



AGENDA

STAFF PRESENTATIONS

PUBLIC COMMENT

SHORELINE CITY COUNCIL VIRTUAL/ELECTRONIC REGULAR MEETING

Monday, June 21, 2021
7:00 p.m.

Held Remotely on Zoom
<https://zoom.us/j/95015006341>

In an effort to curtail the spread of the COVID-19 virus, the City Council meeting will take place online using the Zoom platform and the public will not be allowed to attend in-person. You may watch a live feed of the meeting online; join the meeting via Zoom Webinar; or listen to the meeting over the telephone.

The City Council is providing opportunities for public comment by submitting written comment or calling into the meeting to provide oral public comment. To provide oral public comment you must sign-up by 6:30 p.m. the night of the meeting. Please see the information listed below to access all of these options:



[Click here to watch live streaming video of the Meeting on shorelinewa.gov](https://www.shorelinewa.gov)



Attend the Meeting via Zoom Webinar: <https://zoom.us/j/95015006341>



Call into the Live Meeting: 253-215-8782 | Webinar ID: 950 1500 6341



[Click Here to Sign-Up to Provide Oral Testimony](#)

Pre-registration is required by 6:30 p.m. the night of the meeting.



[Click Here to Submit Written Public Comment](#)

Written comments will be presented to Council and posted to the website if received by 4:00 p.m. the night of the meeting; otherwise they will be sent and posted the next day.

	<u>Page</u>	<u>Estimated Time</u>
1. CALL TO ORDER		7:00
2. ROLL CALL		
3. APPROVAL OF THE AGENDA		
4. REPORT OF THE CITY MANAGER		
5. COUNCIL REPORTS		
6. PUBLIC COMMENT		

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 10 people are signed up to speak, each speaker will be allocated 2 minutes. Please be advised that each speaker's testimony is being recorded. Speakers are asked to sign up by 6:30 p.m. the night of the meeting via the [Remote Public Comment Sign-in form](#). Individuals wishing to speak to agenda items will be called to speak first, generally in the order in which they have signed up.

7. CONSENT CALENDAR

- (a) Adoption of Ordinance No. 935 - Extension of Interim Regulations to Allow for Additional Extensions of Application and Permit Deadlines Beyond Those Provided for in the Shoreline Municipal Code Due to COVID-19 Impacts 7a-1
- (b) Adoption of Ordinance No. 936 - Extending Interim Regulations for Outdoor Seating 7b-1
- (c) Authorize the City Manager to Execute an Amendment to the Professional Services Agreement with Osborn Consulting in the Amount of \$167,201 for the 2021-2022 Stormwater Pipe Repair and Small Drainage Projects 7c-1

8. STUDY ITEMS

- (a) Discussion of 2020 Police Services Report 8a-1 7:20
- (b) Discussion of Ordinance No. 937 - Amending the Shoreline Municipal Code to Add Chapter 10.22 Street Racing 8b-1 7:50
- (c) Discussion of COVID-19 Vaccination Policy 8c-1 8:20
Sponsored by Mayor Hall

9. ADJOURNMENT

8:50

Any person requiring a disability accommodation should contact the City Clerk's Office at 206-801-2230 in advance for more information. For TTY service, call 206-546-0457. For up-to-date information on future agendas, call 206-801-2230 or visit the City's website at shorelinewa.gov/councilmeetings. Council meetings are shown on the City's website at the above link and on Comcast Cable Services Channel 21 and Zply Fiber 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.

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Ordinance No. 935 - Extension of Interim Regulations to Allow for Additional Extensions of Application and Permit Deadlines Beyond Those Provided for in the Shoreline Municipal Code Due to COVID-19 Impacts
DEPARTMENT:	Planning and Community Development
PRESENTED BY:	Rachael Markle, Director, Planning and Community Development
ACTION:	<input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

On January 11, 2021, the City Council adopted Ordinance No. 916 to continue the interim regulations to extend development permit and application deadlines. The interim regulations will expire on July 19, 2021 if not extended again. The COVID-19 pandemic continues to impact permit customers in a variety of direct and indirect ways. These impacts may cause delays for the commencement of development activities. Approval of Ordinance No. 935 (Attachment A) would provide additional time for permit customers to safely begin construction when financing, labor and materials have been secured.

The City Council held the required public hearing and discussed proposed Ordinance No. 935 at their June 7, 2021, Council meeting. Council directed staff to prepare Ordinance No. 935 for potential adoption on tonight. If approved, this Ordinance will extend these interim regulations for another six months.

RESOURCE/FINANCIAL IMPACT:

Extension of these interim regulations through Proposed Ordinance No. 935 has the potential to protect the time and financial investment of applicants and permit holders. Supporting the viability of permit applications that are approved and ready to issue supports the greater economy and community with little or no impact on the City's resources.

RECOMMENDATION

Staff recommends that the City Council adopt Ordinance No. 935.

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

BACKGROUND

The COVID-19 pandemic has impacted the ability of permit customers and Planning and Community Development Department (PCD) staff to process permit applications in some cases resulting in delays for the commencement of development activities. Recognizing the impacts this has had on applicants, the City Manager enacted Temporary Emergency Order No. 6 on May 4, 2020, which suspended application and permit deadlines related to development, effective for approved permits and applications in process as of March 4, 2020.

On July 27, 2020, the City Council adopted Ordinance No. 893, which rescinded the Temporary Emergency Order and replaced it with six-month interim regulations that provide relief for applicants by creating additional extensions of application and permit deadlines due to the economic and health impacts of COVID-19. On January 11, 2021, the Council adopted Ordinance No. 916, which extended Ordinance No. 893 for an additional six months. Ordinance No. 916 is set to expire on July 19, 2021 unless it is extended by the Council.

On June 7, 2021, the City Council held a public hearing and had discussion about extending the interim regulations through proposed Ordinance No. 935 (Attachment A) to continue to allow for an additional 180-day extension for applicants to pick up permits that re ready to issue. The staff report for this Council discussion can be found at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/Agendas/Agendas2021/060721.htm>.

DISCUSSION

As is noted above, Ordinance No. 916 will expire on July 19, 2021 unless extended by Council. Proposed Ordinance No. 935 would allow for a continuation of a second extension for permit deadlines. Since COVID-19 is still a threat to our local health and economy, applicants may still benefit from having an additional opportunity to extend permits that are ready to issue. The availability of the vaccines for COVID-19 for most adults and children over the age of 12 may make this the final time Council needs to extend this Ordinance.

Interim Regulation Code Sections

Shoreline Municipal Coded (SMC) Section 20.30.100(D) sets a 180-day deadline for applicants to pick up permits that are ready to issue and one extension to pick up the permit. Proposed Ordinance No. 935 provides for a second extension of the deadline to pick up the permit. Additionally, while SMC Section 12.15 - Use of the ROW - contains the regulatory language for ROW permits, this section does not contain provisions for extension of ROW permit applications. The additional extension to pick up a permit that is ready to issue also applies to ROW permits identical to the deadlines and number of extensions proposed for SMC 20.30.100(D) as proposed in Ordinance No. 935.

Interim Regulations Authority and Process

The City Council adopted interim regulations to allow for additional extensions of permit application deadlines, pursuant to RCW 35A.63.220 and under the Growth Management Act (GMA) at RCW 36.70A.390. Interim regulations adopted under this section may be effective for not longer than six months but may be effective for up to one year if a work plan is developed for related studies providing for such a longer period. Interim regulations may be renewed for one or more six-month periods if a subsequent public hearing is held, and findings of fact are made prior to each renewal.

Findings of Fact

Findings of Fact supporting the continued need for these interim regulations are as follows:

1. The COVID-19 pandemic continues to pose a threat to public health and the welfare of people living and working in Washington.
2. On February 29, 2020, Governor Inslee signed Proclamation 20-05 declaring a State of Emergency in all counties of the State of Washington.
3. On March 23, 2020, Governor Inslee issued Proclamation 20—25 “Stay Home – Stay Healthy,” that prohibited all people in Washington State from leaving their homes or participating in social, spiritual, and recreational gatherings of any kind regardless of the number of participants, and all non-essential businesses in Washington State from conducting business, within limitations.
4. On June 1, 2020, Proclamation 20-25 was amended for the 4th time to transition from the “Stay Home – Stay Healthy” restrictions to the “Safe Start-Stay Healthy” county by county Phased Reopening plan.
5. On November 15, 2020, Governor Inslee amended Proclamations 20-05 and 20-25 with version 20-25.8 which rolled back the county-by-county phased reopening in response to a COVID-19 outbreak surge. The restrictions effective at that time once again placed limits on social gatherings, closed indoor operations in restaurants, bars, entertainment venues, and fitness centers, and restricted occupancy in retail, grocery, professional services, and other facilities.
6. On January 5, 2021, the Governor announced the Healthy Washington – Roadmap to Recovery plan.
7. On January 11, 2021, Council adopted Ordinance No. 917 which renewed the interim regulations for outdoor seating for another six months.
8. On January 18, 2021, the Governor announced a widespread vaccination plan.
9. On March 31, 2021, all adults became eligible to receive a COVID-19 vaccine. Children 12 and older were approved for the vaccine on May 12, 2021.
10. On May 13, 2021, the Governor announced all Counties will move to Phase 3 of the Healthy Washington – Roadmap to Recovery reopening plan effective May 18 to June 30, and that statewide reopening would occur by June 30, 2021.
11. City Hall is currently still closed to public and permitting services have been limited to on-line, phone, mail in and drop off services. Inspection services are limited and restricted in some cases to ensure safe social distancing. Additionally, nearly all permit review staff are working remotely. This has created delays in processing and approving applications.
12. Although, the statewide reopening is underway, continued flexibility to allow for an additional extension of permit applications that are ready to issue may provide relief to permit applicants that have be impacted directly or indirectly by COVID.

Currently, there are also issues related to availability and high cost of construction related supplies, equipment, and appliances.

RESOURCE/FINANCIAL IMPACT

Extension of these interim regulations through Proposed Ordinance No. 935 has the potential to protect the time and financial investment of applicants and permit holders. Supporting the viability of permit applications that are approved and ready to issue supports the greater economy and community with little or no impact on the City's resources.

RECOMMENDATION

Staff recommends that the City Council adopt Ordinance No. 935.

ATTACHMENTS

Attachment A – Proposed Ordinance No. 935

ORDINANCE NO. 935

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON
EXTENDING THE INTERIM REGULATIONS FOR THE EXTENSIONS
OF APPLICATION DEADLINE PERIODS IN RESPONSE TO THE
COVID-19 PANDEMIC ADOPTED BY ORDINANCE NO. 893 AND
EXTENDED BY ORDINANCE NO. 916; PROVIDING FOR A DURATION
OF SIX MONTHS.**

WHEREAS, the City of Shoreline is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the State of Washington, and planning pursuant to the Growth Management Act, chapter 36.70A RCW; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City of Shoreline to adopt interim regulations with a duration of no more than six (6) months without review and recommendation by the Shoreline Planning Commission and without holding a public hearing; and

WHEREAS, on July 27, 2020, in response to the COVID-19 pandemic restrictions imposed by governmental authorities, the City Council adopted Ordinance No. 893, establishing interim regulations authorizing the extension of application deadline periods set forth in the Shoreline Municipal Code (SMC); and

WHEREAS, on January 11, 2021, the interim regulations were extended by Ordinance No. 916 and will expire on July 19, 2021 unless extended by the City Council; and

WHEREAS, despite public and private efforts to address the COVID-19 pandemic, including the availability of vaccines, COVID-19 continues to pose a threat to public health and limits the ability of both City Staff and the development community to effectively conduct business; and

WHEREAS, this results in a direct impact to the construction industry, including supporting consultants, by creating an inability for an applicant to timely respond to the City's comment review letter or to pick up an approved application; and

WHEREAS, while progress has been made in addressing COVID-19, City Hall is closed to the public, and permitting services which have been limited to on-line, phone, mail in and drop off services. Inspection services are limited and restricted in some cases to ensure safe social distancing. Additionally, all permit review staff are working remotely. This has created delays in processing and approving applications; and

WHEREAS, the extension of the previously enacted interim regulations for an additional six month period will provide applicants with additional time to act upon applications currently under review, and/or approved applications awaiting issuance, so as to prevent expiration of those applications during this unprecedented time in the City's history; and

WHEREAS, interim regulations are exempt from SEPA review per WAC 197-11-800(19) Procedural Actions. If the City elects to replace these interim regulations with permanent regulations, if applicable, SEPA review will be conducted at that time; and

WHEREAS, the City Council considered the interim regulations at its properly noticed June 7, 2021 regular meeting, at which it held the statutorily required public hearing, held virtually via Zoom, and determined that the extension of the interim regulations is appropriate and necessary; and

WHEREAS, due to the current economic conditions resulting from COVID-19, it is in the best interests of the citizens of the City of Shoreline and its local economy to authorize the Director of Planning and Community Development and the Director of Public Works to temporarily grant extensions of the application deadlines to preclude expiration;

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

Section 1. Adoption of Findings of Fact. The City Council hereby adopts the above Recitals as findings of fact to support the adoption of this Ordinance and incorporates by reference the Recitals set forth in Ordinance No. 893 and Ordinance No. 916.

Section 2. Interim Regulations. These interim regulations relate to Type A, Type B, and Type C applications administered through Title 20 SMC and chapter 12.15 SMC that were valid on March 4, 2020:

- A. SMC 20.30.100(D). In addition to the one extension authorized by this provision, the Director of Planning and Community Development, or designee, is authorized to grant one additional extension of no more than 180 days, for a total possible extension period of 360 calendar days.
- B. SMC 12.15.040(C). The Director of Public Works or designee is authorized to grant an applicant a right-of-way permit extension, in the same number and duration as provided for in this Section.
- C. An applicant must submit a written request for extension providing justification related to the COVID-19 pandemic, Washington State Governor's Proclamation 20-25, as clarified or amended, or other related federal, state, or local governmental action. The request must be submitted to the City before the expiration of the application for which the extension is being sought.
- D. The applicable Director shall have the authority to grant an extension as provided in this Section for a period of time no more than that provided for in the applicable SMC provision. A Director may grant an extension for less time, may deny an extension in its entirety, or may shorten or revoke a temporary extension for good cause. The decision to approve, deny, shorten, or revoke an extension is a discretionary act and a

final decision of the City subject to appeal under chapter 36.70C RCW Land Use Petition Act.

- E. Any temporary extension shall be calculated from the initial expiration date of the application. If a development has multiple applications with differing expiration dates, the later expiration date shall be used for the purpose of calculating these extension provisions.

Section 3. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council held a public hearing on the extension of the interim regulations on June 7, 2021. Pursuant to the Washington State Governor’s Proclamation 20-28, as amended, and the City Council Resolution No. 459, the public hearing was held online using the Zoom Webinar platform.

Section 4. Directions to the City Clerk.

- A. **Transmittal to the Department of Commerce.** The City Clerk is hereby directed to cause a certified copy of this Ordinance to be transmitted to the Washington State Department of Commerce as provided in RCW 36.70A.106.
- B. **Corrections by the City Clerk.** Upon approval of the City Attorney, the City Clerk is authorized to make necessary corrections to this Ordinance, including the correction of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.
- C. **Ordinance not to be Codified.** Because this Ordinance adopts interim regulations, the City Clerk shall not codify this Ordinance.

Section 5. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any person or situation.

Section 6. Publication, Effective Date, and Expiration. A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five (5) days after its publication and shall be in effect for a period of six (6) months from its effective date. After which, these interim regulations shall automatically expire unless extended as provided by statute or otherwise superseded by action of the City Council, whichever occurs first.

PASSED BY THE CITY COUNCIL ON JUNE 21, 2021.

Mayor Will Hall

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik Smith
City Clerk

Julie Ainsworth-Taylor, Assistant City Attorney
On behalf of Margaret King, City Attorney

Date of Publication: _____, 2021
Effective Date: _____, 2021

Date of Transmittal to Commerce: _____, 2021

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Ordinance No. 936 – Extension of Interim Regulations for Outdoor Seating
DEPARTMENT:	Planning and Community Development
PRESENTED BY:	Andrew Bauer, Planning Manager
ACTION:	<input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

On July 27, 2020, the City Council adopted Ordinance No. 895, enacting interim regulations for outdoor seating areas for existing restaurants and bars due to indoor seating restrictions related to COVID-19. On January 11, 2021, Council adopted Ordinance No. 917 to extend the interim regulations for an additional six months. The interim regulations will expire on July 11, 2021 if they are not extended again. Although the State’s reopening and lifting of restrictions are underway, the effects of the pandemic are likely to linger and some people’s comfort with indoor dining and gathering could discourage them from visiting local bars and restaurants that don’t have outdoor seating options.

The City Council discussed proposed Ordinance No. 936, which would extend these interim regulations for another six months, on June 7th and provided direction to staff to bring back this proposed Ordinance for potential action. Tonight, Council is scheduled to take action on proposed Ordinance No. 936.

RESOURCE/FINANCIAL IMPACT:

The interim regulations waive fees for temporary outdoor seating areas. The total impact on revenue will vary depending on the number of businesses establishing outdoor seating areas, which has been five businesses to date. However, with the Outdoor Seating Registration process now implemented for private property areas, it is anticipated to use a smaller amount of staff time to process the registrations. Additionally, by expanding occupancy, businesses will hopefully be able to increase their sales and in-turn contribute more to the flow of economic activity in the City (e.g. wages to employees, tax revenue, etc.).

RECOMMENDATION

Staff recommends that the City Council adopt proposed Ordinance No. 936, extending for another six months the interim regulations for outdoor seating.

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

BACKGROUND

Eating and drinking establishments have been severely impacted by the COVID-19 pandemic. Although the Governor announced plans for the State to reopen by June 30th, the effects of the pandemic are likely to linger in ways that cannot be predicted. Indoor dining and gatherings in bars and restaurants may continue to be uncomfortable for some individuals even without restrictions. Meanwhile, outdoor seating – especially during the summer months – could be a preferred option for many.

On July 27, 2020, the City Council adopted Ordinance No. 895, which established six-month interim regulations for outdoor seating for restaurants and bars. On January 11, 2021, the City Council adopted Ordinance No. 917 which extended Ordinance No. 895 for an additional six months. Ordinance No. 917 is set to expire on July 11, 2021 unless it is extended by Council.

On June 7, 2021, the City Council discussed and held a public hearing on proposed Ordinance No. 936 (Attachment A), which would extend the interim regulations for an additional six months. The staff report for this Council discussion and public hearing can be found at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2021/staffreport060721-8b.pdf>.

The main components of the interim regulations include the following:

- Establishment of an Outdoor Seating Registration for areas on private property;
- Suspension of Temporary Use Permit provisions in SMC 20.30.295 for outdoor seating areas;
- Suspension of minimum off-street parking requirements in SMC 20.50.390 for existing eating and drinking establishments;
- Expedited review for Right-of-Way Site Permits for outdoor seating areas on City ROW; and
- Waiver for application fees and ROW use fees.

To date, there have been five outdoor seating registrations filed with the City. There have not been any applications for use of the ROW.

DISCUSSION

As is noted above, Ordinance No. 917 will expire on July 11, 2021. Extension of the interim regulations would allow for continued flexibility for outdoor seating areas for existing bars and restaurants. Local restaurants and bars may benefit from the continued ability to create outdoor seating areas even as the state reopens.

Interim Regulations Authority and Process

The City Council has statutory authority to adopt interim regulations pursuant to RCW 35A.63.220 and under the Growth Management Act (GMA) at RCW 36.70A.390. Under these statutory provisions, the City adopted Ordinance No. 895 without a Public Hearing and without review and recommendation by the Planning Commission prior to Ordinance adoption. As required by State law, a public hearing on Ordinance No. 895

was held on August 10, 2020. A subsequent public hearing on Ordinance No. 917 was held on December 14, 2020, and the public hearing on proposed Ordinance No. 936 was held on June 7, 2021.

Interim regulations adopted under this section may be effective for not longer than six months but may be effective for up to one year if a work plan is developed for related studies providing for such a longer period. Interim regulations may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

Findings of Fact

The interim regulations adopted in Ordinance No. 895, and extended in Ordinance No. 917, may be renewed for another six-month period following a public hearing, documentation of the findings of fact that support the extension, and adoption of a new ordinance. Findings of Fact supporting the continued need for these interim regulations are as follows:

1. The COVID-19 pandemic continues to pose a threat to public health and the welfare of people living and working in Washington.
2. On February 29, 2020, Governor Inslee signed Proclamation 20-05 declaring a State of Emergency in all counties of the State of Washington.
3. On March 23, 2020, Governor Inslee issued Proclamation 20—25 “Stay Home – Stay Healthy,” that prohibited all people in Washington State from leaving their homes or participating in social, spiritual and recreational gatherings of any kind regardless of the number of participants, and all non-essential businesses in Washington State from conducting business, within limitations.
4. On June 1, 2020, Proclamation 20-25 was amended for the 4th time to transition from the “Stay Home – Stay Healthy” restrictions to the “Safe Start-Stay Healthy” county by county Phased Reopening plan.
5. On November 15, 2020 Governor Inslee amended Proclamations 20-05 and 20-25 with version 20-25.8 which rolled back the county-by-county phased reopening in response to a COVID-19 outbreak surge. The restrictions effective at that time once again placed limits on social gatherings, closed indoor operations in restaurants, bars, entertainment venues, and fitness centers, and restricted occupancy in retail, grocery, professional services and other facilities.
6. On January 5, 2021, the Governor announced the Healthy Washington – Roadmap to Recovery plan.
7. On January 11, 2021, Council adopted Ordinance No. 917 which renewed the interim regulations for outdoor seating for another six months.
8. On January 18, 2021, the Governor announced a widespread vaccination plan.
9. On March 31, 2021, all adults became eligible to receive a COVID-19 vaccine. Children 12 and older were approved for the vaccine on May 12, 2021.
10. On May 13, 2021, the Governor announced all counties will move to Phase 3 of the Healthy Washington – Roadmap to Recovery reopening plan effective May 18 to June 30, and that statewide reopening would occur by June 30, 2021.
11. Although, the statewide reopening is underway, continued flexibility for outdoor seating areas will benefit local restaurants and bars by offering an alternative to indoor seating areas.

Tonight, Council is scheduled to take action on proposed Ordinance No. 936. This Ordinance would extend the interim regulations for outdoor seating for restaurants and bars for another six months.

RESOURCE/FINANCIAL IMPACT

The interim regulations waive fees for temporary outdoor seating areas. The total impact on revenue will vary depending on the number of businesses establishing outdoor seating areas, which has been five businesses to date. However, with the Outdoor Seating Registration process now implemented for private property areas, it is anticipated to use a smaller amount of staff time to process the registrations. Additionally, by expanding occupancy, businesses will hopefully be able to increase their sales and in-turn contribute more to the flow of economic activity in the City (e.g. wages to employees, tax revenue, etc.).

RECOMMENDATION

Staff recommends that the City Council adopt proposed Ordinance No. 936, extending for another six months the interim regulations for outdoor seating.

ATTACHMENTS

Attachment A – Proposed Ordinance No. 936

ORDINANCE NO. 936

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON EXTENDING THE INTERIM REGULATIONS AUTHORIZING OUTDOOR SEATING ON PRIVATE PROPERTY AND WITHIN APPROVED PUBLIC RIGHTS-OF-WAY IN RESPONSE TO THE COVID-19 PANDEMIC ADOPTED BY ORDINANCE NO. 895 AND EXTENDED BY ORDINANCE NO. 917; PROVIDING FOR A DURATION OF SIX MONTHS.

WHEREAS, the City of Shoreline is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the State of Washington, and planning pursuant to the Growth Management Act, chapter 36.70A RCW; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City of Shoreline to adopt interim regulations with a duration of no more than six (6) months without review and recommendation by the Shoreline Planning Commission and without holding a public hearing; and

WHEREAS, on July 27, 2020, in response to the COVID-19 pandemic restrictions imposed by governmental authorities, the City Council adopted Ordinance No. 895, establishing interim regulations authorizing the extension of application deadline periods set forth in the Shoreline Municipal Code (SMC); and

WHEREAS, on January 11, 2021, the interim regulations were extended by Ordinance No. 917 and will expire on July 11, 2021 unless extended by the City Council; and

WHEREAS, despite public and private efforts to address the COVID-19 pandemic, including the availability of vaccines, COVID-19 continues to pose a threat to public health and limits the ability of eating and drinking establishments to fully occupy their dining area given limitations on occupancy or concerns of customers; and

WHEREAS, while progress has been made in addressing COVID-19, eating and drinking establishments have suffered significant financial impacts, and the establishment of interim regulations of six months in duration will provide certain outdoor space for eating and drinking establishments to utilize for seating consistent with the Safe Start Plan during this time of economic downturn; and

WHEREAS, the extension of the previously enacted interim regulations for an additional six month period will provide eating and drinking establishments extended occupancy thereby increasing the economic flow at their business during this unprecedented time in the City's history; and

WHEREAS, interim regulations are exempt from SEPA review per WAC 197-11-800(19) Procedural Actions, and if the City elects to replace these interim regulations with permanent regulations, if applicable, SEPA review will be conducted at that time; and

WHEREAS, the City Council considered the interim regulations at its properly noticed June 7, 2021 regular meeting, at which it held the statutorily required public hearing, held virtually via Zoom, and determined that the extension of the interim regulations is appropriate and necessary; and

WHEREAS, due to the current public health concerns resulting from COVID-19, it is in the best interests of the citizens of the City of Shoreline and its local economy to authorize the Director of Planning and Community Development and the Director of Public Works to temporarily grant extensions of the application deadlines to preclude expiration;

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

Section 1. Adoption of Findings of Fact. The City Council hereby adopts the above Recitals as findings of fact to support the adoption of this Ordinance and incorporates by reference the Recitals set forth in Ordinance No. 895 and Ordinance No. 917.

Section 2. Interim Regulations. Legally permitted eating and drinking establishments existing as of the effective date of Ordinance No. 895 may establish temporary outdoor seating areas as provided in the provisions set forth in this section:

A. Use of Parking Lots on Private Property.

1. Eating and drinking establishments with access to a private parking lot may use this area for outdoor seating provided:
 - a. The owner or owner's representative submits an Outdoor Seating Area Registration on official form(s) as prescribed and provided by the Department of Planning and Community Development.
 1. There shall be no submittal fee for the Outdoor Seating Area Registration.
2. Any provision contained in a Registration is not intended to interfere with or supersede any contractual obligations and Registrants are solely responsible for ensuring authorization from the property owner to utilize the area.
3. In relationship to outdoor seating areas within private parking lots, the following sections of the Shoreline Municipal Code are suspended:
 - a. SMC 20.30.295: Temporary Use Permit.
 - b. SMC 20.50.390: Minimum off-street parking requirements, provided ADA-accessible stalls are still provided, as may be necessary to comply with ADA standards.

B. Use of Public Right-of-Way.

1. Eating and drinking establishments with access to areas such as public sidewalks, on-street parking, or other public space (Public right-of-way) may use these areas for outdoor seating provided:
 - a. The owner or owner's representative shall submit a right-of-way site permit application utilizing official forms provided by the Department of Public Works as required by SMC 12.15.040.

- b. The Departments of Public Works and Planning and Community Development shall take reasonable steps to review and render a decision on the permit application no more than seven (7) business days after application intake.
 - c. The Director of Public Works shall have discretion to modify standards set forth in the Engineering Design Manual without use of the formal deviation procedures as may be necessary to effectuate the intent of these interim regulations.
2. In relationship to outdoor seating areas within the public right-of-way, the following sections of the Shoreline Municipal Code are suspended:
- a. SMC 3.01.010(J)(4): Right-of-way site permit fee.
 - b. SMC 12.15.030(C)(4): Periodic Use fee.

C. Conditions Applicable to all Outdoor Seating Areas.

The following provisions are applicable to all Outdoor Seating Area Registrations or Right-of-Way Site Permits.

1. All outdoor seating areas allowed by these interim regulations shall be operated in a safe and sanitary manner and are subject to the following terms and conditions to ensure compliance with:
 - a. All applicable provisions of chapter 15.05 SMC Construction and Building Codes, including but not limited to, the International Building Code, the International Fire Code, and the National Electric Code;
 - b. SMC 9.05 Noise Control;
 - c. All applicable licensing requirements of the Washington State Liquor and Cannabis Board;
 - d. Accessibility requirements of the Americans with Disabilities Act (ADA);
 - e. All applicable provisions of the Code of the King County Board of Health, including but not limited to, Title 5 and Title 5R Food-Service Establishments;
 - f. The Seattle/King County Public Health COVID-19 guidelines for restaurants; and
 - g. Washington's Safe Start Re-Opening Phasing Plan, including any directives issued by the State of Washington.
2. An Outdoor Seating Area Registration or an Outdoor Seating Area Right-of-Way Permit shall be effective for the duration of this Ordinance and any extension thereof. If the City has not adopted permanent regulations permitting outdoor seating areas, these areas shall be removed and restored back to their original condition. If the City has adopted permanent regulations, then continued use of the outdoor seating area shall be subject to such regulations, including but not limited to, obtaining a permit and paying any required fees.
3. The failure of an eating or drinking establishment to adhere to the terms and conditions set forth in the Registration or Permit, or to be found operating in a manner that creates a public nuisance, may result in modification, suspension, or revocation of the Registration or Permit. If revoked, the establishment shall not be permitted to operate another outdoor seating area during the duration of this Ordinance, and any extension thereof unless separate permit approval is granted by the Director of Planning and Community Development, which may contain additional conditions. Approval of said permit shall be in the Director's sole discretion.

D. Shoreline Fire Department.

Subject to approval by the Shoreline Fire Department, Fire Operational permit fees as set forth in SMC 3.01.020 may be waived or reduced for outdoor seating areas.

E. Liberal Construction.

The Director of Planning and Community Development and the Director of Public Works are hereby authorized to liberally administer the Outdoor Seating Area program established by this Ordinance to effectuate the City Council's intent of these interim regulations. This authority includes the imposition of any condition necessary to ensure the public health and safety and the promulgation of rules of procedures to effectuate the program.

Section 3. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council held a public hearing on the extension of the interim regulations on June 7, 2021. Pursuant to the Washington State Governor's Proclamation 20-28, as amended, and the City Council Resolution No. 459, the public hearing was held online using the Zoom Webinar platform.

Section 4. Directions to the City Clerk.

- A. Transmittal to the Department of Commerce.** The City Clerk is hereby directed to cause a certified copy of this Ordinance to be transmitted to the Washington State Department of Commerce as provided in RCW 36.70A.106.
- B. Corrections by the City Clerk.** Upon approval of the City Attorney, the City Clerk is authorized to make necessary corrections to this Ordinance, including the correction of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.
- C. Ordinance not to be Codified.** Because this Ordinance adopts interim regulations, the City Clerk shall not codify this Ordinance.

Section 5. Reservation of Rights.

1. The City reserves the right to inspect any outdoor seating area to ensure compliance with the terms and conditions of the Registration or Permit.
2. The City reserves the right, at its discretion, to suspend the provisions of this Ordinance in furtherance of the public health and safety of the residents of the City of Shoreline.

Section 6. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any person or situation.

Section 7. Publication, Effective Date, and Expiration. A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five (5) days after its publication and shall be in effect for a period of six (6) months from its effective date. After which, these interim regulations shall automatically expire unless extended

as provided by statute or otherwise superseded by action of the City Council, whichever occurs first.

PASSED BY THE CITY COUNCIL ON JUNE 21, 2021.

Mayor Will Hall

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik Smith
City Clerk

Julie Ainsworth-Taylor, Assistant City Attorney
On behalf of Margaret King, City Attorney

Date of Publication: _____, 2021
Effective Date: _____, 2021

Date of Transmittal to Commerce: _____, 2021

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement with Osborn Consulting in the Amount of \$167,201 for the 2021-2022 Stormwater Pipe Repair and Small Drainage Projects
DEPARTMENT:	Public Works
PRESENTED BY:	Tricia Juhnke, City Engineer
ACTION:	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

The Stormwater Pipe Repair and Replacement Program (SWPRRP) is an annual program to replace failing infrastructure identified in the Surface Water Utility’s asset inventory and condition assessment (Basin Plan). The Surface Water Small Drainage Projects Program (SWSDPP) is an annual program to resolve small public drainage issues that often start as customer service requests or issues found in the field by staff.

In February 2020, staff solicited RFQ 9586 for design services on a combined 2021-2022 Stormwater Pipe Repair and Small Drainage Projects, intending to obtain design services for the 2021 portion of the construction, with the possibility of an amendment for design services for 2022. Consultant services are now needed to develop the design of the 2022 portion of the project. Staff have negotiated a supplemental agreement to the 2021 design contract for the completion of the 2022 portion of the project.

Staff is requesting Council authorization for the City Manager to amend to the current agreement with Osborn Consulting, Inc. and authorize design services for only the 2022 portion of the 2021-2022 Stormwater Pipe Repair and Small Projects Project.

RESOURCE/FINANCIAL IMPACT:

This project is fully funded by City’s Surface Water Utility. Below is a breakdown of the budget for the 2021 and 2022 Stormwater Pipe Repair and Small Drainage Projects:

Project Expenditures:

Design (Osborn Consulting, Inc.):	
2021 Design Contract	\$ 610,161
2022 Design Contract (Amendment #1)	\$ 167,201
Staff and other Direct Expenses	\$ 120,000
Contingency (10%)	\$ 80,000
Design Subtotal	\$ 977,362

Construction:	
2021 Construction	\$ 849,712
2022 Construction	\$ 1,380,000
Staff and other Direct Expenses	\$ 160,000
Contingency (10%)	\$ 220,000
Construction Subtotal	\$ 2,609,712

Total Project Expenditures **\$ 3,587,074**

Project Revenue:

Surface Water Capital Fund	
SW Small Drainage Projects	\$ 1,660,346
SW Stormwater Pipe Repair and Replacement	\$ 1,926,728
Total Project Revenue	\$ 3,587,074

As this is the design portion of the projects, there is adequate funding to award this contract.

RECOMMENDATION

Staff recommends that Council authorize the City Manager to execute an amendment to the agreement with Osborn Consulting Inc. for the 2021 and 2022 Stormwater Pipe Repair and Small Drainage Projects in the amount of \$167,201 to provide design services for the 2022 portion of the 2021-2022 Stormwater Pipe Repair and Small Drainage Projects.

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

BACKGROUND

The Stormwater Pipe Replacement Program is an annual program to replace failing infrastructure identified in the Surface Water Utility's asset inventory and condition assessment (Basin Plans). The Basin Plans present a comprehensive representation of the surface water system infrastructure so that the City can manage existing issues and minimize future problems.

Condition assessment videos of stormwater pipes more than 12 inches in diameter in the current asset inventory have been completed to evaluate maintenance, repair and replacement needs. From this assessment, a list of 380 storm pipes has been identified for repair or replacement Citywide.

The Surface Water Small Drainage Projects Program is also an annual program to resolve small public drainage issue that often start as customer service requests or issues found in the field by staff. A compiled list of five (5) Small Project sites has been identified for construction in 2022.

DISCUSSION

In February 2020, staff solicited RFQ 9586 for design services on a combined 2021-2022 Stormwater Pipe Repair and Small Drainage Projects, intending to obtain design services for 2021 construction, with the possibility of later amendment for design services for the 2022 portion, depending on the budget allocated for 2022 and the consultant's performance. Five firms submitted Statements of Qualifications (SOQ's), which were reviewed by staff. One firm, Osborn Consulting, Inc. (OCI), was selected as the best qualified for this project.

On June 22, 2020, Council authorized the award of the contract to OCI in the amount of \$610,161 for 2021 and 2022 Stormwater Pipe Repair and Small Drainage Projects. The staff report for this Council action can be found at the following link: [June 22, 2020 Staff Report](#).

This scope of work for OCI is for the services to be rendered for design for the 2022 construction project, and is included with this staff report as Attachment A. Work to be completed will include the following:

- Prioritize the remaining sites from the current list of unrepaired pipes;
- Provide plans, specifications and engineers estimate for selected sites that fit within this year's budget;
- Prepare environmental documentation and submit permit applications for sites to be constructed in 2022; and
- Provide as-needed support during construction.

The 2022 program does not have sufficient budget to repair or replace all remaining pipes and all five small project sites identified. Part of the scope of work for this contract will be to complete a risk-based prioritization of the remaining identified sites for 2022 construction.

It is expected that 25 to 30 sites will fit within the 2022 project's budget constraints and will be selected for constructed in 2022.

ALTERNATIVE ANALYSIS

The alternative to authorizing the award of this contract is not to award the contract, in which case the project would not proceed. This is not recommended.

COUNCIL GOAL(S) ADDRESSED

This project addresses Council Goal #2: Continue to deliver highly valued public services through management of the City's infrastructure and stewardship of the natural environment. This project will help meet this goal by repairing and replacing failing stormwater pipes.

RESOURCE/FINANCIAL IMPACT

This project is fully funded by City's Surface Water Utility. Below is a breakdown of the budget for the 2021 and 2022 Stormwater Pipe Repair and Small Drainage Projects:

Project Expenditures:

Design (Osborn Consulting, Inc.):	
2021 Design Contract	\$ 610,161
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Construction Subtotal	\$ 2,609,712
Total Project Expenditures	\$ 3,587,074
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Surface Water Capital Fund	
SW Small Drainage Projects	\$ 1,660,346
SW Stormwater Pipe Repair and Replacement	\$ 1,926,728
Total Project Revenue	\$ 3,587,074

As this is the design portion of the projects, there is adequate funding to award this contract.

RECOMMENDATION

Staff recommends that Council authorize the City Manager to execute an amendment to the agreement with Osborn Consulting Inc. for the 2021 and 2022 Stormwater Pipe Repair and Small Drainage Projects in the amount of \$167,201 to provide design services for the 2022 portion of the 2021-2022 Stormwater Pipe Repair and Small Drainage Projects.

ATTACHMENTS

Attachment A – Osborn Consulting, Inc. Contract Scope of Services for 2022

ATTACHMENT A

EXHIBIT A

SCOPE OF WORK

Project: 2021 & 2022 Stormwater Pipe Repair and Small Projects (Amendment No. 1)	
PRIME Consultant:	Osborn Consulting, Inc.
Contract No.:	9586.01

Background

The City of Shoreline (City) Storm Utility system has numerous locations where existing pipes are showing deterioration and are in need of repair and replacement. Through the process of video inspecting of their storm pipe system, the City has developed an inventory of deficient pipelines and appurtenances at various locations within the City that will need to be replaced due to increased conveyance needs, material, pipe age, and maintenance.

Osborn Consulting, Inc, (Consultant) has been selected for the 2021 & 2022 Stormwater Pipe Repair and Small Projects to support the City with storm utility replacement projects to design improvements.

This scope amendment provides design and construction support for the open-cut and small drainage projects to be included in the 2022 construction package. Unused tasks budgets from the 2021 Design contract are being transferred to 2022 Design tasks. This summary of funds is provided in Exhibit C.

This amendment scope of work includes the following elements:

Task 1 – Project Management

The Project Management scope is extended for the 2022 Design and Construction Support. This will include monitoring and communicating the status of the scope, schedule, and budget of this work assignment and providing monthly reporting to the City.

Consultant Services

- Update the Project Management Plan
 - Update the Project Management Plan with inclusion of the 2022 design.
 - Update and manage Project Schedule with key milestones and tasks.
- Prepare status reports describing the following:
 - Services completed during the month.
 - Outstanding issues (if any).
 - Scope/schedule/budget status.
 - A financial summary.
- Attend one (1) project kickoff meeting with City of Shoreline staff to confirm and document the project goals, design criteria, and constraints.
- Attend one (1) project closure/post construction review meeting with City of Shoreline staff.
- Attend up to five (5) design review meetings after receiving submittal comments.
- Bi-weekly PM Check-ins via web/phone
- Manage Issue Log for City and all team members.
- Manage Risk Register to identify and document project risks and mitigation strategies.
- Submit invoices monthly

City of Shoreline's Responsibilities

- Attend project kickoff and closure meetings (in person or via teleconference).
- Review and approve invoices.
- Review and comment on submittals within the schedule.

Assumptions

- Project duration for 2022 Design through Construction support will be approximately 18 months (mid-June 2021 through December 2022).
- There will be one (1) project kickoff meeting attended by up to four (4) Consultant Team members and City staff. Kickoff meeting to be held at Shoreline City Hall or by teleconference.
- There will be one (1) project closure meeting attended by up to two (2) Consultant Team members and City staff. Closure meeting to be held at Shoreline City Hall or by teleconference.
- There will be five (5) design review meetings for the 2022 design package attended by up to four (4) Consultant Team members and City staff, each meeting will be up to 2 hours long. Review meetings will be held for review of:
 - Preliminary Design, Open-Cut.
 - Open-Cut, 30% Design.
 - Small Projects, 30% Design.
 - Combined, 60% Design.
 - Combined 90% Design.

Design review meetings to be held at Shoreline City Hall or by teleconference.

Deliverables

- Project kickoff meeting and closure meeting, with meeting minutes.
- Design review meetings with meeting minutes.
- Project Management Plan updates.
- Project schedule, update to be provided with monthly status reports.
- Issue Log and Risk Register to be provided at each deliverable.
- Bi-weekly check-in (as necessary and determined by City Project Manager prior to each week).
- Monthly status reports.

Task 2 – Data Collection & Review

The Consultant will consolidate available data at existing sites, when needed, provide, geotechnical investigations, coordination of utilities and utility pothole locates.

Task 2.6 Consolidate and Review Existing Information (2022 Construction)

The Consultant will review the City's list of open cut sites to confirm repair approach, prioritization and planning level cost.

Assumptions:

- City will provide a list of open-cut sites and confirm construction budget for 2022 construction.

Deliverables:

- Provide a confirmed list of up to 35 open-cut sites.

- Planning-level cost estimate for sites selected for design of repairs.

Task 2.7 *Basemap/GIS Site Verification (2022 Construction)*

With the refined list of open-cut sites, the Consultant will:

1. Review the City’s existing Basemap, GIS information, and CCTV reports.
2. Paint locate limits and coordinate utility locates for each site.
3. Complete site visit to each open-cut site for up to 35 sites to verify basemap information and record utility locates.
4. If needed coordinate potholing (Task 2.4 below).

Assumptions:

- City will provide available data for this project including record drawing information for storm, water, and sewer systems.
- Consultant will coordinate for utility locates at up to 35 open-cut sites.

Deliverables:

- Provide a list of reviewed data and identify missing data.
- Provide list of any risks associated with each open-cut site.

Task 2.3 *Topographic Survey – No Additional Tasks Included*

Site surveys have been completed for the planned Small Project Design projects with the original contract. Additional survey needs will be provided through the Management Reserve in Task 10.

Task 2.8 *Geotechnical Investigations (2022 Construction)*

The Consultant will coordinate and provide geotechnical investigations for the project. Geotechnical review and investigations will be provided by a subconsultant. Geotechnical infiltration testing for Small Project sites with potential bioretention facilities, Work Orders 1644 and 2556. Infiltration testing will be provided following the City of Shoreline requirements.

After the completion of the investigations and testing, the geotechnical engineer will prepare a geotechnical report summarizing site soil conditions including infiltration feasibility and estimated ground water elevations, if encountered, and presenting geotechnical recommendations for construction of the proposed improvements.

Assumptions:

- Two infiltration tests are anticipated, one per site.
- Closure of a portion or all of one lane adjacent to each boring location will be needed for excavation.
- Traffic control will be provided by the geotechnical engineer.
- Anticipated duration of the field exploration to be 2 days for infiltration testing.
- The geotechnical investigations for the sites will be completed consecutively with results compiled into a single report.

Deliverables:

- Traffic control plan for each site (PDF).
- Geotechnical Report, Draft and Final (PDF).

Tasks 2.9 *Utility Coordination & Potholing (2022 Construction)*

With the completion of the 60% Design, potential utility conflicts will be identified and critical utility crossing potholed to confirm clearances. An exhibit of anticipated utility conflicts will be emailed the utility representatives. The Consultant will identify potholing needs and coordinate potholing to be provided by a potholing vendor. Pothole locations will be documented, as needed.

Assumptions:

- Utility conflict exhibits will be required at up to eight (8) sites. Utility exhibits will be compiled and coordinated as a single effort.
- Utility resolution coordination will be required with up to five (5) separate utility owners.
- Pothole quotes will be requested from at least two vendors. Budget assumes up to fifteen (15) potholes at \$1,800 each between the eight sites, plus \$1000 for traffic control for each site.
- Pothole vendor will provide their own traffic control.

Deliverables:

- Utility conflict exhibit, (PDF)
- Results of Potholing – Field Notes (PDF)
- Traffic control plan for each site (PDF).

Task 5 – *Environmental Review, Permitting & Public Outreach*

The Environmental Review, Permitting & Public Outreach task will include the following:

Tasks 5.3 *Permits Support (2022 Construction)*

Consultant will compile a summary of anticipated permits required for each of the open-cut and small drainage project sites. The Consultant will assist the City with permit applications for sites that progress to 60% Design.

City of Shoreline’s Responsibilities

- City will provide confirmation of stream boundaries for potential environmental impacts.

Assumptions:

- One (1) Summary Memorandum identifying the anticipated permitting effort and timeline for all open-cut and small project sites.
- Support for up to one (2) Hydraulic Project Approval (HPA) permits is anticipated. The HPA will be submitted by the City.
- No local permits will be required with the 2022 projects.
- All of the sites are SEPA exempt.
- A JARPA permit will only be required for WO13769, Corliss Place site.
- Up to 40 staff hours are included for permit support.

Deliverables:

- Permit Summary Memorandum, Draft, Final (PDF).
- HPA support documents.
- JARPA Plans and permit.

Tasks 5.4 *Public Outreach (2022 Construction)*

Consultant will assist the City with the preparation of public outreach document to inform local property owners about the proposed improvements of this project. Documents will include project improvement graphics and project summaries for flyers.

City of Shoreline's Responsibilities

- City will be the main contact for Public Outreach.
- City will be responsible for distributing/ mailing project information.
- City will take first pass at responding to addressing resident's questions.
- City will maintain a project website for the purpose of Public Outreach.
- City will notify the consultant when stakeholder coordination is needed.

Assumptions:

- Public meetings or face-to-face discussions with residents are not included in this scope.
- Up to 22 staff hours are included for public outreach support.

Deliverables:

- Project exhibits, Draft, Final (PDF).

Task 7 – *Open-Cut Projects Design (2022 Construction)*

The findings of Task 2 will be used to create PSE (Plans, Specification and Engineers estimate) of the open-cut project sites. This task will take the PSE through Bid ready while incorporating City and permit comments in the following sequence:

- Complete 30% plans and cost estimate for City review and to start City permitting (construction and critical areas review).
- Receive City and permit comments and incorporate into 60% plans, specification specials and cost estimate for permit issuance; submit for City and constructability review.
- Receive City and permit comments and incorporate into 90% plans, specification specials and cost estimate.
- Receive City comments and incorporate into Bid ready plans and specifications.

Constructability and Quality Management review will be completed at each stage prior to submittal.

City of Shoreline's Responsibilities

- City will provide input and review comments within the agreed upon schedule.

Assumptions:

- One bid package consisting of up to 35 separate sites for construction in 2022.
- A separate bid package will be provided for the Open-Cut and Small Drainage Projects.

- Each open-cut site sheet will at a minimum use existing GIS and aerial photographs to document the existing condition. This will be supplemented with site photos and site visit measurements to identify the repair location and restoration needs. Topographic survey will only be included on a case by case basis as part of the Management Reserve.
- Sheet list is expected to include:
 - Cover sheet, traffic control notes, and general notes (7 sheets).
 - Open-Cut Plan sheets (one per site)
 - Nonstandard details (3 sheets)
- A single sheet for traffic control will include a table of site parameters and references to Standard Plans. The Contractor will develop site specific traffic control plans.
- Standard details will be included as an appendix to the specifications.
- Specifications for the City's current Division 0 and 1 will be provided by the City with 90% and Final submittals.
- Special Provisions Division 2 through 9 will be developed using the 2021 Design Special Provisions and updated City's General Special Provisions (GSP).
- Edits to the City's Special Provisions will be based on WSDOT Standard Specifications, 2020 Edition.
- There will only be minor changes to the project design after the 90% submittal.
- Utility conflict can be resolved at the point of conflict with simple adjustment of the utilities or storm drainage locations. Relocating utilities is not included.
- Surface restoration will match existing conditions, additional roadway beyond trench overlay limits are not included.
- Pedestrian improvements are not included. Pedestrian ramps adjacent to proposed improvements will be checked by smart-level for slope compliance. Ramps requiring survey for replacement will be provided through the Management Reserve, as needed.
- Engineer's probable estimation of cost will use WSDOT Standard Bid Items (where applicable).
- No stormwater memorandums are included.
- Only one Short Form SWPPP will be required for all open-cut sites.
- No hydrological modeling is included in this task. Hydraulic modeling will be limited to pipe full-flow capacity comparisons to upstream and downstream pipes.
- City will provide review of submittals within the time agreed upon on in the schedule.
- City will acquire any necessary temporary construction easements.

Deliverables:

- 30% Plans and Cost Estimate for City constructability review (full size PDF)
- 60% PS&E for City constructability review (full size PDF)
- 90% PS&E for City constructability review (full size PDF)
- Bid Ready PS&E for bidding and construction (full size PDF)

Task 8 – Small Projects Design (2022 Construction)

The Consultant will move up to five (5) Small Drainage Projects started with the 2021 Design through construction documents. Plan, Specification and Cost Estimate (PSE) will be submitted at the 30%, 60%, 90% and Final (Bid Ready) stages. The cost estimate will identify bid items that will require special provisions. Constructability and Quality Management review will be completed at each stage prior to submittal.

The five Small Drainage Projects sites to be included with 2022 Design are:

1. WO1644, Richmond Beach Library. Design status at Preliminary Design.
2. WO2556, 12th Ave Bioretention. Design status at Preliminary Design.
3. WO7079, 18th Ave). Design status at 30% Design.
4. WO13769, Corliss Place. Design status at 90% Design.
5. WO6810, 1st Ave and 195th St. Design status at 100% Design, pending WDFW stream status confirmation.

City of Shoreline’s Responsibilities

- City will provide input and review comments on the design submittals within the agreed upon schedule.
- The City will provide a consolidated list or redline set of review comments within the timeframe shown on the agreed upon project schedule.

Assumptions:

- One bid package consisting of up to five (5) separate Small Drainage Project sites for construction in 2022.
- All five Small Projects will be included with 60% design submittal.
- The following sheets are expected to include:
 - Cover sheet, traffic control notes, and general notes (5 sheets).
 - Small Project survey sheets (7 sheets).
 - Small Project Site Preparation and TESC sheets (7 sheets).
 - Small Project Plan and profile sheets (7 sheets).
 - Details (4 sheets).
- A single sheet for traffic control will include a table of site parameters and references to Standard Plans. The Contractor will develop site specific traffic control plans.
- Two plan and profile sheets are assumed for work orders 2556, 12th Ave Bioretention, and 6810, 1st Ave and 195th St, with single sheets for the other sites.
- Hydraulic and hydrological modeling will be included for the Small Project Sites 1 (WO1644), 2 (WO2556) and 3 (WO7079).
- Standard details will be included as an appendix to the specifications.
- Edits to the City’s Special Provisions will be based on WSDOT Standard Specifications, 2021 Edition.
- There will only be minor changes to the project design after the 90% submittal.
- Utility conflict can be resolved at the point of conflict with simple adjustment of the utilities or storm drainage locations. Relocating utilities is not included.

- Surface restoration will match existing conditions, additional roadway or pedestrian improvements or are not included, unless triggered by the planned improvement.
- Pedestrian ramp improvements will need to be evaluated for WO1644, Richmond Beach Library, at the 21st Ave NW and NW 196th St intersection.
- A Stormwater Memo will be submitted for Small Project sites 1 (WO1644), 2 (WO2556) and 3 (WO7079), documenting Minimum Requirements for sites that add or replace greater than 2,000 square feet of hard surface or disturb greater than 7,000 square feet. The Stormwater Memo will document modeling and conveyance analysis and GSI design parameters. Up to three (3) Stormwater Memos are anticipated.

Deliverables:

- 30% Plans, up to three (3) plan sheets per site for two sites
- 60% PS&E (full size PDF, Word file for specifications)
- 90% PS&E (full size PDF, Word file for specifications)
- Final Bid-Ready Submittal PS&E (CAD files and 1 full size PDF copy).
- Stormwater Site Plan Report, Draft (60%) and Final (90%) (PDF)

Task 9 –Construction Support (2022 Construction)

When requested by the City, the consultant will provide limited engineering services during bid and construction support for the Open-Cut and Small Projects sites. These services may include:

- Prepare and issue addenda to clarify the construction documents, if necessary.
- Attend one (1) pre-construction meeting.
- Support City Engineer in review of contractor submittals when requested.
- Response to contractors RFIs when requested.
- Site visit to review unforeseen conditions when requested.

City of Shoreline’s Responsibilities

- Bid advertisement, coordination and award will be handled by the City.
- City will provide initial review of all contractor requests.
- The City will provide on-site inspection and will lead the administrating and managing of construction documents and communications with the contractor.

Assumptions:

- One consultant will attend the pre-construction meeting.
- The total number of construction support requests by the City will be limited by the budget of this task.
- No geotechnical support would be required.
- Review responses will be provided with 7-day of written request.
- Record Drawing are not included.

Deliverables:

- As requested.

Task 10 – Management Reserve – Contingency Fund

To provide additional services which may be required to complete these projects, and which are requested and authorized by the City. The consultant will provide the City with a scope and budget for the additional services which the City will review prior to the consultant beginning work. The City shall provide Consultant with written authorization to proceed with any additional services.

Tasks 10.1 Management Reserve

Work may include, but is not limited to addressing additional efforts required for defined tasks when authorized by the owner. The fee estimated from the original contract will remain unchanged.

General Assumptions

- All coordination with property owners will be handled by the City.
- City will provide latest City title block and other City CAD standards.
- City will provide latest City design standards or performance requirements.
- Provide the City’s current Division 0 and 1 template in Word-format for the Consultant to incorporate into the project documents.
- Provide the current City of Shoreline Special Provisions Division 2 through 9 in Word-format for the Consultant to edit.
- Flow control and water quality treatment will not be required for the stormwater improvements sites. Water quality treatment, if feasible, will be provided through optional retrofit design for the small project sites.
- On-Site Stormwater Management BMPs will not be required for stormwater improvement sites.
- The proposed improvements will be located within the City right-of-way or within existing City easements.
- Any existing encroachments in the right-of-way will be resolved by the City.
- Writing of legal descriptions and legal exhibits for additional easements will not be required.
- The proposed improvements will not require stream or wetland field investigations or critical area analysis.
- Cultural Resource documentation will not be required.
- Funding will be provided by the City, additional grant support will not be required.

**Osborn Consulting, Inc. - City of Shoreline 2021 and 2022 Storm Pipe Repair and Small Projects
Amendment No. 1 (2022 Construction)**

Firm	OCI											Surveying	Geotech	Utility Locates	Utility Potholes	Cost Estimate	
	Project								Sub Mark-Up	Expense	Cost Estimate						
	PIC	PM/ Sr. PE	Project Engineer	Design Engineer	Land. Arch.	CADD Mgr	CADD	Admin									
	Hourly Rate - 2021	Hourly Rate - 2022	Hours Estimate								10.0%						
Task 1: Project Management (2022 Construction)																	
Total Hours	36	80	41	21	0	0	0	32	\$ 90	\$ -	\$ 36,505	\$ -	\$ -	\$ -	\$ -	\$36,505	
Task 2: Data Collection & Review																	
Total Hours	8	56	126	136	0	4	70	6	\$ 230	\$ 4,800	\$ 61,584	\$ -	\$ 20,000	\$ 8,000	\$ 28,000	\$117,584	
Task 3: Open-Cut Projects Design (2021 Construction)																	
Total Hours	0	0	0	0	0	0	0	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$0	
Task 4: Small Projects Design (2021 Construction)																	
Total Hours	0	0	0	0	0	0	0	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$0	
Task 5: Environmental Review, Permitting & Public Outreach																	
Total Hours	4	10	14	22	0	0	12	0	\$ -	\$ -	\$ 8,854	\$ -	\$ -	\$ -	\$ -	\$8,854	
Task 6: Construction Support (2021 Construction)																	
Total Hours	0	0	0	0	0	0	0	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$0	
Task 7: Open-Cut Projects Design (2022 Construction)																	
Total Hours	44	66	115	238	0	32	230	0	\$ 0	\$ -	\$ 99,439	\$ -	\$ -	\$ -	\$ -	\$99,439	
Task 8: Small Projects Design (2022 Construction)																	
Total Hours	24	96	166	236	0	26	112	8	\$ -	\$ -	\$ 93,874	\$ -	\$ -	\$ -	\$ -	\$93,874	
Task 9: Construction Support (2022 Construction) Bid and Construction Support																	
Total Hours	0	0	0	0	0	0	0	0	\$ 10,000	\$ -	\$ 10,000	\$ -	\$ -	\$ -	\$ -	\$10,000	
Task 10: Management Reserve - Contingency Fund 10.1 Management Reserve - (No Change)																	
Total Hours	0	0	0	0	0	0	0	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$0	
	Firm Subtotal:											\$0	\$ 20,000	\$ 8,000	\$ 28,000		
	% of total budget:											0%	5%	2%	8%		
Total Budget:											Total Budget:		\$366,256				

**Osborn Consulting, Inc. - City of Shoreline 2021 and 2022 Storm Pipe Repair and Small Projects
Amendment No. 1 (2022 Construction)**

Exhibit C

Task No.	Task	Original Contract Fees	Budget Remaining	Unused 2021 Budget	Amendment 1 Fees	Additional Fees	Revised Contract Fees
1	Task 1: Project Management (2022 Construction)	\$40,110	\$23,815	\$ (23,815)	\$ 36,505	\$ 12,690	\$ 52,800
2	Task 2: Data Collection & Review	\$168,958	\$46,828	\$ (46,828)	\$ 117,584	\$ 70,756	\$ 239,714
3	Task 3: Open-Cut Projects Design (2021 Construction)	\$114,624	\$42,883	\$ (42,883)	\$ -	\$ (42,883)	\$ 71,741
4	Task 4: Small Projects Design (2021 Construction)	\$210,770	\$78,473	\$ (78,473)	\$ -	\$ (78,473)	\$ 132,297
5	Task 5: Environmental Review, Permitting & Public Outreach	\$10,230	\$7,057	\$ (7,057)	\$ 8,854	\$ 1,798	\$ 12,028
6	Task 6: Construction Support (2021 Construction)	\$10,000	\$9,350		\$ -	\$ -	\$ 10,000
7	Task 7: Open-Cut Projects Design (2022 Construction)	\$0	\$0		\$ 99,439	\$ 99,439	\$ 99,439
8	Task 8: Small Projects Design (2022 Construction)	\$0	\$0		\$ 93,874	\$ 93,874	\$ 93,874
9	Task 9: Construction Support (2022 Construction)	\$0	\$0		\$ 10,000	\$ 10,000	\$ 10,000
10	Task 10: Management Reserve - Contingency Fund	\$55,469	\$55,469		\$ -	\$ -	\$ 55,469
	Total	\$610,161	\$263,874	\$ (199,055)	\$ 366,256	\$ 167,201	\$ 777,362

Note:

- 1) Budget remaing through April 2021 invoice.
- 2) Revised Contract Fees = Original Contract Fees plus Additional Fees

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Discussion of the 2020 Police Service Report		
DEPARTMENT:	Shoreline Police Department		
PRESENTED BY:	Chief Shawn Ledford and Captain Ryan Abbott		
ACTION:	<input type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Motion
	<input checked="" type="checkbox"/> Discussion	<input type="checkbox"/> Public Hearing	

PROBLEM/ISSUE STATEMENT:

The 2020 Police Service Report (PSR) is an annual police report presented by the Shoreline Police command staff to the City Council. The report contains information on crime statistics, police data and other information relevant to public safety. The report helps keep residents, staff and elected officials informed on police services and crime activity in Shoreline. The Shoreline Police Department will comply with significant 2021 legislative changes that will impact how law enforcement responds to incidents, criminal activity and quality of life concerns.

RESOURCE/FINANCIAL IMPACT:

There is no financial impact to the City regarding the PSR; this report is for informational purposes only. The City's partnership with the King County Sheriff's Office has been an effective way to provide quality service and contain costs. The cost per \$1,000 assessed of property value was \$1.13 in 2020. It has steadily declined the past seven years, as the growth in assessed property value has outpaced the City's contract cost increases. In 2014, it was \$1.63 per \$1,000 of assessed value and has trended down each year. The City's cost per capita increased in 2020 from \$220 to \$232.

RECOMMENDATION

This is a discussion item only and no action is required. The 2020 Police Service Report is a general report on annual crime data and statistics of the Shoreline Police Department. Staff recommends that the Council discuss the 2020 Police Service Report and ask questions of the Shoreline Police command staff.

Approved By: City Manager **DT**

City Attorney **MK**

BACKGROUND

The City of Shoreline Police Department consists of 54 full time employees assigned to the City, of which 51 are commissioned staff. Shoreline currently has eight (8) commissioned vacancies and the number is expected to increase throughout the year. Shoreline PD is made up of the following positions:

- 25 Patrol Officers
- 8 Sergeants
- 5 Traffic Officers
- 4 Detectives for criminal investigations
- 4 undercover Special Emphasis Team (SET) Detectives
- 3 command staff, which includes the Chief and two Captains
- 2 Administrative Support Staff
- 1 K9 Team
- 1 Crime Prevention Officer
- 1 Community Services Officer (CSO)

In addition, there are other units within the Sheriff's Office that support the operations of the Shoreline Police Department, including the communications center (dispatch), property management unit (evidence), major crimes – robbery/homicide, special assault unit – elderly/child abuse and sex crimes, SWAT, air support and other support services.

DISCUSSION

The 2020 Police Service Report (PSR) is an annual police report presented by the Shoreline command staff to the City Council. The report contains information on crime statistics, police data and other information relevant to public safety. The report helps keep residents, staff and elected officials informed on police services and crime activity in Shoreline. The Shoreline Police Department continues to work in a collaborative manner with other City departments to focus on the priorities of the City. The 2020 PSR is attached to the staff report as Attachment A.

The 2020 PSR has only two years of comparable data in several crime categories. 2019 was the first full year of KCSO using the National Incident Based Reporting System (NIBRS) for reporting crime data. The FBI transitioned from the Uniform Crime Reporting (UCR) system to NIBRS, and therefore all police agencies across the country will be required to use NIBRS for crime reporting by 2021.

NIBRS is a more comprehensive reporting system to capture all crimes associated with an incident. The UCR system used the most serious crime and closed the incident with the most serious crime as the classification. Thus, the 2019 and 2020 PSR was not able to use data from previous years to compare crime trends for five years. With NIBRS, one police incident may now have five crimes associated with it, which does not mean that crime is going up; rather, the reporting is more comprehensive. Comparing 2019 and 2020 NIBRS data to prior UCR data could give the impression that there has been

an increase in crime, when that may not be the case. The 2020 PSR provides data for 2019 and 2020 in several categories where NIBRS is used to capture the data.

NIBRS offenses fall under three categories: Crimes Against Persons, Crimes Against Property, and Crimes Against Society. Crimes Against Persons are crimes in which the victims are always individuals. In 2020, the City of Shoreline had 383 crimes against persons, which was a slight increase from the 376 in 2019. Hate crimes are considered a crime against a person. Shoreline saw an increase in the number of hate crimes in 2020 to a total of 11 as compared to 3 in 2019. A hate crime is an act that has done maliciously and with the intent to intimidate and/or harass a person. It is an act that is reasonably related to, or associated with the person's race, color, religion, ancestry, national origin, mental, physical, or sensory disability, or sexual orientation.

For a crime to be classified as hate crime, one or more of the following acts must occur:

- Cause physical injury to a person;
- Cause physical damage to, or destruction of property of another person; or
- By words or conduct, place another person in reasonable fear of harm for their safety, or property, or to the safety or property of a third person.

Per Washington State law, speech or acts that are only critical, insulting, degrading, or do not constitute a threat of harm to the person or property of another are not criminal. The victimization of people because of race, religion, heritage, or sexual orientation causes great harm in a community. Victims can do nothing to alter their situation, nor is there any reason they should be expected to change. The Shoreline Police Department considers bias crimes to be very serious and it is the department's policy to vigorously investigate all reported hate crimes as defined by RCW 9A.36.080. The police must be mindful that it is not only the individual who is personally victimized by these offenses, but it is the entire class of individuals residing in the community who are affected as well.

Crimes Against Property occur when the object of the crime is to obtain or destroy money, property, or some other benefit. Usually people associate burglary, fraud, vandalism, robbery, motor vehicle theft and all kinds of larceny in this category. Shoreline continued to see a downward trend in both commercial and residential burglary but did see a 56% increase in motor vehicle thefts from 145 in 2019 to 227 in 2020. Thefts from motor vehicles also increased by 57% going from 276 in 2019 to 433 in 2020. The largest increase in crimes against property was the result of the state-wide fraudulent unemployment claims during 2020, in which the state auditor's office estimated an international fraud scheme stole more than \$640 million from Washington in 2020, with total losses at the Employment Security Department potentially higher than \$1 billion. Individuals impacted by this fraud scheme were encouraged to file police reports. As a result, Shoreline saw a significant increase in fraud offenses, with them going from 178 in 2019 to 722 in 2020. This increase represented nearly 50% of the overall increase in Crimes Against Property in 2020. Police expect that this will be a one-year issue.

Crimes Against Society are offenses against society's prohibition against engaging in certain types of activity and typically do not have individual victims. This includes illegal drug activity, prostitution-related offenses, and weapon law violations. Overall, Shoreline saw a 18% decrease in Crimes Against Society from 2019 (151) to 2020 (124).

2020 PSR Highlights

Some highlights of the 2020 PSR are as follows:

- Shoreline Officers responded to 14,949 dispatched calls for service (DCFS) in 2020 and on-viewed 7,741 details, for 22,690 police related contacts. Since 2010, when there were 10,981 DCFS, there has been a steady increase in DCFS over the years. In the past two years, the DCFS have leveled off and decreased from the high of 16,567 in 2018. DCFS per patrol officer has decreased from a high in 2018 of 473 to 456 in 2019 and 404 in 2020.
- Shoreline had two deaths classified as homicides in 2020.
- The number of traffic citations issued in 2020 decreased 67% with 1,347 citations issued, compared to 4,110 the previous year.
- The number of traffic collisions decreased by 9% with 345 collision last year, compared to 378 the year prior.
- In 2020, the average response time to the highest priority emergency calls, Priority-X, was 3.52 minutes. 911 calls are categorized and dispatched in order of their priority, from the Priority-X being the highest priority, to non-emergency calls, Priority-3. They are categorized as Priority- X, 1, 2, 3. The average response time to the lowest priority call, Priority-3, was 24.72 minutes.
- Domestic violence cases decreased 23% from 239 in 2019 to 185 in 2020.
- In 2019, Shoreline PD taught eight (8) Community Response to Active Shooter Events (CRASE) trainings. The training gives residents information and guidance on what to do and what not do if they encounter a violent incident at work, a movie theater, shopping center or other locations. In 2020, there were no CRASE trainings provided due to the COVID-19 pandemic. It is likely that CRASE trainings will no longer be offered by Shoreline PD.
- In the 2020/2021 school year, the School Resource Officer was not assigned to the Shoreline high schools. A majority of the year, the students were not in school in person as instruction was provided online. Additionally, in May of 2021, the Shoreline School District suspended the School Resource Officer program for the 2021-2022 school year.
- In 2020, there were no Nurturing Trust workshops. Nine (9) Nurturing Trust workshops were held from 2014 to 2018, with eight of the nine workshops taught in Spanish. Shoreline PD is hopeful the Shoreline School District will be interested in partnering in the Nurturing Trust program for parents to help their children with information on bullying, the dangers of social media, teen suicide, parental discipline, narcotic recognition and other information.
- The Shoreline Police Department will need to determine the best way to address drug complaints and drug use in the City and in Shoreline parks. New legislation took effect May 13, 2021 (SB 5476) that no longer allows police in the State of Washington to make an arrest for the use and/or possession of heroin, methamphetamine, cocaine, fentanyl, and other narcotics; unless the subject has

had two prior contacts with law enforcement for drug use-possession and treatment referrals were made in both cases.

Use of Force

In 2020, Shoreline PD had 22,690 contacts and made 865 arrests. Out of these contacts, force, or a report of force, was used in 15 incidents. This equates to 0.06% of Shoreline PD contacts in 2020. A use of force report covers a broad range of force tactics. Pointing a firearm is considered a use of force, as is handcuffing someone if there’s a complaint of pain. A taser application and any contact that results in a complaint of pain or injury is reported as a use of force.

In the 15 Shoreline use of force incidents, three (3) resulted in a complaint of pain or injury, and in the other 12, there was no complaint of pain or injury. Of the three that did result in pain or injury, one was an officer involved shooting that resulted in death, one was a complaint of pain because of handcuffing, and one was a control hold that resulted in a complaint of chest pain. More information about these 15 use of force incidents can be found in Attachment B.

Response Awareness De-escalation And Referral (RADAR)

North Sound RADAR is a co-responder program that provides structure and a consistent way to address mental health calls for service. The partnership with Bothell, Kirkland, Lake Forest Park and Kenmore Police Departments is a force multiplier that increases the chance of a Mental Health Professional being on duty in the north end. The five cities share a Program Manager and Navigators that are funded by King County MIDD funding and a Washington Association of Sheriffs & Police Chiefs (WASPC) grant. Highlights of the North Sound RADAR 2020 Annual Report are provided below:

RADAR
NORTH SOUND

2020 Annual Report

The North Sound RADAR Program (Response, Awareness, De-escalation And Referral) combines information sharing across law enforcement departments and outreach by Mental Health Professional Navigators. When law enforcement officers encounter someone with behavioral health symptoms or developmental disabilities in the field, RADAR Navigators can provide crisis de-escalation, outreach, and referral to services. Navigators focus on moving people into community-based and long-term systems of care to reduce reliance on the crisis and criminal legal systems and improve people's lives.

2020 Program Data

- 571 Individuals Served
- 933 Total Encounters
- 51 Min Average Encounter

Because [the Navigator] is not a police officer, she was able to approach our neighbor from a different perspective, and provide support and help through her distress.

I finally feel like I have someone in my corner that will listen to me, and is determined to help me and my son.

Who is RADAR Serving?

- 16% Homeless
- 54% Report a Disabling Behavioral Health Condition
- 4% Military Veterans

Race (n=477)

77% White	34% Black/ African American	34% Asian/ Asian American	4% Hispanic	1% Native American
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RADAR is a regional approach serving 5 Police Departments in North King County

Bothell Police, Lake Forest Park Police, Shoreline Police, Kenmore Police, Kirkland Police

2021 State Legislative Changes

In the 2021 legislative session, there were 100 newly enacted bills relevant to law enforcement. Some changes are significant and will impact law enforcement's ability to proactively prevent crime and arrest criminals. It will take time to update policies and train officers on the new legislation. The most significant new legislation is as follows:

- **HB 1310 - Physical force can only be used in two situations.** There must be probable cause to make an arrest; effect an arrest; prevent an escape as defined under chapter RCW 9A.76 (obstructing a law enforcement officer). To protect against an imminent threat of bodily injury to a peace officer, another person, or the person against whom force is being used.
- **HB 5476 – Blake decision, controlled substance possession.** This legislative action has made controlled substance possession a misdemeanor that can only be charged after two incidents in which the individual has received referral for treatment. It requires law enforcement, in lieu of booking or referring a case to the prosecutor to offer a referral to assessment and services. Authorizes jail booking and referral to the prosecutor if two prior diversions have been offered.
- **HB 1054 – Tactics, vehicle pursuits.** Law enforcement can only pursue if there's probable cause for a violent offense, or reasonable suspicion for DUI.
- **HB 1140 –** Requires juveniles (under age of 18) to access an attorney for consultation prior to a juvenile waiving any constitutional rights.

2021 Focus and Priorities

The Shoreline Police Department will need to focus on interpreting the new legislation and how it applies to what the police are able to do and not do. There are major legislative changes that limit law enforcement's ability to make arrests for drug use and certain crimes, including burglary and domestic violence. The Sheriff's Office General Orders Manual, policies and procedures will need to be updated to provide guidance to the officers in the field doing the work and making the decisions. Several Shoreline officers have attended the Sheriff's Office 2021 in-service training. The in-service training will need to be put on hold, so the curriculum can be updated to reflect the law changes, police accountability and restrictions for law enforcement.

Shoreline PD has taken great pride over the years in responding to 911 calls when it's not clear who should respond and responding to quality of life concerns. Police officers do a good job de-escalating and problem solving a variety of issues in the community when 911 is called.

On July 25, 2021, most of the new legislation takes effect; law enforcement will have limited, or no ability to enforce drug use, behavior from mental health crisis, or criminal violations where there is no probable cause. Some 911 calls may need to be referred to other entities and the police will not be able to respond to certain calls. There is a lot of work that needs to be done with command staff, legal advisors, prosecutors, and others to try and figure out the best way to comply with the legislation and continue to keep the community safe. One of the primary issues is that much of the infrastructure to support the new legislation is not currently in place. For example, in implementing HB 5476, police agencies must find a way to record and share information across agencies on the status of treatment referrals for individuals so that officers know if an individual has

previously received a treatment referral. Access to treatment centers is also a challenge as 24/7 access and access locally will be the best way to have an individual receive immediate connection with a treatment facility.

COUNCIL GOALS ADDRESSED

The Shoreline Police Department continues to focus on Council Goals #4 and #5, primarily Goal #5 – Promote and enhance the City’s safe community and neighborhood programs and initiatives. The Shoreline Police Department will continue to work closely with other City departments to address crime trends and public safety concerns.

RESOURCE/FINANCIAL IMPACT

There is no financial impact to the City regarding the PSR; this report is for informational purposes only. The City’s partnership with the King County Sheriff’s Office has been an effective way to provide quality service and contain costs. The cost per \$1,000 assessed of property value was \$1.13 in 2020. It has steadily declined the past seven years, as the growth in assessed property value has outpaced the City’s contract cost increases. In 2014, it was \$1.63 per \$1,000 of assessed value and has trended down each year. The City’s cost per capita increased in 2020 from \$220 to \$232.

RECOMMENDATION

This is a discussion item only and no action is required. The 2020 Police Service Report is a general report on annual crime data and statistics of the Shoreline Police Department. Staff recommends that the Council discuss the 2020 Police Service Report and ask questions of the Shoreline Police command staff.

ATTACHMENTS

- Attachment A: City of Shoreline 2020 Police Service Report
- Attachment B: 2020 Use of Force Incident Data

CITY OF SHORELINE
ANNUAL POLICE SERVICE REPORT
2020



Provided for the Residents by:

CHIEF SHAWN LEDFORD, CITY OF SHORELINE POLICE DEPARTMENT

17500 Midvale Ave N.

Shoreline, WA 98133

(206) 801-2710

pd@ci.shoreline.wa.us

City of Shoreline Administration

MAYOR	Will Hall
DEPUTY MAYOR	Keith Scully
COUNCIL MEMBERS	Susan Chang Doris Fujioka McConnell Keith McGlashan Chris Roberts Betsy Robertson
CITY MANAGER	Debbie Tarry
CHIEF OF POLICE	Shawn Ledford

About

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 Shoreline Police Department and King County Sheriff Mission, Goals, & Core Values 5
 City of Shoreline Patrol Districts 6

Section 1: Police Service Highlights

Crimes Against Persons 8
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 Cases Closed / Cleared 16
 Total Arrests Adult & Juvenile17
 Total Domestic Violence Cases 18
 All Auto & Traffic 19
 Calls for Police Assistance 21
 Police On-Views..... 21
 Response Times to High Priority Calls 22
 Commissioned Officers per 1,000 Residents 23
 Dispatched Calls for Service (DCFS) per Patrol Officer 23
 Costs of Police Services per Capita 24
 Cost per \$1,000 of Assessed Real Property Value 24
 Complaints against Officers 25

Section 2: Police Services Data

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Dear Shoreline Residents,

It's my pleasure to present the 2020 Shoreline Police Department's Police Services Report. The year 2020 has been a challenge for law enforcement with the COVID pandemic, social justice reforms and public trust with law enforcement. The issues have impacted police agencies locally and on a national level. I'm committed to working with policy makers, community groups, city staff and other stakeholders to improve public trust and ensure the Shoreline Police Department maintains our high standards and we make improvements that our community expects.



Shoreline will focus on transparency, accountability and improving communication. I'm proud of the men and women of Shoreline PD and the difficult work they do every day to keep this community safe. Occasionally we have a misstep and always work towards making improvements. My officer's know that I expect professionalism at all times and I support them when they act in good faith. All complaints and allegations of policy violations are investigated by the Sheriff's Office Internal Investigations Unit and reviewed by the King County Office of Law Enforcement Oversight.

In 2020 Shoreline Police responded to 14,949 Dispatched Calls for Service (911 calls) and initiated 7,741 contacts, we made over 850 arrests. We have seen an increase in calls for service that are related to mental illness, often associated with drug or alcohol dependency. We work closely with Mental Health Professionals in an effort to connect people in crisis to available resources. Sometime the proper course of action is the criminal justice system, but often there's an underlying condition that can be addressed in a better way to try and solve the problem.

Shoreline Police partners with Bothell, Kirkland, Lake Forest Park and Kenmore with a program called RADAR – Response Awareness De-escalation and Referral. It's a co-responder program that pairs a mental health professional with a police officer. Partnering with other police agencies is a force multiplier to have an MHP available more often. Our goals are to reduce use of force incidents, avoid a misunderstanding and connect people in need to services.

In 2020 Shoreline selected 10 community members to be part of an I-940 independent investigation team if Shoreline PD has a significant use of force incident. A minimum of two community members will work with an outside agency to investigate the use of force. The process complies with State law and will improve transparency, public trust and include the community.

We have seen an increase in crime in certain areas and a decrease in others. There was a significant increase in crimes against property, in large part related to fraudulent unemployment claims during the COVID pandemic.

Public safety involves more than the police, it's the criminal justice system and many others. Shoreline PD will continue to do our best to keep the community safe within new legislative restrictions, policy changes and other changes that have been implemented to improve police accountability.

Sincerely,

Shawn Ledford
Police Chief, City of Shoreline

About the Police Service Report

The Police Service Report contains information on the service efforts and accomplishments of the Shoreline Police Department to support its mission, core values, and objectives. The goal of the report is to keep the City of Shoreline residents, staff, administrators, and elected officials informed of police service and crime activity in the city. The report is produced by the City of Shoreline Police Department in partnership with the King County Sheriff's Office (KCSO) Contracts and Crime Analysis Units. Questions about the report can be directed to the Shoreline Chief of Police.

The Highlights Section gives a narrative of police efforts and year-to-year comparisons of selected crime and police service data. Most of the data in this section is taken from the Statistics Section, unless otherwise indicated as being from a difference source.

Changes in Police Service Report

In mid-2018, the King County Sheriff's Office (which captures police data for the Shoreline Police Department) switched its crime reporting structure away from the historic Uniform Crime Reporting (UCR) format, to the Federal Bureau of Investigation's National Incident Based Reporting System (NIBRS) format. This report is the 2nd annual report using the new NIBRS system. Because UCR data is not comparable to NIBRS data, this report will show only 2 years of data for many of the crime categories. As years progress, each successive report will show more comparable information over the years. Some categories which use other non-NIBRS sources will still have five years of comparative data.

For more information about crime statistics changes reflected in this report, please see the Statistics Section in the second half of this report.

Shoreline Police Department and King County Sheriff Mission, Goals, & Core Values

Mission

The King County Sheriff's Office is a trusted partner in fighting crime and improving the quality of life for our residents and guests.

Vision

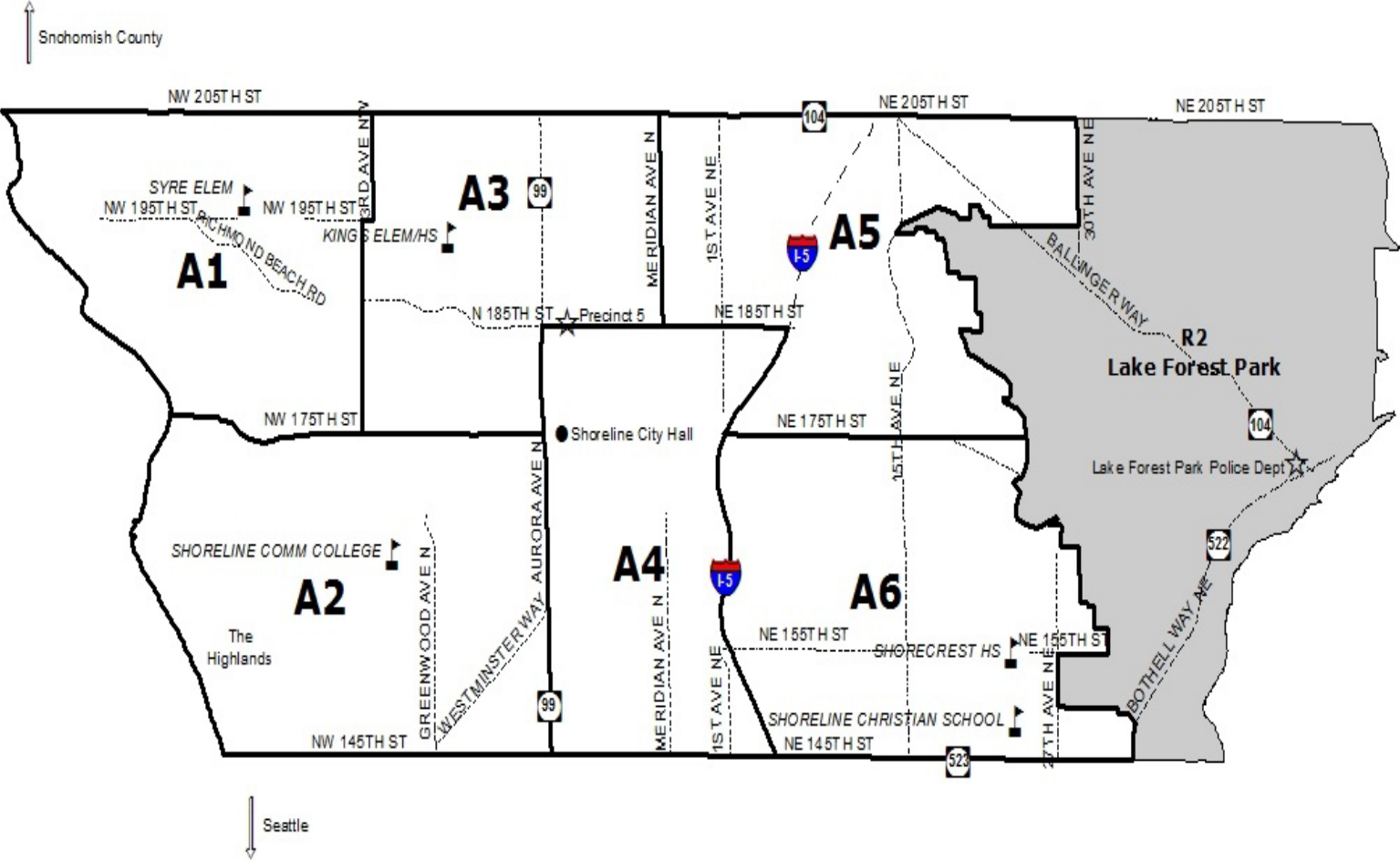
The King County Sheriff's Office is a highly effective and respected law enforcement agency and criminal justice partner, both trusted and supported, helping King County to be the safest county in America.

Goals

Through community engagement and collaboration we will:

- Develop and sustain public trust and support while reducing crime and improving the community's sense of safety.
- Improve traffic safety by reducing impaired and unsafe driving behaviors and traffic collisions.
- Recruit, hire, train and promote the best people to provide high quality, professional and responsive services.
- Provide facilities, equipment, and technology, systems and processes that support achievement of our mission.
- Provide for the safety, health and wellness of members of the King County Sheriff's Office.

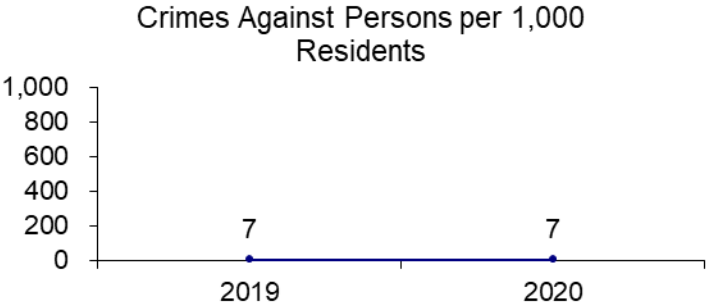
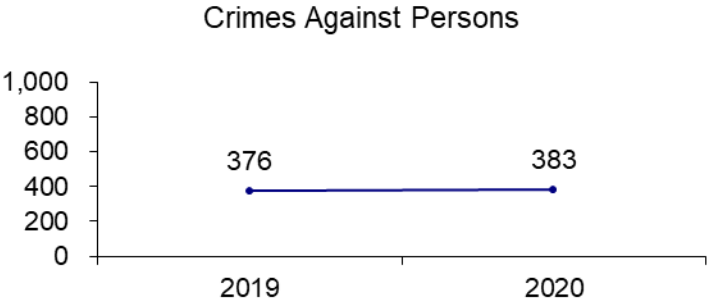
City of Shoreline Patrol Districts



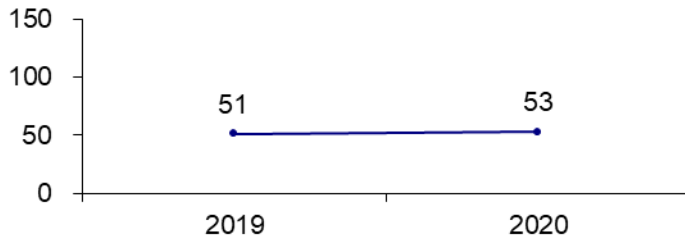
City of Shoreline
2020 Police Service Report:
Highlights Section

Crimes Against Persons

NIBRS offenses fall under three categories: Crimes Against Persons, Crimes Against Property, and Crimes Against Society. Crimes Against Persons offenses include murder and non-negligent homicide, negligent manslaughter, human trafficking for commercial sex acts and involuntary servitude, assault, kidnapping (custodial interference excluded), and sex offenses (e.g. rape, sexual assault, child molestation and related). These are defined as crimes against persons because the victims are always individuals. Some offenses related to pornography/obscene material are a NIBRS Crimes Against Society, but are included in this report under sex offenses for simplicity. The following are Shoreline's Crimes Against Persons.



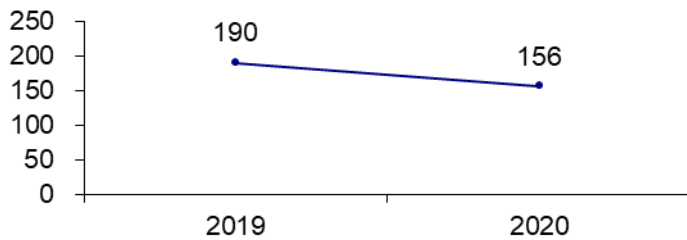
Aggravated Assault Offenses



Aggravated Assault Offenses

An unlawful attack by one person upon another wherein the offender uses a weapon or displays it in a threatening manner, or the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness. This also includes assault with disease (as in cases when the offender is aware that he/she is infected with a deadly disease and deliberately attempts to inflict the disease by biting, spitting, etc.).

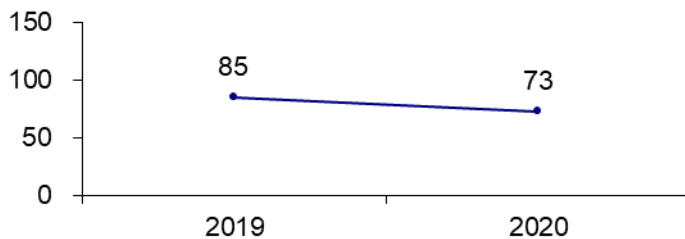
Simple Assault Offenses



Simple Assault Offenses

An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

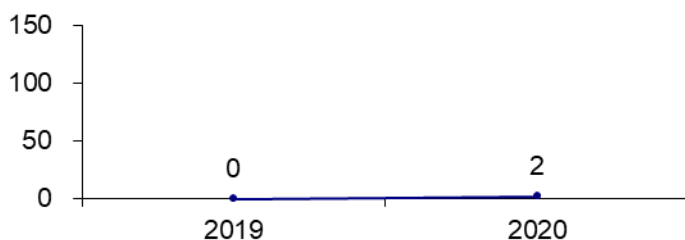
Intimidation Offenses



Intimidation Offenses

To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Homicide Offenses

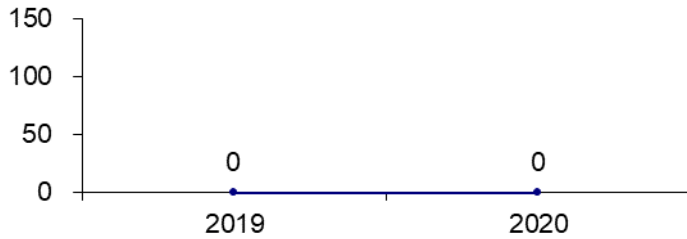


Homicide Offenses

The killing of one human being by another. Includes murder and non-negligent manslaughter, negligent manslaughter, and justifiable homicide.

**All offense definitions are per the FBI NIBRS library. <https://ucr.fbi.gov/nibrs/2012/resources/nibrs-offense-definitions>*

Human Trafficking Offenses

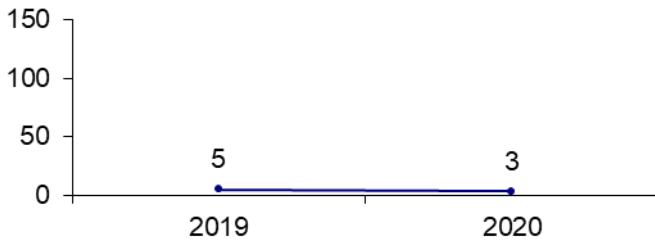


Human Trafficking Offenses

Commercial Sex Acts – Inducing a person by force, fraud, or coercion to participate in commercial sex acts, or in which the person induced to perform such act(s) has not attained 18 years of age.

Involuntary Servitude – The obtaining of a person(s) through recruitment, harboring, transportation, or provision, and subjecting such persons by force, fraud, or coercion into voluntary servitude, peonage, debt bondage, or slavery (not be include commercial sex acts.)

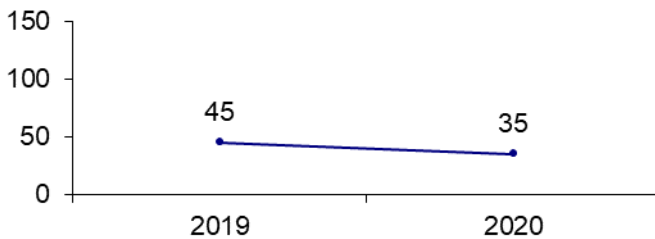
Kidnapping



Kidnapping

Kidnapping or abduction is the unlawful seizure, transportation and/or detention of a person against his/her will or a minor without the consent of a legal guardian or parent.

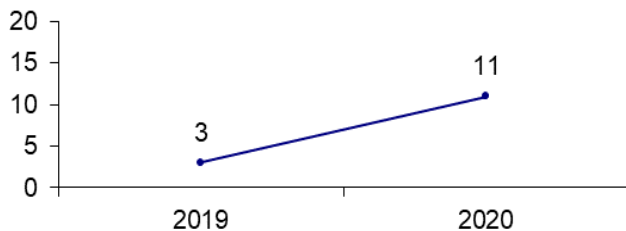
Sex Offenses



Sex Offenses

Includes forcible (any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent), and non-forcible (unlawful, non-forcible sexual intercourse). Excludes prostitution offenses.

Hate Crimes

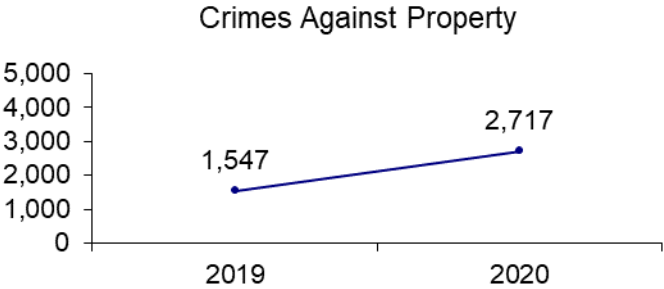


Hate Crimes

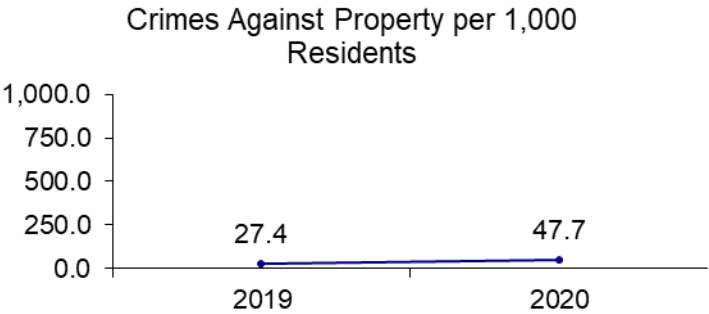
Criminal offense which is motivated, in whole or in part by the offender’s bias (es) against a race, religion, disability, sexual orientation, ethnicity, gender, gender identity.

Crimes Against Property

The object of Crimes Against Property is to obtain (or destroy) money, property, or some other benefit. Burglary, fraud, vandalism, robbery, motor vehicle theft, and all kinds of larceny all fall into this category.

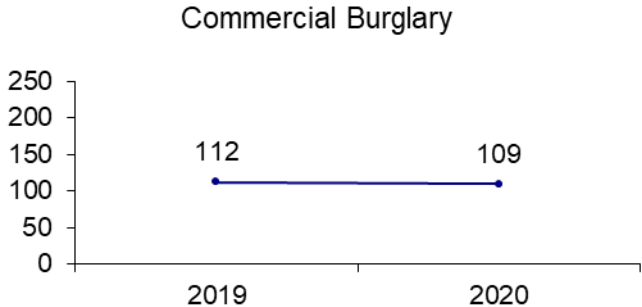


NOTE: Crimes in this category include the influx of unemployment fraud cases reported by Shoreline residents. These fraud cases were prevalent throughout the State of Washington.



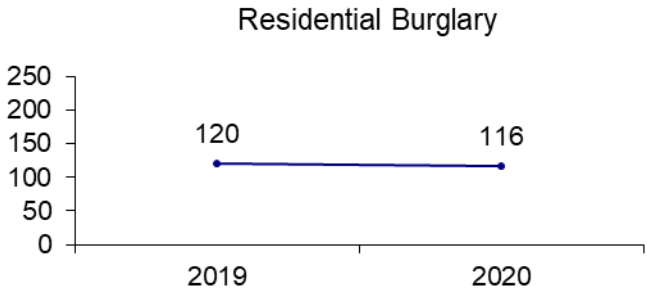
Commercial Burglary

The unlawful entry into a commercial building or other structure with the intent to commit a felony or a theft.



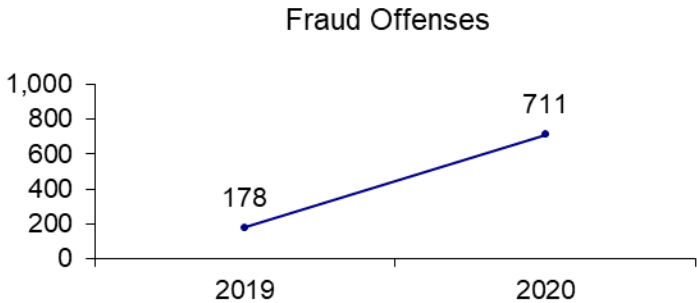
Residential Burglary

The unlawful entry into a residential building or other structure with the intent to commit a felony or a theft.



Fraud Offenses

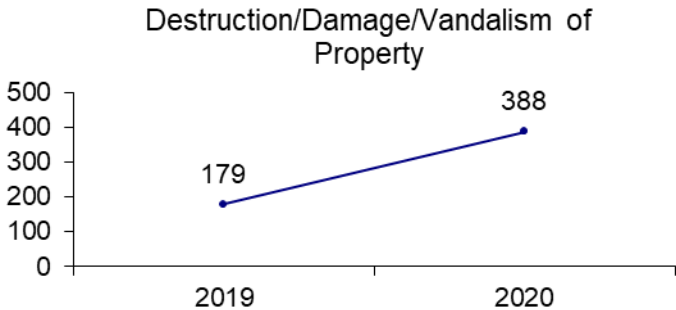
The intentional perversion of the truth for the purpose of inducing another person, or other entity, in reliance upon it to part with something of value or to surrender a legal right. Excludes counterfeiting, forgery and bad checks.



Crimes in this category include the influx of unemployment fraud cases reported by Shoreline residents. These fraud cases were prevalent throughout the State of Washington.

Destruction / Damage / Vandalism of Property Offenses

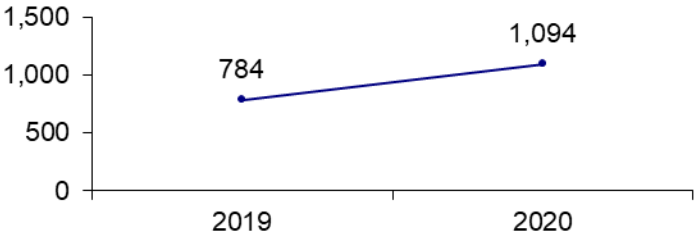
To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it. Excludes arson.



Larceny (Shoplifting & Other)

The unlawful taking, carrying, leading, or riding away of property from the possession, or constructive possession, of another person.

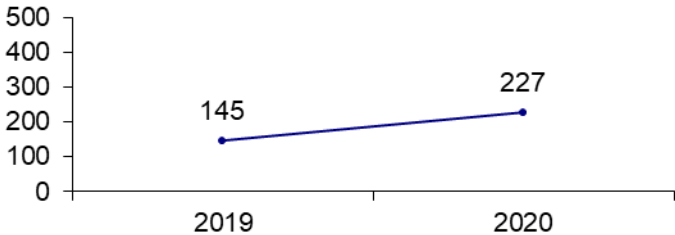
Larceny (Shoplifting & Other)



Motor Vehicle Theft

The theft of a motor vehicle.

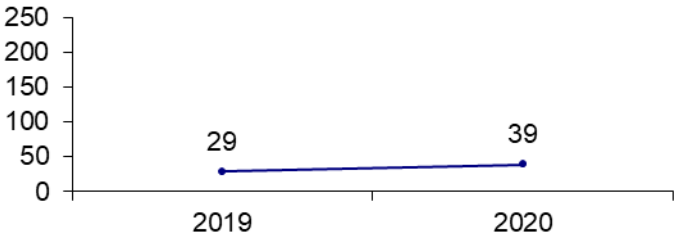
Motor Vehicle Theft



Robbery

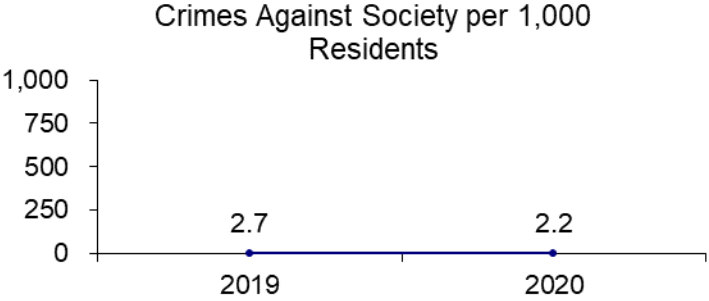
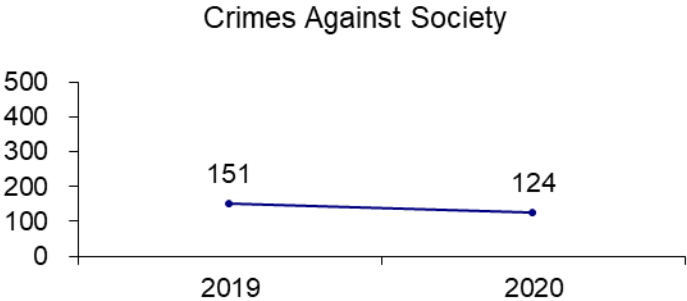
The taking, or attempting to take, anything of value under confrontational circumstances from the control, custody, or care of another person by force or threat of force or violence and/or by putting the victim in fear of immediate harm.

Robbery



Crimes Against Society

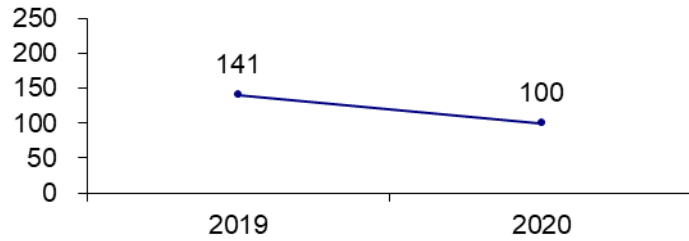
Crimes against society are offenses against society’s prohibition against engaging in certain types of activity and typically do not have individual victims. Relevant offenses in this category include illegal drug activity, prostitution-related offenses, and weapon law violations.



Drug / Narcotic Crimes

The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. Excludes driving under the influence.

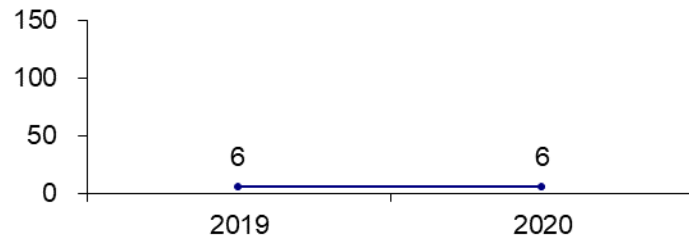
Drug / Narcotic Offenses



Prostitution Offenses

To unlawfully engage in or promote sexual activities for anything of value.

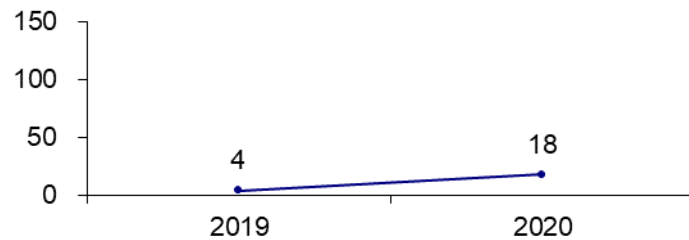
Prostitution Offenses



Weapon Law Offenses

The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

Weapon Law Violations



Cases Closed / Cleared

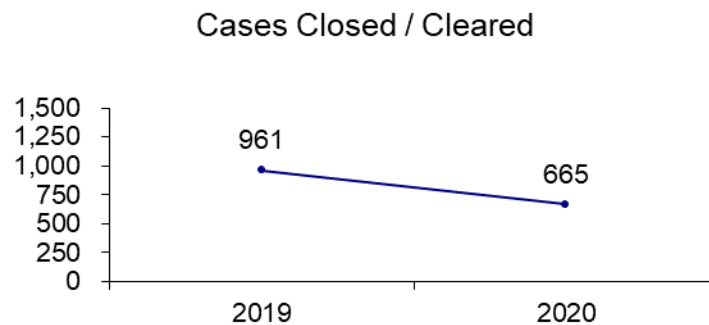
Criminal cases are cleared by arrest, or in some circumstances, by exceptional means (the suspect died, is imprisoned on another charge, victim refuses to testify, etc.). The types of case closures are as follows:

Cleared by Arrest: A case can be closed by arrest when at least one suspect is positively identified and charges are recommended to the Prosecuting Attorney's Office. This closure does not require physical booking into a jail or juvenile detention facility. It also does not require the charging of all suspects, if there are multiple suspects in the crime, or of charges for all offenses, if there are multiple offenses in a crime. This category includes criminal citations into district and municipal courts for misdemeanors and felony filings into Superior Court, as well as all filings into Juvenile Court.

Exceptional Clearance: A case can be closed "exceptional" if it can be established that a crime has been committed and the identity of a suspect is positively confirmed, but due to circumstances beyond our control, no charges are filed. An example of this type of closure is a case in which the victim declines to assist in prosecution. Another example is when another police agency files charges on a related crime stemming from the same incident. (Car stolen in King County, but suspect arrested in the stolen car in Bellevue. Bellevue P.D. charges the suspect with possession of the stolen car. We close the stolen car case "exceptional.")

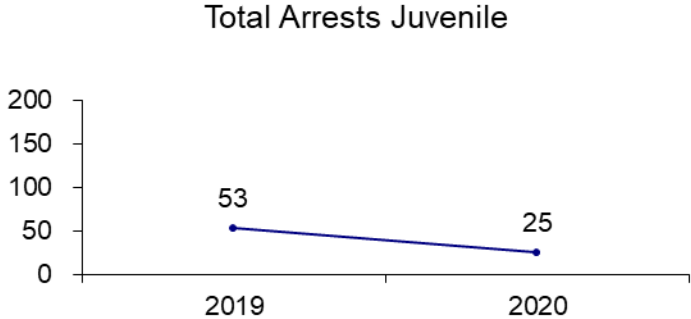
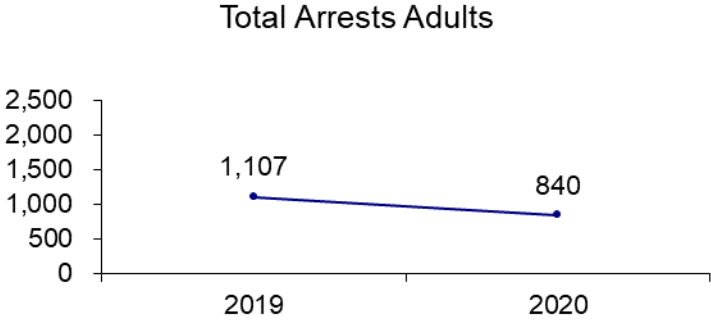
Unfounded: Cases are closed as "unfounded" when the investigation reveals that no crime has been committed. An example would be the report of a theft by one party that is determined to be a false report by interviewing other independent witnesses. Reports of crimes determined false are typically not included on this report. Unfounded cases are not included on NIBRS statistics.

Administrative Clearance: This clearance is used primarily to close non-criminal police investigations like found property. For instance, if a citizen finds and turns over to police a wallet and investigation reveals who the owner of the wallet is and the item is returned to that person. Only non-administrative clearances are included on this report.



Total Arrests Adult & Juvenile

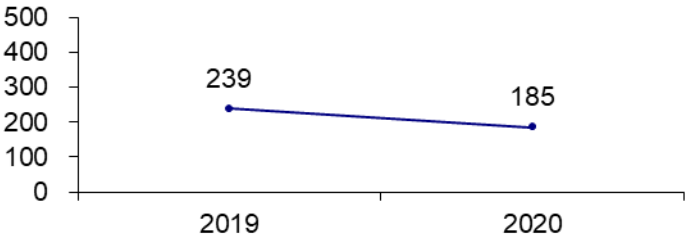
Includes bookings at time of incident, warrant arrests, and referrals for prosecution.



Total Domestic Violence Cases

Domestic Violence is a subcategory to other offenses that occurs when the offense is committed by one family or household member against another. Family or household members are spouses, former spouse, persons related by blood or marriage, persons who have a child in common, former/current roommates, persons who have or had a dating relationship, and persons who have a biological or legal parent-child relationships, including stepparents and stepchildren and grandparent and grandchildren. In some cases, the age of the victim or suspect may determine whether or not the legal definition above is met. For the purposes of this report, cases in this jurisdiction or investigated by this jurisdiction's police that have at least one domestic violence offense associated are counted.

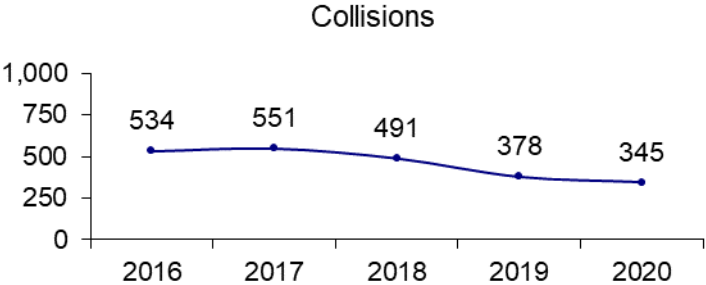
Total Domestic Violence Cases



All Auto & Traffic

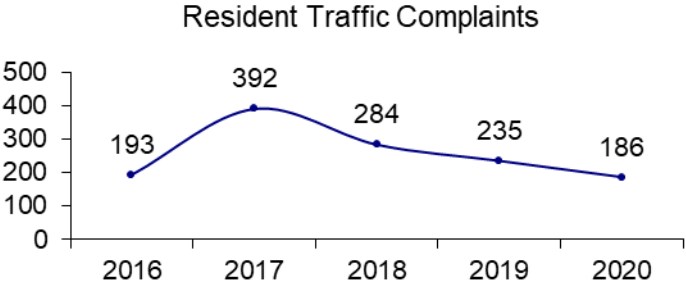
Traffic Collisions

Collision information includes reports for injury, non-injury, and fatality collisions. Driving under the influence (DUI) collisions and hit-and-runs are excluded from this category.



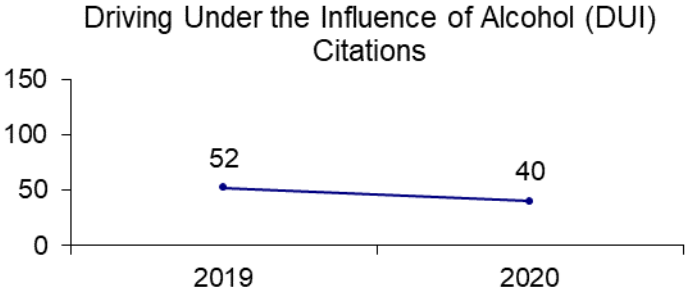
Citizen Traffic Complaints

Citizen traffic complaints include all reports residents make regarding chronic traffic violations and requests for traffic enforcement. Complaints are assigned out to specific traffic enforcement units as well as patrol and are worked on a regular basis. Some complaints are resolved relatively quickly, while others become the site of on-going traffic enforcement projects.



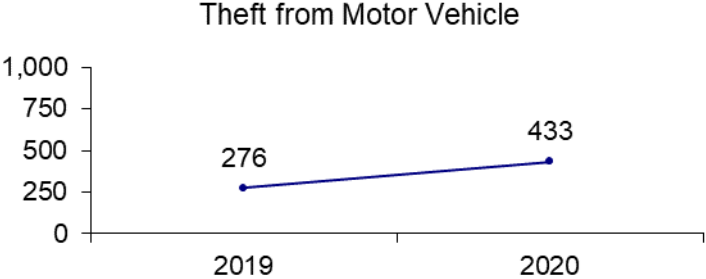
Driving Under the Influence (DUI) Charge on Arrest

Driving or operating a motor vehicle or common carrier while mentally or physically impaired as the result of consuming an alcoholic beverage or using a drug or narcotic.



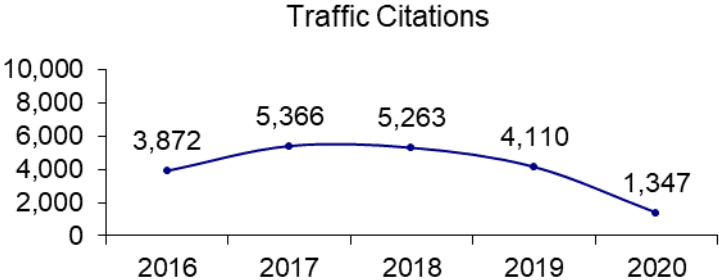
Theft from a Motor Vehicle

This is a subcategory of Larceny. Represents theft of articles from a motor vehicle, whether locked or unlocked. Excludes theft of motor vehicle parts or accessories.



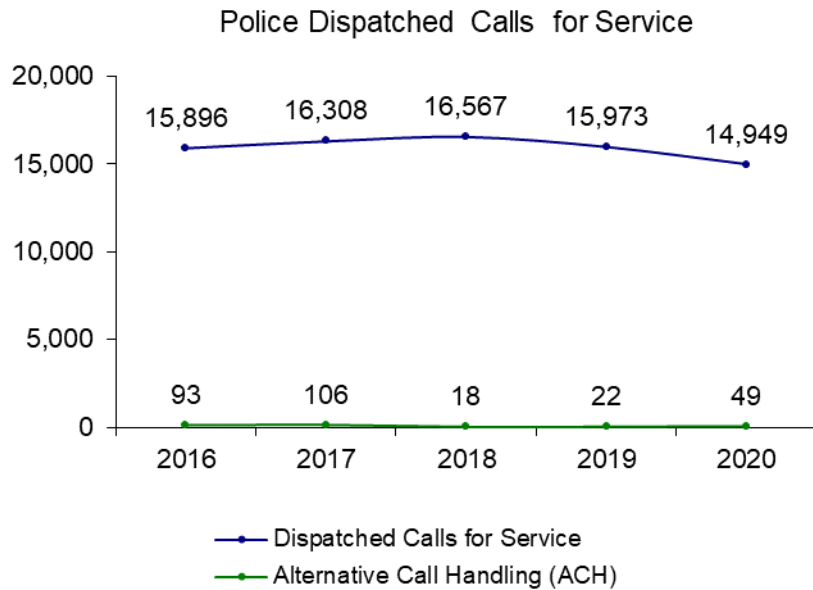
Traffic Citations issued by the City of Shoreline Police Department

Traffic citations include reports of all moving/hazardous violations (such as all accidents, driving under the influence, speeding, and reckless driving), and non-moving compliance violations (such as defective equipment and parking violations).



Calls for Police Assistance

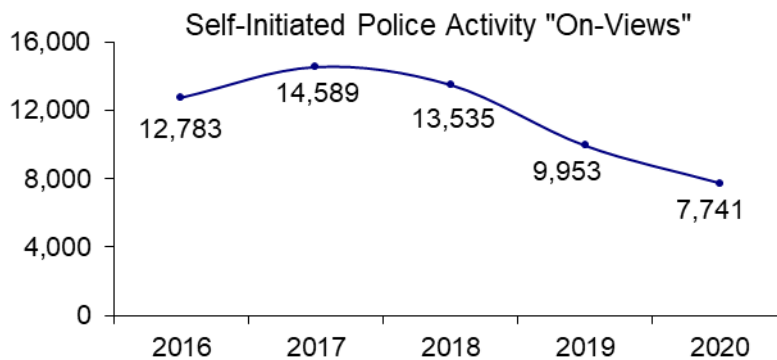
The public receives police assistance in a variety of ways. Residents can call the Emergency 911 Communications Center to have one or more officers dispatched to the field, called a “dispatched call for service” (DCFS). Or, for lesser incidents, residents can also file a report over the phone, called alternate call handling (ACH). Following are the numbers of dispatched calls for service (DCFS) and alternative call handling (ACH) incidents reported.



Source: KCSO computer aided dispatch (CAD) system

Police On-Views

Another way police fight crime is to self-initiate a response to an incident they observe. These responses are initiated by officers themselves, rather than the dispatch center, and are called “on-views.”



Source: KCSO computer aided dispatch (CAD) system



Dispatched Calls For Service (DCFS): The number of DCFS shown here includes calls that are verified to take place inside the city limits and that are charged to the city as part of its police contract. Total DCFS counts, as shown in the Police Service Data section, may be slightly higher (usually less than 5 percent higher).

Response Times to High Priority Calls

When calls for police assistance are received by the Emergency 911 Communications Center, they are entered into the Computer Aided Dispatch (CAD) system and given a “priority” based on the criteria described below. If the call receiver is in doubt as to the appropriate priority, the call is assigned the higher of the two priority designators in question.

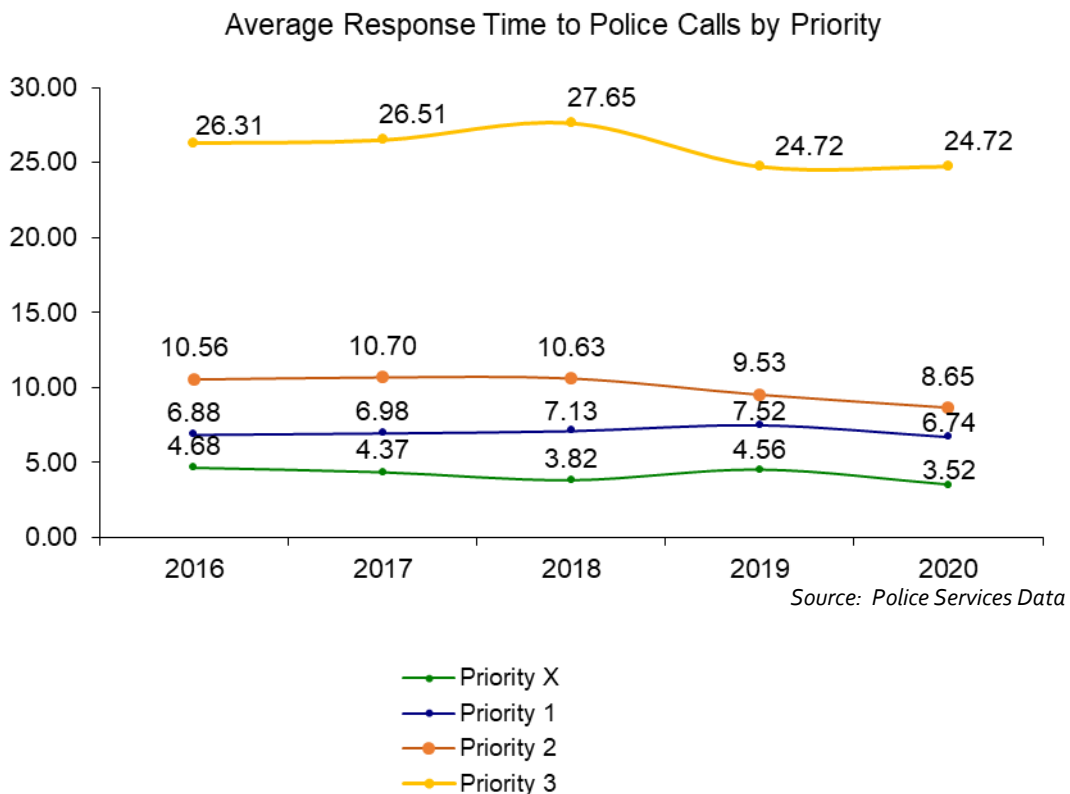
“Priority X” designates critical dispatches. These are incidents that pose an obvious danger to the life of an officer or citizen. It is used for felony crimes in-progress where the possibility of confrontation between a victim and suspect exists. Examples include shootings, stabbings, robberies or burglaries.

“Priority 1” designates immediate dispatches. These are calls that require immediate police action. Examples include silent alarms, injury traffic accidents, in-progress crimes or crimes so recent that the suspect may still be in the immediate area.

“Priority 2” designates prompt dispatches. These are calls that could escalate to a more serious degree if not policed quickly. Examples include verbal disturbances and blocking traffic accidents.

“Priority 3” designates routine dispatches in which time is not the critical factor in handing the call. Examples are burglaries or larcenies that are not in progress, audible commercial and residential alarms.

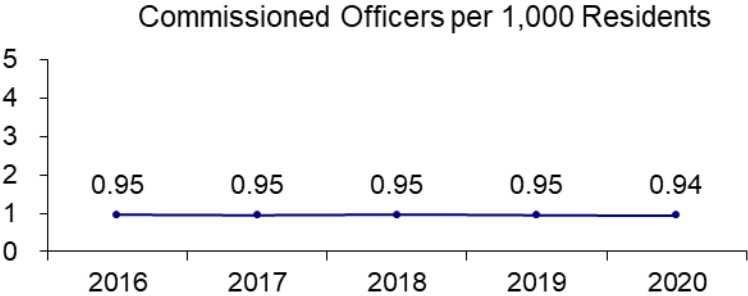
Following are the City of Shoreline’s Police response times for the above priority calls. Response times include all time from the receipt of a phone call to the moment an officer arrives at the location of the incident.



Computer Aided Dispatch (CAD): A computerized communication system used by emergency response agencies for dispatching and tracking calls for emergency assistance.

Commissioned Officers per 1,000 Residents

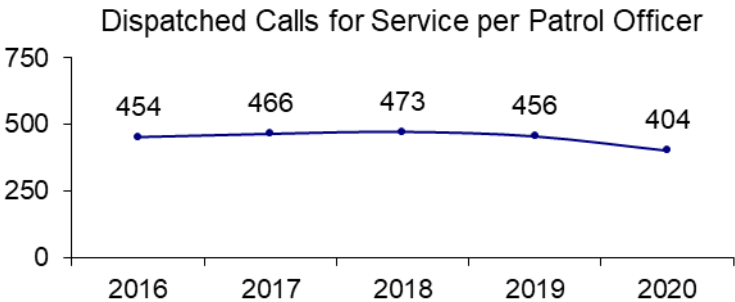
Commissioned officers per 1,000 residents shows how many commissioned police officers are employed by Shoreline for every 1,000 residents. This number includes commissioned officers who work in supervisory or other non-patrol related positions as well as special services officers who work part-time for the city. It does not include professional (i.e. non-commissioned) support staff.



Source: KCSO Contracts Unit

Dispatched Calls for Service (DCFS) per Patrol Officer

Dispatched calls for service (DCFS) per patrol officer is the average number of dispatched calls one patrol officer responds to within a year. This number uses only dispatched calls Shoreline pays for and does not include the number of responses an officer initiates (such as witnessing and responding to traffic violations, called "on views"). Also, the numbers below are *patrol only* and exclude non-patrol commissioned officers (such as supervisors or special duty officers/detectives).



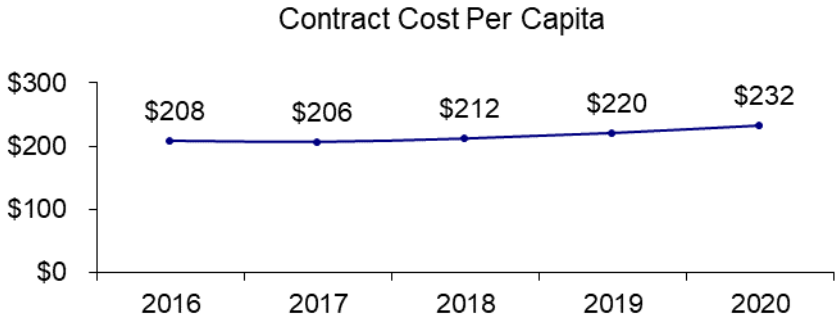
Source: KCSO Contracts Unit

Costs of Police Services per Capita

The City of Shoreline contracts with the King County Sheriff's Office (KCSO) for police services. Among other benefits, contracting for services from a larger law enforcement agency allows for cost savings through "economies of scale." Specific economies of scale provided through the contract with KCSO include:

- Mutual aid agreements with other law enforcement agencies in Washington State
- A large pool of officers if back-up help is necessary
- Coverage if city officers are away
- Expertise of specialized units to assist officers
- More experienced officers to select from for city staffing
- Cost sharing throughout the department to keep city costs down

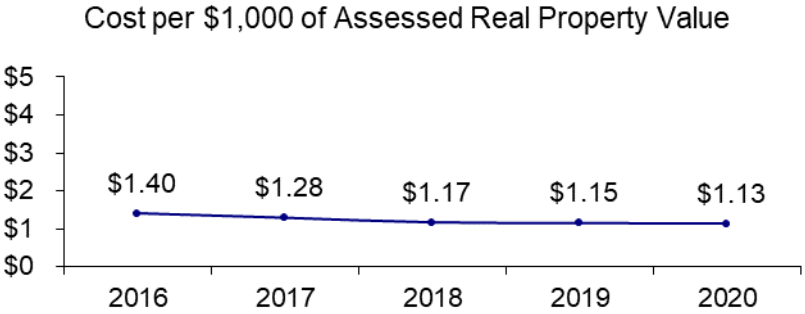
Costs for police services vary depending on a city's resources and the level and type of police services the community wants. The City of Shoreline may have additional funds or expenditures for special projects or programs as part of the city's law enforcement budget. These additional costs are not reflected in the contract cost per capita, which shows the contract cost for police services divided by Shoreline's population.



Source: KCSO Contracts Unit

Cost per \$1,000 of Assessed Real Property Value

Cost per \$1,000 of assessed real property value shows Shoreline's contract cost in relationship to the property values of Shoreline.



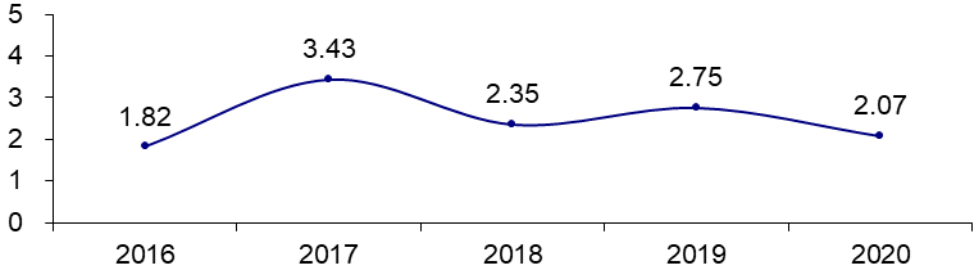
Source: King County Assessor's Office

Complaints against Officers

Complaints against city police officers can originate from the public or internal police department personnel. All complaints are accepted and reviewed. When a complaint is made, the King County Sheriff’s Office Internal Investigations Unit (IIU) will review the complaint. While serious complaints are investigated by IIU, the majority of complaints are far less serious and are handled at the worksites by supervisors. The following are the preliminary number of internal and external complaints that were investigated for city officers. Please note that these numbers are preliminary counts; final numbers will be published in the IIU Annual Report, released each spring.

	2016	2017	2018	2019	2020
Number of Complaints	29	56	39	44	31
Number of Dispatched Calls for Service	1.82	3.43	2.35	2.75	2.07

Complaints per 1,000 Dispatched Calls for Service



Source: KCSO Internal Investigations

2020 SHORELINE POLICE USE OF FORCE INCIDENTS



City of Shoreline
2020 Police Service Report:
Statistics Section

City of Shoreline
2020 Annual Statistics
Crime Analysis Unit

Information as of February 8, 2021

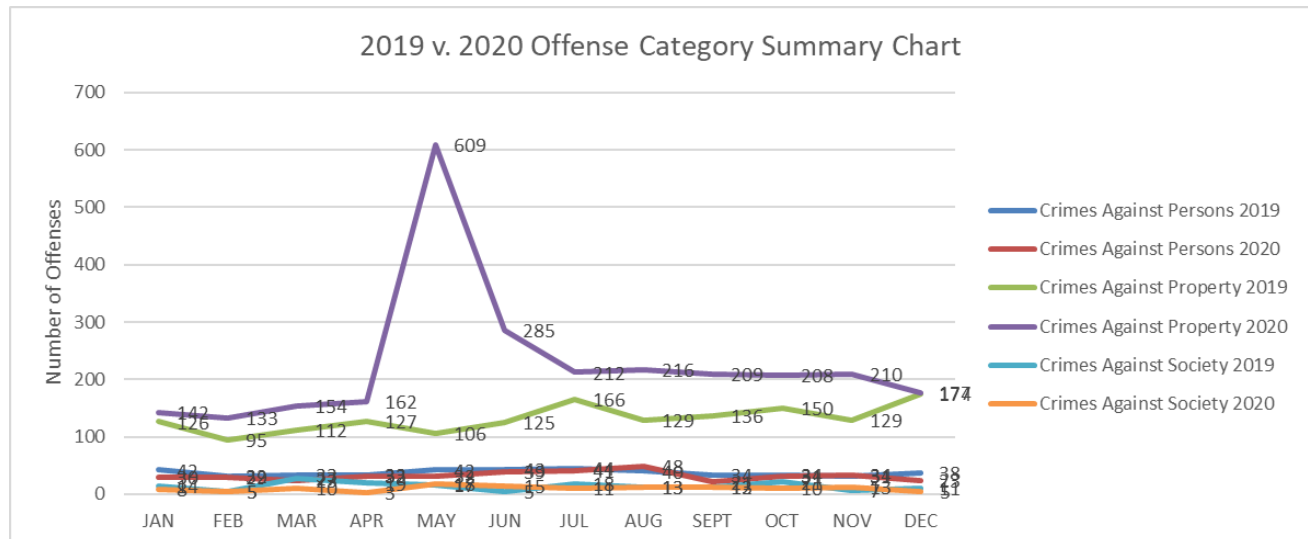
The King County Sheriff's Office (KCSO) quarterly statistical reports are for our contract city chiefs and city councils to use as a "snapshot" to gauge crime and calls for service in a particular geographic area. KCSO reports crime statistics to the Federal Bureau of Investigation's (FBI) in the National Incident Based Reporting System (NIBRS) format, thus crime statistics in this report are based on NIBRS definitions from the report management system (RMS).

Crime statistics included in this report are based on **crime recorded within the city boundaries** organized by the **date the initial police report of a crime was takenⁱ**, to provide useful working data for city chiefs and city councils. The statistics are **not the official crime statistics for the city**, and should not be compared to the WASPC reporting to the FBIⁱⁱ. Official crime statistics for the cities that will be recorded by the FBI can be found in the state-wide Crime in Washington report [here](#).

OFFENSE SUMMARY	1-Q	2-Q	3-Q	OCT	NOV	DEC	4-Q	YTD
Crimes Against Persons	82	103	110	31	34	23	88	383
Crimes Against Property	429	1056	637	208	210	177	595	2717
Crimes Against Society	23	36	37	10	13	5	28	124
Cases Closed/Cleared	188	140	181	43	58	55	156	665
Total Domestic Violence Cases ⁱⁱⁱ	45	43	59	11	11	16	38	185
Total Arrests Adults ^{iv}	221	207	221	65	67	59	191	840
Total Arrests Juveniles ^v	6	9	6	1	2	1	4	25

Offense statistics are based on approved summary and arrest reports in the RMS. As of publication, 10 reports in the RMS for 2020 were not approved and thus not included in this report

Offenses by Category



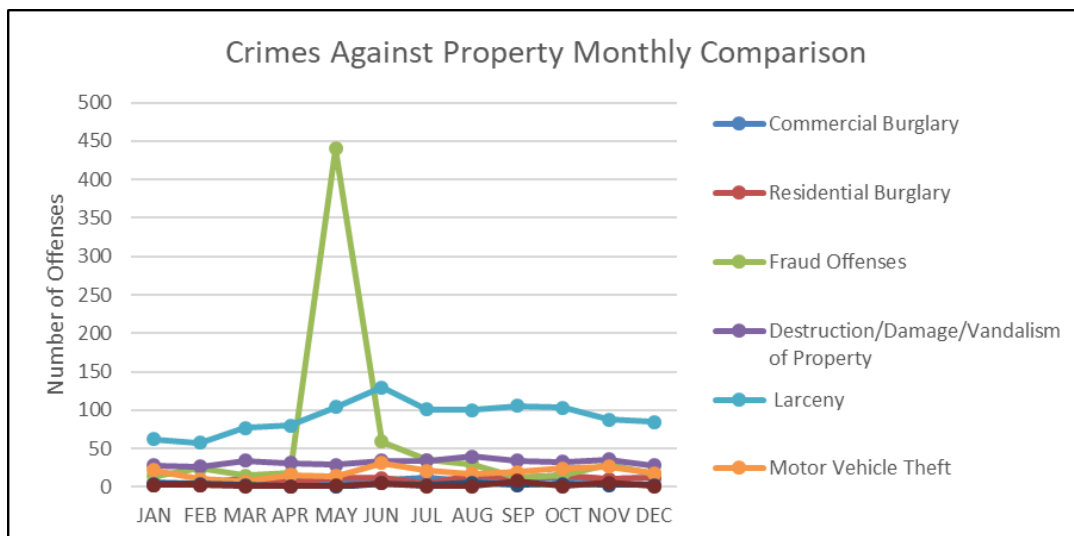
City of Shoreline
2020 Annual Statistics
Crime Analysis Unit

May 2020 experienced a big increase in unemployment fraud reports, which is reflected in the spike shown on the purple line above.

NIBRS offenses fall under three categories: Crimes Against Persons, Crimes Against Property, and Crimes Against Society. For a list of all NIBRS offenses that fall into the three categories, please look [here](#).^{vi}

Crimes Against Persons	1-Q	2-Q	3-Q	OCT	NOV	DEC	4-Q	YTD
Aggravated Assault Offenses	6	14	21	6	2	4	12	53
Simple Assault	36	44	41	11	11	13	35	156
Intimidation Offenses	18	20	18	4	10	3	17	73
Homicide Offenses	0	1	0	1	0	0	1	2
Human Trafficking Offenses	0	0	0	0	0	0	0	0
Kidnapping	1	0	2	0	0	0	0	3
Sex Offenses	7	9	9	5	4	1	10	35
No-Contact/Protection Order Violations	14	15	19	4	7	2	13	61
TOTAL Crimes Against Persons	82	103	110	31	34	23	88	383

Crimes Against Property	1-Q	2-Q	3-Q	OCT	NOV	DEC	4-Q	YTD
Commercial Burglary	15	26	33	12	10	13	35	109
Residential Burglary	18	30	31	15	10	12	37	116
Fraud Offenses	53	517	78	16	30	17	63	711
Destruction/Damage/Vandalism of Property	89	94	108	33	36	28	97	388
Larceny	197	314	307	103	88	85	276	1094
Motor Vehicle Theft	39	61	58	24	27	18	69	227
Robbery	11	6	12	4	3	3	10	39
Other Crimes Against Property	7	8	10	1	6	1	8	33
TOTAL Crimes Against Property	429	1056	637	208	210	177	595	2717



City of Shoreline
2020 Annual Statistics
Crime Analysis Unit

Crimes Against Society	1-Q	2-Q	3-Q	OCT	NOV	DEC	4-Q	YTD
Drug/Narcotic Offenses	18	31	28	6	12	5	23	100
Prostitution Offenses	1	1	2	2	0	0	2	6
Weapon Law Violations	4	4	7	2	1	0	3	18
Other Crimes Against Society	0	0	0	0	0	0	0	0
TOTAL Crimes Against Society	23	36	37	10	13	5	28	124

Larceny by Type

Larceny Details	1-Q	2-Q	3-Q	OCT	NOV	DEC	4-Q	YTD
Pocket-picking	1	0	0	0	0	0	0	1
Purse-snatching	2	3	1	1	0	0	1	7
Shoplifting	42	34	44	18	19	8	45	165
Theft From Building	19	24	18	5	4	6	15	76
Theft From Coin-Operated Machine	0	0	0	0	0	0	0	0
Theft From Motor Vehicle	66	134	128	36	35	34	105	433
Theft of Motor Vehicle Parts/Accessories	10	23	29	19	11	11	41	103
All Other Larceny	57	96	87	24	19	26	69	309
Total	197	314	307	103	88	85	276	1094

City of Shoreline
2020 Annual Statistics
Crime Analysis Unit

Charges on Arrests¹

Charges on Arrests	1-Q	2-Q	3-Q	OCT	NOV	DEC	4-Q	YTD
Arson	0	2	1	0	0	0	0	3
Assault Offenses	35	42	43	10	5	12	27	147
Burglary	5	14	9	1	5	1	7	35
Counterfeiting/Forgery	1	2	0	1	0	0	1	4
Destruction/Damage/Vandalism	4	6	17	3	3	6	12	39
Disorderly Conduct	0	0	1	1	0	0	1	2
Driving Under the Influence	9	7	7	2	10	5	17	40
Drug/Narcotic Offenses	8	13	9	4	2	1	7	37
Fraud Offenses	1	0	4	0	1	1	2	7
Homicide Offenses	0	1	0	0	0	0	0	1
Kidnapping/Abduction	1	1	0	0	0	0	0	2
Larceny/Theft Offenses	38	31	31	12	8	8	28	128
Motor Vehicle Theft	4	1	2	0	1	2	3	10
Pornography/Obscene Material	1	0	1	0	0	0	0	2
Robbery	2	0	2	0	0	2	2	6
Stolen Property Offenses	2	0	1	0	2	0	2	5
Trespass	7	14	5	2	2	2	6	32
Violation of No Contact Orders	11	12	15	3	5	4	12	50
Weapon Law Violations	5	2	2	0	1	0	1	10
All Other Offenses	32	33	25	8	5	1	14	104
Not Reportable to NIBRS (Traffic/Warrants)	61	35	52	19	19	15	53	201
Grand Total	227	216	227	66	69	60	195	865

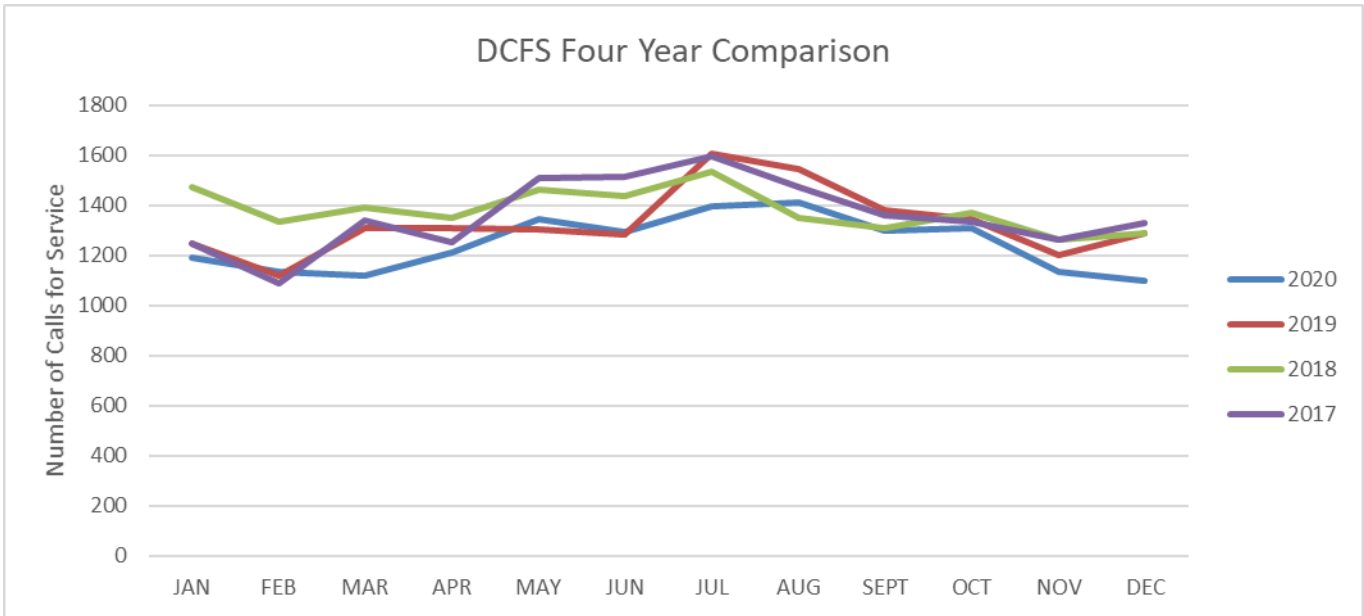
Dispatched Calls for Service & Average Response Time

The below information was generated from our CAD system.

Dispatched Calls for Service	1-Q	2-Q	3-Q	OCT	NOV	DEC	4-Q	YTD
A1	236	283	320	83	68	77	228	1067
A2	450	483	483	154	156	138	448	1864
A3	912	1115	1064	340	286	249	875	3966
A4	758	764	909	314	259	241	814	3245
A5	606	642	732	224	228	219	671	2651
A6	482	568	602	192	139	173	504	2156
TOTAL DCFS	3444	3855	4110	1307	1136	1097	3540	14949

¹ Charges are grouped into categories. Only the top charge on an arrest report is included.

City of Shoreline
 2020 Annual Statistics
 Crime Analysis Unit



AVG Response Time	1-Q	2-Q	3-Q	OCT	NOV	DEC	4-Q
Critical Dispatch X=	3.14	2.50	4.11	3.46	3.60	3.74	3.58
Immediate Dispatch 1=	7.30	6.74	6.57	6.90	5.36	6.78	6.38
Prompt Dispatch 2=	9.15	7.83	9.09	8.58	8.51	8.47	8.53
Routine Dispatch 3=	19.68	16.86	19.02	19.79	19.26	16.88	18.71

City of Shoreline
2020 Annual Statistics
Crime Analysis Unit

GLOSSARY OF TERMS

Arrests

An arrest is recorded when at least one suspect is arrested, cited, or referred for prosecution for a crime. "Total Arrests" indicate the number of approved arrest reports within each date range. The "Charges on Arrests" table shows the top charges on those arrests. Arrest data for the Crime in Washington report is compiled slightly differently, and is based on the NIBRS categorization of the offense rather than the NIBRS categorization of the charge.

Cases Closed/Cleared

Criminal cases are cleared by arrest, or in some circumstances, by exceptional means (the suspect died, is imprisoned on another charge, victim refuses to testify, etc.). The types of case closures are as follows:

Cleared by Arrest: A case can be closed by arrest when at least one suspect is positively identified and charges are recommended to the Prosecuting Attorney's Office. This closure does not require physical booking into a jail or juvenile detention facility. It also does not require the charging of all suspects, if there are multiple suspects in the crime, or of charges for all offenses, if there are multiple offenses in a crime. This category includes criminal citations into district and municipal courts for misdemeanors and felony filings into Superior Court, as well as all filings into Juvenile Court.

Exceptional Clearance: A case can be closed "exceptional" if it can be established that a crime has been committed and the identity of a suspect is positively confirmed, but due to circumstances beyond our control, no charges are filed. An example of this type of closure is a case in which the victim declines to assist in prosecution. Another example is when another police agency files charges on a related crime stemming from the same incident. (Car stolen in King County, but suspect arrested in the stolen car in Bellevue. Bellevue P.D. charges the suspect with possession of the stolen car. We close the stolen car case "exceptional.")

Unfounded: Cases are closed as "unfounded" when the investigation reveals that no crime has been committed. An example would be the report of a theft by one party that is determined to be a false report by interviewing other independent witnesses. Reports of crimes determined false are typically not included on this report. Unfounded cases are not included on NIBRS statistics.

Administrative Clearance: This clearance is used primarily to close non-criminal police investigations like found property. For instance, if a citizen finds and turns over to police a wallet and investigation reveals who the owner of the wallet is and the item is returned to that person. Only non-administrative clearances are included on this report.

Dispatched Calls for Service

Calls received in the Communications Center which result in one or more patrol units being dispatched.

Domestic Violence

Domestic Violence is a subcategory to other offenses that occurs when the offense is committed by one family or household member against another. Family or household members are spouses, former spouse, persons related by blood or marriage, persons who have a child in common, former/current roommates, persons who have or had a dating relationship, and persons who have a biological or legal parent-child relationships, including stepparents and stepchildren and grandparent and grandchildren. In some cases, the age of the victim or suspect may determine whether or not the legal definition above is met. For the purposes of this report, cases in this jurisdiction or investigated by this jurisdiction's police that have at least one domestic violence offense associated are counted.

City of Shoreline
2020 Annual Statistics
Crime Analysis Unit

NIBRS

The National Incident-Based Reporting System is an update to the FBI's Uniform Crime Reporting Program that is intended to capture more details on crime incidents than the previous Summary Reporting System (SRS). Starting in 2021, the FBI will require agencies to submit data through NIBRS. For more information on the NIBRS transition, visit www.fbi.gov/nibrs.

While this report uses NIBRS terminology to categorize offenses, it is intended to provide useful working data and should not be viewed as the official crime statistics for the jurisdiction. For official crime statistics, visit <https://www.waspc.org/crime-statistics-nibrs->.

NIBRS divides crime into three major categories. This report provides data on selected offenses within each category:

Crimes Against Persons: Included offenses are murder and non-negligent homicide, negligent manslaughter, human trafficking for commercial sex acts and involuntary servitude, assault, kidnapping (custodial interference excluded), and sex offenses (e.g. rape, sexual assault, child molestation and related). These are defined as crimes against persons because the victims are always individuals. The State of Washington includes violation of no-contact or protection orders in this category as well.

Crimes Against Property: The object of Crimes Against Property is to obtain (or destroy) money, property, or some other benefit. Burglary, fraud, vandalism, robbery, motor vehicle theft, arson, and larceny all fall into this category.

Crimes Against Society: Crimes against society are offenses against society's prohibition against engaging in certain types of activity and typically do not have individual victims. Some offenses in this category include illegal drug activity, prostitution-related offenses, and weapon law violations.

Response Times/Priorities

Priority X - Critical Dispatch: This category is used for those calls that pose an obvious threat to the safety of persons. Examples include shootings, stabbings and in-progress crimes such as robberies or burglaries where the possibility of a confrontation between a victim and suspect exists.

Priority 1 - Immediate Dispatch: This category is used for those calls that require immediate police action. Examples include silent alarms, injury traffic accidents, in-progress crimes or crimes that have just occurred where a suspect may still be in the immediate area.

Priority 2 - Prompt Dispatch: This category is used for those calls that could escalate to a more serious degree if not policed quickly. Examples include verbal disturbances and blocking traffic accidents.

Priority 3 - Routine Dispatch: This category is used for those calls where response time is not a critical factor. Examples include burglaries and larcenies that are not in progress, audible alarms, or other routine reports.

ⁱ Because data is pulled from the case itself in the report management system (RMS), and only pulling approved cases, there may be different results for the same time period depending on when the data is pulled. What is being provide is a "snapshot" at a given time and not considered official crime statistics.

ⁱⁱ NIBRS reporting for a city will only track offenses with that city as a "Primary Agency". This will exclude some crime that occurred within the geographical boundaries of the city and is intended to exclude crimes investigated by King County Metro Transit and Sound Transit police. While in most cases the primary agency will be correctly assigned, we have found that sometimes offenses have been incorrectly assigned to unincorporated King County, especially in cities where unincorporated units handle many of the calls. NIBRS statistics for a given time period are not fixed once initially generated – they can be updated every month as new developments occur and will also (usually) be based on the date of the offense rather than the date of the initial report. We only upload official NIBRS stats on a monthly basis and require report approval before upload. Because of this, there can also be some delay before WASPC records a crime, especially when complex cases are involved.

ⁱⁱⁱ Number of cases in this jurisdiction or investigated by this jurisdiction's police that include at least one DV offense.

^{iv} Includes bookings at time of incident, warrant arrests, and referrals for prosecution.

^v Includes bookings at time of incident, warrant arrests, and referrals for prosecution.

^{vi} NIBRS offense codes are aligned to the internal KCSO Final Classification Codes (FCRs) in a standardized manner except that when the Records Unit manually changes a NIBRS code on a report (in accordance with NIBRS rules), then the FCR and NIBRS code may not match.

Attachment B – 2020 Use of Force Incident Data

Crime	Location	Type of Force	Injury	Race	Gender	Weapon	Juvenile	Complaint	Residence
Threats to Bomb	House	Taser	None	Asian	M	No	No	No	Shoreline
Warrant	Vehicle	Taser	Scratches	White	F	Yes	No	No	Shoreline
Felony Assault/ Possession of Stolen Property	Vehicle	Pointing/Aiming Firearm	None	Black	M	No	No	No	Seattle
Felony Assault	Parking Lot	Strike	None	Black	M	No	No	No	Vancouver
Trespassing/Resisting	Parking Lot	Take Down	None	Black	M	Yes	No	No	Auburn
Felony Assault	Roadway	Firearms	Death	White	M	Knife	No	Yes	Shoreline
Violation of the Uniform Controlled Substances Act (VUCSA)/ Stolen Vehicle	Parking Lot	Take Down	Leg Pain	Black	M	No	No	No	Kent
Shoplift		Taser	Self-Inflicted Stab	White	M	Knife	No	No	Seattle
Shoplift/Attempted Assault	Sidewalk	Taser	None	Hispanic	M	Scissors	No	No	Transient
Mental Health Issue	Roadway	Taser	None	Hispanic	M	No	No	No	Lake Forest Park
Driving Under the Influence (DUI)	Roadway	Handcuffing	Complaint of Pain	Black	M	No	No	Yes	Shoreline
Shoplifting	Store	Control Hold	None	White	M	No	No	No	Seattle
DUI	Roadway	Control Hold	Feigned Chest Pains	White	M	No	No	Yes	Shoreline
VUCSA	Parking Lot	None	Banged Head	White	M	No	Yes	No	Cle Elum
VUCSA	Roadway	Take Down	Minor scratches	White	M	No	No	No	Burien

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Discussion of Ordinance No. 937 - Amending the Shoreline Municipal Code to Add Chapter 10.22 Street Racing
DEPARTMENT:	Shoreline Police City Attorney's Office
PRESENTED BY:	Shawn Ledford, Chief of Police Julie Ainsworth-Taylor, Assistant City Attorney
ACTION:	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

While street racing is not a new issue, the COVID-19 pandemic has seen a growth in the activity nationwide and within the Puget Sound area. Street racing events can result in collisions, sometimes serious injury and fatalities (to both participants and innocent bystanders), fights, drug use, or other crimes that can adversely impact the community.

Street racing is extremely difficult to address under current laws and even more so in the City of Shoreline where Police calls for service and limited resources cut down on available discretionary patrol time to combat the issue. Pursuant to RCW 46.61.530, street racing amounts to reckless driving under RCW 46.61.500, however these State law provisions fail to place consequences on organizers, non-driving participants, and spectators for their actions in facilitating and encouraging the activity.

Cities that have combatted the issue, such as the Cities of Kent, Fife, Puyallup, and Tacoma, have done so, in part, through local ordinances like the one before the City Council tonight. Adoption of local regulations provides Shoreline Police with another tool to use to curb this activity, potentially preventing serious injury, fatalities, and criminal activity that can be associated with street racing.

Tonight, Council is scheduled to discuss proposed Ordinance No. No. 937 (Attachment A), which would amend the Shoreline Municipal Code to add a new chapter to the Code regarding Street Racing. Proposed Ordinance No. 937 is currently scheduled to be brought back to Council for potential action on July 19, 2021.

RESOURCE/FINANCIAL IMPACT:

There is little anticipated financial impact expected from proposed Ordinance No. 937. Prosecution of any charges resulting from violations of the proposed regulations will go through the City's Prosecuting Attorney contract. At this time, staff would not expect that it would cause an increase in the current contract allocation.

RECOMMENDATION

No action is required; this is a discussion item only. Staff seeks City Council direction on any changes to the language in proposed Ordinance No. 937. Proposed Ordinance No. 937 is currently scheduled to be brought back to Council for potential action on July 19, 2021.

Approved By: City Manager ***DT*** City Attorney ***JA-T***

BACKGROUND

Street racing has seen a recent growth nationwide and within the Puget Sound area. Street racing events can result in collisions, sometimes serious injury and fatalities (to both participants and innocent bystanders), fights, drug use, or other crimes that can adversely impact the community. In addition, other types of reckless driving occurs at these events, including squealing of tires while the vehicles is stationary or in motion, rapid acceleration, producing smoke for tire slippage, leaving visible tire acceleration marks on the roadway surface, or rapid swerving or weaving of vehicles, referred to as “speed exhibition” activities, which can result in a severe risk of danger to participants and spectators, these activities can damage pavement, curbing, and street stripping.

Due to the volume of people that attend these events, which can number in the hundreds, all types of properties, residential and commercial, can suffer from trash, graffiti, and damage to landscaping with commercial properties suffering economic loss as customers chose to go elsewhere.

Examples of street racing events in 2020-2021 can be found in local and national news coverage:

May 8, 2020 – Las Vegas, Nevada: <https://www.8newsnow.com/news/police-issue-more-than-400-tickets-for-street-racing-in-las-vegas-valley/>.

August 2, 2020 – Atlanta, George: <https://www.11alive.com/article/news/crime/street-racing-blocks-peachtree-street-other-locations-police-say/85-1a54e0e9-389c-4c7d-a76b-8212a64ddf89>.

September 18, 2020 – City of Kent, WA: <https://www.kentreporter.com/news/kent-police-crack-down-on-street-racing-as-it-spreads-across-city-region/>.

December 2, 2020 – Dallas, Texas: <https://www.wfaa.com/article/news/local/dallas-street-racing-nationwide-issue/287-9aebc8ac-b8fc-4321-afbe-dcf3e67070c6>.

January 20, 2021 – City of Auburn, WA: <https://auburnexaminer.com/auburn-police-crackdown-on-dangerous-illegal-street-racing/>.

February 5, 2021 – City of Tacoma, WA: <https://www.thenewstribune.com/news/local/crime/article249047110.html>.

April 11, 2021 – City of Seattle, WA: <https://www.king5.com/article/news/local/seattle-university-district-street-racing-caught-on-video/281-89e368d3-5264-4cf4-bc3c-d93812253be1>.

The City of Shoreline is not immune from street racing activities. In January 2021, street racing occurred on Richmond Beach Road, with approximately 250 cars participating or observing. An article regarding this incident was written in [Shoreline Area News](#). Other street racing incidents have also occurred in Shoreline over the past year and Shoreline Police believe events occur once or twice a month within the City.

Recently, the Washington State Patrol (WSP) and multiple other police agencies throughout the Puget Sound region came together to focus on increased illegal street racing and those that attend such events. A press release from the WSP regarding illegal street racing is attached to this staff report in Attachment B. Shoreline Police have been participating in discussions regarding this multi-jurisdictional effort.

DISCUSSION

Pursuant to RCW 46.61.530, street racing constitutes reckless driving under RCW 46.61.500. Reckless driving is a gross misdemeanor punishable by imprisonment for up to 364 days and/or by a fine of not more than \$5,000. In addition, in some situations a person's driver's license can be suspended for not less than 30 days and, if a repeat offender, a person can be required to install an ignition interlock device.

Despite state law, street racing continues, and it is extremely difficult to address under current laws which fail to place consequences on organizers, non-driving participants, and spectators for their actions in facilitating and encouraging the activity. It becomes even more difficult where Shoreline Police are responding to calls for service with limited resources that cut down on available discretionary patrol time to combat the issue.

Washington cities such as the Cities of Kent, Fife, and Tacoma have combatted the issue, in part, through local ordinances like the one before the City Council tonight. Adoption of local regulations would provide Shoreline Police with another tool to use to curb this activity, potentially preventing serious injury, fatalities, and criminal activity that can be associated with street racing. Cities have been in the news, including Fife, about summary impounding cars involved in street racing to deter the behavior.

Shoreline Municipal Code (SMC) Section 10.05.030(B) Towing and Impoundment, incorporating RCW 46.55.113, does provide that a police officer can, at their discretion, take custody of a vehicle when the driver is arrested and taken into custody. However, given the Washington State Supreme Court's ruling in *State v. Villela*, 194 Wn 2nd 562 (2019), which found unconstitutional a statute that provided for summary impoundment when the driver is arrested for DUI, impounding a vehicle for street racing becomes problematic. This is because the *Villela* Court noted that under Washington law, impounding a vehicle is a type of seizure and could be done only if there was probable cause that the vehicle contained evidence of a crime or, if in the judgment of the impounding officer, it is reasonable under the circumstances and there are no reasonable alternatives to impoundment.

Shoreline Police, via the King County Sheriff's General Orders Manual (GMO) - 9.04.000 Motor Vehicle Impounds - requires officers to document and explain all impounds on the appropriate form(s) and give that information to the County Communication Center/Data before going off duty. GMO 9.04.025 further states that officers are to document the reasonable alternatives considered before ordering impound. Shoreline Police state that they will follow 9.04.000 et al if a vehicle impound is warranted.

Proposed SMC Chapter 10.22 – Street Racing

Proposed Ordinance No. No. 937 (Attachment A) would amend the SMC to add a new chapter, Chapter 10.22, regarding Street Racing. The proposed Street Racing regulations (Attachment A, Exhibit A) are patterned after regulations other Washington cities have adopted. These regulations not only prohibit street racing of all types, including exhibitions of speed, but also place consequences on organizers and spectators.

Street Racing itself remains a type of reckless driving as provided in RCW 46.61.500 and non-driving participants can be charged with a misdemeanor punishable by not more than 90 days in jail and/or a fine of not more than \$1,000. In addition, similar to the City's current Stay Out of Drug Areas and Stay Out of Prostitution Areas code provisions ([SMC 9.10.285](#) and [SMC 9.10.560](#), respectively) the proposed Street Racing regulations designate certain areas in the City as Stay Out of Areas of Racing (SOAR).

These areas are:

1. Aurora Avenue N from N 145th Street to the King/Snohomish County line;
2. 15th Avenue NE, from N 145th Street to Ballinger Way NE;
3. N Richmond Beach Road, from N 185th Street to NW Richmond Beach Road;
and
4. NW Richmond Beach Road, from N Richmond Beach Road to Richmond Beach Drive NW.

See Attachment C for a map depicting these areas. These areas have been identified as they have been areas that street racing does or can occur according to Shoreline Police. Lastly, the proposed Street Racing regulations authorize the Court to impound a person's vehicle for up to 30 days.

RESOURCE/FINANCIAL IMPACT

There is little anticipated financial impact expected from proposed Ordinance No. 937. Prosecution of any charges resulting from violations of the proposed regulations will go through the City's Prosecuting Attorney contract. At this time, staff would not expect that it would cause an increase in the current contract allocation.

RECOMMENDATION

No action is required; this is a discussion item only. Staff seeks City Council direction on any changes to the language in proposed Ordinance No. 937. Proposed Ordinance No. 937 is currently scheduled to be brought back to Council for potential action on July 19, 2021.

ATTACHMENTS

Attachment A: Ordinance No. 937
Attachment A, Exhibit A: Street Racing Regulations
Attachment B: May 14, 2021 Washington State Patrol Street Racing Press Release
Attachment C: Stay Out of Areas of Racing (SOAR) Map

ORDINANCE NO. 937

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON
AMENDING TITLE 10 OF THE SHORELINE MUNICIPAL CODE (SMC),
VEHICLES AND TRAFFIC, ESTABLISHING A NEW CHAPTER, SMC
10.22 STREET RACING.**

WHEREAS, the City of Shoreline is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington, and has the authority to regulate the use of City streets pursuant to RCW 35A.11.020; and

WHEREAS, the City has an interest in maintaining the safety and welfare of its citizens and to ensure City streets are used in a safe manner for their intended purpose; and

WHEREAS, street racing events have increased nationwide and within the Puget Sound area and can result in collisions, sometimes serious injury and fatalities (to both participants, spectators, and innocent bystanders), fights, drug use, or other crimes that can adversely impact the community; and

WHEREAS, in addition to traditional racing, these events include “speed exhibition” activities such as rapid acceleration, squealing of tires, engaging in “donuts,” or other performance activities; and

WHEREAS, in addition to prohibiting and penalizing street racing and speed exhibition activities, it is also necessary to prohibit and penalize the organization of, and participation in, such activities, as these activities cause a disturbance to the peace of the community and a threat to public safety; and

WHEREAS, due to the volume of people that attend these events, all types of properties, residential and commercial, public and private, can suffer from trash, graffiti, damage to infrastructure and landscaping, and other nuisances, with commercial properties suffering economic loss as customers chose to go elsewhere; and

WHEREAS, to establish regulations prohibiting and penalizing both street racing and speed exhibitions and the organization and participation of such events, would enable the Shoreline Police to more effectively combat the occurrence of such events; and

WHEREAS, certain streets within the City are frequented by illegal racers and those who attend these illegal races due to the fact that these streets are wide and long, resulting in an uncontrolled racing environment that interferes with the use of these streets as spectators block off streets to allow for racing and performances; and

WHEREAS, by designating these areas and authorizing the court to impose additional penalties for subsequent violations, will serve as a further deterrent; and

WHEREAS, on June 21, 2021, the City Council held a study session on the proposed Development Code amendments; and

WHEREAS, the City Council has determined it is in the interest of public safety and the welfare of motorists and pedestrians using City streets to establish regulations addressing street racing and speed exhibitions with the City;

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

Section 1. Amendment; Establishing new Chapter 10.22 Street Racing. Title 10 of the Shoreline Municipal Code, Vehicles and Traffic, is amended as set forth in Exhibit A to this Ordinance to establish Chapter 10.22 Street Racing .

Section 2. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this Ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

Section 3. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any person or situation.

Section 4. Publication and Effective Date. A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON JULY 19, 2021.

Mayor Will Hall

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik Smith
City Clerk

Julie Ainsworth-Taylor, Assistant City Attorney
On Behalf of Margaret King, City Attorney

Date of Publication: , 2021
Effective Date: , 2021

EXHIBIT A
ORDINANCE NO. 937

Chapter 10.22 Street Racing

10.22.010 Purpose and Authority.

Street racing threatens the health and safety of the public, interferes with pedestrian and vehicular traffic, creates a public nuisance, interferes with the right of businesses and residents to enjoy the use of their property, and unnecessarily expends law enforcement resources.

This section is adopted to prohibit not only street racing itself but to prohibit spectators at street races. In prohibiting spectators, the act of organizing and participating in illegal street races will be discouraged.

The City has the authority to regulate the use of its streets under its constitutional police powers and state law, including but not limited to RCW 35.22.280.

SMC Chapter 10.05 sets forth the City's Traffic Regulations, adopting the State's Model Traffic Ordinance, which applies certain provisions of Chapter 46.61 RCW Rules of the Road throughout the City's jurisdiction.

RCW 46.61.530 provides that no person may race any motor vehicle upon any public highway. Racing occurs when any person or persons willfully compare or contest relative speeds by operation of one or more motor vehicles, whether or not such speed is in excess of the maximum speed prescribed by law. Racing constitutes reckless driving under RCW 46.61.500. Reckless driving is considered a gross misdemeanor, 30-day license suspension.

10.22.020 Definitions.

"Exhibition of speed" means the operation of a motor vehicle to present a display of speed, maneuverability, or power. Exhibition of speed or acceleration includes, but is not limited to, squealing the tires of a motor vehicle while it is stationary or in motion, rapid acceleration, rapid swerving or weaving, drifting, producing smoke from tire slippage, or leaving visible tire acceleration marks on the surface of a paved or unpaved area, that is done intentionally to draw the attention of persons in the vicinity.

"Illegal race event" means an event where street racing occurs using public highways, streets, or rights-of-way in violation of applicable motor vehicle and traffic laws, including RCW 46.61.500 and RCW 46.61.530, or within an off-street parking facility.

"Off-street parking facility" means a public or private off-street parking area open for use by the general public for parking motor vehicles.

"Preparations" means acts done to facilitate the racing event including, but not limited to, arrival of motor vehicles at a predetermined location; impeding the use of a city street by action, word, or physical barrier; the revving of motor vehicle engines or spinning of motor vehicle tires; the gathering of individuals with intent to actively take part in the event or to spectate; or the presence of a person acting as a race starter.

EXHIBIT A
ORDINANCE NO. 937

“Spectator” means any person who has actual or constructive knowledge that they are present at an illegal race event with intent to view, observe, watch, record, support, encourage, or witness the event as it progresses, whether on public or private property.

“Stay Out of Areas of Racing (SOAR)” means those areas specifically designated by the City as no racing zones due to frequent use for illegal race events.

“Street” means rights-of-way as provided in SMC 12.15.020.

“Street Racing” means an exhibition of speed; the action of a person(s) who willfully compare or contest of relative speeds by operation of one or more motor vehicles, whether or not such speed is in excess of the maximum speed prescribed by law, as provided in RCW 46.61.530, as amended, whether the comparison or contest is against another vehicle, clock, or other timing device. Street racing includes a contest or exhibition of speed whether in a parallel or circular direction and may occur both on streets and in off-street parking areas.

10.22.030 Street Racing Prohibited.

- A. No person shall knowingly engage or participate in street racing on a street or within an off-street parking facility within the city.
- B. Violations of this section shall be a gross misdemeanor punishable as provided in RCW 46.61.500 Reckless driving, as amended. In addition to the penalties provided for in RCW 46.61.500, upon conviction, the Court may impound the person’s vehicle for up to thirty (30) calendar days.

10.22.040 Spectating of Street Racing Prohibited.

- A. No person shall knowingly spectate at an illegal race event or, where preparations are being made for an illegal race event with the intent to be present at the illegal race event.
- B. For the purpose of this section, a person shall be considered present if within 200 feet of the location of the illegal race event or the location where preparations are being made for the illegal race event, whether on public or private property.
- C. Nothing in this section prohibits law enforcement officers from being spectators in the course of their official duties.
- D. Violations of this section shall be a misdemeanor punishable as provided in SMC 9.10.050.

10.22.050 Designation of No Racing Zones.

- A. Certain areas of the city are designated and identified as “No Racing Zones.” These zones are frequented by illegal racers and those who attend illegal race events because of

EXHIBIT A
ORDINANCE NO. 937

their characteristics, such as straight, wide, long, and with low traffic volumes during nighttime hours.

- B. The following described areas are identified and designated as No Racing Zones:
1. Aurora Avenue North, from North 145th Street to the King/Snohomish County line;
 2. 15th Avenue Northeast, from North 145th Street to Ballinger Way Northeast;
 3. North Richmond Beach Road, from North 185th Street to Northwest Richmond Beach Road
 4. Northwest Richmond Beach Road, from North Richmond Beach Road to Richmond Beach Drive Northwest.
- C. The boundaries of the designated No Racing Zones identified by this section shall be shown and generally delineated on the No Racing Zones map accompanying the ordinance codified in this section and hereby incorporated by reference. The No Racing Zones map shall be maintained as such and will be on file at City Hall.
- D. No Racing Zones shall include the full width of streets and adjoining property areas, including sidewalks, planting strips, and parking areas if those areas are being use for racing or race attendance, regardless of whether such property is a public place or is private property.
- E. No Racing Zones shall be designated by the placement of clear and conspicuous signs at all street/highway entrances to the “No Racing Zone.” At a minimum, these signs shall advise that the area is a “No Racing Zone”; that race attendance is prohibited; and violators are subject to SMC Chapter 10.22.

10.22.060 Stay Out of Areas of Racing Orders.

- A. In addition to any other penalty imposed by this section, the city attorney or city prosecuting attorney, after consultation with the chief of police, may seek a Stay Out of Areas of Racing (SOAR) order from the district court as a condition of pre-trial release or a condition of sentence, deferral, or suspension for any person found to be in violation of this chapter when the illegal race event occurred within a designated No Racing Zone.
- B. A district court may enter a SOAR order prohibiting a person from entering or remaining in a No Racing Zone for up to one year. The SOAR order shall be in writing, contain any conditional exceptions imposed by the court, and shall bear the following language:
- Violation of this court order is a criminal offense under SMC 10.22.050 and shall constitute a separate criminal offense. Violators will be subject to arrest and their vehicle subject to impound.*
- C. The district court in its discretion may allow a person subject to a SOAR order to enter a No Racing Zone under certain conditional exceptions. Exceptions to the SOAR order may include travel to and from and/or remaining in the following locations so long as these locations apply to or are used by the person who is subject of the SOAR order:

EXHIBIT A
ORDINANCE NO. 937

1. Place of residence;
 2. Court/government offices (while open to the public);
 3. Social services provider or treatment center;
 4. Place of employment;
 5. School;
 6. Attorney's office; or
 7. Medical services.
- D. If the court allows for exceptions in the SOAR order, the person subject to that order is required to have a copy of the order on their person whenever they are traveling through a No Racing Zone. Failure to present this order upon request by law enforcement is a violation of the SOAR order and subject to the penalties set forth in this chapter. For the purpose of this section, "travel" is defined as movement on foot or in a vehicle from one point to another without delay.
- E. Upon entering a SOAR order, the clerk of the court shall forward a copy of the order to the city of Shoreline police department on or before the next judicial day following issuance of the order. Upon receipt, Shoreline police shall enter the order into the appropriate law enforcement information system, noting the expiration date of the SOAR order.
- F. Notice of SOAR Order. A person is deemed to have notice of the SOAR order when:
1. The signature of either the person named in the order is affixed to the bottom of the order, acknowledging receipt of the order; or
 2. The order otherwise indicates that the person appeared before the court at the time the order was entered.
- G. Enforcement Procedure.
1. If a law enforcement officer has probable cause to believe that a person subject to a SOAR order, and in the officer's presence, is knowingly violating that order, such person may be arrested without the necessity for any warrant or additional court order and may impound the vehicle as provided in SMC 10.22.030(C).
 2. The chief of police, in consultation with the city attorney, shall have the authority to promulgate procedures for the administration of this chapter.
- H. Penalties.
1. Violations of any person who knowingly violates a SOAR order shall be guilty of a gross misdemeanor.



*** For Immediate Release ***

Captain Neil Weaver
Government and Media Relations

Date: May 14, 2021
Contact: Trooper Chase Van Cleave
Email: Chase.vancleave@wsp.wa.gov
Phone: (425) 240-4161
Twitter: @wspd2pio

Multiple Agencies Come Together to Address Street Racing

King County: In response to the increased illegal street racing and street/freeway takeover activities across the region, and inherent recklessness of those in attendance the Washington State Patrol (WSP) and multiple other police agencies throughout the Puget Sound region have come together to focus on this important public safety issue. In early 2021 multiple King, Pierce, and Snohomish county police agencies came together and coordinated their efforts to respond to, and investigate illegal street racing related incidents in the region. In addition to law enforcement collaboration, local municipal and county prosecutors have voiced their support and dedication to improving public safety in responding to this significant public safety issue.

Since early March, investigators from the Tacoma and Kent Police Departments, the Washington State Fusion Center, and the WSP have all worked together to identify and arrest multiple suspected racers, and forwarded over 220 different charges against 29 different people in relation to these incidents. These charges range from Reckless Driving, Reckless Endangerment, Disorderly Conduct, and Malicious Mischief all the way up to Vehicular Assault. Charges have been forwarded on suspected organizers, drivers and spectators who contribute to these events.

This problem is not new, nor is it unique to our region. In fact, this is a trend seen in many large cities across the country. But with it has come repeated instances of this reckless and irresponsible behaviors leading to serious injuries of those involved in the racing activities and the bystanders watching alike. It is a unified goal to bring attention, enforcement, and an end to the reckless behavior that has resulted in multiple fatal and serious injury incidents in relation to street racing events. These joint efforts and collaboration on the part of law enforcement agencies and prosecutors across the region will continue to be dedicated towards street racing as long as it continues to be a nuisance and danger to the public, as well as an inconvenience to those motorists impacted by this behavior.


Captain Ron Mead, commander of field operations for the WSP in District 2 (which encompasses all of King County), stated "This regional problem exceeds the ability of any single law enforcement agency to address it alone. By working together we hope to bring these unsafe and illegal behaviors that pose significant risks to those involved, bystanders, and uninvolved motorists to an end. Through coordinated efforts, better use of resources, and collaboration with local prosecutors' offices, participants in this dangerous activity will be held accountable for the betterment of public safety."

Senior Deputy Prosecuting Attorney Stephen A. Herschkowitz, King County Prosecuting Attorney's Office added, "The King County Prosecuting Attorney's Office is committed to helping protect the safety of our communities' streets by working closely with WSP and other county agencies for this special emphasis. While sometimes glamorized, reckless racing and drifting outside appropriate venues is extraordinarily dangerous. Recently, several people in our county have been severely injured, and one has died, as a result of these

illegal street-racing activities. Our office is proud to provide legal assistance to our law-enforcement partners as part of this emphasis team.”



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Stay Out of Areas of Racing

 SOAR

For Ordinance 937

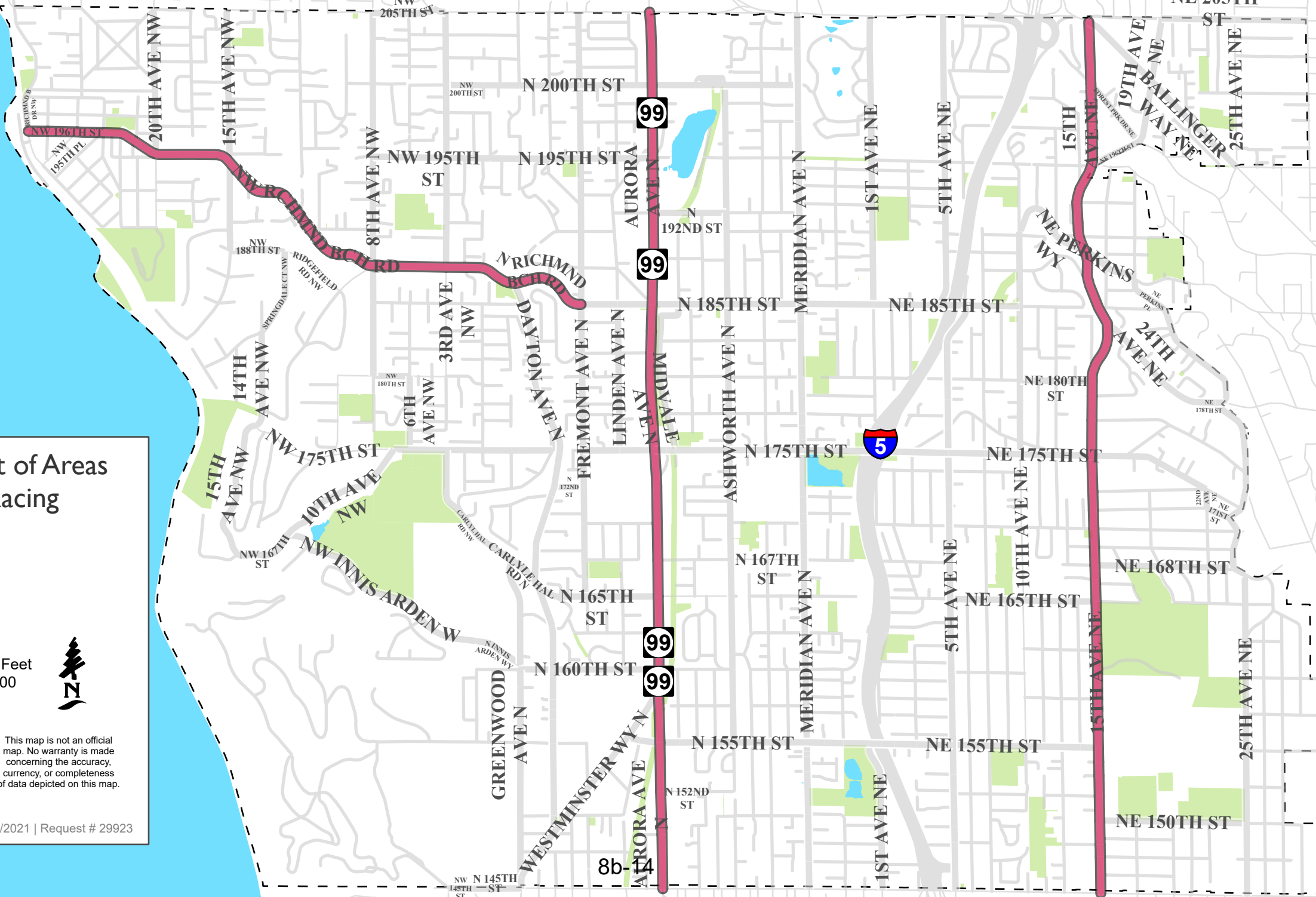
0 1,000 2,000 Feet

Geographic Information System

This map is not an official map. No warranty is made concerning the accuracy, currency, or completeness of data depicted on this map.

Date Generated: 6/14/2021 | Request # 29923



CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Discussion of COVID-19 Mandatory Vaccination Policies - Sponsored by Mayor Hall
DEPARTMENT:	City Manager's Office
PRESENTED BY:	John Norris, Assistant City Manager
ACTION:	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

Per the Council Rules of Procedure Section 3.2.D, the Mayor can place an item on a City Council meeting agenda. Mayor Hall requested the City Manager to schedule a Council discussion to direct the City Manager to establish a mandatory COVID-19 vaccination policy for City employees. The Mayor also requested that Council discuss establishing a mandatory vaccination policy for in-person attendance at any council meeting or indoor event sponsored by the City.

RESOURCE/FINANCIAL IMPACT:

The primary resource impact will be staff time to develop mandatory COVID-19 vaccination policies if the Council directs staff to proceed with preparing documents for such a policy. There could be a financial cost related to any vaccination incentive programs that the City decides to undertake.

RECOMMENDATION

Staff recommends that the Council discuss if they would like to pursue adopting mandatory COVID-19 vaccination policies for City employment and for in-person participation at City Council meetings or indoor events sponsored by the City. Currently, the City Manager does not recommend that the City Council consider adoption of any mandatory COVID-19 vaccination policies.

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

BACKGROUND

To date, the City Manager has not recommended a mandatory COVID-19 vaccination policy as a condition of City employment, nor has the City Manager brought forward a recommendation to the City Council to consider a mandatory COVID-19 vaccination policy for in-person attendance at City Council meetings or indoor events sponsored by the City. The City Manager previously distributed a City Attorney-Client communication to the City Council regarding COVID-19 vaccination questions.

Per the Council Rules of Procedure Section 3.2.D, the Mayor can place an item on a City Council meeting agenda. Mayor Hall requested the City Manager to schedule a Council discussion to direct the City Manager to establish a mandatory COVID-19 vaccination policy for employees. Also, the Mayor requested that Council discuss establishing a mandatory vaccination policy for in person attendance at any Council meeting or indoor event sponsored by the City.

On December 11, 2020, the U.S. Food and Drug Administration (FDA) issued the first emergency use authorization (EUA) for the Pfizer-BioNTech COVID-19 vaccine for individuals 16 years of age and older. On May 10, 2021, the FDA expanded the EUA for the Pfizer-BioNTech COVID-19 Vaccine to include adolescents 12 through 15 years of age. On December 18, 2020, the FDA issued an EUA for the Moderna COVID-19 for individuals 18 years of age and older. As well, on February 27, 2021, the FDA issued an EUA for the Janssen (Johnson & Johnson) COVID-19 Vaccine for use in individuals 18 years of age and older. On April 23, 2021, the FDA amended the EUA of the Janssen COVID-19 vaccine to include information about a very rare and serious type of blood clot in people who receive the vaccine.

On March 31, 2021, Governor Jay Inslee announced that effective April 15, 2021, all Washingtonians age 16 and up were eligible to receive a COVID-19 vaccination. The Centers for Disease Control (CDC), the State of Washington, and Public Health – Seattle & King County all advise that eligible individuals should get vaccinated, as having a significant portion of the population vaccinated will be the only way to curb the COVID-19 pandemic. Vaccination supply and accessibility has been greatly improved over the last two months allowing most people to have access to vaccinations if they desire. There is on-going work to ensure that accessibility is not a roadblock for the public. While many large vaccination sites are starting to close, pop-up vaccination events and mobile vaccination units are ramping up to go to places where there are still people unvaccinated in our communities. Recently the State of Washington has even announced an incentive program to encourage more people to get vaccinated, including lottery drawings.

To date, neither the Federal nor State government have issued any COVID-19 vaccination mandates. Some universities have announced mandatory vaccination policies for staff and students and some tourism-based employers have announced mandatory employment vaccination requirements. City staff could not identify any State government agency (except universities), county, school district or municipal

government in the State of Washington that has adopted a mandatory COVID-19 vaccination policy as a requirement for employment or for in-person attendance at a facility. The City of Issaquah has recently adopted a policy, agreed to by their unions, that all new employees must provide vaccination verification, but existing employees are grandfathered into this policy.

In talking with other King County cities, many stated that they preferred to incentivize vaccination for employees through education and encouragement. Some cities had concerns on the impacts of a mandatory policy for those who are distrustful of government and/or have concerns about the safety of vaccinations – especially for some racial/ethnic groups. Others were not ready to proceed with a process to bargain impacts of a mandatory vaccination policy with their unions, and many cited the concern of anticipated litigation as a reason for not moving forward with a mandatory vaccination policy at this time.

Although the COVID-19 vaccines have been approved for use to address the pandemic emergency through the FDA EUA, given that the vaccines have only been used over a relatively short time, there may still be unknown implications of the vaccine that could develop over time. For this reason, some individuals may be hesitant to proceed with vaccination or may be concerned with mandatory policies prior to the FDA giving full authorization for use of the vaccines. At the same time, there has been no requirement from the U.S. Equal Employment Opportunity Commission (EEOC) that would require that the City make special accommodation for those choosing to delay vaccination until full FDA approval is given.

As of the writing of this staff report, nearly 79% of residents in the North Seattle and Shoreline region that are age 12 and over have received at least one dose of vaccine. Public Health – Seattle King County has recently stated that 97% of new COVID cases are amongst unvaccinated persons.

On May 21, 2021, the Washington State Department of Labor and Industries (L & I) issued mask and distancing requirements to employers that are aligned with the vaccination status of an employee (Attachment A). The new regulations are intended to help employers adapt masking policies to meet new CDC guidelines. The regulations require that if an employer allows for employees to be unmasked in the workplace, then the employer must be able to demonstrate that they have verified vaccination status for those workers not masked or physically distanced.

In compliance with these regulations, the City has updated our workplace protocols to allow fully vaccinated employees to be unmasked when working at their workstations and when working outdoors. Employees must provide proof of vaccination to the Human Resources Department, who will retain the information for verification purposes. An employee who does not provide proof of vaccination will be required to be masked at all times when in the workplace regardless of whether they work indoors or outside. The City will require all employees to wear facial masks when in all common areas indoors (i.e., City Hall lobby, restrooms, conference rooms, etc.), regardless of

vaccination status. As of June 11, 2021, 116 employees had already provided their proof of vaccination to the Human Resources Department. Staff anticipates that more employees will provide this information as they start to return to on-site work. Currently, the City has 184 regular employees and 110 extra-help/seasonal employees. This does not include the City's Police Department, given that they are King County employees.

DISCUSSION

Mandatory Vaccination as Condition of Employment

The City Attorney has opined that the City can require employees to get vaccinated and make this a condition of employment. This is subject to compliance with requirements of the EEOC, the Occupational Safety and Health Administration (OSHA), and the Fair Labor Standards Act (FLSA). A mandatory vaccination policy for employees as a condition of employment could bring legal challenges resulting in litigation for the City in the future.

The EEOC's guidance notes that any vaccination mandates are subject to the application of federal anti-discrimination laws, including the Americans with Disabilities Act (ADA) and Title VII of the Civil Rights Act of 1964 (Title VII). The EEOC advised that while these laws do not prohibit employer-mandated COVID-19 vaccinations per se, they do require employers to undertake individualized risk assessments and offer reasonable accommodations to protect the legal rights of employees who cannot or will not be vaccinated for medical or religious reasons.

Employers must be aware that imposing COVID-19 vaccination requirements may screen out, or tend to screen out, employees with disabilities and may exclude such unvaccinated employees from the workplace. Before excluding unvaccinated employees from the workplace, employers must first determine that unvaccinated employees would pose a "direct threat" of "significant risk of substantial harm to the health or safety" of other individuals. Even if an employer shows that an unvaccinated employee poses a direct threat to the health or safety of themselves or others, the City still has a general obligation to accommodate disabilities under the ADA.

Another exception to mandating vaccinations is if an employee objects to receiving a mandatory vaccine because of a sincerely held religious belief, practice, or observance. In such a situation, Title VII (like the ADA) requires an employer to explore whether a reasonable accommodation that does not pose an undue hardship might be possible.

If the City were to implement mandatory vaccination, the City's duty to reasonably accommodate under state and federal requirements will necessarily impact the City's ability to have everyone vaccinated if a reasonable accommodation can be made without causing the City "undue hardship".

One of the consistent messages from public health is that the wearing of face coverings and maintaining of social distance can be significant deterrents to the spread of COVID-19 and especially for those unvaccinated. Required wearing of facial masks and social

distancing could also be potential ways to provide reasonable accommodation for those who chose not to be vaccinated for religious or medical reasons. Since the City is already requiring unvaccinated individuals to wear face coverings and always maintain social distance in the workplace, it does not seem that having a mandatory vaccine policy will significantly change the working conditions that the City Manager is implementing absent a mandatory vaccine policy.

In early June, the Human Resources Department conducted a vaccination survey for the City's regular employees. A total of 155 regular employees responded to the survey. Of those responding, 139 employees, or 90%, were fully vaccinated, five (5) employees, or 3%, would be fully vaccinated by June 30th, one (1) employee, or 1%, would be fully vaccinated by July 31st, and 10 employees, or 6%, did not know when or if they would get vaccinated. Of the 10 employees who indicated that they were not vaccinated, four (4) indicated that they were waiting for full FDA approval of vaccines, one (1) was not getting vaccinated for religious reasons, one (1) was not getting vaccinated for medical reasons, and one (1) said it was too difficult to get vaccinated.

Mandatory Vaccination Policy for In-Person Attendance at Council Meetings or Indoor City-Sponsored Events

Again, the City Attorney has opined that the Council could require proof of vaccination for in-person attendance at City Council meetings and other indoor in-person events sponsored by the City. Many of the same issues discussed in the previous section of this staff report would apply to this policy. This includes providing accommodations in accordance with the ADA and that the City complies with any applicable provisions of the Civil Rights Act or any other applicable state and federal anti-discrimination laws. Obviously, children under the age of 12 are not yet eligible to be vaccinated so they would need to be exempted from any mandatory vaccination policy until they have an opportunity to be vaccinated.

It is important to also note that public health has reported that vaccination rates in certain groups have lagged as individuals try to assess and understand the safety of the vaccines. A mandatory vaccination policy could be perceived as another barrier or viewed as a form of discrimination based on someone's race, color, national origin, or religious beliefs.

Council should be aware that there could be some additional challenges that could be raised in relation to public meetings and the requirements under the Open Public Meetings Act (OPMA) to allow public access to certain meetings without preconditions.

The City has been providing Council Meetings virtually and conducting several public input processes (Open Houses, Forums, etc.) virtually since the pandemic started. These virtual offerings provide access for all who have internet and computer access. Staff has been exploring upgrading City Hall facilities to support "hybrid" meetings so that both in-person and virtual access can be provided. It is likely that this will continue to take some time to implement, although staff is hopeful that we can get the Council Chambers upgraded for this purpose during the fall of 2021, along with some of the

other City Hall conference rooms. This may be help provide the accommodation necessary for real time public participation for meetings/events that occur in City Hall if Council were to implement a mandatory vaccination verification for in-person meetings.

If Council chooses to implement a mandatory vaccination policy, then staff would need to ensure that there was a method for vaccination verification for individuals coming in person. Given that there is currently no uniform system that one can utilize that would demonstrate vaccination, it would be mostly an honor system that would rely on the good faith of those that attend meetings to provide accurate proof of vaccination.

As Council is aware, the City will be reopening City Hall for public access on July 6, 2021. This "Phase 1" opening will have some limitations as we will not allow outside groups to use conference rooms or allow individuals/groups to access the public art exhibits throughout City Hall. Rather, the City is limiting public access for business purposes only. We will continue to provide services virtually in many cases. We anticipate our "Phase 2" opening of City Hall to occur on September 7th, and this may bring us closer to having City Hall operations mirror pre-pandemic times.

Other facilities, such as the City's Spartan Recreation Center, have already started offering programs by appointment and pre-registration. All public health guidance is being followed including the requirement of wearing face coverings, regardless of vaccination status. Currently, the City is not requiring proof of vaccination for access to or participation in programs held indoors at City facilities.

ALTERNATIVES ANALYSIS

The City Manager has consistently stated to employees that the City wants all employees, that can, to be vaccinated. The City Manager has implemented policies that allow staff to use paid time to get vaccinated and the same if an employee needs time to recover from a reaction to the vaccine. The Human Resources Department has continued to provide information on how to find vaccine locations, available appointments, and once the vaccination site opened in Shoreline, employees were encouraged to take advantage of getting vaccinated at that location. The Shoreline Fire District has also made vaccines available to Shoreline employees prior to the opening of the vaccination site at the Shoreline Center.

The City Manager believes that continuing to educate and encourage employees to get vaccinated is a better approach than a mandatory policy, at least at the current time. Some private companies are using financial rewards to incentivize employees to be vaccinated, including cash payments or other incentives. The City of Issaquah has recently announced that they are providing an extra day off for all employees that have provided proof of vaccination.

Staff could continue to seek other incentives to encourage individuals to get vaccinated. For example, the City could consider something like the City of Issaquah and offer an additional day off for those who have provided proof of vaccination, or set a target for

overall employee vaccination status (i.e., 80% of employees vaccinated) and if that is achieved, then the City would provide a day off for everyone or for those who have been vaccinated. There may be other incentives to continue to encourage all employees to get vaccinated.

As previously stated, staff has been working with vendors to improve the City's capacity to offer "hybrid" public meetings. This should allow the City to provide more access for community members to participate in meetings in-person and virtually. In fact, allowing virtual participation has been one of the positive outcomes from the pandemic. Staff does recommend that Council should not institute a mandatory vaccination policy for in-person attendance at City Council or other indoor city-sponsored events until such time as we have a consistent way to provide access virtually for those who are not vaccinated. An alternative that could be considered, at least for those meetings where individuals will be seated, would be to have designated seating areas for those vaccinated, like what is occurring with some sporting events.

SUMMARY

The City Attorney has opined that mandatory vaccination policies are legally permissible as a condition for employment and as a condition for the public to attend in-person meeting and events, provided that it is subject to exceptions for medical purposes and religious beliefs. Mandatory vaccination policies are subject to legal challenges and may result in future litigation for the City. The City would need to bargain the impacts of a mandatory vaccination policy for employment with the City's Maintenance Worker Union.

Having a mandatory vaccination policy for employment or attendance at public meetings is not currently a common practice for employers in the State of Washington. It may be a question of timing. There is much being done to incentivize individuals to get vaccinated throughout the State and this appears to be the focus of many private and public employers. Continuing to seek ways to encourage vaccination should continue as the road to ending the pandemic really is through having people vaccinated.

Implementation of public health guidance such as the wearing of face coverings and social distancing will continue in City operations both for employees and members of the public who access city services in person.

The City Manager does not recommend moving forward with mandatory vaccination policies. Although this is the case, the City Council may disagree with the City Manager, and could direct staff to prepare documents to adopt a mandatory vaccination policy for employment and for the in-person attendance of members from the public for City Council meetings and indoor events sponsored by the City.

RESOURCE/FINANCIAL IMPACT

The primary resource impact will be staff time to develop mandatory COVID-19 vaccination policies if the Council directs staff to proceed with preparing documents for such a policy. There could be a financial cost related to any vaccination incentive programs that the City decides to undertake.

RECOMMENDATION

Staff recommends that the Council discuss if they would like to pursue adopting mandatory COVID-19 vaccination policies for City employment and for in-person participation at City Council meetings or indoor events sponsored by the City. Currently, the City Manager does not recommend that the City Council consider adoption of any mandatory COVID-19 vaccination policies.

ATTACHMENT

Attachment A – Washington State Dept. of Labor and Industries Mask and Distancing Requirements – May 21, 2021

Mask and Distancing Requirements Are Changing:

Key COVID-19 Updates for Fully Vaccinated Workers (May 21, 2021)

Updated state COVID-19 workplace safety and health guidance from the Washington Department of Labor & Industries (L&I) at www.Lni.wa.gov, will help employers adapt masking policies to meet new CDC guidelines (www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html) adopted by Governor Jay Inslee.

What's new:

- Fully vaccinated employees do not have to wear a mask or socially distance at work, unless their employer or local public health agency still requires it.
- Before ending mask and social distance requirements, employers must confirm workers are fully vaccinated — by having the worker either sign a document attesting to their status or provide proof of vaccination.
- Employers must be able to demonstrate they have verified vaccination status for workers who are not masked or physically distanced. Verifications methods may include:
 - Creating a log of workers who have verified they've been vaccinated and the date of verification,
 - Checking vaccination status each day as workers enter a jobsite,
 - Marking a worker's badge or credential to show that they are vaccinated, or
 - Other methods demonstrating an employer has verified worker vaccination status may also meet the standard.
- When verifying an employee's vaccine status, acceptable documentation includes a CDC vaccination card, a photo of the card, documentation from a health care provider, a signed attestation from the worker, or documentation from the state immunization information system.

- Evidence of the verification system must be available to L&I upon request.

What's staying in place:

- Employers may still require mask use if they choose, and with some exceptions (<http://lawfilesexternal.wa.gov/biennium/2021-22/pdf/Bills/Session%20Laws/Senate/5254-S.SL.pdf>), employers must allow employees to wear a mask or other protective equipment if they choose to, regardless of vaccination status.
- If an employee is not fully vaccinated or their vaccination status is unknown, employers must continue to require masks and social distancing.
- The new guidance does not change masking rules for health care settings like hospitals, long-term care, or doctor's offices; correctional facilities, homeless shelters, schools, child care centers or day camps. And the federal order requiring masks on public transportation remains in place.
- Employers cannot fire or discriminate against an employee who is at high risk of contracting COVID-19 and is seeking accommodation that protects them from COVID-19 exposure.
- Unvaccinated individuals are still required to wear face coverings in all public spaces.

Employers are encouraged to check with their local public health agency, which may have more stringent requirements or recommendations.

For more information on enforcement policies:

- Visit www.Lni.wa.gov/DD170 and www.Lni.wa.gov/DD1180.
- Read L&I's COVID-19 Workplace Safety Requirements at www.Lni.wa.gov/go/F414-164-000 and www.Lni.wa.gov/go/F414-169-000.

PUBLICATION F414-179-000 [05-2021]