



City Council Meeting Schedule February 2021

City Council temporarily designated the location for regular, special and study session meetings to a virtual location until termination of the state of emergency or until rescinded. The City broadcasts City Council meetings on the City's website <https://www.go2kennewick.com/CouncilMeetingBroadcasts>.

February 2, 2021

Tuesday, 6:30 p.m.

REGULAR COUNCIL MEETING

February 9, 2021

Tuesday, 6:30 p.m.

WORKSHOP MEETING (the workshop meeting will be done via Zoom and broadcast on the City's website

<https://www.go2kennewick.com/CouncilMeetingBroadcasts>)

1. KFD Peak Hours Schedule Pilot Program
2. Fire Arms Code Amendment

February 16, 2021

Tuesday, 6:30 p.m.

REGULAR COUNCIL MEETING

February 23, 2021

Tuesday, 6:30 p.m.

WORKSHOP MEETING (the workshop meeting will be done via Zoom and broadcast on the City's website

<https://www.go2kennewick.com/CouncilMeetingBroadcasts>)

1. KPD/Mental Health Professional Update
2. Fire Station No. 1/Administration Facility Update
3. Committee Updates

To assure disabled persons the opportunity to participate in or benefit from City services, please provide twenty-four (24) hour advance notice for additional arrangements to reasonably accommodate special needs.

Please be advised that all Kennewick City Council Meetings are Audio and Video Taped

February 2021
Updated 01/27/20

Council Workshop Coversheet



Agenda Item Number	1.	Meeting Date	02/09/2021
Agenda Item Type	Presentation		
Subject	KFD Peak Hours Schedule Pilot Program		
Ordinance/Reso #		Contract #	
Project #		Permit #	
Department	Fire Department		

Info Only	☒
Policy Review	☐
Policy DevMnt	☐
Other	☐

Summary

The Kennewick Fire Department (KFD) has implemented a pilot program for the calendar year of 2021 that is focused on directing fire and EMS resources towards the most significant problems that need to be addressed when they are occurring. Over the next biennium, the KFD will be taking steps to continue to improve data collection in an effort to continue to evaluate how resources can be used most effectively. The department also hopes this pilot program will result in adequate information to determine whether or not this is a program that should be continued or expanded upon.

Through

Dept Head Approval

City Mgr Approval

Chad Michael
Feb 03, 12:49:26 GMT-0800 2021

Marie Mosley
Feb 03, 13:48:07 GMT-0800 2021

Attachments: Presentation



2021 Peak Hour Pilot Program



The Overarching Goal

- Get the right resources to the right incidents in the right amount of time





Evolution of the KFD

- Additional fire stations
- Additional staffing
- Consistent staffing/deployment model



Data



- Fire Service was late
- Has not always been available
- Has not always been understood
- KFD has room for improvement



KFD Data Goals



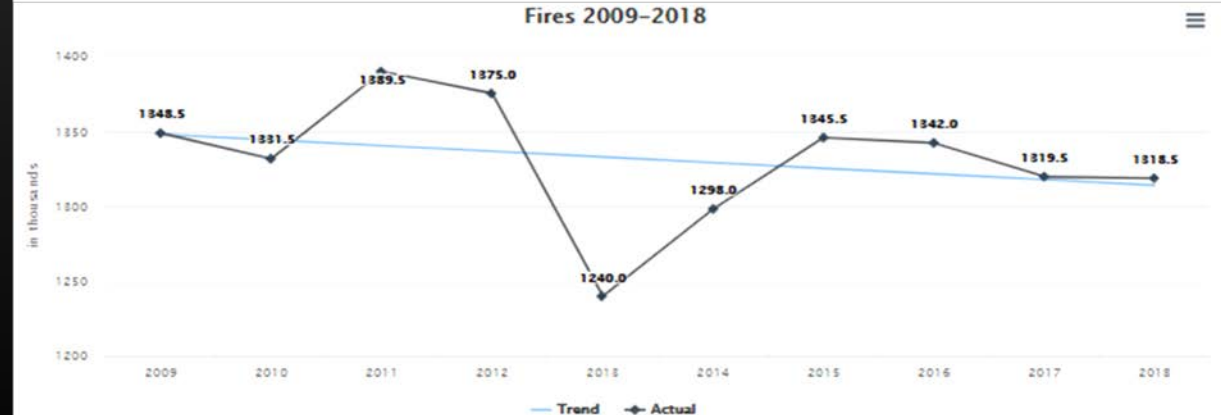
- Establish baselines
- Ability to measure outcomes
- Identify trends
- Quantify and isolate changes
- Fact-based decision-making

National Trends for Fires and Injuries 2009-2018

(National Fire Protection Association, 2019)

Trend

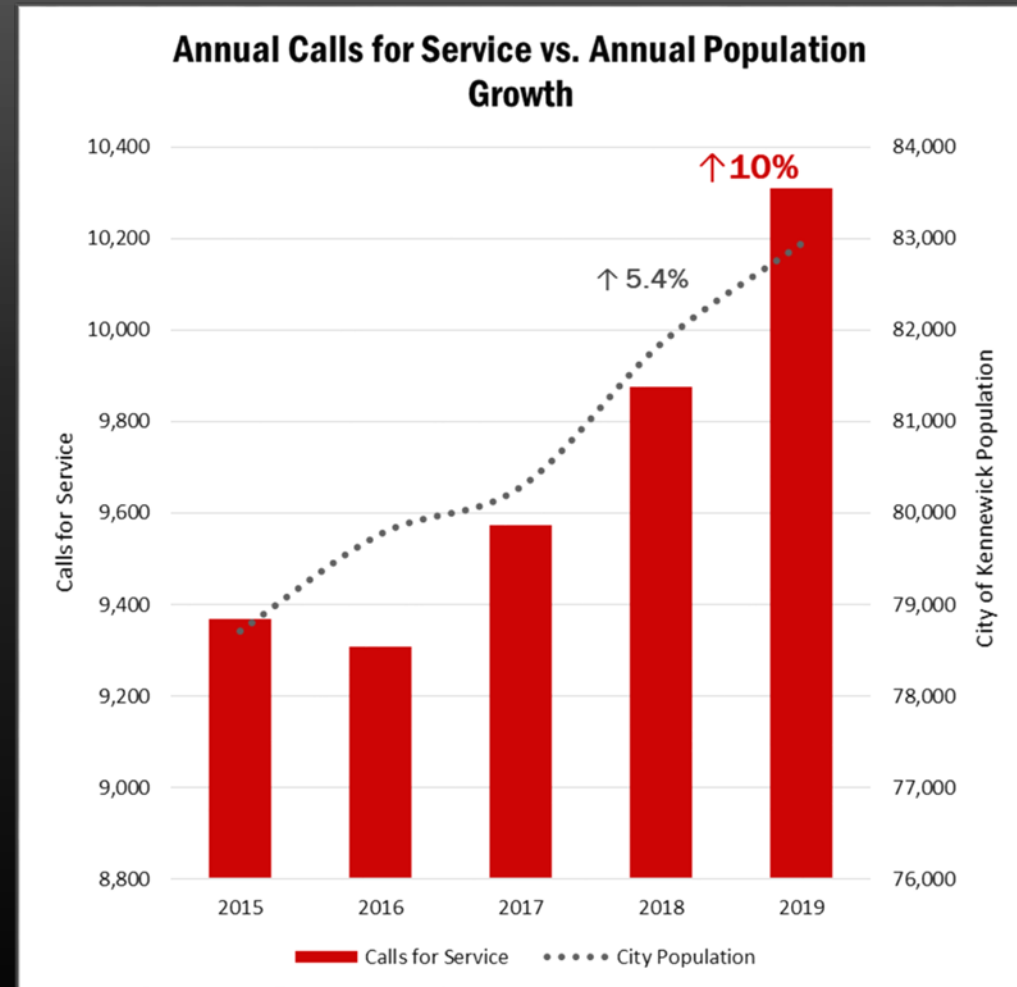
Fires	1,318,500 in 2018	-2.5% from 2009	↓
Injuries	15,200 in 2018	-17.0% from 2009	↓



KFD Data

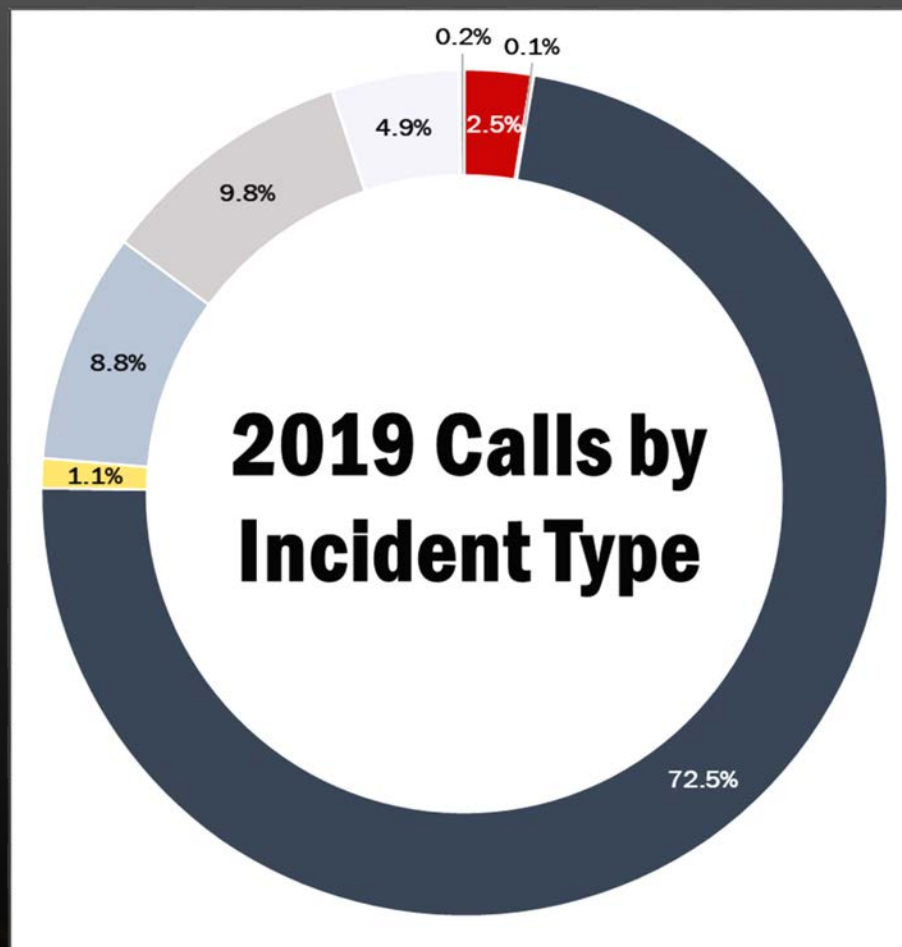


- Population has increased and demand has risen over time
- This trend is going to continue over the next 20 years





KFD Data



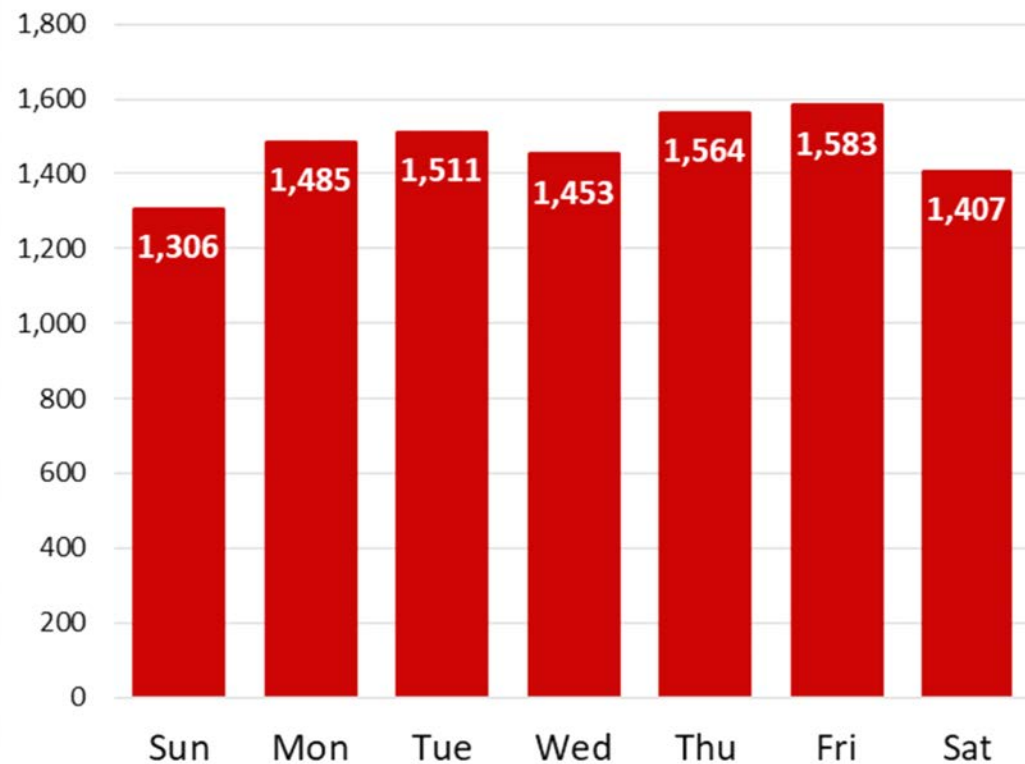
% Calls	Incident Type	# Calls
2.5%	Fire	262
0.1%	Overpressure, Overheat, Ruture (No Fire)	11
72.5%	Rescue & Emergency Medical Services	7,479
1.1%	Hazardous Condition (No Fire)	117
8.8%	Service Call	906
9.8%	Good Intent Call	1,012
4.9%	False Alarm & False Call	504
0.0%	Severe Weather & Natural Disaster	2
0.2%	Special Incident Type	16

2019 Total Calls: 10,309

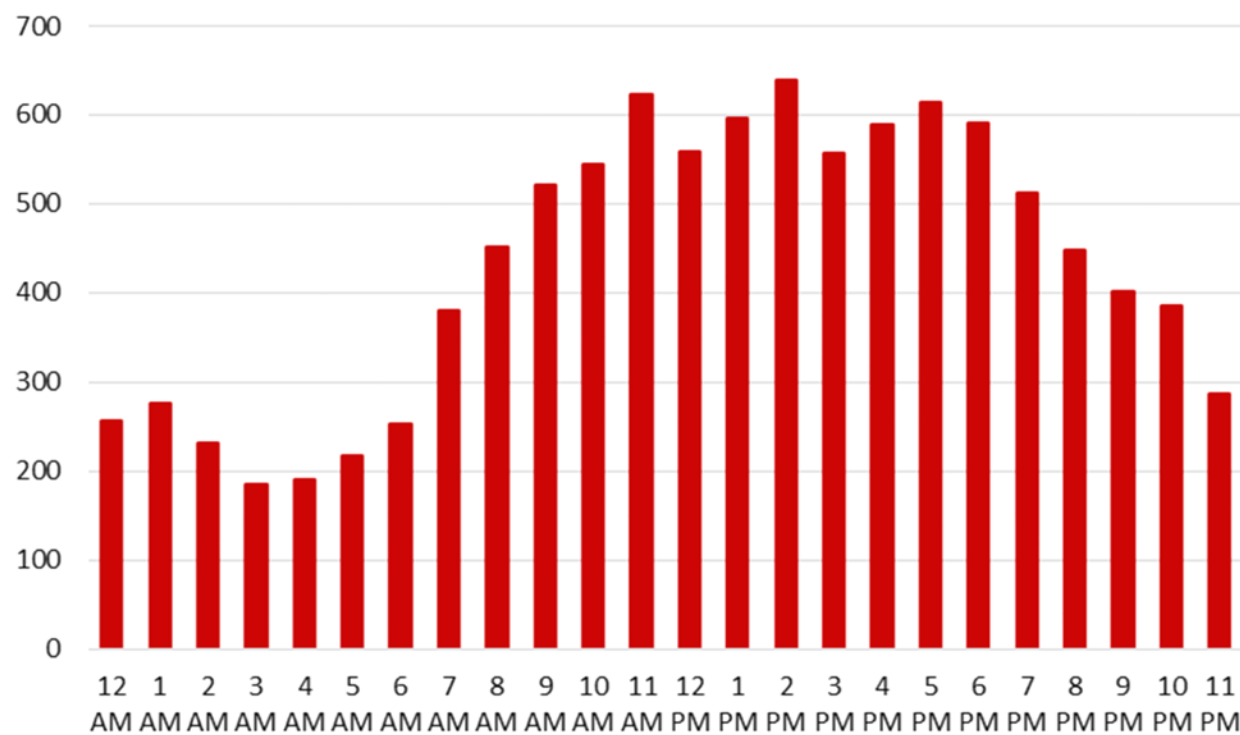
KFD Data



2019 Incidents by Day of the Week



2019 Apparatus Responses by Time of Day



Pilot Program Overview



- Concept
- Schedule





Peak Hour Schedule Benefits

- Uses data
- Improves reliability
- Targets staffing
- Additional EMS capacity
- Additional Firefighters on the fireground
- Opportunity for hands on training





Next Steps

- Learn from our experience in 2021
- Evaluate and adjust to maximize the benefit
- Continue to work with Local 1296
- Consider assigning staff to specific resource





Questions

Any questions



Council Workshop Coversheet



Agenda Item Number	2.	Meeting Date	02/09/2021
Agenda Item Type	Presentation		
Subject	Proposed Amendments to KMC		
Ordinance/Reso #		Contract #	
Project #		Permit #	
Department	City Attorney		

Info Only	☐
Policy Review	☐
Policy DevMnt	☐
Other	☒

Summary

In accordance with office goals for the 2019/2020 biennium, the City Attorney's Office conducted a comprehensive review of the criminal provisions of Titles 8, 9, and 10 of the Kennewick Municipal Code (KMC) in 2020. During this review, it was discovered that numerous sections of Title 10.12, relating to firearms and weapons, needed to be updated or repealed to comply with changes in state law. Because the State of Washington has preempted the field of firearm regulation, ordinances relating to firearms that are inconsistent with state law are invalid. Additional amendments to Chapter 10.12 are recommended for clarity and to render the chapter more user-friendly by eliminating unnecessary provisions.

The proposed amendments are essentially housekeeping in nature and fall into three categories: (1) Amendments, which consist of language changes that are necessary to render the existing KMC to be consistent with state law; (2) Repeals, which are proposals to repeal existing KMC sections that either cannot be enforced by the City and are inconsistent with state law or do not have enforcement provisions and are not necessary to have in our code; and (3) Adopt by Reference, which are recommendations to eliminate the text of lengthy sections from the code by adopting the corresponding RCW by reference (these sections need to be included in the code as they can be enforced by the City but are very rarely prosecuted).

Amendments are proposed to eight sections of the chapter to avoid preemption issues. An additional five sections should be repealed for the same reason as violations of those sections are felonies under state law. It is suggested that five sections be repealed given that they have no enforcement provision and aren't necessary to include. Finally it is recommended that five RCW sections be adopted into the KMC by reference. This change would result in the repeal of three existing KMC sections that can be prosecuted by the City if violated but are lengthy and very rarely charged. All proposed amendments have been reviewed with the Kennewick Police Department to ensure there were no concerns from their perspective.

Through

Jessica Foltz
Feb 03, 11:38:13 GMT-0800 2021

Attachments: Presentation

Dept Head Approval

Lisa Beaton
Feb 03, 11:59:52 GMT-0800 2021

City Mgr Approval

Marie Mosley
Feb 03, 13:53:46 GMT-0800 2021



Proposed Amendments to Kennewick Municipal Code Chapter 10.12 Firearms and Weapons

February 9, 2021 Kennewick City Council Workshop

Jessica Foltz, Assistant City Attorney

Background

- ▶ The City Attorney's Office conducted a comprehensive review of Title 10 of the Kennewick Municipal Code (KMC) in 2020.
- ▶ Chapter 10.12 was noted to require amendments to:
 - ▶ Render the code more concise and user-friendly; and
 - ▶ Avoid sections of the code being unenforceable due to State preemption.

Important Considerations

▶ State Preemption

- ▶ The State of Washington has expressly preempted the entire field of firearms regulation, including (but not limited to) issues related to registration, licensing, possession, purchase, sale, acquisition, transfer, discharge, and transportation. See RCW 9.41.290.
- ▶ This means that municipalities may enact only those laws and ordinances relating to firearms that are specifically authorized by state law, and that are consistent with the RCW (“local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of state law shall not be enacted and are preempted and repealed”).
- ▶ Having preempted ordinances in the code increases the risk of the City facing §1983 liability.

▶ Prosecution of Violations

- ▶ Cities with a municipal court must prosecute misdemeanors/gross misdemeanors based on city code provisions or RCWs that have been incorporated into the code by reference. *City of Auburn v. Gauntt*, 174 Wn.2d 321, 274 P.3d 1033 (2012).

Categories of Changes

- ▶ Proposed changes are generally housekeeping in nature and fall into three categories:
 1. Amendments: Language changes that are necessary to render the existing KMC to be consistent with state law.
 2. Repeals: Proposals to repeal existing KMC sections that either cannot be enforced by the City and are inconsistent with state law or do not have enforcement provisions and are not necessary to have in our code.
 3. Adopt by Reference: Proposals to eliminate the text of lengthy sections from the code by adopting the corresponding RCW by reference. These sections need to be included in the code to be enforced but are very rarely prosecuted.
- ▶ Proposed changes were reviewed with the Kennewick Police Department to ensure there were no objections.

Category 1: Amendments

- ▶ KMC 10.12.005 – Definitions

- ▶ Alphabetize section.

- ▶ Amend the definitions of the following terms to mirror state law definitions:

- ▶ “Pistol” – increase barrel length referenced from to 12 inches to 16 inches.
 - ▶ “Loaded” – add the following as (e): “[t]here is a ball in the barrel and the firearm is capped or primed if the firearm is a muzzle loader.”
 - ▶ “Serious Offense”
 - ▶ Delete subsection (c) referring to controlled substance homicide and replace with the following: “[a]ny felony violation of the uniform controlled substances act, chapter 69.50 RCW, that is classified as a class B felony or that has a maximum term of imprisonment of at least ten years”.
 - ▶ Add a subsection for “drive-by shooting”.
 - ▶ Add the following to the subsection referring to Vehicular assault: “when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner”.
 - ▶ Add a subsection for “Any felony conviction under RCW 9.41.115” (subsequent violations of the statute prohibiting the sale of firearms without going through a licensed dealer to ensure background checks).

Category 1: Amendments

▶ KMC 10.12.005 – Definitions Continued

- ▶ Add the following subsection: “Semiautomatic assault rifle” means any rifle which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge. “Semiautomatic assault rifle” does not include antique firearms, any firearm that has been made permanently inoperable, or any firearm that is manually operated by bolt, pump, lever, or slide action.’

▶ KMC 10.12.010 – Carrying Weapons

- ▶ Expand the exception for various law enforcement officers in subsection (6)(a) to include “correctional personnel and community corrections officers as long as they are employed as such who have completed government-sponsored law enforcement firearms training and have been subject to a background check within the past five years”.
- ▶ Replace the exception for hunters in subsection 6(h) with the following: “[a]ny person engaging in a lawful outdoor recreational activity such as hunting, fishing, camping, hiking, or horseback riding, only if, considering all of the attendant circumstances, including but not limited to whether the person has a valid hunting or fishing license, it is reasonable to conclude that the person is participating in lawful outdoor activities or is traveling to or from a legitimate outdoor recreation area”.

Category 1: Amendments

- ▶ KMC 10.12.010 – Carrying Weapons Continued
 - ▶ Add the following exception as subsection (l): “[l]aw enforcement officers retired for service or physical disabilities, except for those law enforcement officers retired because of mental or stress-related disabilities. This subsection applies only to a retired officer who has: (a) Obtained documentation from a law enforcement agency within Washington state from which he or she retired that is signed by the agency's chief law enforcement officer and that states that the retired officer was retired for service or physical disability; and (b) not been convicted or found not guilty by reason of insanity of a crime making him or her ineligible for a concealed pistol license.”
- ▶ KMC 10.12.020 – Using Deadly Weapons
 - ▶ Amend the title of this section to “Weapons Apparently Capable of Causing Bodily Harm – Unlawful Carrying or Handling – Exceptions”.

Category 1: Amendments

- ▶ KMC 10.12.021 – Weapons on School Property
 - ▶ Add the following to the list of prohibited weapons on school property as subsection 1(f)(i): “[a]ny portable device manufactured to function as a weapon and which is commonly known as a stun gun, including a projectile stun gun which projects wired probes that are attached to the device that emit an electrical charge designed to administer to a person or an animal an electric shock, charge, or impulse”.
 - ▶ Add the following as subsection 1(f)(ii): Any device, object, or instrument which is used or intended to be used as a weapon with the intent to injure a person by an electric shock, charge, or impulse.
 - ▶ Significant amendments are proposed to Section 2.
 - ▶ Add language specifying that the time frame for revocation of a concealed pistol license (CPL) based on a violation is three years. In addition language will be added to state that the violator cannot reapply for three years.
 - ▶ Language will also need to be added stating that a violation of Section 1 is grounds for expulsion.
 - ▶ Language from the corresponding RCW will need to be incorporated in regards to the arrest of persons ages 12-21 who violate Section 1(a) (possessing a firearm on school property). The language provides that an individual who is arrested for a violation of 1(a) must be held for 72 hours or at least until a designated crisis responder performs an evaluation of the individual and reports back to the court unless the court reviews the case and sets bond.
 - ▶ Add the following as a subsection in Section 3: “[s]ubsection (1)(f)(i) of this section does not apply to any person who possesses a device listed in subsection (1)(f)(i) of this section, if the device is possessed and used solely for the purpose approved by a school for use in a school authorized event, lecture, or activity conducted on the school premises.”

Category 1: Amendments

- ▶ KMC 10.12.030 – Aiming or Discharging Firearms Prohibited
 - ▶ Amend the title of this section to “Aiming or Discharging Firearms, Dangerous Weapons”.
 - ▶ Insert “[f]or conduct not amounting to a violation of Chapter 9A.36 RCW” prior to the phrase “any person” to reflect that only violations of this section that do not amount to a felony crime such as Assault with a Deadly Weapon are punishable as gross misdemeanors.
- ▶ KMC 10.12.040 – Forfeiture of Weapons
 - ▶ Amend subsection 1(c) to provide that firearms in the possession of person under Department of Corrections supervision may be forfeited.
 - ▶ Delete the words “serious offense” and add the words “felony or nonfelony crime” before the language “in which a firearm was used or displayed” in subsections 1(d), 1(f), and 1(i).
 - ▶ Replace the words “found concealed on” with the words “in the possession of” in subsection 1(e).
 - ▶ Add the phrase “committed for mental health treatment” prior to the reference to RCW 71.05 in subsection 1(g).

Category 1: Amendments

► KMC 10.12.060 – Use of Firearms by a Minor

- Amend the title of this section to “Possession of pistol or semiautomatic assault rifle by person from eighteen to twenty-one”.

- KMC should be replaced with the text from RCW 9.41.240:

(1) A person under twenty-one years of age may not purchase a pistol or semiautomatic assault rifle, and except as otherwise provided in this chapter, no person may sell or transfer a semiautomatic assault rifle to a person under twenty-one years of age.

(2) Unless an exception under RCW [9.41.042](#), [9.41.050](#), or [9.41.060](#) applies, a person at least eighteen years of age, but less than twenty-one years of age, may possess a pistol only:

- (a) In the person's place of abode;

- (b) At the person's fixed place of business; or

- (c) On real property under his or her control.

(3) Except in the places and situations identified in RCW [9.41.042](#) (1) through (9) and [9.41.060](#) (1) through (10), a person at least eighteen years of age, but less than twenty-one years of age, may possess a semiautomatic assault rifle only:

- (a) In the person's place of abode;

- (b) At the person's fixed place of business;

- (c) On real property under his or her control; or

- (d) For the specific purpose of (i) moving to a new place of abode; (ii) traveling between the person's place of abode and real property under his or her control; or (iii) selling or transferring the firearm in accordance with the requirements of this chapter; provided that in all of these situations the semiautomatic assault rifle is unloaded and either in secure gun storage or secured with a trigger lock or similar device that is designed to prevent the unauthorized use or discharge of the firearm.

Category 1: Amendments

- ▶ KMC 10.12.900 – Construction – Conflict with State Law
 - ▶ Replace the phrase “in conflict with or more restrictive than state law” with the phrase “inconsistent with, more restrictive than, or exceeding the requirements of state law” to avoid future preemption issues.

Category 2: Repeals

- ▶ It is recommended that the following sections be repealed because violations are felonies under state law and cannot be prosecuted by the City:
 - ▶ 10.12.006 – Unlawful Possession of a Firearm
 - ▶ 10.12.007 – Minors in Possession of Firearms – When Allowed
 - ▶ 10.12.050 – Sale to Minors and Others Prohibited
 - ▶ 10.12.072 – Unlawful Weapons
 - ▶ 10.12.073 – Unlawful Weapons – Contraband
- ▶ It is recommended that the following sections be repealed because they have no enforcement mechanism and are not necessary or beneficial to adopt by reference:
 - ▶ 10.12.008 – Issuing Licenses
 - ▶ 10.12.009 – Revoking License
 - ▶ 10.12.052 – Waiver of Confidentiality
 - ▶ 10.12.053 – Immunity
 - ▶ 10.12.090 – Court Orders

Category 3: Adopt by Reference

- ▶ It is recommended that the following RCW sections be adopted into the KMC by reference (KMC sections mirroring the RCW will be repealed as noted):
 - ▶ RCW 9.41.090 – Dealer Deliveries Regulated – Hold on Delivery and RCW 9.41.092 – Licensed Dealer Deliveries – Background Checks.
 - ▶ Details requirements for licensed dealers to sell pistols and semiautomatic assault rifles.
 - ▶ Violation is a misdemeanor unless a firearm is sold to an ineligible person. This section is very rarely prosecuted.
 - ▶ KMC 10.12.051 – Sales by Dealer would be repealed.
 - ▶ RCW 9.41.100 – Dealer Licensing and Registration Required and RCW 9.41.110 - Dealer's licenses, by whom granted, conditions, fees—Employees, fingerprinting and background checks—Wholesale sales excepted—Permits prohibited.
 - ▶ Lays out the licensing requirement and process for firearms dealers.
 - ▶ Violation is a misdemeanor unless a firearm is sold to an ineligible person. This section is very rarely prosecuted.
 - ▶ 10.12.054 – Dealer's License would be repealed.

Category 3: Adopt by Reference

- ▶ RCW 9.41.300 - Weapons prohibited in certain places—Local laws and ordinances—Exceptions—Penalty.
 - ▶ Details locations such as jails and courthouses where weapons cannot be possessed by the general public.
 - ▶ Violation is a gross misdemeanor and very rarely prosecuted.
 - ▶ KMC 10.12.080 – Weapons – Prohibited in Certain Places would be repealed.



Questions?



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March 9, 2021

Tuesday, 6:30 p.m.

WORKSHOP MEETING (the workshop meeting will be done via Zoom and broadcast on the City's website <https://www.go2kennewick.com/CouncilMeetingBroadcasts>)

1. Legislative Update
2. KPD Drone Update
3. 2021 Street Preservation Program

March 16, 2021

Tuesday, 6:30 p.m.

REGULAR COUNCIL MEETING

March 23, 2021

Tuesday, 6:30 p.m.

WORKSHOP MEETING (the workshop meeting will be done via Zoom and broadcast on the City's website <https://www.go2kennewick.com/CouncilMeetingBroadcasts>)

1. Entertainment District Update
2. Kennewick Public Facilities Update

March 30, 2021

Tuesday, 6:30 p.m.

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