area as defined in RCW 35.81.010(2) in following respects:

1. "Arrangement . . . and age of buildings"
 - a. The arrangement of the Sears buildings creates a physical barrier between the north and south shopping areas.
 - b. All buildings on site are over 25 years old; the Sears building is 45 years old, and the WSDOT building is 34 years old.
2. "Defective or inadequate street layout"
 - a. Aurora Square does not have adequate road or pedestrian connections to break the site down into manageable units.
 - b. No east/west through-streets are present.
 - c. The only north/south through-street, Westminster Way N, is exceptionally wide with 100' of ROW. It functionally acts as an off-ramp from Aurora Ave N to Westminster Way N rather than as a connector between the east and west sides of the Aurora Square site, effectively isolating the Joshua Green triangle from the rest of the site.

- d. Finally, motorists travelling southbound on Westminster Way N find that it surprisingly does not connect to the rest of the street grid.
 3. "Excessive land coverage"
 - a. Aurora Square has a high percentage of impervious surface with very little landscaping.
 - b. A high percentage of the impervious surface at Aurora Square is devoted to surface parking, much of which is poorly located and seldom used.
 4. "Diversity of ownership" and "faulty lot layout in relation to size, adequacy, accessibility or usefulness"
 - a. Aurora Square has 10 property owners
 - b. Aurora Square has no center-wide cooperative agreement, so a cohesive response to opportunities is extremely challenging.
 5. "Substantially impairs or arrests the sound growth of the municipality or its environs"
 - a. Aurora Square and Aurora Village are the two established large scale shopping centers in Shoreline. Aurora Square is 6 ½ times less efficient at generating sales tax revenues to support city services.
 - b. Since no buildings have been built on the Aurora Square site in the past 25 years, the improvement property tax revenue is minimal. For example, the combined property tax paid for building improvements on the Sears, Central Market, and the Joshua Green sites is approximately \$10 per year.
 - c. Four buildings on site have been vacant for a number of years, providing no contribution in revenue, service, or community building to the City of Shoreline.
 6. "Detrimental...to the public ...welfare...in its present condition and use"
 - a. Aurora Square is not delivering on its potential to be the only large-scale, walkable shopping center in Shoreline, causing our citizens to experience and spend their money outside of Shoreline.
 - b. Outstanding retailers currently are located on site, but their success is in spite of the area's economic blight rather than because of the synergies and anchored retail center should provide.
 - c. A renewed Aurora Square could provide entertainment and restaurant options that do not currently exist in Shoreline.
- B. The rehabilitation, redevelopment, or a combination thereof, of Aurora Square is necessary in the interest of the public welfare of the residents of the City of Shoreline.

Section 2. Community Renewal Agency. Pursuant to RCW 35.81.150, the City Council elects to have the Council exercise community renewal project powers under Chapter 35.81 RCW, and authorizes the City Manager to:

- A. prepare a community renewal plan for Aurora Square for approval by the City Council and to coordinate and administer the approved plan;

B. undertake and carry out community renewal projects for Aurora Square as approved in the renewal plan, including appraisals, title searches, surveys, studies and other preliminary plans and work necessary to undertake community renewal projects;

C. acquire, own, lease, encumber and sell real or personal property as designated in the community renewal plan and consistent with the procedures of SMC 2.60, 3.50 and 3.55; provided, use of eminent domain is not authorized by this resolution and must be approved by future ordinance of the Council declaring that the acquisition is for a community renewal project approved in the renewal plan and establishing public use and necessity for the property interests condemned; and

D. disseminate community renewal information.

ADOPTED BY THE CITY COUNCIL ON SEPTEMBER 4, 2012.

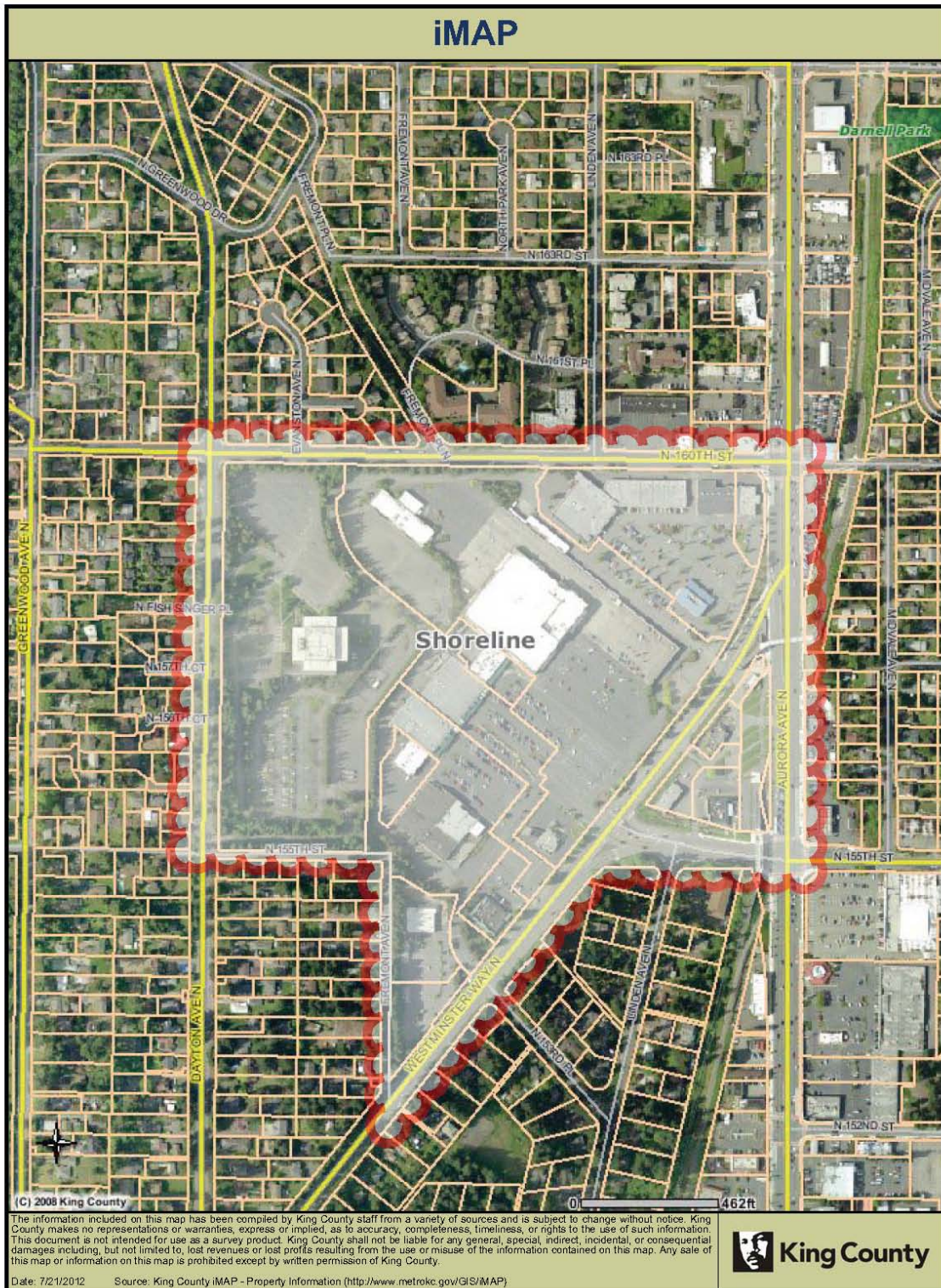
Mayor Keith McGlashan

ATTEST:

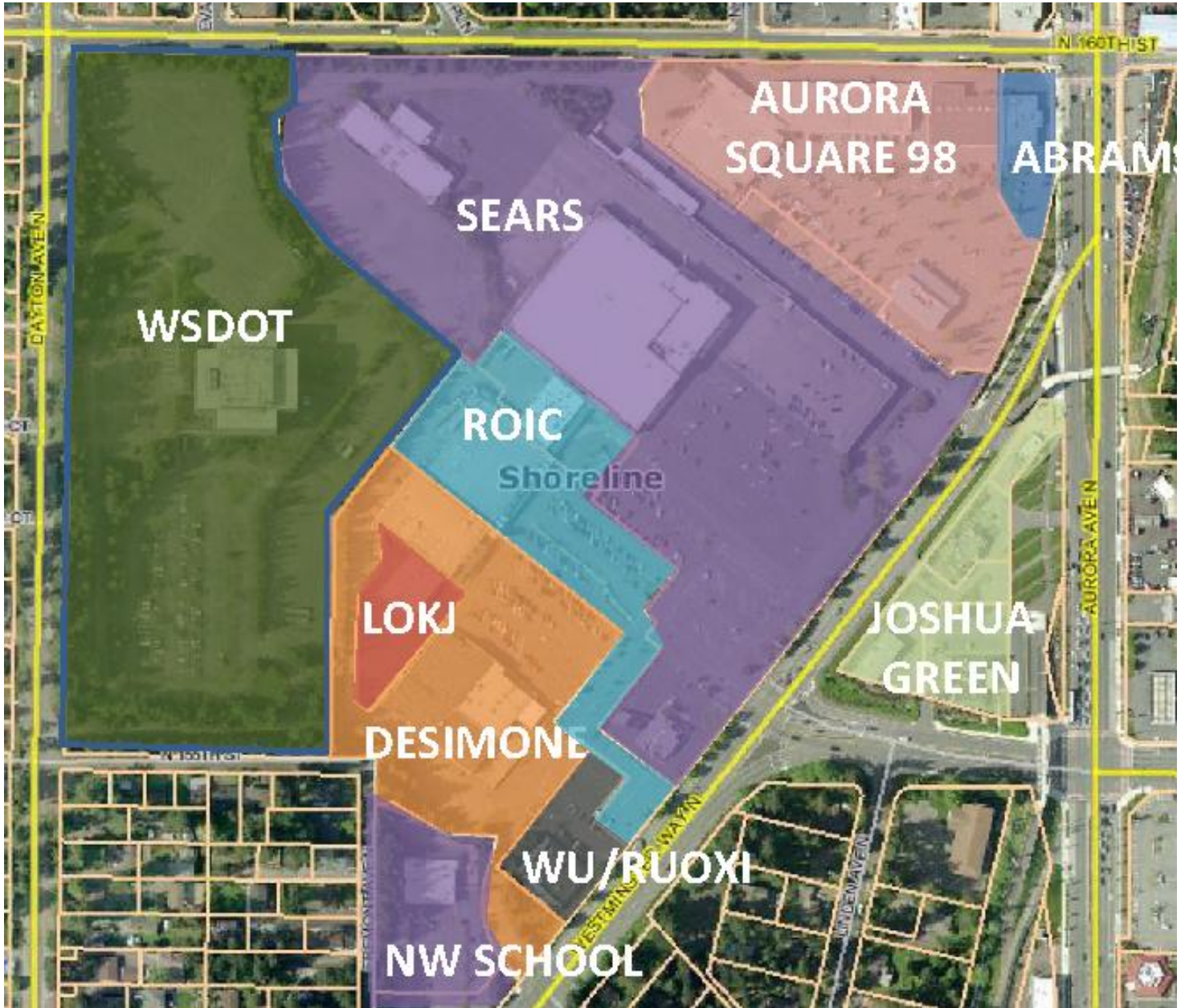
Scott Passey
City Clerk

The Aurora Square Area

Attachment A Exhibit 1



Attachment B - Aurora Square Owners



HB
HANSON BAKER
ATTORNEYS

John E. Hanson, Retired
John M. Baker (1945-2001)
Linda M. Youngs, Retired

Magnus Andersson
Joseph C. Calmes
Andrée R. Chicha
Betty L. Drumheller
Timothy J. Graham
Jennifer T. Karol*
John T. Ludlow
Merrilee A. MacLean
Rachel L. Merrill
Aaron M. Neilson
Joshua Rosenstein
*Also admitted in Oregon

August 20, 2012

*ADVANCE COPY via email to
deernissee@shorelinewa.gov*

Dan Eernissee
CITY OF SHORELINE
17500 Midvale Avenue North
Shoreline, WA 98133

rmerrill@hansonbaker.com

**Re: 15303 Westminster Way N, Shoreline, Washington
Community Renewal Area Proposal**

Dear Dan:

Thank you for taking the time to meet with Karen, Peggy and myself earlier this month. We appreciated learning more about the City's intentions with the proposed Community Renewal Area ("CRA") and how a CRA might work with Aurora Square. While it sounds like the CRA is well intentioned and may have a beneficial impact on retailers in the area, Northwest School For Hearing-Impaired Children ("Northwest School") is hereby asking to opt out of the CRA at this time. The CRA's purposes and goals simply do not connect to the mission and plans of the School. Nonetheless, Northwest School Wishes you the best in this endeavor.

If you have any questions, please feel free to call or email. Again, thank you for your time.

Very truly yours,

HANSON BAKER LUDLOW
DRUMHELLER P.S.



Rachel L. Merrill

cc: Karen Appelman