



**LAKWOOD CITY COUNCIL
SPECIAL MEETING**

Monday, April 28, 2014
6:00 P.M.
City of Lakewood
City Council Chambers
6000 Main Street SW
Lakewood, WA 98499

Page No.

CALL TO ORDER

ROLL CALL

FLAG SALUTE

R E G U L A R A G E N D A

NEW BUSINESS

- (2) Overview of the 2014 Legislative Session.

ADJOURNMENT

The Council Chambers is accessible to persons with disabilities. Equipment is available for the hearing impaired. Persons requesting special accommodations or language interpreters should contact the City Clerk's Office, 589-2489, as soon as possible in advance of the Council meeting so that an attempt to provide the special accommodations can be made.

<http://www.cityoflakewood.us>

The Council Chambers will be closed 15 minutes after adjournment of the meeting.



TO: Mayor Don Anderson, Deputy Mayor Jason Whalen, Councilmember Marie Barth, Councilmember Paul Bocchi and Councilmember Mike Brandstetter, Councilmember Mary Moss, and Councilmember John Simpson

FROM: Heidi Wachter, Legal Department Director and Adam Lincoln, Assistant to City Manager

THROUGH: John J. Caulfield, City Manager 

DATE: April 21, 2014

SUBJECT: 2014 Legislative Session

Purpose: This memorandum is meant to summarize the approach that the City of Lakewood took with regard to State Legislative priorities and the results from the 2014 legislative session.

Analysis:

Stronger strategy/Improved coordination: The City of Lakewood took a more strategic approach to working with the Legislature, starting with a City Council retreat dedicated to the development of a City of Lakewood legislative policy manual and the City's legislative priorities. The City used the policy manual as a guiding document for how to determine the most appropriate lobbying methods for specific issues. The goal was to ensure effective working relationships with the Lakewood delegation while ensuring that the City's legislative priorities were highly considered. During the session the Mayor and City Council continued to take a proactive role in the City's lobbying efforts. This strategy is laying a solid foundation for future legislative efforts.

Prior to the session, there was a meeting between the City's Mayor, City Councilmembers, City Manager, and Senators Conway, O'Ban, and Representatives Green, Kirby, Muri, and Sawyer. The outcome was positive and it allowed the City to receive valuable input with regard to best approaches for lobbying the Legislature effectively.

The City approached this session with a carefully created agenda that included four primary goals. The four goals included: securing funding in the transportation revenue package for the I-5/JBLM corridor improvements, securing safety improvement funding related to the Point Defiance Rail Bypass, securing Towne Green funding in the Supplemental Capital Budget, and maintaining funds for the City's Community Policing Program at Western State Hospital. The City was aware that this was likely a session where new funds would be difficult to come by, however, this was an ideal year to establish a more strategic approach to lobbying for the City as well as establish effective relationships. Lakewood used this

session to inform legislators of our long-term needs and gain their support for the more important upcoming budget-focused session in 2015.

Session Outcomes: The City's primary outcome of the 2014 session will be an easier lift in the 2015 session. In the coming months, WSDOT will take a careful look at the I-5/JBLM corridor project and create a more accurate scope of work as well as a more accurate cost estimate for the entire project. This will allow the City to more effectively lobby for funds in a transportation revenue package. In another victory for Lakewood, the funding for the Community Policing Program at Western State Hospital was budgeted at \$462,000 during a session where funds were scarce. Overall, few changes occurred to the existing budgets during the 2014 session, but the City is in a much stronger position to access important State funds in the 2015 session.

Looking Forward: The City of Lakewood has become much more strategic about pursuing a legislative agenda and laying groundwork to accomplish large goals over time. Going forward the City will continue to be strategic about how it works with the Legislature.

ATTACHMENTS:

- 1) City of Lakewood Government Relations Report
- 2) City of Lakewood 2013-2014 Biennial Legislative Agenda
- 3) City of Lakewood Legislative Policy Manual
- 4) I-5/JBLM Corridor Improvement Cost Options
- 5) I-5/JBLM Corridor Improvement Talking Points
- 6) The Lakewood Towne Green
- 7) AWC Legislative Update



City of Lakewood Government Relations Report 2014 Legislative Session Recap

Executive Summary

The 2014 Legislative session was a challenging legislative session full of disappointment. Per Lakewood’s adopted legislative agenda and policy manual, the city’s advocacy focused on requesting funding for the I-5 JBLM Corridor, the Towne Green project, safety improvements for the Point Defiance Bypass project, and ongoing inclusion of funding for the community policing program for Western State Hospital. The city also assisted the Association of Washington Cities in advocating for those issues outlined on the city’s policy manual.

As the second year of the legislative biennium, the Legislature’s primary task was to adopt Supplemental Operating, Transportation, and Capital budgets (these are budgets that amend the 2013-15 budget adopted in June 2013). The Supplemental Operating Budget made a modest increase in funding for basic education, and otherwise made few changes. The Supplemental Transportation Budget was a maintenance-only budget that did not fund any new projects and made only minor policy adjustments. Finally, for the first time since 1996, the Legislature chose not to adopt a Supplemental Capital Budget. Collectively these budgets, or lack thereof, made minimal changes. [Click here to view the final budgets](#). The Legislature completed its work within the 60-day session and concluded on-time for the first time in the past five years.

Beyond the primary task of budget writing, the Legislature passed very few policy bills. Only 10.3% of those bills introduced this session passed the Legislature – this is the smallest passage rate since before 1975. There were a number of bills that passed House, but not the Senate and vice versa. Many of these bills were “message bills,” introduced and advanced to outline each party’s political platform going into the November 2014 elections.

For cities as a whole, the Legislature did little to resolve the fiscal sustainability of city government. The Legislature did not restore local state-shared liquor taxes or liquor profits, nor did the Legislature implement local revenue-sharing for marijuana taxes. Additionally, local option authorities continue to be viewed as “tax increases,” making them nearly impossible to pass the Legislature.

Specific to the City of Lakewood’s efforts, the outcome was disappointing, but a step in the right direction. Once again, legislators could not come to an agreement on a transportation revenue package, leaving the I-5 JBLM corridor and other important transportation projects throughout the state unfunded. At the beginning of the legislative session, the Majority Coalition

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Caucus indicated that a revised transportation revenue package proposal would be released “soon” to re-start the negotiations. A proposal was released halfway through the legislative session that restarted negotiations for a brief couple weeks, but no agreement was reached. At the end of the session, there was simply not a willingness amongst the House, Senate, Republicans, or Democrats to vote on a gas tax increase. [Click here to view an interview](#) between [Sen. Tracey Eide](#) (D- Federal Way) and [Sen. Curtis King](#) (R- Yakima), the Co-Chairs of the Senate Transportation Committee. The interview is illustrative of where negotiations have ended. King County has a local ballot measure to increase revenues for King County Metro that will be decided in late April, which may impact the prospects of a statewide transportation revenue package. Moving forward, the city will continue advocating for a transportation revenue package, and for funding the I-5 JBLM corridor.

Since a transportation revenue package was not adopted, the only funding opportunity for Point Defiance Bypass project safety improvements was in the Supplemental Transportation Budget that only allocates funding to ongoing projects. [Sen. Stave O’Ban](#) (R- Pierce County) offered an amendment in the Senate Transportation Committee to have safety improvements included in this budget, but the committee Co-Chairs indicated that they wanted to see the result of pending litigation before funding the safety improvements. The resulting Supplemental Transportation Budget was a “maintenance only” budget that did not include funding for any new projects.

In another disappointing move, the Legislature chose not to adopt a Supplemental Capital Budget – the budget where local projects are funded. A larger philosophical debate about how much additional debt capacity the state should utilize created a stalemate between the House and Senate that prevented capital budget leadership from making progress on negotiations. However, we were successful in having funding appropriated to the Towne Green project in the proposed House Capital Budget, which is a good indicator of possible success in the 2015 legislative session.

Moving forward, the Legislature will continue to be focused on how best to fund the *McCleary* decision. As you may know, the 2012 *McCleary* Supreme Court decision dictated that the Legislature must increase funding to basic education. The 2013 Legislature put an additional \$1 billion in K-12 education. Immediately prior to the 2014 session, [the Washington Supreme Court indicated that the Legislature must develop a plan by April 30th](#) on how to provide \$3.35 billion to the K-12 Education in the 2015-17, and \$4.48 billion in 2017-19. This looming task influenced a number of the budget decisions, and will impact how the Legislature approaches the 2015-17 Operating Budget next session.

We would like to extend a sincere thank you to our legislative delegation – all members of the delegation were responsive and strong advocates for the City. We look forward to continuing to work with them into the 2015 session.

Lakewood's Legislative Priorities

Capital Funding: Lakewood Towne Green

This session, the City decided to request funding for the Lakewood Towne Green project. The City requested \$500,000 for the design and development of a community green space in the Towne Center area near City Hall.

Prior to the beginning of the legislative session, the City Council hosted all six members of our legislative delegation: [Sen. Steve Conway](#), [Sen. Steve O'Ban](#), [Rep. Steve Kirby](#) (D- [Rep. David Sawyer](#), [Rep. Tami Green](#), and [Rep. Dick Muri](#). At this meeting, we discussed this funding request as well as other City priorities, and received positive feedback and support for the project.

We followed up on this meeting by submitting the formal paperwork for the funding requests to the Capital Budget chairs and ranking members. Funding for the project was co-requested by all six delegation members. After submitting our request, Deputy Mayor Jason Whalen traveled to Olympia to meet with legislators about the funding request. During these meetings, House Capital Budget ranking member, [Rep. Richard DeBolt](#) (R-Chehalis) indicated that our project request would have a much higher chance of success if we lowered the amount of funding requested to \$250,000, and the City agreed to re-submit the funding request at the lower amount.

The Senate proposed Supplemental Capital Budget was released first. The budget did not utilize any of the state's bonding capacity, and only funded a handful of projects with cash revenues that had increased – unfortunately, funding for the Towne Green was not included. The House proposed Supplemental Capital Budget was released shortly after the Senate proposal. The House proposal utilized \$90 million in bonding capacity and funded a modest list of capital projects, including \$250,000 for Lakewood Towne Green.

As mentioned above, the House and Senate were unable to reach an agreement on the Supplemental Capital Budget, and the Legislature inevitably chose not to adopt a budget. The inclusion of funding for the Towne Green project is notable and helpful in re-submitting the funding request for 2015 legislative session.

Supplemental Transportation Budget Funding: Point Defiance Bypass Safety Improvements

The city has identified \$5 million in safety improvements that need to be made in conjunction with the completion of the Point Defiance Bypass project. The city raised these improvements as part of its litigation against WSDOT Rail, but also educated its legislative delegation on the need to fund these safety improvements.

The City's legislative delegation requested that \$5 million be appropriated in the Supplemental Transportation Budget to WSDOT Rail to fund these safety improvements. In the House, the Chair of the House Transportation Committee determined that no new funding would be allocated to any project.

In the Senate, [Sen. Steve O'Ban](#) (R- Pierce County) offered an amendment in the Senate Transportation Committee to have \$3 million allocated to safety improvements in the

Supplemental Transportation Budget. Unfortunately, the Chairs of that committee rejected the amendment, indicating that they wanted to wait and see the outcome of the litigation between WSDOT Rail and the city. The final Supplemental Transportation Budget did not allocate funds to any new project.

Moving forward, we will need to continue to work with our legislative delegation and the transportation committee chairs to discuss the need for safety improvements. This is also linked to any decisions regarding litigation moving forward.

Transportation Revenue Package: I-5 Corridor Improvements at Joint Base Lewis-McChord

As mentioned above, a transportation revenue package, and therefore funding for the I-5 JBLM corridor, did not move forward this past session. However, we continued to work with WSDOT in further refining the scope and design of the improvements.

As you will remember, in the House proposal from 2013, the I-5 JBLM project was allocated \$175 million in state funding, with a presumed additional \$175 million in federal funding. In the proposal from the Senate Majority Coalition Caucus, \$350 million was allocated to the I-5 JBLM Corridor. This amount has been included in all of the proposals released since (the MCC released a proposal this session with the same amount, and [Sen. Steve Hobbs](#) (D- Lake Stevens) released an “alternative” proposal attempting to provide a middle ground). \$350 million appears to be the consistent amount allocated to the I-5 JBLM Corridor.

Prior to the beginning of the legislative session, the City requested that full funding be allocated to complete the I-5 JBLM Corridor – WSDOT had previously indicated that full funding for the corridor would be \$820 million. The city has met with WSDOT multiple times on the amount of funding needed to make a significant improvement in the I-5 JBLM Corridor. Secretary of Transportation Lynn Peterson has taken a leadership role in conducting an alternatives analysis on the project to determine what improvements are most needed to relieve congestion on the corridor. That alternatives analysis is currently underway and is expected to be completed April 2015. The City is actively providing feedback through the alternatives analysis. Upon the completion of the alternatives analysis, a list of corridor improvements and associated scope/cost should be provided. Until then, the city will continue to request full funding for the project based on the estimates that WSDOT already provided (\$820 million).

While the Legislature chose not to act on a transportation revenue package this session, it will continue to be discussed throughout the interim. We will need to continue to advocate for the City’s priorities as the discussion continues.

Ongoing Funding for the Community Policing Program for Western State Hospital

The 2013-15 State Operating Budget contains \$462,000 for a highly effective neighborhood policing team (through LPD) to respond to hundreds of calls for police service at Western State Hospital. The City of Lakewood requested that this funding remain included in the budget. Because only minor changes were made to the Operating Budget, this item did not come up for discussion during the legislative session. In the 2015-17 session, the City will need to either seek a reauthorization of the funds, or will need to make the allocation of funds to the program permanent.

Legislation Related to Western State Hospital

[Senate Bill 6506 \(Sen. Conway\)](#)

- Addresses collective bargaining and binding interest arbitration at Western and Eastern State Hospitals
- Did not receive a hearing

[House Bill 2761 \(Rep. Morrell\)](#)

- Requires additional reporting of psychiatric boarding to the Dept. of Social and Health Services
- Did not receive a hearing

[House Bill 1928 \(Rep. Green\)/Senate Bill 5371 \(Sen. Kline\)](#)

- Implements the recommendations of the developmental disability service system task force
- Eliminates the statute specifically naming the four residential habitation centers (RHCs) operated by the State, and adds a cap to the number of patients that can be accommodated state-wide to 900 patients (the State currently serves 830 in Buckley, Medical Lake, Shoreline, and Selah)
- Authorizes RHC property to be sold to the state, and for proceeds to be placed into a developmental disability services trust account.
- Both bills received hearings in committee in 2013, but neither were passed out of committee or acted on in 2014.

Budgets

[Senate Bill 5034](#) (2013-2015 Operating Budget)

- \$5.85 million in State/\$1.3 million in Federal funding allocated to Western State Hospital to operate the Program for Adaptive Living Skills (PALS) at Western State Hospital
- The amount of nonforensic beds at Western State Hospital allowed for use by regional support networks is capped at 557 per day.
- \$231,000 per year (\$462,000/biennium) is allocated for Western State Hospital and Lakewood to use for community policing efforts
- An executive agreement was established between the Governor and the Washington State Residential Care Council. Funding is provided for the specialty adult family home placement of certain patients currently in Western State Hospital (no amount specified)

[Senate Bill 6002](#) (Senate 2014 Supplemental Operating Budget Proposal- **enacted**)/ [House Bill 2185](#) (2014 House Proposal- *not enacted*)

- Added direction for DSHS to conduct a study of the special commitment center residents related to potential cost savings related to Medicaid eligibility, obtaining insurance for residents, using multistate pharmacy consortiums to reduce costs for purchasing pharmaceuticals, and reducing costs for inpatient and outpatient services.

[Senate Bill 5035](#) (2013 Capital Budget- enacted)/ [House Bill 1089](#) (2013 House proposed Capital budget- *not enacted*)

- \$4.8 million for safety improvements at Eastern State Hospital and Western State Hospital

[Senate Bill 6020](#) (2014 Senate Capital Budget Proposal- *not enacted*)

- \$2.178 million for Western State Hospital Commissary Building
- Increase in appropriation from \$4.8 million to \$9.874 million for patient safety improvements at Eastern State Hospital and Western State Hospital
- \$820,000 to consolidate pharmacy operations on the grounds of the Western State Hospital

[House Bill 2224](#) (2014 House Capital Budget Proposal- *not enacted*)

- \$300,000 for predesign to add capacity for female offenders at Western State Hospital, the Yakima Jail, and Pine Lodge.
- \$1.5 million for predesign to add capacity for male offenders at Western State Hospital, the Yakima Jail, and Pine Lodge.

AWC Legislative Priorities

The Association of Washington Cities identified [four legislative priorities](#): restoring liquor revenue sharing, establishing local sharing for marijuana revenues, supporting a transportation revenue package, and restoring funds to the public works assistance account. The Legislature did not take action on any of these items.

Restoring Liquor Revenue Sharing:

Liquor Tax Distributions - The 2013 Legislature reduced liquor tax distributions to cities by 50% in the Operating Budget. The Supplemental Operating Budget makes amendments to the previously adopted budget. We received feedback over the interim that restoring the 50% reduction would not be possible until the next biennium (starting in 2015). No changes were made to liquor tax distributions.

Liquor License/Fee Distributions - In 2012, the Legislature abandoned an over 70-year-old history of 50/50 revenue sharing, and capped liquor license/fee distributions at 2011 levels. Over the interim, we worked on this proposal with a group of lobbyists representing cities and counties across Washington as well as [Rep. Steve Tharinger](#) (D-Dungeness) to refine the proposal that we worked on during the 2013 session. [House Bill 2314](#), introduced by Rep. Tharinger, and [Senate Bill 6361](#), by [Sen. Jan Angel](#) (R-Port Orchard), were proposals to incrementally restore the 50/50 sharing relationship over multiple biennia. The bills did not impact the 2013-15 Operating Budget. Unfortunately, these bills were not even scheduled for public hearings.

Establishing Local Sharing for Marijuana Revenues

With the legalization of marijuana, cities and counties will have increased regulatory and law enforcement responsibilities. Given this, we have been working to establishing a revenue sharing arrangement where a portion of marijuana tax receipts would be allocated to local governments. A number of legislators introduced bills that sought to establish this revenue-sharing relationship, however two bills emerged as the main “vehicles” for carrying forward the policy discussion on marijuana. [House Bill 2149](#), sponsored by [Rep. Eileen Cody](#) (D-Seattle), and [Senate Bill 5887](#), sponsored by [Sen. Ann Rivers](#) (R-Vancouver), aligned statutes for medical and recreational marijuana and were amended multiple times to add/remove provisions that would give various percentages of the marijuana revenue to local jurisdictions. Both bills inevitably did not pass. These bills are likely to come forward next session. As the bills worked their way through the legislative process, a number of policy issues were raised that are worth more discussion over the legislative interim:

- How to handle cities that have imposed moratoria/bans? Multiple times over the legislative session bills or amendments were brought forward that preempted local authority to regulate marijuana. As an alternative to preemption, an issue was raised that marijuana revenues could be used as an incentive for jurisdictions to not ban – i.e. if a jurisdiction bans marijuana, it also does not receive a portion of the marijuana tax revenue collected by the state.
- How to distribute marijuana revenues? When language was included that would distribute marijuana revenues, there was some question on how to distribute the funds:

per capita basis? Based on number of licenses/jurisdiction? This is an item that needs continued discussion.

Supporting a Transportation Revenue Package

The Association of Washington Cities has taken a position supporting the passage of a transportation revenue package, as long as it includes an allocation of gas tax revenues directly to cities to meet local transportation needs. The 2013 House Transportation Revenue Package proposal included one cent of gas tax revenues to cities and counties (.5 cent each). Cities would receive around \$170 million in this formula. In the proposal released by the Majority Coalition Caucus during the 2014 session cities and counties would receive \$652 million, however this amount would have a portion allocated directly to transit-related purposes. The allocation of funds to the local level is intertwined with the discussion on transit funding – there is a debate about whether local governments should exclusively decide whether any state funding be allocated to transits as opposed to a direct allocation from the state to transits.

Restoring the Public Works Assistance Account

Restoring funding to the Public Works Assistance Account (PWAA) was a priority issue for the Association of Washington Cities. This account was designed to help local jurisdictions maintain and expand their infrastructure by providing low-interest loans, and used the payments on these loans to fund other projects in Washington State via a revolving account structure. But, over the past several sessions, the PWAA has been used to shore up operating budget shortfalls, and in 2013 the Legislature directed that payments into the account be redirected into the operating budget – limiting the ability for governments to utilize the account.

In the months leading up to the legislative session, we worked as part of a coalition that includes labor, cities, counties, realtors, water and sewer districts, and others to craft a legislative proposal. The result was [House Bill 2244](#), sponsored by [Rep. Derek Stanford](#) (D- Bothell) and its companion, [Senate Bill 6546](#), sponsored by [Sen. Ann Rivers](#) (R- La Center), which undo the redirection of real estate excise tax and utility taxes revenues to the state operating budget and direct it back to the Capital Budget for the Public Works Assistance Account. The House version of this bill was amended in committee, and was passed out of the House 87-11, while the Senate version was never given a hearing in the Senate Ways & Means Committee. Once the House version of the bill was sent to the Senate Ways & Means Committee, the bill was never given a hearing. Overall – the Senate expressed strong concerns about the impact that the bill would have on the 4-year budget outlook for the state's Operating Budget. After initially being scheduled for a hearing, House Bill 2244 was taken off of the hearing calendar, and was never granted a hearing in Senate Ways & Means.

In addition to restoring funds to the Public Works Assistance Account, a bill was introduced that reforms the low-interest loan program. The bill inevitably did not pass. [House Bill 1484](#), sponsored by [Rep. Derek Stanford](#) (D- Bothell) as well, was initially concerning because it included language that would silo funding for project design and permitting, and included an increase in the interest rates on PWAA loans. While in the House, this bill was amended several times to remove the elements concerning to local governments, and both cities and counties became supportive of the new proposal that would streamline and make adjustments to the Public Works Board processes in selecting projects to receive low-interest loans. The bill was

never scheduled for a vote in the Senate and inevitably died. This issue will likely be brought forward in the interim and next session.

What will happen this interim with the Public Works Assistance Account? While the Legislature has redirected utility and REET tax receipts out of the Public Works Assistance Account, loan repayments continue to go into the account. These loan repayments will allow a relatively small amount to be allocated to a new round of low-interest loans. The Public Works Board will complete an application and selection process over the interim and select recipients for those low-interest loans. Prior to the next legislative session, the Public Works Board will submit a list of the selected projects to receive low-interest loans to the Governor's Office and the Legislature for approval.

Additional Legislative Items

While the legislative agenda contains the City's top priorities, each session a number of bills are introduced that impact the City – some positively, some negatively. [Click here to view a final bill tracking list of all legislation impacting the City.](#) Below is a more detailed description of many of the bills that we tracked on behalf of the City, those bills that are bold passed the Legislature.

[House Bill 1037](#), sponsored by [Rep. Jim Moeller](#) (D- Vancouver), would have allowed local jurisdictions to create fee schedules for commercial public records requests. The bill authorizes an agency to charge a fee to recover the actual cost of providing a public record, where the request is for the purpose of sale or resale of the record of a document, or database containing the record. The agency must develop a fee schedule before imposing a fee. The bill was supported by the Association of Washington Cities, but opposed by multiple data companies and the Coalition for Open Government. This bill was introduced in 2013 and carried over to this year after it failed to pass out of the House last session. This year, House Bill 1037 was passed out of Committee, but failed to receive a vote on the House Floor.

[House Bill 1287](#), sponsored by [Rep. Sherry Appleton](#) (D- Poulsbo) was introduced in 2013 and was carried over into this session. The legislation states that land owned by federally recognized tribes for economic development is exempted for property tax and is instead subject to a state leasehold excise tax. Both cities and counties across Washington State have had concerns about this bill. This year, House Bill 1287 passed out of the House after being amended to add a tax preference performance statement and to specify that local governments are entitled to receive a payment-in-lieu-of-taxes. The Senate amended the bill again to require tribes to provide proof of agreement on payment-in-lieu-of-taxes before receiving a property tax exemption. If the tribe and the county cannot come to an agreement on the rate of payment, the Department of Revenue is ordered to create a fair rate. With these amendments, the bill passed the Legislature and will likely be signed into law.

[House Bill 1367](#), sponsored by [Rep. Steve Kirby](#) (D- Tacoma), and [Senate Bill 5323](#), sponsored by [Sen. Pam Roach](#) (R- Auburn), allows cities to impose a first-priority lien against a property to recover nuisance abatement costs (current law only allows a summary judgment/mechanics lien). Counties currently have the authority to impose a first priority lien to recover nuisance abatement costs. The bill harmonizes the law between cities and counties. The bill was supported by the Association of Washington Cities, but opposed by the Community Bank Association. The House version of this legislation passed out of the House, and the Senate Government Operations Committee.

[House Bill 1413](#), sponsored by [Rep. Luis Moscoso](#) (D- Mountlake Terrace), also known as the [Washington State Voting Rights Act](#) applies to cities with a population over 1,000, and all counties, and other special purpose districts. The bill prohibits at-large and district-based elections that deny a protected class an equal opportunity to elect candidates of its choice. A violation of the state act can be brought forward by any voter who is a member of a protected class. In determining whether there is a violation, the county will analyze elections for members of the governing body, examine results of elections in which one candidate is a member of a

protected class, elections involving ballot measures, or electoral choices that affect the rights and privileges of members of a protected class who are voters. It also allows the court to mandate the re-drawing of districts not in compliance. The Association of Washington Cities expressed concerns about this bill, both in the 2013 and 2014 sessions. The bill passed the House on a party-line vote. The bill died in the Senate Rules Committee.

House Bill 2105, sponsored by Rep. Brad Hawkins (R- East Wenatchee) requires public agencies and local governments to post notice of regular meetings online 24 hours in advance. This bill was amended during session to only apply to only governmental entities with 10 or more full time employees. Once amended, this bill passed both the House and Senate , and was sent to the Governor to be signed into law.

House Bill 2117, sponsored by Rep. Sherry Appleton (D- Poulsbo), prohibits cities from adopting breed-based dog regulations in code. Essentially, it would prohibit the banning of breeds, like pit bulls; which are often considered dangerous and incur too much liability. This bill was heard and scheduled for a vote in committee, but was never voted on and died early in session.

House Bill 2121, sponsored by Rep. Gerry Pollet (D- Seattle) and Senate Bill 5964 sponsored by Sen. Joe Fain (R- Auburn) would require mandatory public records training for all public officials and public records officers in Washington State, regardless of the level of government. Both bills passed their house of origin with strong support, and ESB 5964- considered the “vehicle” for this policy- passed the Legislature and was sent to the Governor to be signed into law.

House Bill 2128, sponsored by Cathy Dahlquist (R- Enumclaw), exempts GPS data that is within three miles of the home of an employee or agent of a criminal justice agency from public disclosure. The bill also states that if the officer responds to an incident near their home, then the GPS information associated with the incident, even if it is within three miles of the officer’s home, is not exempt. The Washington State Patrol supported the legislation, while the Newspaper Alliance opposed the legislation. The bill was heard in the House Government Operations and Elections Committee, but was never scheduled for a vote.

House Bill 2161, sponsored by Rep. Joe Fitzgibbon (D- Burien), would allow jurisdictions to levy SEPA mitigation fees for projects outside of their jurisdictional boundary, if that project has traffic impacts within their jurisdiction. In order for a project to proceed forward, there must be an interlocal agreement between the two jurisdictions on how SEPA mitigation fees are to be paid. This bill received a hearing in committee, but was never voted on.

House Bill 2168, sponsored by Rep. Brian Blake (D- Aberdeen), exempts minimum room area requirements from the State Building Code, and prohibits cities and counties from regulating or restricting minimum room or floor area requirements for single-family residential buildings, unless necessary for fire, life safety, or environmental purposes. The bill was motivated by a company who makes small cabins that do not meet current building code minimum room area requirements. The Association of Washington Cities opposed the original version of the bill, but inevitably identified a compromise with the sponsor of the legislation that stated that any local

regulation on minimum room floor area regulations must include a reasonable exception for single-family residential buildings. Despite reaching an agreement on a compromise, the bill was never voted on in the House.

House Bill 2186, sponsored by Rep. Dean Takko (D- Longview), and Senate Bill 2186, sponsored by Sen. Jan Angel (R- Port Orchard), would require cities and counties to allow on-site sewage system if the property is within an urban growth area, and if connecting to a sewer system is cost prohibitive to a property owner. The Association of Washington Cities opposed the legislation as originally introduced, and worked with the sponsors of the legislation to further define what “cost effective” means. Inevitably, the bill failed to pass either the House or the Senate. The City of Lakewood actively engaged in this legislation. GTHGA testified against the bill on behalf of the City, and participated in negotiations to attempt to find a compromise.

House Bill 2214, sponsored by Rep. Dean Takko (D- Longview), levies a fee of \$2 per building permit, to fund a task force to review the training and apprenticeship program for code enforcement officials. The bill was brought forward by the building officials association, indicated that there are very few building officials under the age of 50, and that with many building inspectors reaching retirement, there need to be able to fill vacancies with a younger, diverse group who are skilled, qualified, and can consistently provide the same answers to the same questions. In order to accomplish that goal, there needs to be training and apprenticeships. The Washington State Heating, Ventilation, Air-conditioning, and Refrigeration Association opposed the bill, stating that fees should not be continually added to building permits. The bill was passed out of its original committee, but never received a vote in the House Appropriations Committee and died.

House Bill 2234, sponsored by Rep. Joe Fitzgibbon (D- Burien), states that determinations of invalidity issued by the Growth Management Hearings Board is applied retroactively for vesting purposes. Under the bill, rights do not vest in the part or parts of a plan or regulation determined to be invalid, and permit applications or permits submitted or issued under the invalidated plan are void, and have no vested rights. The bill was heard in the House Local Government Committee, but did not advance out of the committee.

House Bill 2299, sponsored by Rep. Liz Pike (R- Camas), would allow local governments to opt out of prevailing wage requirements by a vote of the local governing body. This bill was heard in the House Labor & Workforce Development Committee, but was never scheduled for a vote and died.

In response to a controversy in Spokane County, Rep. Timm Ormsby (D- Spokane) sponsored House Bill 2245, which would not allow vesting of new territory within urban growth areas until both 60 days after the decision is made and all petitions for review are settled. The bill was amended in committee to only allow a court to order a stay of the UGA territory vesting if a petition was filed within court. Cities and counties both expressed concerns with this legislation, as it would limit their ability to conduct land-use decision making and would add another obstacle to the process of changing UGA boundaries. While the bill passed out of committee, it died shortly thereafter in the House Rules Committee.

[House Bill 2311](#), sponsored by [Rep. Gerry Pollet](#) (D- Seattle), regards the timeline for protesting short plat and land use decisions. This bill would require that notice of proposed land use be provided to any potentially affected property owners before the statute of limitation can begin for those property owners to challenge the land use decision. This bill was given a hearing in committee, but never scheduled for a vote.

[House Bill 2346](#), sponsored by [Rep. Jessyn Farrell](#) (D- Seattle), requires state agencies to work together collaboratively to determine the prioritization of fish passage barrier removal in a given biennium in order to coordinate the removal with these entities, in the most cost-effective manner. This bill was heard, and the content of the bill was integrated into House Bill 2251, sponsored by [Rep. J.T. Wilcox](#) (R- Yelm), which passed the Legislature.

[House Bill 2349](#), sponsored by [Rep. Larry Springer](#) (D- Kirkland), is the latest iteration of tax increment financing or community revitalization financing. Rep. Springer also introduced [House Joint Resolution 4214](#) (a constitutional amendment) that would provide for “pure” tax increment financing. These bills would have allowed local jurisdictions to create special apportionment districts, and allowed for special tax rates to be levied within those districts to fund local improvements. Both of the bills were given hearings in committee, but neither were scheduled for a vote and failed to advance this session.

[House Bill 2428](#), sponsored by [Rep. Sam Hunt](#) (D- Olympia), allows an emergency medical service levy to be reauthorized at a lower rate than the immediately prior levy rate. In 2012, legislation was passed allowing the reauthorization of an EMS levy by a simple majority approval of voters, as long as the reauthorized levy has the same rate as the existing levy. However, the legislation did not extend the same simple majority rule for the reauthorization of an EMS levy at a lower rate. The bill clarifies that the simple majority vote is also permitted for the reauthorization of an EMS levy at a lower rate. This bill was brought forward by the Washington State Council of Firefighters, and no one testified in opposition to the bill. The bill was never brought to the House floor for a vote.

[House Bill 2433](#), sponsored by [Rep. Cyrus Habib](#) (D- Kirkland), **requires a city or town to notify light and power businesses and gas distribution businesses of annexed areas and affected properties.** The Association of Washington Cities expressed concerns with the bill, and was able to amend the bill to make some minor technical changes. The bill passed the Legislature and has been signed by the Governor.

[House Bill 2497](#), sponsored by [Rep. Sam Hunt](#) (D- Olympia), and [Senate Bill 6249](#), sponsored by [Sen. Bruce Dammeier](#) (R- Puyallup), increases three court fees to raise funds for local jurisdictions to fund new standards and caseload limits for public defenders. The fee a court of limited jurisdiction may collect upon a defendant’s conviction is raised from \$43 to \$55. The limit on expenses a court may recoup for costs incurred in preparing and serving a warrant for failure to appear is raised from \$100 to \$175. The allowed monthly assessment a court may impose for services provided for misdemeanor probation evaluation and supervision is raised from \$100 to \$150. Revenue collected that is attributable to these increases must be used to support contracts, programs, and personnel specifically associated with indigent defense. The Association of Washington Cities indicated that the bill was a priority, and worked to support it.

Those who opposed the bill indicated that many of the defendants already cannot pay their legal financial obligations and that an increase in fees will simply add to the amount they are unable to pay. In response, it was argued that cities continue to have the opportunity to waive the fees at the local level for those who are unable to pay. The bill did not pass the Legislature, however, key legislators issued a letter committing to work on the issue over the interim and to bring the bill back next session. The City of Lakewood actively communicated a position of support to its Lakewood legislative delegation on this issue.

[House Bill 2498](#), sponsored by [Rep. Marko Liias](#) (D- Mukilteo) (prior to transitioning to the Senate), and [Senate Bill 6461](#), sponsored by [Sen. Brian Dansel](#) (R- Republic), requires jurisdictions to adopt a system to collect impact fees for applicants of residential building permits issued that either allows the payment to be collected the time of sale, or allows the payment to be collected at the time of final inspection or occupancy. An application may receive deferrals for no fewer than 30 building permits per jurisdiction. Existing deferral programs already in place were grandfathered in. Versions of this legislation have been brought forward in previous sessions. The Association of Washington Cities opposes the legislation, while the BIAW and the Master Builders Association support the concept. In 2013, a version passed the Legislature and was then vetoed by the Governor. This session, neither versions of the bill passed out of committee.

[House Bill 2539](#), sponsored by [Rep. Reuven Carlyle](#) (D- Seattle), and [Senate Bill 6472](#), sponsored by [Sen. Andy Hill](#) (R- Kirkland), would clarify the taxation of recreation and physical activities. These bills were sponsored by request of the Department of Revenue and were supported by cities, parks departments, and non-profit organizations across the State. The purpose of this legislation is to provide the Department of Revenue with clarity on what types of recreational and activities must pay sales & use tax. SB 6472 was passed out of the Senate, but failed to receive a vote on the House Floor. HB 2539 was passed out of the House Finance Committee, but was never scheduled for a vote on the House Floor and died. Members of the House Appropriations and Finance Committees expressed a desire to work on this issue during a budget year, and have made an informal commitment to continue their work throughout this interim and address this issue during the 2015 legislative session. The City of Lakewood actively communicated a position of support to its Lakewood legislative delegation on this issue.

[House Bill 2558](#), sponsored by [Rep. Jake Fey](#) (D- Tacoma), and [Senate Bill 6324](#), sponsored by [Sen. Jeannie Darneille](#) (D- Tacoma), allows cities to acquire tax-foreclosed property from a county for affordable housing purposes within 90 days of the tax foreclosure, and after a public bid has been held to sell the property and where no public bids were received. The city is required to pay the amount owed to the county in unpaid taxes and penalties. Neither version of the bill passed the Legislature.

[House Bill 2591](#), sponsored by [Rep. Joe Schmick](#) (R- Colfax), and [Senate Bill 6307](#), sponsored by [Sen. John Braun](#) (R- Centralia), preempts the entire field regarding wages, hours of work, employee retention, and leave from employment. Cities, towns, counties, and port districts cannot require, enforce, or regulate payment of wages, hours of work, employee retention, or leave from employment. The term leave from employment includes sick, vacation and holiday pay, leave when an employee's place of business or child's school or place of care has been

closed by order of a public official, and any other type of employee leave except for leave for domestic violence, sexual assault, or stalking. Neither version of the legislation advanced forward.

[House Bill 2601](#), sponsored by [Rep. Roger Freeman](#) (D- Federal Way), would only allow a municipal court term to be terminated at the end of the judicial term of the judge. This would limit cities' authority over its municipal court. The Association of Washington Cities opposed the bill, and it did not advance out of the House Judiciary Committee.

[House Bill 2618](#), sponsored by [Rep. Mia Gregerson](#) (D- SeaTac), would give the authority for cities to conduct public works projects that meet certain requirements in-house rather than having to contract for services. This tool would be good for code cities, as it would allow more flexibility for small projects to be done in-house, rather than having to get independent contractors. This bill passed out of the House, but died in the Senate when it failed to come up for a vote.

[House Bill 2745](#), sponsored by [Rep. Jake Fey](#) (D- Tacoma), and [Senate Bill 6501](#), sponsored by [Sen. Doug Ericksen](#) (R- Whatcom), would establish best management practices for local waste oil recycling programs. If jurisdictions comply with the best management practices, and then later receive a finding from the EPA related to PCBs, then the jurisdiction can submit a petition for relief from the Legislature. The Senate version of the legislation passed and was signed into law by the Governor.

[Senate Bill 5872](#), sponsored by [Sen. Andy Hill](#) (R- Redmond), **extends a document recording surcharge that was set to sunset in order to fund homeless housing and assistance.** The \$40 document recording surcharge is extended to June 30, 2019. **45% of the funds generated must be used for private rental housing payments, which is housing owned by a private landlord and does not include housing owned by a nonprofit housing entity or a government entity. The Office of Financial Management is charged with getting an independent audit of the expenditure of the funds. If the audit finds that 45% of the funds were not used for private rental housing payments, then the Department of Commerce must submit a corrective action plan. Additionally, Commerce is directed to convene a stakeholder group to discuss long-term funding options for homeless housing programs that do not include document recording surcharges. The bill passed the Legislature and is currently awaiting the Governor's signature. This bill is the result of a compromise after [House Bill 2368](#), sponsored by [Rep. David Sawyer](#) (D- Lakewood), and [Senate Bill 6313](#), sponsored by [Sen. Jeannie Darneille](#) (D- Tacoma), died early in the legislative session.**

[Senate Bill 5955](#), sponsored by [Sen. Bob Hasegawa](#) (D- Seattle), would establish a publicly owned trust with marijuana revenues. The trust would accept deposits from marijuana producers, processors, and retailers (instead of them going to the bank). All deposits would be guaranteed by the state rather than insured by the FDIC. All income of the trust from interest and investments would be spent on public infrastructure. This bill was given a hearing in the Senate Government Operations Committee but did not otherwise advance forward.

[Senate Bill 6008](#), sponsored by [Sen. Maralyn Chase](#) (D- Shoreline), and [House Bill 2413](#), sponsored by [Rep. Dean Takko](#) (D- Longview), prohibits a city or town from assuming all or part of a water-sewer district within their jurisdiction unless voters of the entire special district approve a ballot measure authorizing the assumption. While the House version was never given a hearing in committee, the Senate version was amended in committee to only apply to King County and was then passed by the Senate. The bill was then heard in the House policy committee, but was never voted on and inevitably died in the House Committee.

[Senate Bill 6059](#), sponsored by [Sen. Sharon Brown](#) (R- Kennewick), would allow jurisdictions to charge for the *use of government facilities to scan public documents*. In practice, this means that a governmental entity would not be allowed to charge a person who requests a document for the labor of finding that document that will be scanned, but does allow that same jurisdiction to charge a fee to use their copier to scan that document. This bill passed the Senate unanimously, but was not voted on in the House.

[Senate Bill 6089](#), sponsored by [Sen. Mike Padden](#) (R- Spokane Valley), changes eminent domain law to state that any property taken for economic development does not constitute a public use. The bill was heard in the Senate Law and Justice Committee but otherwise did not pass out of the Senate.

[Senate Bill 6117](#), sponsored by [Sen. Don Benton](#) (R- Vancouver), states that the rate that local government utilities may charge WSDOT for the construction, operation, and maintenance of storm water control facilities under certain conditions is revised to 100 percent of the rate for comparable real property. The Association of Washington Cities supported the legislation, but the bill did not pass out the Legislature.

[Senate Bill 6308](#), sponsored by [Sen. Mark Schoesler](#) (R- Ritzville), limits local governments' ability to provide bonuses to employees. Payment of any bonus must be authorized by a resolution specifically describing the employee receiving the bonus, the service performance goal for which the bonus is paid, and the amount of the bonus. The bill was never scheduled for a hearing and did not pass the Legislature.

[Senate Bill 6489](#), sponsored by [Sen. Bob Hasegawa](#) (D- Seattle), and [House Bill 2783](#), sponsored by [Rep. Sharon Tamiko Santos](#) (D- Seattle), states that Sound Transit must consider the potential impacts of that facility on parking for residents nearby. Sound Transit would be required to provide parking mitigation for any parking impacts. If zoned residential parking is implemented as a direct result of the impact on parking, then Sound Transit must pay for the zoned residential parking permits. The bill passed out of the Senate Transportation Committee on a divided vote, but did not pass out of the Senate.

[Senate Bill 6516](#), sponsored by [Sen. Jim Honeyford](#) (R- Yakima), established a legislative task force on financing the state's storm water, flood risk reduction, floodplain restoration, water supply and integrated water management priorities. The bill was part of final Capital Budget negotiations but inevitably did not pass.



2013-2014 Biennial Legislative Agenda

Revised for the 2014 Legislative Session

Transportation Funding: I-5 JBLM Corridor Improvements (If not adopted in 2013)

Lakewood requests that the state adopt a transportation revenue package that includes full funding for improvements to the Joint Base Lewis McChord I-5 Corridor (I-5/Mounts Rd Interchange on the south to the I-5/Bridgeport Interchange on the north) to relieve congestion and allow for the future economic development of the City of Lakewood and the surrounding communities. The City also requests that a transportation revenue package include a direct distribution of funding to cities for local street maintenance and operations.

Capital Funding Request: Towne Green

Lakewood requests \$500,000 in capital funding to foster a sense of community and spur economic development in the Lakewood Towne Center. With state and local funds, the City plans to construct a town green in an area of the Lakewood Towne Center to attract a greater number of people into the Towne Center.

Mitigation Funding Request: Point Defiance Bypass

The Point Defiance Bypass Project proposes routing passenger trains through south Tacoma, Lakewood, and DuPont at the cost of \$89 million. When completed, the project will bring a total of seven daily round trip passenger trains through Lakewood intersections, with an average crossing time of 7 seconds per intersection, 45 seconds total with guard rails, and a maximum speed of 79 mph. This routing bifurcates the community and negatively affects residents and businesses by generating additional traffic congestion, increased noise and vibrations, and impact on economic development. The City requests that a portion of the \$89 million allocated to WSDOT Rail for the project be allocated to projects that mitigate these negative impacts on Lakewood residents and businesses.

Maintain Funding for the Western State Hospital Community Policing Program

The 2013-15 State Operating Budget contains \$462,000 for a highly effective neighborhood policing team (through LPD) to respond to hundreds of calls for police service at Western State Hospital. The City of Lakewood requests that this funding remain included in the budget, and that it be re-appropriated in the 2015-17 Operating Budget.



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CITY OF LAKEWOOD

LEGISLATIVE POLICY MANUAL

COMMUNITY, ECONOMIC DEVELOPMENT, TRANSPORTATION, AND INFRASTRUCTURE

I-5 JBLM Corridor

The City supports full funding of improvements to the I-5 Joint Base Lewis McChord Corridor to relieve congestion and allow for future economic development of Lakewood and the surrounding region.

South Sound Military & Communities Partnership & Joint Base Lewis McChord

The City is a strong partner with Joint Base Lewis McChord and a participant in the South Sound Military Communities Partnership (SSMCP). Joint Base Lewis McChord is an employment hub for the City of Lakewood. The SSMCP is a primary point of coordination for issues where the community and JBLM can work together to accomplish a common goal. The City of Lakewood supports the ongoing efforts of the SSMCP and supports policy decisions that assist JBLM.

Economic Development Tools

The City supports programs that may be developed to assist local governments in improvement of neighborhood residential and commercial area rehabilitation, through tax incentives, grants, loans and other programs. The City also supports legislation that provides economic development tools that the City may use if it so chooses. This legislation includes, but is not limited to: the multi-family housing tax incentive, tax increment financing, lodging tax, the Main Street Act (a series of small tax incentives for neighborhood business districts), complete streets grant program, community facility financing, shared state revenue for construction of convention and special event centers, additional shared state revenue for urban renewal and other public facility improvements, and innovative approaches to property tax assessment that reduces the current incentive to allow property to remain blighted.

Annexation

The City believes that annexation laws should encourage the logical development and expansion of the City to provide for a healthy and growing local economy and efficient services. The law should also facilitate and ease the annexation of unincorporated islands adjacent to City limits.

The City supports legislation that will further modify state annexation laws to reduce the administrative process of annexation and further encourage and incentivize annexation of existing unincorporated islands. A recent model that provides a temporary shift in sales tax revenue to incentivize very large annexations needs modification to recognize that most annexations involve far fewer than 10,000 people.



CITY OF LAKEWOOD

LEGISLATIVE POLICY MANUAL

Boundary Review Board

Boundary Review Boards are a quasi-judicial administrative body empowered to make decisions on such issues as incorporations, annexations, extensions of utilities, etc. by cities, towns, and special purpose districts. These Boards can approve, deny, or modify a proposal. Decisions are appealable to the Pierce County Superior Court. Because most issues are appealed to the Superior Court the City of Lakewood believes the Boundary Review Boards are duplicative and supports legislation that results in their elimination.

Local Authority for Land Use and Planning

Local governments must maintain final decision making authority on local zoning, land use, and planning, including local zoning and regulation of house-banked card rooms and other businesses. Specifically, the City opposes any effort by either the State Legislature or Congress to preempt local land use or taxation authority.

Public Works Trust Fund

The City supports reforming the Public Works Trust Fund by restoring its revenue sources, streamlining its processes, and allowing the Public Works Board to expand uses for its loan program and make other modernizations.

Parks, Recreation & Urban Forestry

The City of Lakewood is in need of state assistance to improve, maintain and expand its local park system and the open space areas of the City. The City supports ongoing funding for the Washington Wildlife and Recreation Program (WWRP).

Local Transportation Funding

The City supports a local funding component in future state transportation packages.

SR 167/SR 509 Puget Sound Gateway Project

The City of Lakewood supports completing State Route 167 by adding the remaining six miles between Puyallup (SR-161) and Tacoma (SR-509) originally envisioned in the highway's design 30 years ago.

FINANCE

State-Shared Revenues

The City supports restoration and continued appropriation of committed state shared funds, such as Liquor Excise Taxes and Profits, Streamlined Sales Tax Mitigation, City-County Assistance Account, Municipal Criminal Justice Account, Annexation Sales Tax Credit, and public health funding. Support legislation that provides cities with tax revenue from the sale of marijuana.



CITY OF LAKEWOOD

LEGISLATIVE POLICY MANUAL

General Fund Revenue

The City supports legislation that will increase, expand, or favorably restructure its revenue-raising ability. In consideration of the continued growth in demand for services that exceed revenue growth and inflation, the City supports the following revenue options:

- Give local governments increased local option flexibility in all areas of taxing authority.
- Eliminate remaining non-supplanting language and restrictions on use of certain revenues in local option tax authority. This language excessively limits City Council discretion regarding funding priorities.

Unfunded Mandates & Other State & Federal Budget Impacts

Mandates from the Federal and State governments are rarely accompanied with adequate new revenues or taxing authority, but instead force the City to reduce funding levels for other services. The City opposes efforts by Congress and the State Legislature to balance budgets by shifting responsibilities to cities.

PUBLIC SAFETY

Authority to Appoint Municipal Court Judges

The City supports cities' ability to appoint a municipal court judge and to maintain courts and supports further technical and financial assistance for the administration of municipal courts.

Traffic Enforcement Cameras

The Legislature has authorized local government to use traffic enforcement cameras in limited situations, including red light enforcement at certain intersections and speed control in school zones. Traffic enforcement cameras have proven to be a success in reducing instances of speeding and violation of traffic signals. The City supports the use of traffic enforcement cameras. The City also supports legislation allowing images from traffic enforcement cameras to be used by law enforcement in criminal cases if there is probable cause.

Jail and Court Costs

The City supports legislative proposals that reduce jail and court costs, and maintain the City's flexibility in providing jail and court services. The City supports additional funding for local grants through the Office of Public Defense, and clarifying local authority to set standards for public defenders. The City also supports maintaining the flexibility to select the most appropriate manner in which to provide jail services.



CITY OF LAKEWOOD

LEGISLATIVE POLICY MANUAL

GENERAL GOVERNMENT

Public Records & Open Meetings

The City respects the right of the public to have access to legitimate public records and documents. The City believes its ability to recover the costs of searching for, gathering and reviewing requested documents is also in the public's interest. The City supports reasonable reforms to the public records act. The City opposes requiring the recording of executive sessions or other restrictions on legitimate uses of executive sessions.



I-5/JBLM Corridor Improvement Cost Options as developed by WSDOT

Option 1: \$875 million (\$820 mil)

- Four interchanges at Thorne Lane, Berkley Avenue, 41st Division Drive, and DuPont-Steilacoom Road;
- Expansion of corridor from 6 to 10 lanes beginning at Thorne Lane interchange to DuPont-Steilacoom Road interchange; and
- This estimate does not include the Gravelly Lake to Thorne connector roadway (request legislative footnote that this improvement be included) and does not include the widening for the 7th through 10th lanes south of the DuPont-Steilacoom Road Interchange.

Option 2: \$675 million

- Four interchanges at Thorne Lane, Berkley Avenue, 41st Division Drive, and DuPont-Steilacoom Road;
- Expansion of corridor from 6 to 8 lanes beginning at Thorne Lane interchange to DuPont-Steilacoom Road interchange; and
- This estimate also does not include the Gravelly Lake to Thorne connector roadway (request legislative footnote that this improvement be included) and does not include the widening for the 7th through 10th lanes south of the DuPont-Steilacoom Road Interchange.

Option 3: \$567 million

- Two interchanges at Thorne Lane and Berkley Avenue;
- Does not include the Gravelly Lake to Thorne connector roadway (the connector cost estimate is approximately \$41 million);
- Expansion of corridor from 6 to 8 lanes beginning at Thorne Lane interchange to DuPont-Steilacoom Road interchange;
- This option did not call for widening of the 41st Division Drive interchange (JBLM-Main Gate), but it is required to get the 7th and 8th lanes constructed to the DuPont-Steilacoom Road interchange so those costs are included; and
- This option creates an add/drop lane at DuPont-Steilacoom Road. The 4th southbound lane would have to exit at DuPont-Steilacoom. The northbound onramp at DuPont-Steilacoom would be an add lane and become the 4th lane.

Option 4: \$350 million (current proposal)

- Two interchanges at Thorne Lane and Berkley Avenue, though the interchanges will be selected by the results and recommendations of the Interchange Justification Report (IJR) that is currently under development and expected to be completed in early 2015;
- Does not include the Gravelly Lake to Thorne connector roadway (the connector cost estimate is approximately \$41 million);
- Expansion of corridor from 6 to 8 lanes to provide additional mainline capacity in selected locations between Thorne Lane and Mounts Road interchange by hardening of existing shoulders (interim lane improvements). If, for instance, Thorne Lane and Berkeley interchanges were selected it would be possible to put in place some shoulder hardening between Berkeley and the Main Gate Interchange but not the entire length in both directions since shoulder hardening is most effective only if lanes can carry shoulder through the interchanges.

Note: Possible to reallocate \$60.8 million for I-5/SR 512 interchange improvements to Option 4 – need to obtain from WSDOT what improvements would be made.



I-5/JBLM Corridor Improvement Talking Points

The needed improvements along this section of I-5 is not just a local issue, but a regional and statewide one that needs to be addressed, particularly since it has some of the worse congestion in the entire state.

The improvements needed include the replacement of four interchanges (Thorne Lane, Berkeley Avenue, 41st Division Drive, and DuPont-Steilacoom Road interchanges) and the expansion of the corridor from 6 lanes to 10 lanes, and an interconnector road needs to be built between Thorne Lane and Gravelly Lake Road. WSDOT estimates that the cost of completing these improvements is \$820 million.

The \$350 million included in the current proposal is an improvement from the House proposal of \$175 million, but still does not allocate enough funding to relieve congestion in the corridor over the next decade.

\$350 million funds improvements to only two, rather than four interchanges, and would provide additional lanes in only selected locations by hardening existing shoulders. To truly relieve congestion, we need to provide additional lanes on the full corridor. There are options between the \$820 million full build out and simple hardening of shoulders in some areas that could significantly relieve congestion over the next decade.

The simple source of the problem is that the current design of I-5 is not capable of sustaining traffic volumes currently encountered daily.

Much of the congestion starts in the area south of Thorne Lane where the freeway narrows from four general purpose lanes to three lanes. This is why providing additional lanes is key to relieving the congestion.

Heading southbound in the afternoon, traffic speeds are between 22 and 36 miles per hour. Heading northbound, it is 29 to 36 miles per hour. This afternoon congestion will spread over a period of up to three hours. This is occurring on weekends as well.

This traffic congestion means that freight carrying our goods to market is stopped on I-5. It means our workers headed to jobs are stopped on I-5. It means our citizens, and our constituents are stopped on I-5. It means you, our state legislators, are stopped on I-5.

Freight traffic and trucks specifically, are 12% to 13% of the total traffic on the I-5/JBLM Corridor, of which 7 % were double trailers. Congestion is a direct increase in the cost of doing business for freight-dependent businesses. This cost increase is often passed along to consumers in the form of higher prices.

JBLM is the largest single-site employer in Washington State and contributes mightily to our local, regional and state-wide economy. It is a vital asset in our region – and even across the state with its



training facility in Yakima. Recognizing this, JBLM is implementing major transportation alterations within their authority to remove local traffic from I5, and alleviate traffic impacts on I-5.

The I5/JBLM corridor improvements will result in congestion relief and improved mobility, job creation and tax generation, economic growth and prosperity within the Pierce County region, and shorter travel time; all major and significant benefits in this key corridor.

If this corridor is not fully funded, we will continue to struggle with this congestion for another decade or two.

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|---|--|



City of Lakewood

“The Lakewood Towne Green”

OUR CHALLENGE:

Since Lakewood’s incorporation 17 years ago, one of the City’s major goals is to create a downtown having a pedestrian urban center with a mix of housing, entertainment, restaurants, and retail businesses. And, over the years Lakewood has been successful:

- ✦ The Lakewood Mall was razed and replaced with the new Lakewood Towne Center.
- ✦ The Towne Center has created jobs and enjoys a very high occupancy rate.
- ✦ A new City Hall, including an outdoor public plaza, was built.
- ✦ Public rights-of-way were acquired; existing streets were upgraded and new public streets constructed.
- ✦ Ten new restaurants located in the Towne Center with three additional restaurants now being proposed.
- ✦ A highly popular Farmer’s Market located in the Towne Center.

Lately, we’ve had the opportunity to take stock and assess these changes. There is something missing – an urban scale park, what we call a Towne Green, that ties it all together and establishes a strong sense of place. Working with one of the Towne Center’s primary property owners, RPAI, a partnership has been formed with the common goal of creating a new urban park in the Towne Center.



OUR REQUEST:

Our request is for \$500,000 to design and construct an urban scale open space area combined with increased pedestrian access and public art.

WHAT IS THE PROJECT?

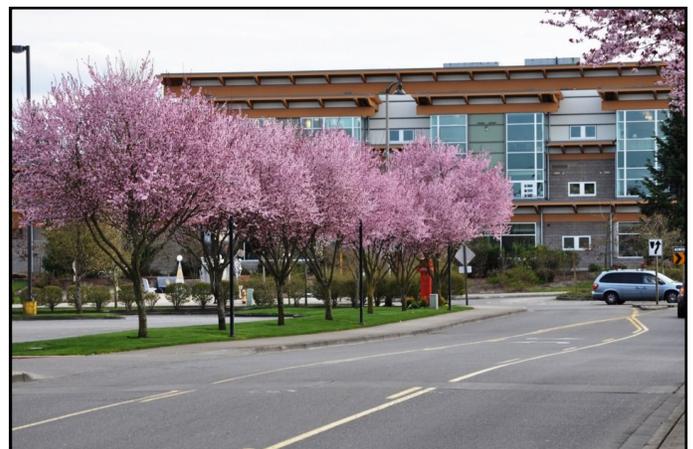
A new Lakewood Towne Green, partly located on City Hall and on private property in the near vicinity. The total park area is approximately one acre.

GOALS OF THE TOWNE GREEN:

- ✦ Interactive space that engages the community.
- ✦ A park-like setting that contributes to the distinct identity of the area.
- ✦ A park design that features a community gathering place.
- ✦ Low maintenance.

THE BENEFITS:

The Towne Green would enhance livability, in addition to increasing the long-term commercial viability of the Towne Center.





The Towne Green is an urban scale park located in Lakewood's Central Business District. The new park is a collaborative effort between the City and RPAI, a major property owner in the Lakewood Towne Center. The park would enhance open space, provide greater pedestrian connectivity, and increase commercial vitality.



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 Mary Moss, Councilmember
 Michael D. Brandstetter, Councilmember
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Legislative Bulletin

April 21, 2014

From the Legislative Director

2014 session was short and disappointing for cities, 2015 challenges loom large

Legislators accomplished their goal of finishing on time with only slight modifications needed to the \$33.5 billion biennial operating budget adopted last year. Beyond that, some were proud of the fact that no new revenues or tax loophole closings were needed, while others bemoaned the fact that "holding the line" also meant agreement couldn't be reached on a transportation funding package, a supplemental capital project list, or other issues of interest to one or another block of legislators or the Governor.

Little was accomplished that helps, or hurts, cities and towns.

AWC members and staff advocated for:

- An incremental return of the city share of liquor profits that were capped in 2012;
- Restoration of critical Public Works Assistance Account funding that was redirected to state general fund expenditures;
- Passage of a transportation package that would provide needed state and local resources; and
- Reconciling differences between access to medical and recreational marijuana, and a sharing of these new tax proceeds with cities and counties.

All but our liquor revenue priorities were considered, but none were addressed. Reasons vary, and ultimately, legislative leaders concluded that any available non-transportation revenue needed to pay for state, not city, programs and services - at least until they figure out in 2015 how to pay for the State Supreme Court ordered K-12 funding responsibilities (McCleary). On the issue of transportation funding, most legislators understand state needs and several acknowledge local needs. What they couldn't agree upon was the appropriate balance of new revenues and reforms on how project dollars are spent.

We were more successful in convincing legislators that several bills harmful to cities shouldn't move forward, and in some cases we were able to help modify bad ideas to ones less harmful.

When legislators return in January 2015, they will have to confront a number of fiscal and political challenges that will directly impact city revenues and responsibilities. It would be prudent to consider these when developing city budgets that rely on state funding, or when deciding which of your local legislators deserve your attention or support. Here are some

continued

keys things to remember as we look ahead to what happens next:

- All 98 House members, and half of the 49 Senators are up for election in November, and the Governor will be halfway through his term.
- Conventional wisdom assumes that the House Democrats will maintain their majority and the Senate is likely to remain under the control of the Majority Coalition (which currently consists of 24 Republicans and 2 Democrats). This assumption was shaken up with the recent surprise announcement by Coalition Leader Sen. Rodney Tom (D-Medina) that he will not seek re-election.
- Whoever is in charge, they have to write and pass a two-year operating budget and the Governor must agree. He gets to release his ideas first in December, and AWC along with most other Olympia interests, will be working to have influence on what's in it as he and his staff prepare their budget.
- Among the known issues needing to be addressed, none looms larger than responding to the Court's order in what's known as the McCleary case. It requires the legislature to address the state's fundamental responsibility to fully fund K-12 education to meet legislatively approved standards for among other things, class size. It will take multiple billions more than is currently allocated to do this on an ongoing basis. To agree on what's needed and find the funding to do it will be a major challenge.

State revenues are slowing growing, but not enough to meet the State Supreme Court's order and maintain other state-funded programs at current levels. We've witnessed the inability or unwillingness of legislators to expand their revenue base either by enacting new sources or closing tax breaks to increase revenues. Program cuts and efficiencies have been achieved, but not enough in the eyes of some. Instead, state budget gaps have been filled by unprecedented raids or swipes on revenues that have been historically used by cities to help build infrastructure and support critical general fund services in communities of all sizes and shapes across the state.

Even as the state continues to grow (mostly in cities), what cities need may fall on deaf ears unless we all work over the next months to educate the Governor, community leaders and local legislators/candidates on the critical needs for infrastructure, public safety and other fundamental needs in our communities. We will be competing for attention and funding, and must reach out to business, education and civic leaders to find ways to address their needs as well as ours.

In the coming weeks and months, be on the lookout for AWC initiatives on how you can help meet these challenges.

continued

About the 2014 Final Bulletin

As usual, this Bulletin is divided into issue areas (finance, transportation, law & justice, and so on). Within each issue area you will find a session overview and a table of bills, which includes AWC priority bills and other bills of interest to cities.

AWC priority bills are those of significance to most cities and towns on issues adopted as priorities by the AWC Board of Directors. These include major priorities, other significant issues, and issues to endorse, monitor, or defend against.

About the bill tables

- Within each table, bills that passed appear first, followed by bills that failed to pass. Within those two groups, bills are listed in numerical order.
- The table also indicates the effective date for bills that passed.
- To make it easier for you to find bills, we use our own descriptive bill titles rather than the official bill titles used by the Legislature.
- The BillTracker logo is shown for bills included in AWC's BillTracker. Clicking on the logo will take you to the bill details page.
- For all bills, clicking on the underlined bill number will take you to the "Bill Information" page on the Legislature's website.

About the Legislature's "Bill Information" pages

The Legislature's website includes a page for every bill that was introduced during the session. Each bill's page shows its sponsors and history, as well as links to available documents, amendments, and the fiscal note, if applicable.

For bills that passed, the final version that passed the Legislature and was signed by the Governor can be found by clicking the link that says "Session Law" under "Bill Documents."

For background information and a summary of the bill, click on "Final Bill Report" under "Bill Reports." Bill reports are written by non-partisan legislative staff. Bill language and bill reports are also available for some bills that failed to pass.

Fiscal notes give an estimate of the fiscal impact of a bill on state agencies and on local governments when applicable. Fiscal notes are prepared by agency staff and are finalized and approved by the Office of Financial Management (OFM). Local government fiscal notes are written by staff at the Department of Commerce and also must be finalized and approved by OFM.

continued

Environment and Land Use

Bills related to homeless funding, fish passage barriers and archaeological resources pass

The 2014 session was in some ways dominated by attention to the coming showdown over education funding in 2015. The size of the problem facing the legislature next year seemed to dampen enthusiasm for big policy fights - even in unrelated fields like land use and environment. Nonetheless, a number of bills impacting cities were debated.

Funding for homeless housing and assistance

The highest profile bill AWC worked on this year in regard to land use and environment was undoubtedly the bill to extend the fees that underpin the state and local response to homelessness. The bill (**SB 5875**) took a tortuous path to the Governor's desk, spawning a flurry of newspaper editorials exhorting for its passage when it was temporarily killed in the Senate. At the end of the day, the bill saved \$104 million in homelessness funding through 2019 that would have otherwise expired - \$63 million of that directly locally controlled and the balance passed through the state to be expended in our communities. Literally scores of community nonprofits, such as YWCA domestic violence shelters or Salvation Army cold weather shelters, would have been dramatically cut.

Fish passage barriers

Also of long term interest is a bill (**HB 2251**) we helped develop to create a coordinated state approach to fish passage barrier removal. As the state begins to address its court ordered obligation to remove barriers on state-owned lands (mostly inadequate culverts under roadways), the Legislature recognized the need to develop an approach to address local barriers as well. Not doing so would mean that we still won't see the fish recovery we need. This bill sets up a task force to develop this coordinated plan, and AWC expects to be heavily involved in that with your help over the next several years.

Protecting archaeological resources and traditional cultural places

Interestingly, **HB 2724** looks towards the future by honoring our past. As we have worked over the last several years to streamline environmental permitting statutes to ensure protections while minimizing duplication - a constant concern has been how the state's historic and cultural resources would remain protected. In many ways these resources are especially reliant on protections from the State Environmental Policy Act (SEPA). Through the discussions, an alternative form of protection that identified potentially sensitive areas up front was deliberated, a system offered for local government use by the State Department of Archaeology and Historic Preservation (DAHP). Those discussions identified a catch-22 situation: Native American tribes would only provide this sensitive information to the state if it could ensure that those details wouldn't get into the wrong hands, while public records disclosure laws inadvertently precluded local governments from protecting the information once they got it. This legal exposure kept some cities from signing up for this system, and with that loophole closed, we're hopeful that more cities will find value in collaborating with the state and tribes with this system. Review the DAHP website or contact Annie Strader (360) 586-3078 to discuss this program and see if it might make sense for your city.

Fighting off the bad bills

Like any year, there were also a number of bills we opposed because of their negative impact on cities. We were fortunate this year that the most damaging bills did not advance all the way through the legislative process. Perennial topics such as prescribing the timing of collection of GMA impact fees (**HB 2677**), and changes to the

authority for cities to assume water and sewer districts (**SB 6008**) were debated and ultimately put down. Similarly, extensive changes to annexation statutes (**HB 1854**) and amendments to city authority to shift from septic to community sewers (**HB 2186**) did not advance. Undoubtedly, some of these bills will be back next year, and we will continue to work to find resolution to these issues that can be supported by cities.

Looking ahead

Moving forward, the 2015 session promises to be one of the most contentious in recent memory as the state grapples with how to put significant new resources into K-12 education. For cities interested in land use and environmental issues, this dynamic will have significant spillover effects. There will likely be a lot of attention on protecting existing revenues dedicated to areas important to cities. It may also put a bit of a negative drag on big policy proposals, as the Legislature only has so much bandwidth to take on controversial issues. All of that said, every session brings its own surprises and we're looking forward to mixing it up for cities again next year.

| BillTracker | AWC priority | Bill # | Descriptive title | Final status |
|-------------|-------------------------|----------------------|--|--------------------------|
| | | EHB 1224 | GMA opt-out for counties with populations under 20,000 | Law; Effective 6/12/2014 |
| | | ESHB 2246 | Financing for stewardship of mercury-containing lights | Law; Effective 6/12/2014 |
| | | 2SHB 2251 | Creating a coordinated approach to fish passage barrier projects | Law; Effective 6/12/2014 |
| | | SHB 2433 | New requirements for annexation notifications | Law; Effective 6/12/2014 |
| | | SHB 2724 | Exempting information concerning archaeological resources and traditional cultural places from public disclosure | Law; Effective 6/12/2014 |
| | Other significant issue | ESSB 5875 | Extending filing fees to fund homeless housing and assistance | Law; Effective 6/12/2014 |
| | | 2SSB 6330 | Allowing for multifamily housing property tax exemption in Belfair, Mason County | Law; Effective 6/12/2014 |
| | Endorse | EHB 1367 | Authorizing assessments for nuisance abatement | Failed |
| | Endorse | SHB 1579/ SB 5424 | Creating a product stewardship program for paint | Failed |
| | | HB 1854 | Requiring voter approval of annexations | Failed |
| | | HB 2161 | SEPA traffic mitigation fees on projects outside of a city | Failed |
| | | SHB 2168 | Preemption of requirements for minimum sizes of single family residences | Failed |
| | | SHB 2186/ SB 5995 | Allowing for on-site septic systems in urban growth areas | Failed |
| | | HB 2499 | Permitting school siting outside of urban growth areas | Failed |
| Yes | Strongly defend against | HB 2677 | Requiring cities to offer deferral of impact fee payments | Failed |
| | | SHB 2709 | SEPA requirements for cultural resources | Failed |
| | Strongly defend against | ESSB 6008 | Requiring a public vote for assumption of water/sewer districts | Failed |
| | | SSB 6060 | Providing notice to water system operators of GMA comprehensive planning activities | Failed |
| | | SB 6089 | Prohibiting the use of eminent domain for economic development | Failed |

continued

Finance

No changes to city business licensing and taxing this year

Since this was the second year of the biennium, legislative proposals from the 2013 session were eligible to be revived and advanced.

Regarding municipal finance, the 2013 session was largely dominated by how cities license and tax businesses. As noted in last year's Final Bulletin, the business community was expected to bring back their priority proposals mandating cities with business licenses to join the state's Business Licensing Service, **SB 5656**, and requiring cities with a B&O tax to adopt the state B&O classifications, **SB 5688**. However, neither proposal made any further progress in the 2014 session.

In response to these and other similar proposals, cities have been working on and are close to launching File Local, a city-administered online portal for local business licensing and tax filing. If a business works in Seattle, Tacoma, Bellevue or Everett, they will be able to get a city business license and file local B&O taxes from one online address. The result will be easy tax filing and payment, enhanced customer service, and less work for customers. When File Local goes live, roughly 9 out of 10 businesses in Washington State that pay local B&O taxes will be able to use it. This portal project should address many of the concerns expressed by the business community. If similar proposals that negatively impact local control and revenue are introduced again next year, cities will continue to oppose them.

Another proposal from 2013 did see success this year. HB 1287 established a property tax exemption for all tribally owned property used for economic development. In both sessions, cities and other local governments expressed concern over the broad exemption and potential financial impacts provided in the bill. This year some limits to the exemption and a PILT (payment in lieu of leasehold excise taxes) were added before it passed. The bill is summarized here.

continued

| BillTracker | AWC priority | Bill # | Descriptive title | Final status |
|-------------|-------------------------|-----------|---|--------------------------|
| Yes | Monitor | EHB 1287 | Property tax exemption for all tribally-owned property used for economic development | Law; Effective 6/12/2014 |
| | | SHB 1634 | Including solar, biomass, and geothermal facilities in property tax levy calculations | Law; Effective 6/12/2014 |
| | | SB 6405 | Standardizing nonexempt use of tax-exempt property owned by non-profits | Law; Effective 6/12/2014 |
| | | HB 1486 | Simple majority approval for continuing fire benefit charges | Failed |
| Yes | Major | HB 2314 | Restoring local liquor revenue sharing | Failed |
| | | HB 2345 | Standardizing nonexempt use of tax-exempt property owned by non-profits | Failed; See SB 6405 |
| | | HB 2428 | Reauthorizing EMS levies at a lower rate | Failed |
| | | HB 2539 | Simplifying sales tax of amusement, recreation, and physical fitness services | Failed |
| | | HB 2681 | Extending the annexation sales tax credit | Failed |
| | | SB 5331 | Simple majority approval for continuing fire benefit charges | Failed |
| | Strongly defend against | SB 5656 | Mandating city use of the state's Business Licensing Service | Failed |
| | Strongly defend against | SB 5688 | Changing local B&O taxes | Failed |
| Yes | Monitor | ESSB 5697 | Reducing the frequency of local sales tax changes | Failed |
| | | SB 6114 | Revising local government treasury practices and procedures | Failed |
| Yes | Major | SB 6361 | Restoring local liquor revenue sharing | Failed |
| | | SB 6472 | Simplifying sales tax of amusement, recreation, and physical fitness services | Failed |

continued

General Government

2014 Legislature adopts bills promoting open government and transparency

The 2014 session was surprisingly significant for open government legislation, and two notable bills designed to increase transparency and understanding of open government laws passed. The Legislature also considered a flurry of public record exemptions bills, and a handful passed. Unfortunately, the Legislature did not take any action to reduce the impact of burdensome and abusive requests or address costs generated by for-profit requestors.

Attorney General Bob Ferguson's request legislation, **ESB 5964**, establishes open government training requirements for governing bodies, elected officials, and public records officers beginning July 1, 2014. Check out this article for an overview of the requirements. Cities supported this new requirement as a way to help ensure that all city officials are familiar with public records and open meetings laws. The new law has been touted by open government advocates as an important measure for protecting transparency, but they have also been critical of the Legislature for not extending the requirements to state legislators. The training requirement is not meant to be onerous and provides a great deal of flexibility in how officials can comply. The Attorney General has issued a Frequently Asked Questions publication to help answer some questions about the training requirement.

The Legislature also passed **HB 2105**, which requires cities to post agendas of regular city council meetings on the web. AWC worked with the sponsor and others to make this bill practical for cities. Only cities with a website and at least 10 employees must post the agendas of regular city council meetings on its website 24 hours in advance of the meeting. Agendas may be amended after posted and failure to post an agenda does not invalidate an otherwise legal action nor provide a basis for awarding attorney fees or seeking a mandamus or injunction under the Open Public Meetings Act. The requirement will take effect on June 12, 2014.

The Legislature also considered a number of public record exemption bills, and exemptions were added for public utility customer information (**SB 6007**), juvenile arrest and court records (**ESHB 1651**), public employee drivers' license numbers (**HB 2376**), and information about archeological and cultural resources (**HB 2724**). Cities do not always support legislation requesting exemptions because of the additional impacts they can create for public records disclosure; however, AWC did actively support some of these bills as important measures for protecting privacy and vulnerable populations.

The Legislature failed to take action on any legislation that would have addressed the undue burden created by some abusive requestors and requests made by for-profit businesses. Last year the Legislature provided funding for the Ruckelshaus Center to conduct a preliminary assessment of the issues around abusive and harassing requests. This year, cities and other local government associations asked for continued funding to bring stakeholders together to find agreement on a solution. While the House included some funding in their preliminary budget, the final supplemental budget did not. AWC will continue to work with stakeholders this interim to see if the process can still move forward.

Additionally, the Legislature again failed to pass **HB 1037**, which would allow cost recovery for for-profit commercial requests. Cities and other local governments report time consuming requests from commercial requestors who make a profit selling information that they got at no cost. Cities have pushed to stop subsidizing these businesses by establishing the ability to charge for such requests. However, the bill continues to run into opposition by certain open government advocates and concerns about transparency and free access to public records.

continued

2014 demonstrated the difficulty local governments face in passing any significant changes to the public records act that will address abusive requests. Local governments share the Legislature's commitment to open government and transparency and agree that access to public records is fundamental to that goal. However, the Legislature seems to fear that any changes designed to mitigate abusive requests on local governments will be used to paint legislators as opponents to open government. Additionally, open government advocates continue to claim that there is insufficient data about local governments' actual costs for records requests and conclude that there is not really a problem with abusive requests. These sentiments will continue to impede our effort to make meaningful changes to stop abusive requests.

| BillTracker | AWC priority | Bill # | Descriptive title | Final status |
|-------------|-------------------------|------------|---|--------------------------|
| | | HB 1651 | Access to juvenile records | Law; Effective 6/12/2014 |
| Yes | Endorse | SHB 2105 | Requiring web posting of regular meeting agendas | Law; Effective 6/12/2014 |
| | | HB 2296 | Duplicate signatures on local initiatives | Law; Effective 6/12/2014 |
| | | SHB 2724 | Exempting information concerning archaeological resources and traditional cultural places | Law; Effective 6/12/2014 |
| Yes | Endorse | ESB 5964 | Mandatory open government training | Law; Effective 7/1/2014 |
| | | SSB 6007 | Exempting customer information held by public utilities | Law; Effective 6/12/2014 |
| | | ESSB 6265 | Cities with patient health care information | Law; Effective 6/12/2014 |
| | | ESSB 6517 | Exempting employee driver's license and ID numbers | Law; Effective 6/12/2014 |
| | | E3SHB 1005 | Mandatory electronic PDC filing | Failed |
| Yes | Other significant issue | HB 1037 | Cost recovery for commercial requests | Failed |
| | | SHB 1298 | Sunshine Committee recommendations | Failed |
| Yes | Monitor | SHB 1413 | Washington Voting Rights Act | Failed |
| | | HB 2114 | Exempting customer information held by public utilities | Failed; See SB 6007 |
| Yes | Endorse | SHB 2121 | Mandatory open government training | Failed; See SB 5964 |
| | | HB 2202 | Open data portal | Failed |
| | | ESHB 2376 | Exempting employee driver's license and ID numbers | Failed; See SB 6517 |
| | | HB 2578 | Exempting certain public works proposals and documents from public disclosure | Failed |
| | | SB 5169 | Sunshine Committee recommendations | Failed |
| | | SB 6059 | Charging for document scanning | Failed |
| | | SB 6217 | Exempting global positioning system data that shows the residence of a criminal justice agency employee | Failed |
| | | SB 6454 | Exempting certain public works proposals and documents from public disclosure | Failed |
| | | SB 6480 | Exempting information concerning archaeological resources and traditional cultural places | Failed; See HB 2724 |

continued

Infrastructure

No action on infrastructure

Several of AWC's priorities this year related to one idea: resources and tools to finance local infrastructure. Quality infrastructure is critical to our economy, our state, and our local communities. The Legislature failed to act on any infrastructure funding proposals that were before them this session. This includes not adopting a supplemental Capital Budget - something that has not happened since 1996.

Public Works Trust Fund

During the 2013 legislative session, the Legislature swept \$277 million in cash from the Public Works Assistance Account (PWAA), and diverted most of the dedicated revenue streams from the account to education funding through the 2017-2019 biennium. During 2014, Rep. Derek Stanford (D-Bothell) and Sen. Ann Rivers (R-La Center) sponsored companion bills (**SHB 2244/SB 6546**) to return the diverted revenue to the PWAA at the end of this biennium. **SHB 2244** passed out of the House 87-11 with bipartisan support. The Senate did not even give **SHB 2244** or its Senate companion a public hearing.

Value Capture Financing

Rep. Larry Springer (D-Kirkland) introduced **HB 2349** that would have authorized a variation on tax increment financing. Cities or counties could have created apportionment districts. The local government would be authorized to impose a special property tax within the apportionment district on the incremental property value increase to finance public improvements within the district. Given all the reductions in state support for local infrastructure, this would have been an important tool for local communities to finance infrastructure. This bill was heard in the House Finance Committee, but never moved farther in the process.

continued

| BillTracker | AWC priority | Bill # | Descriptive title | Final status |
|-------------|-------------------------|------------------------|--|--------------|
| | | E2SHB 1484 | Public Works Board policies | Failed |
| | | SHB 2186/ SB 5995 | Allowing for on-site septic systems in urban growth areas | Failed |
| | | SHB 2224/ ESSB 6020 | Supplemental capital budget | Failed |
| Yes | Major | SHB 2244/ SB 6546 | Restoring resources to the Public Works Assistance Account beginning with the 2015-2017 biennium | Failed |
| | | SHB 2331 | Requiring certified payroll records for public works projects | Failed |
| | Other significant issue | HB 2349 | Authorizing value capture financing | Failed |
| | Other significant issue | ESB 2618 | Adjusting bid limits for public works projects of code cites | Failed |
| | | ESB 5514 | Utility rates and charges for vacant lots in manufactured housing communities | Failed |
| | | ESSB 6008 | Requiring a public vote for assumption of water/sewer districts | Failed |
| | Major | SB 6120 | Restoring resources to the Public Works Assistance Account beginning with the 2017-2019 biennium | Failed |

continued

Law and Justice

Marijuana issues dominate the discussion but fail to pass

Marijuana-related proposals dominated the law and justice issues of the session. However, the Legislature failed to pass any of the proposals except one that dealt with adding the term “concentrates” in the definition of marijuana products. There was some action on other public safety issues including impaired driving, mental health funding, sealing juvenile records, and unmanned aerial vehicles (aka drones).

Legislative priorities for cities focused on reconciling the unregulated medical marijuana market with the regulated recreational market, and securing a portion of the new recreational marijuana excise tax revenue. While there was significant legislative energy behind the need to reconcile the two markets, in the end, nothing passed. This is largely due to dueling perspectives on sharing local revenue, concerns about impacts to medical marijuana patients, objections from the medical marijuana industry and the need for a 2/3 vote to change the original language from the initiative. While many individual legislators expressed support for providing marijuana revenue to cities, there were significant objections to giving up any of the revenue by budget writers and leadership in both houses. We often heard that it was too early to consider revenue sharing because there wasn’t any revenue yet. We also heard concerns that the State needed to retain all of the revenue to help pay for education funding mandated by the McCleary decision. The later argument is a bit misleading since the initiative dedicated the revenue to a variety of programs that did not include education, so the Legislature will need to amend the initiative if they wish to use the new revenue to pay for education.

Marijuana related issues are not going away, particularly the need to address medical marijuana. The US Department of Justice already expressed concerns over unregulated markets calling them untenable. Western Washington US Attorney Jenny Durkan recently labeled medical marijuana dispensaries illegal; however, it is unclear if the federal government will take any enforcement action. It is likely that the issue will again come before the Legislature in 2015. In the meantime, there will be an effort to bring the stakeholders to the table to try to negotiate an agreement on the best way to align the two systems.

Cities must also continue to make our case to legislators about the need to share the new marijuana excise tax revenue. This is especially important as the recreational market makes its first sale to a consumer in late June or early July as the Liquor Control Board begins to issue the first retail licenses.

continued

Other law and justice issues

Other legislation of note includes the proposals to regulate the use of drones by government agencies. The proposals were in response to concerns about unregulated use by government agencies that could violate the rights of individual citizens. In the end, the Legislature passed **HB 2789** that placed a variety of restrictions on the use of drones. However, the Governor vetoed the entire bill. The reasons were based on concerns expressed by open government advocates about requirements in the bill to destroy certain records and by some public safety agencies saying the provisions of the bill were overly restrictive, and would make it too difficult to use drones. In his veto message, the Governor placed a 15 month moratorium on the acquisition and use of drones by state agencies and asked other public agencies to also honor the moratorium. The moratorium is intended to give the Legislature time to revisit the issue again in 2015.

HB 1651 exempts certain juvenile arrest and court records from disclosure. The bill seals juvenile records, except in cases with the most serious crimes including sex offenses and certain felony charges. Proponents of the bill noted that Washington is only one of a handful of states that do not seal juvenile records. Opponents of the bill cited open government and public information concerns. While cities do not handle juvenile court cases, cities may still have some records related to arrest and criminal investigations that could be impacted by this new law.

In 2013, many DUI-related bills surfaced as a result of an impaired driving workgroup. In the 2014 session, bills again focused on reducing the number of prior DUI offenses that constitute a felony. None of these measures passed and a felony DUI remains at four convictions in a 10 year period. The two bills that did pass include **SB 6413**, which expanded the definition of prior offense to include any conviction of driving with alcohol or THC in their system whether it's a car, boat, aircraft, ATV or snowmobile. The second bill is **SB 6415**, which changed sentencing so that anyone convicted of a felony DUI, plus other related offenses, must serve those sentences back-to-back.

Mental health was a major issue for many legislators this session. The Legislature passed measures that strengthened the newly named "Behavioral Health Organizations" (BHO), a change from Regional Support Networks (RSN). The supplemental operating budget provides \$20 million in community mental health funding increases for three, 16-bed evaluation and treatment centers around the state. Although this was a great step forward, there was no Capital Budget to provide funding for the buildings to house the beds.

continued

| BillTracker | AWC priority | Bill # | Descriptive title | Final status |
|-------------|-------------------------|------------|---|--------------------------|
| | | HB1264 | Allowing partial fire district mergers, removing various election requirements. | Law; Effective 6/12/2014 |
| | | SHB 1292 | Vacating prostitution convictions | Law; Effective 6/12/2014 |
| | | SHB 1742 | Allowing sales of growlers of wine | Law; Effective 6/12/2014 |
| | | SHB 1791 | Modifying trafficking provisions, clarifying actions to be taken on forfeited property and allocation of proceeds | Law; Effective 6/12/2014 |
| | | ESHB 1840 | Concerning firearm possession for persons subject to no-contact orders, protection orders and restraining orders | Law; Effective 6/12/2014 |
| | | SHB 2057 | Allows law enforcement to make arrests on certain misdemeanor crimes even if they are not the witnessing officer | Law; Effective 6/12/2014 |
| Yes | Other significant issue | ESHB 2155 | Allows local law enforcement to work with retailers when unacceptable loss is reported. This is defined as any loss of spirits that results in a minor consuming or being in possession of spirits. | Law; Effective 6/12/2014 |
| | | SSB 6069 | Modifying community custody provisions for sex offenders pertaining to contacting victims of immediate family members of victims | Law; Effective 6/12/2014 |
| | | SSB 6279 | Allowing timely access to magistrates to review search warrant applications | Law; Effective 6/12/2014 |
| | | SB 6413 | Expanding definition of prior offenses relating to driving under the influence | Law; Effective 6/12/2014 |
| | | SB 6415 | Requires sentences for driving under the influence be served consecutively instead of concurrently | Law; Effective 6/12/2014 |
| | | EHB 2789 | Regulating state and local agency procurement and use of extraordinary sensing devices | Governor Vetoed |
| | | ESHB 1654 | Establishing a regional fire protection service authority within the boundaries of a single city | Failed |
| | | SHB 1771 | Concerning standards for use of unmanned aircraft systems | Failed |
| | | HB 2117 | Preventing local governments from establishing breed-based dog regulations | Failed |
| Yes | Major priority | SHB 2144 | Establishing a dedicated local jurisdiction marijuana fund and the distribution of specified percentage of marijuana excise tax revenues to local jurisdictions | Failed |
| | | E2SHB 2149 | Reconciling medical marijuana market with recreational marijuana market | Failed |
| | | SHB 2154 | Creating a liquor license for fairs | Failed |
| | | SHB 2178 | Regulating the use of unmanned aircrafts | Failed |
| | | HB 2322 | Requires cities treat marijuana-related business like all other business with respect to licensing, zoning and land use regulations | Failed |

continued

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|-----|-------------------------|------------|--|--------|
| | | SHB 2468 | Clarifying retention of biological material collected during criminal investigation | Failed |
| Yes | Other significant issue | SHB 2497 | Establishing new authority for courts to assess cost recovery fees for costs associating with new indigent defense standards | Failed |
| | | HB 2506 | Making felony DUI a class B felony | Failed |
| | | SHB 2507 | Increasing the penalty for vehicular homicide to a ten-year sentence enhancement | Failed |
| | | HB 2601 | Provides that a municipal court term may only be terminated at the end of a judicial term of the judge(s) in that court | Failed |
| | | HB 2638 | Removes local authority in regulating the production, processing, possession or use of legal marijuana | Failed |
| | | HB 2701 | Considers prior offenses within fifteen years instead of ten for DUI | Failed |
| | | SHB 2728 | Makes various changes to DUI statutes | Failed |
| | | HB 2732 | Allocates \$20 mil to cities and towns from marijuana excise tax revenue | Failed |
| | | ESSB 5020 | Modifying indigent defense provisions | Failed |
| | | SB 5520 | Establishing a regional fire protection service authority within the boundaries of a single city | Failed |
| Yes | Major priority | E3SSB 5887 | Merging the medical marijuana system with the recreational marijuana system | Failed |
| | | SB 5968 | Addressing the safe care of inmates and suspects in Washington hospital's with law enforcement accompaniment | Failed |
| | | SB 6011 | Increases penalties for random assaults commonly known as the "knock-out game" | Failed |
| | | SSB 6017 | Provides additional proceeds from seizure and forfeiture for prevention in sexual exploitation of children and prostitution | Failed |
| | | SSB 6085 | Increasing the one can count prior offenses from ten to fifteen years for driving under the influence violations | Failed |
| | | SB 6090 | changes felony DUI definition from 4 to 3 prior offenses | Failed |
| | | SSB 6172 | Regulating use of unmanned aerial vehicles | Failed |
| | | 2SSB 6178 | Reconciling medical marijuana market with recreational marijuana market | Failed |
| | | SB 6218 | Modifying peace officer certification provisions | Failed |
| Yes | Other significant issue | E2SSB 6249 | Establishing new authority for courts to assess cost recovery fees for costs associating with new indigent defense standards | Failed |
| | | SB 6393 | Allocates \$20 mil to cities and towns from marijuana excise tax revenue | Failed |

continued

Personnel

Divided politics mean few personnel bills pass this year

The partisan divisions between the House and the Senate were very apparent again this year in terms of personnel legislation that passed. While numerous bills were introduced, very few made it all the way to the Governor's desk. The Senate Majority Coalition Caucus tends to focus on legislation favorable to business and employer issues. The House is controlled by the Democrats with a tendency to focus on legislation favoring labor-related issues. The result is each house passing legislation that did not gain traction in the opposite house.

This session, AWC monitored and weighed in on numerous personnel proposals. We supported **SB 5112** which provided workers compensation retro programs with more administration options for scheduling medical exams. AWC also weighed in on the efforts to further clarify the retire/rehire rules for LEOFF 2 retirees in **HB 2479**. Unfortunately, these measures did not advance through the opposite houses.

One of the few personnel bills to pass this year is **SB 5173**, providing unpaid leave for reasons of faith or conscience. The bill passed the Senate unanimously and had strong bipartisan support in the House. The bill requires public employers to provide employees up to two unpaid days of leave for reasons of faith or conscience unless it creates an undue hardship for the employer. The State Office of Financial Management (OFM) is tasked with developing the definition of undue hardship. AWC will be working with MRSC to look at developing a model policy to help cities implement the new requirement.

continued

| BillTracker | AWC priority | Bill # | Descriptive title | Final status |
|-------------|--------------|-----------|---|--------------------------|
| | | SSB 5173 | Providing un-paid leave and absences from work and school for reasons of faith or conscience | Law; Effective 6/12/2014 |
| | | SB 6201 | Creating an optional life annuity benefit for LEOFF 2 members | Law; Effective 6/12/2014 |
| | | SB 6321 | Removes the option to change contribute rates in PERS 3, TRS 3, and SERS 3 plans | Law; Effective 6/12/2014 |
| | | ESHB 1313 | Establishing minimum standards for sick and safe leave from employment | Failed |
| | | SHB 2018 | Regarding additional contribution rates for employers to DRS retirement systems (Dolan v King Co.) | Failed |
| | | 2SHB 2333 | Concerning employee antiretaliation act | Failed |
| | | HB 2334 | Prohibits misclassification of employees as independent contractors, creates civil penalties | Failed |
| | | HB 2407 | Clarifying that PERS retirees who return to work in any position covered by other DRS retirement systems will continue to receive their benefits for the first 867 hrs. | Failed |
| | | HB 2479 | Placing restrictions on retired law enforcement officers and firefighters employed in certain public positions | Failed |
| | | SHB 2576 | Establishing a mandatory occupational disease exposure reporting requirement for firefighters | Failed |
| | | SB 5112 | Granting scheduling authority for qualified retrospective rating plan employers and groups | Failed |
| | | SB 5125 | modifies the definition of occupational disease to state that it must arise out of and in the course of employment where the worker is exposed to the disease | Failed |
| | | SSB 6179 | Authorizing workers' compensation group self-insurance plans | Failed |
| | | SB 6183 | Requiring public employee collective bargaining sessions to be open meetings | Failed |
| | | SSB 6250 | Requiring submission of digital copies of public employees' collective bargaining agreements | Failed |
| | | SB 6307 | Preempting local government employment laws and contracts | Failed |
| | | SB 6397 | Placing restrictions on retired law enforcement officers and firefighters employed in certain public positions | Failed |

continued

Transportation

Legislature makes little progress on transportation revenue package, future uncertain

Over the past two sessions, cities have actively promoted a transportation revenue package with direct distribution for cities, local revenue options, enhanced funding for state grant programs (e.g. Transportation Improvement Board, Safe Routes to Schools, Freight Mobility Strategic Investment Board, the Bicycle/Pedestrian program, and Compete Streets), and funding for local projects and state projects that benefit local communities. The House of Representatives passed their version during the 2013 session, and the Senate held listening forums across the state last fall. The two houses started negotiations in the fall, those continued into December, and in the end, negotiations stalled with substantial differences still outstanding.

With discussions focused on education funding during the 2015 session, it is unclear if transportation revenue will be a priority for either house.

The Legislature did pass a supplemental transportation budget with a few minor items of interest to cities. See here for more details.

| BillTracker | AWC priority | Bill # | Descriptive title | Final status |
|-------------|--------------|-----------|---|--------------------------|
| | Endorse | ESHB 2463 | Reducing fraud and abuse of parking privileges reserved for persons with disabilities | Law; Effective 7/1/2015 |
| | | SB 5141 | Allowing motorcycles to proceed through red lights under certain conditions | Law; Effective 6/12/2014 |
| | | ESSB 6001 | Supplemental transportation budget | Law; Effective 4/4/2014 |
| | Endorse | HB 1892 | Authority for a vehicle fee by a countywide Transportation Benefit District when another jurisdiction within the county has already imposed the fee | Failed |
| | | HB 2426 | Authorizing continued use of automated safety cameras to detect speed violations outside of school zones in Seattle and Tacoma | Failed |

continued

AWC Legislative Contacts

During the legislative session, AWC's lobbyists often are unable to return your phone calls immediately. If you have a legislative or specific issue question, please request AWC's analyst staff, or send them an email directly.

Call AWC at (360) 753-4137 or 1-800-562-8981

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