

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF REGULAR MEETING

Monday, September 27, 2021
7:00 p.m.

Held Remotely via Zoom

PRESENT: Deputy Mayor Scully, Councilmembers McConnell, McGlashan, Chang, Robertson, and Roberts

ABSENT: Mayor Hall

1. CALL TO ORDER

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

2. ROLL CALL

Upon roll call by the City Clerk, all Councilmembers were present with the exception of Mayor Hall.

3. APPROVAL OF THE AGENDA

The agenda was approved by unanimous consent.

4. REPORT OF CITY MANAGER

Debbie Tarry, City Manager, provided an update on COVID-19 and reported on various City meetings, projects, and events.

5. COUNCIL REPORTS

Councilmember Roberts said the Puget Sound Regional Council recently allocated funds to transit agencies.

6. PUBLIC COMMENT

Jackie Kurle, Shoreline resident, spoke regarding the Enhanced Shelter and the importance of providing shelter for people potentially in need of housing. She encouraged continued oversight.

Vivian Korneliussen, Shoreline resident, spoke regarding the negative impacts of the use of natural gas in residential settings. She said ensuring that any new housing is electric, rather than gas, will alleviate a public health crisis.

7. CONSENT CALENDAR

Upon motion by Councilmember McGlashan and seconded by Councilmember McConnell and unanimously carried, 6-0, the following Consent Calendar items were approved:

(a) Approval of Minutes of Regular Meeting of August 16, 2021

(b) Approval of Expenses and Payroll as of September 10, 2021 in the Amount of \$2,650,758.07

***Payroll and Benefits:**

Payroll Period	Payment Date	EFT Numbers (EF)	Payroll Checks (PR)	Benefit Checks (AP)	Amount Paid
8/8/21-8/21/21	8/27/2021	98523-98741	17570-17601	83345-83351	\$816,483.65
8/8/21-8/21/21	8/27/2021			WT1206-WT1207	\$103,980.11
					<u>\$920,463.76</u>

***Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
9/1/2021	83293	83310	\$427,489.68
9/1/2021	83311	83326	\$181,283.48
9/1/2021	83327	83333	\$15,201.73
9/1/2021	83334	83344	\$43,042.40
9/9/2021	83352	83376	\$57,577.42
9/9/2021	83377	83382	\$6,601.90
9/9/2021	83383	83394	\$999,097.70
			<u>\$1,730,294.31</u>

8. ACTION ITEMS

(a) Public Hearing and Discussion of the 2022 Community Development Block Grant Funding Plan

Bethany Wolbrecht-Dunn, Community Services Manager, delivered the staff presentation. Ms. Wolbrecht-Dunn reviewed the required process for the renewal of the Community Development Block Grant (CDBG), said there is an estimated \$323,558 in revenues in 2022, and the use of funds is guided by an interlocal agreement with King County and local decisions on capital funding. She stated that this annual process uses the biennial Human Services Plan as a guide and that the 2021-2022 Biennial Budget already reflects the estimated CDBG. Ms. Wolbrecht-Dunn listed the uses of CDBG funds for regional and local programs and identified the costs associated with program administration.

Deputy Mayor Scully opened the public hearing. Seeing no members of the public wishing to offer testimony, he closed the public hearing.

Deputy Mayor Scully observed that the recommended action is similar to that taken in previous years, and said the plan that staff presents makes sense.

It was agreed that the 2022 Community Development Block Grant Funding Plan would return as a Consent Item.

9. STUDY ITEMS

(a) Discussion of 2021 Legislative Impacts on Policing

Christina Arcidy, Management Analyst, facilitated the panel discussion. She opened the conversation by stating that recent events have prompted a significant degree of interest in law enforcement policy issues, and the 2021 State Legislative Session included over one hundred new bills regarding law enforcement. She reviewed the legislative actions taken and noted that implementation began a few months ago, so now law enforcement agencies are taking steps to address their policies, procedures, and officer training to align with the new legislation. She said there is continued need for clarity and to address unintended consequences of some new laws. Ms. Arcidy introduced panelists Jesse Anderson, King County Sheriff's Office (KCSO) Patrol Operations Chief; Erin Overbey, KCSO Legal Advisor; Shawn Ledford, Shoreline Police Chief; and Sarah Roberts, Shoreline Prosecutor.

Chief Anderson outlined KCSO's policy updates. He gave an overview of the impact of the legislative changes, stating that many are consistent with KCSO practice and policy. He said many of the legislative changes were born in this region and shared ways in which the KCSO supports co-responder collaboration. He said some of the new legislation creates a public safety hazard since time is needed to implement some of the legislative revisions. He spoke to the ways in which King County is in alignment with other agencies and said the officers adapt quickly to changes. He said it is important to note that KCSO continues to respond to all calls for service, evaluating the situations and providing as much support to the community as possible while following the guidelines of the new legislation.

Ms. Overbey and Chief Anderson elaborated on aspects of the new laws. In addressing House Bill 1310 (Use of Force), Ms. Overbey summarized the guidelines and listed the additional limitation imposed by KCSO and Chief Anderson outlined the direction given to officers in the field. Both panelists elaborated on the definitions and directives associated with the categories of Duty of Reasonable Care, Use of Physical Force and Use of Deadly Force.

Ms. Overbey reviewed House Bill 1054 (Pursuits), stating that it prohibits certain actions and restricts the pursuit policy. Chief Anderson discussed the distinctions between 'probable cause' and 'reasonable suspicion' definitions to authorize pursuit as well as described application of the policy when including a call for Immanent Threat or Fire assistance or a mental health incident. Ms. Overbey said it is not clear if the law allows any use of physical force in these situations. Chief Anderson emphasized the importance of having some form of support in place to help

people in crisis and shared examples of situations of recent police response when the legislation has hampered ability to keep people safe. Ms. Overbey said the actions associated with investigative detentions has also changed in accordance with the current law and Chief Anderson spoke to the use of communication and conversation with a suspect when there is no option for the use of physical force in cases of reasonable suspicion.

Ms. Overbey summarized the obligations established by House Bill 5066 (Duty to Intervene) and Chief Anderson shared examples of implementation in the field. Ms. Overbey reviewed State Bill 5051 (Police Commissions), which provides procedures for police background checks, clarifies bases for suspension or revocation of police commission and allows for complaints of misconduct to go directly to the Criminal Justice Training Commission in addition to being submitted for internal investigation.

Ms. Roberts listed the potential impacts to the City of State Bill 5476 which addresses the State v. Blake Decision. She said drug charges become misdemeanor crimes instead of felonies, there is a focus on diversion before prosecution, and discretion on prosecution and use of alternative courts is allowed. She described the additional steps required by deputies prior to referring a case to the prosecutor and the work that would be done to work with resource providers.

Ms. Arcidy said staff recommends the Council discuss the possibility of addressing portions of the new legislation as part of their 2022 Legislative Priorities, if it does not happen prior to the adoption of the Priorities.

Several Councilmembers recognized the difficult job of policing and expressed support and gratitude to the Shoreline Police Department for their contributions and collaboration in the evolution of policing.

In discussing probable cause, Councilmember Chang said her overall impression is that the differences outlined in the staff report are distressing because they do not make sense and she wondered if there could have been other interpretations to allow more common-sense responses to crimes. Chief Anderson said the practice is different than what they are used to. He said the practical application of meeting the threshold of probable cause can take time, and each situation is unique, so there are many nuances to be considered in training. Councilmember Chang asked if deputies could be prosecuted if they are following KCSO policy and Ms. Overbey said the standard is that there can be action taken against their commission for failure to follow policy or law, and there is a fear of misinterpretation because it could mean the end of a career in law enforcement. She added that a list of questions has been submitted to the Attorney General for formal legal opinions. Councilmember Chang said she would support the Shoreline City Council pushing for clarification with its legislative delegation. She wants to make sure that it is not easy for people who commit crimes to get away with them.

Deputy Mayor Scully thanked the KCSO for the interpretation of probable cause they have provided and the rational conversation they have engaged in. He was concerned that de-policing would be an outcome of the interpretation of the legislation so he was delighted to hear the directive that police will continue to respond to all calls. He said if there are technical fixes that need to be made to the legislation, Council will advocate for making them.

In consideration of responses to calls involving a mental health crisis, Deputy Mayor Scully wants to ensure police backup for crisis responders. Chief Anderson said initially there was reluctance to assist on those types of calls, but further clarification and expectations have been communicated, but additional clarification in that area would be helpful. Ms. Overbey said it boils down to how imminent threat is defined. Councilmember Roberts said he thinks that fully funding expanded mental health support in crisis response is necessary. He is eager to learn the outcome of the clarifications requested from the Attorney General but wondered whether a request for clarification of the law rises to the level of a legislative priority. Chief Anderson said they want to work with the Legislature on changes and need clarification to provide legal support for the officers.

Councilmember Robertson said this thorough presentation gave her a lot to think about and the examples of recent challenges were powerful. She said it is a good idea to keep this topic in consideration for the Council's 2022 Legislative Priorities in order to help them get the clarity they need.

Councilmember Chang asked if clarifications would get them away from some of the things that do not make common sense. She is concerned with the examples shared in the staff report and she hopes that there can be a focus on the interpretations made. Chief Anderson said they can get there but some are easier fixes than others. He thinks there should be statewide, consistent definitions for probable cause and reasonable suspicion, and there needs to be clarifications for dealing with mental health issues. He emphasized that the role of police is to ensure the peace and there are lots of great opportunities of ways to move forward with co-responder teams. Chief Ledford said that it is not a crime to be mentally ill, so even though police want to step in and help when called to situations involving mental illness, it is difficult to determine imminent threat, so now they have to sit back and observe.

10. EXECUTIVE SESSION: Litigation – RCW 42.30.110(1)(i)

At 8:42 p.m., Deputy Mayor Scully recessed into an Executive Session for a period of 20 minutes as authorized by RCW 42.30.110(1)(i) to discuss with legal counsel matters relating to agency enforcement actions or litigation and stated that the Council is not expected to take final action following the Executive Session. Staff attending the Executive Session included Debbie Tarry, City Manager; John Norris, Assistant City Manager; and Margaret King, City Attorney. The Executive Session ended at 8:53 p.m.

11. ADJOURNMENT

At 8:54 p.m., Deputy Mayor Scully declared the meeting adjourned.

Jessica Simulcik Smith, City Clerk