Hot topics

2020 State of the Cities: Greater responsibilities, fewer resources
Today we released the findings of our 2020 State of the Cities report that dives into data, research, and trends to examine conditions in Washington's 281 cities. One key finding: cities are taking on more responsibilities with fewer resources than ever before. Read the report and stay tuned to our media channels all session long, where we’ll further explore the implications of the report.

Governor proposes multipronged climate change package
Governor Inslee announced five proposed pieces of legislation related to climate: greenhouse gas emission limits, vehicle fuel and emission standards, electric vehicle charging stations, and community solar projects.

Governor proposes significant new homelessness investments
Governor Inslee’s recent supplemental budget proposal includes a set of investments aimed at reducing homelessness by 50% over the next two years.

Media time

Listen to the first episode of Season 2 of the CityVoice podcast
New year, new season! We’re back for Season 2 with our first episode about what cities can expect during the 2020 legislative session. Listen in as we sit down with Candice and Carl from our Government Relations team to discuss the details of our seven legislative priorities. P.S. Don’t miss the end! We have some fun making four lighthearted predictions about what’s to come this session.

Download the AWC Advocacy 2020 app!
We've welcomed the new decade by launching our advocacy app, which puts city legislative materials at your fingertips! If you’ve attended one of our events in the last year, it’s likely you still have the app on your phone. If not, go to your phone’s app store and search for “AWC Events.” Open the app and download the “AWC Advocacy 2020” event to get started. Be sure to enable notifications to get the latest news and information all session long. Visit our website to find step-by-step instructions or view the app on a desktop.

View from the Hill

The 2020 session is finally here!
We’ve been talking about the 2020 session for months now—and it’s finally here! The 2020 session kicks off January 13 and runs for 60 consecutive days until March 12. The start of session also means that we resume sending out this Legislative Bulletin weekly. Read this week’s View from the Hill to learn about the new AWC Advocacy 2020 app, the 2020 State of the Cities report launch, City Action Days schedule information, and why city voices matter at the Legislature.

Things you can do

Register for City Action Days!
January 28-29 | Olympia
At just 60 days, the short 2020 legislative session won’t last long. Don’t miss this critical opportunity to engage legislators at City Action Days! You’ll interact with 350 of your colleagues and educate statewide decision-makers about city legislative priorities. Enjoy informative sessions, networking opportunities, and a day of focused Capitol Campus meetings. Start planning now to meet with your legislators while you are in Olympia. Register now! This event begins on the afternoon of January 28 with optional early start sessions.

Going to City Action Days? Register for Running great meetings with parliamentary procedure
January 28 | Olympia
As city elected officials, your active participation at council meetings is critical. Join us as we learn parliamentary procedure, with tips and insights to create great meetings. Get a solid foundation for success in your principal job: discussing and deciding the key issues for your community.

What you need to know

Affordable housing: Commerce offers grant opportunity for housing planning. The deadline to apply for HB 1923 grants is extended to February 28.

Annual reporting rulemaking begins for HB 1406. Comments accepted through February 7.

Commerce awards $91.6 million for affordable housing projects. Next funding round opens June 2020.
**Budget & finance:** Governor releases supplemental budget proposals. Proposed bill would restrict city authority to impose business taxes. New bill would expand tribal property tax exemption.

**Energy:** AWC creates Clean Energy Transformation Act municipal working group.

**Environment & natural resources:** Rulemaking begins for oil transport.

**Federal:** 2020 Census funds still available to help cities with education and outreach.

**Homelessness & human services:** Supreme Court declines to consider *Martin v. Boise* case.

**Land use & planning:** New density bill will be heard. The proposal makes several changes, some related to last year’s HB 1923 that was intended to increase density within cities.

**Open government:** Two bills propose changes and exemptions to Public Records Act.

JLARC publishes 2018 public records request data.

AWC would like to hear from cities and towns that are facing public records lawsuits designed only to generate payouts for litigants.

**Pensions:** PERS Plan 1 cost-of-living increase proposed.

**Public safety & criminal justice:** WASPC announces new Arrest and Jail Alternatives Grant Program, invites proposals by January 30.

Restrictions on breed-specific ordinances took effect January 1.

**Public works:** AWC and the Office of the State Treasurer (OST) are hosting a Jan. 24 webinar on the OST’s LOCAL Program for local governments.

**Transportation:** Governor’s transportation budget will be heard in the House and Senate this week.

Washington still leads as #1 Bike Friendly State.

Do you have a new Complete Streets policy? The National Complete Streets Coalition is requesting a copy.

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**View from the hill**

**The 2020 session is finally here!**

Contact: Candice Bock

For about six months now we have been talking to you about the 2020 session—and it’s finally here! The 2020 session kicks off on January 13 and runs for 60 days to March 12. Fun fact: the Legislature doesn’t take any days off during the session—they work through the holidays (MLK and Presidents’ Day) and even some weekends. 2019 was unusual because the Legislature actually took a snow day off in February during Olympia’s “Snowmageddon.”

The start of session also means that we resume sending out this Legislative Bulletin weekly. Watch for it on Mondays for relevant updates on city issues—including things we need you to do. We also occasionally send out “Action Alerts” for particularly hot and urgent issues.
This year we are launching our AWC Advocacy 2020 app. For those of you who have used our event app, the advocacy app is based on the same application, but offers expanded information and up-to-date notifications about legislative action. Don’t have it on your mobile device? Get it here (https://wacities.org/events-education/conferences/city-action-days/app).

2020 State of the Cities report
We are excited to announce the release of our research findings in the 2020 State of the Cities report (https://wacities.org/data-resources/articles/2020/01/13/2020-state-of-the-cities).

The report uses data, research, and trends to examine conditions in Washington’s 281 cities. One key finding: cities are taking on more responsibilities with fewer resources than ever before.

As the economic hubs of the state, cities play an important role in the health of Washington. But, as the report outlines, cities are struggling to meet the basic needs of their communities while facing new challenges and service needs.

The State of the Cities research report is revisiting a project first conducted by AWC in 2005. Fifteen years later, the new report reflects current fiscal conditions, costs, and emerging service challenges in our cities and towns. 142 cities contributed to the report by responding to a survey on major issues and challenges facing cities. We want to thank the cities that helped us with this effort by completing our City Conditions Survey and providing feedback.

Please take some time to review the 2020 State of the Cities report and share it with your community and your legislators. Stay tuned to our media channels in the coming weeks as we share information from the report in a variety of ways.

Register now for City Action Days January 28–29
City Action Days (CAD) is a great opportunity to join nearly 400 city officials in Olympia during the short 60-day session. CAD will kick off on Tuesday, January 28 with a General Session at 2:30 pm followed by Governor Inslee at 3 pm. Our ever-popular legislative reception will be Tuesday evening at 5:30 pm. On Wednesday morning we will hear from key legislators before heading to the hill. Register soon as space is limited.

City voices matter
This is the time to reach out to your legislators—while you may not always be able to connect with them in person, look for other opportunities. Send them an email, set up a time for a quick phone call (or just leave them a message), and make it a point to attend their town hall meetings.

Don't underestimate your power to influence outcomes in Olympia. Legislators listen to and value your perspective. It doesn't have to be complicated—just give them the kind of input you'd like to receive in your role as a city leader.

If you come to Olympia, stop by our offices! We love to see our members and AWC is conveniently located near the Capitol Campus if you need a quiet spot to plug in or grab a cup of coffee.

Please do not hesitate to give us a call or email us any time with your questions or comments. We look forward to seeing you and working on behalf of cities this legislative session and beyond.

continued
Affordable housing

Commerce awards $91.6 million for affordable housing projects

Carl, Shannon

In December, the Department of Commerce announced $91.6 million in grants and loans for 46 affordable housing projects in communities throughout the state (https://deptofcommerce.app.box.com/s/9xm5sx1rr1qw0njxo1o1sr1m7vw3coa). Funds will create 2,423 units of affordable housing for low-income and special-needs residents, including people with chronic mental illness, homeless households and individuals, veterans, farmworkers, and first-time homebuyers.

These funds will help provide an estimated 2,326 multifamily rental units/beds and 97 new homes for first-time home buyers. Funding comes from the state’s Housing Trust Fund and the federal HOME and National Housing Trust Fund programs.

Projects funded will accomplish the following:

- Support the creation of 897 housing units in Seattle, including 315 units for individuals experiencing homelessness;
- Support the creation of more than 200 housing units throughout Spokane, the Tri-Cities, and Walla Walla;
- Create 253 supportive housing units with case management services for people with chronic mental illness;
- Create 22 housing units specifically for veterans;
- Construct or preserve 508 housing units in rural parts of our state;
- Provide 97 home ownership opportunities through 10 projects across 17 counties;
- Help 32 individuals with developmental disabilities find safe and secure housing;
- Deliver 602 units for families with children;
- Leverage $683 million in other public, private, and charitable housing investments; and
- Represent the coordination of federal, state, and local funders with private business and charitable organizations.

Commerce received 81 applications in September 2019, requesting over $168 million to create 4,395 units, including 231 beds for shelters and/or group homes and 174 homes for first-time home buyers.

Next funding round opens June 2020

A call for Stage 2 funding applications for the remaining 2019-2021 biennial funds, as well as federal HOME and National Housing Trust Fund, will be released later in 2020.

Commerce will publish more information as it becomes available on its website (https://www.commerce.wa.gov/building-infrastructure/housing/housing-trust-fund/applying-to-the-housing-trust-fund/) and distribute via email. Subscribe to the Housing Trust Fund mailing list (https://public.govdelivery.com/accounts/WADOC/subscriber/new?topic_id=WADOC_95) to stay up to date.
Commerce extends deadline for housing planning grant opportunity
Contact: Carl Schroeder, Shannon McClelland

The Department of Commerce is offering grant funding to cities to encourage production of more housing and a greater variety of housing types. The grants are intended to support actions such as development of housing action plans, municipal code changes, subarea planning, and environmental reviews.

The application deadline has been extended to February 28. More details:
- Grants of up to $100,000 are available to cities with populations over 20,000.
- Grants of up to $50,000 are available for cities with populations under 20,000.
- The total amount available is $1 million.
- Cities that received funding in the first round are not eligible to apply for more funding in the second round.
- Applicant cities must be fully planning under the Growth Management Act.
- Housing action plans must be adopted by June 15, 2021. All other actions must be adopted by April 1, 2021.

The Legislature created this grant program in 2019 (HB 1923) to help address the housing affordability crisis throughout the state. Lawmakers sought to encourage cities to select from a detailed list of land use planning activities and prioritize the creation of affordable, inclusive neighborhoods, especially in areas with frequent transit service and infrastructure that supports added residential capacity. The 2019 grant awards (https://wacities.org/news/2019/11/15/grants-under-hb-1923-awarded-to-52-cities) were announced in November.


For more information contact Anne Fritzel at (360) 725-3064 or anne.fritzel@commerce.wa.gov.

Commerce seeks comments on draft rule for affordable and supportive housing
Contact: Carl Schroeder, Shannon McClelland

The Department of Commerce is conducting rulemaking around annual reporting to support the Encouraging Investments in Affordable and Supportive Housing Act (HB 1406). The bill passed in the 2019 legislative session.


Commerce is also holding a public hearing at 1 pm on February 5, 2020 at the Commerce headquarters building.
Budget & finance
Governor releases supplemental budget proposals
Contact: Candice Bock, Maggie Carol

On Wednesday, December 18, Governor Jay Inslee released his supplemental budget proposals for the operating, capital, and transportation budgets. The Governor is required to prepare proposed budgets by December 20 of each year.

The term “supplemental” refers to changes to the 2019-2021 biennial budgets that were adopted at the end of the 2019 legislative session.

The Legislature will take up the Governor’s budget proposals when the 2020 legislative session convenes on January 13. Typically, both the House and Senate will release their own supplemental budget proposals and work out a compromise prior to the conclusion of the session on March 12.

The most significant part of the Governor’s proposed budget is $146 million for new programs to address homelessness. The funding would come from the state’s rainy day (or reserve) fund. The proposal includes significant funding available to cities to address sheltering needs.

The Governor’s supplemental budget proposals include a variety of expenditures that impact cities. Read our more detailed budget summary chart comparing the Governor’s proposal with the enacted 2019-2021 budgets. And see below for a few highlights.

Operating budget
Reducing homelessness
- $66 million is proposed for a new grant program to help cities establish and operate temporary homeless shelters
- $30 million in capital funding is also provided for new or upgraded homeless shelters
- $4 million is provided for encampment cleanup costs

Minor changes to some shared revenue funds (due to revised forecasts)
- Additional $2.6 million for the Liquor Excise Tax Account
- Decrease of $1.8 million to Municipal Criminal Justice Assistance Account
- Additional $2.4 million for City-County Assistance Account

Additional funding for gun violence intervention
- Budget gives priority to Yakima County and south King County
- $600,000 specifically for law enforcement agencies to implement strategies to address high rates of gun violence within the community
- $800,000 to the Office of Juvenile Justice to establish a grant program for evidence-based services targeting youth who are at high risk to carry out gun violence within the community

Increase in state employer contributions to PERS
- Department of Retirement Systems (DRS) is requesting an employer contribution increase to support a one-time 1.5% permanent pension increase for PERS 1
- The budget specifies a rate increase for state employer contributions that would likely apply to all PERS employers
Transportation budget

- The Governor’s proposal responds to I-976 by delaying spending on some projects and programs, which saves approximately $240 million and raises $150 million in new bond funding
- General city priorities remain largely intact: the Safe Routes to School grant program is maintained, the Bicycle and Pedestrian Safety grant program is maintained, and the Freight Mobility Strategic Investment Board funding is restored
- However, the Transportation Improvement Board's Complete Streets grant program is reduced by $4.4 million

Capital budget

- No significant changes proposed in the Governor’s 2020 supplemental capital budget

Proposed bill would restrict city authority to impose business taxes

Contact: Candice Bock, Maggie Carol

SB 6194 would restrict city authority to tax businesses to include only those taxes specifically authorized by statute. The bill would grandfather in any existing business taxes being levied. The intent of the bill is to rein in city business licensing and taxing authority, which is viewed as exceeding current statutory and constitutional authority.

AWC opposes preemption of local decision-making authority, particularly when the preemption further reduces locally elected city officials’ ability to fund critical services and make revenue choices for their communities.

Dates to remember

SB 6194 is being heard in the Senate Local Government Committee on Tuesday, January 14 at 8 am.

New bill would expand tribal property tax exemption

Contact: Candice Bock, Maggie Carol

HB 2230 (companion bill SB 6080) expands a tribal property tax exemption created in 2014.

Legislation passed in 2014 that exempts tribes from paying property tax on tribally owned property used for economic development located outside of a reservation. Rather than paying property tax to a city, tribes pay “payment in lieu of taxes” (PILT) to compensate for local governments’ lost revenue. The 2014 exemption only applied to properties owned prior to March 2014 and sunsets in 2022. HB 2230 would eliminate the March 2014 restriction and the 2022 sunset.

We understand that some cities are concerned about the open-ended nature of the exemption and that the PILT is subject to being negotiated by the county and not the impacted city. The proponents have indicated that they believe local governments would actually benefit more from this exemption because they receive more funding from the PILT reimbursements.

Dates to remember

HB 2230 is scheduled for public hearing in the House Finance Committee on January 15.
Energy

AWC creates Clean Energy Transformation Act municipal working group
Contact: Logan Bahr, Maggie Carol

The Clean Energy Transformation Act (CETA), which took effect in May 2019, commits Washington to an electricity supply that's free of greenhouse gas emissions by 2045. Clean electricity will allow the state to replace fossil fuels in other end uses, especially transportation, and achieve its long-term climate goals.

All electric utilities in Washington must fully eliminate coal-fired resources from their allocation of electricity by 2025. By 2030, each electric utility must make all retail sales of electricity to Washington customers greenhouse gas neutral. By 2045, each electric utility must use non-emitting electric generation and electricity from renewable resources.

Many cities own and operate their own electric utilities (such as the cities of Ellensburg, Port Angeles, and Richland). CETA will affect the way city-owned electric utilities produce electricity. In addition, CETA will impact utilities’ rate setting and financial obligations for low-income users. Utilities must meet several deadlines to comply with CETA and will face large penalties if out of compliance.

AWC has assembled a working group of municipally owned electric utilities to field concerns and feedback regarding CETA rulemaking and implementation. AWC’s working group is a way for cities to participate in the implementation process, engage with various agencies related to CETA, and gather additional resources to address city concerns.

To participate in this working group, please contact Logan or Maggie to be added to the group.

Environment & natural resources

Rulemaking begins for oil transport
Contact: Carl Schroeder, Shannon McClelland

The Department of Ecology is starting rulemaking to amend Chapter 173-185 WAC, Oil Movement by Rail and Pipeline Notification. This chapter establishes reporting standards for facilities that receive crude oil by rail and pipelines that transport crude oil through the state. The rule also describes reporting standards for Ecology to share information with tribes, emergency responders, local governments, and the public.

The rulemaking will implement HB 1578 and SB 5579, both passed in 2019 and codified in RCW 90.56.565 and 90.56.580. Through those two pieces of legislation, the Legislature expanded reporting requirements for regulated facilities, pipelines, and Ecology and placed statutory limits on the vapor pressure of crude oil that can be loaded or unloaded into or from a rail tank car by facilities that receive crude oil by rail.
This rulemaking will:

- Expand advance notice reporting requirements for facilities that receive crude oil by rail to include type and vapor pressure of crude oil;
- Expand biennial notice requirements for pipelines that transport crude oil through the state to include gravity and type of crude oil;
- Describe how required information will be provided to the Utilities and Transportation Commission;
- Incorporate statutory limits on the vapor pressure of crude oil that can be loaded or unloaded into or from a rail tank car by facilities that receive crude oil by rail, and establish other requirements necessary to implement and enforce these limits; and
- Make other changes to clarify language and make any corrections needed.

**Proposed rulemaking timeline**

- January 6, 2020: Rulemaking announcement (CR-101 filing)
- February–March 2020: Rulemaking meetings and workshops
- June 17, 2020 (anticipated): Rule proposal - start of the comment period (CR-102 filing)
- November 18, 2020 (anticipated): Rule adoption (CR-103 filing)
- December 19, 2020 (anticipated – typically 31 days after filing the CR-103): Rule effective date

If you have questions about the rulemaking, contact Kim Morley at kim.morley@ecy.wa.gov or (360) 701-2398. More information about the rulemaking will be posted on Ecology’s website (https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/WAC-173-185).

**Governor proposes multipronged climate change package**

Contact: Carl Schroeder, Shannon McClelland

Governor Inslee announced five proposed pieces of climate legislation. He is also directing the Department of Ecology to establish new rules on climate change, including how the state will consider these impacts in major project permitting decisions.

The Governor’s climate-related legislative and budget proposals (https://medium.com/wagovernor/inslee-announces-bold-climate-legislation-as-part-of-supplemental-budget-rollout-75a5a8fc65f0) would:

- Establish new statewide greenhouse gas emission limits:
  - 45% below 1990 levels by 2030;
  - 70% below 1990 levels by 2040;
  - 95% below 1990 levels; and
  - Net zero emission by 2050.
- Establish a clean fuel standard (HB 1110)
- Adopt California emissions standards for zero emission vehicles and light-duty trucks (SB 5811)
- Establish an emission standard for rideshare fleets
- Install electric vehicle charging stations at state facilities
- Extend a tax incentive for community solar projects that benefit low-income customers

Please provide feedback to Shannon McClelland.

*continued*
Federal

2020 Census funds still available for cities
Contact: Candice Bock, Jacob Ewing

The Office of Financial Management is offering $2 million in grants to cities interested in carrying out eligible outreach and education activities for the 2020 Census.

Eligible activities include:
• Convening Complete Count Committees;
• Conducting trainings;
• Printing materials;
• Translation and/or interpretation services; and
• Staff services.

Cities with populations of 75,000 or more can request up to $80,000.
Cities with fewer than 75,000 people can request up to $40,000.

Applications (https://ofm.wa.gov/sites/default/files/public/dataresearch/pop/census/2020/modular_application.pdf) will be considered as they are received with the goal of having cities under contract by the end of January.


Homelessness & human services

Governor proposes significant new homelessness investments
Contact: Carl Schroeder, Shannon McClelland

Governor Inslee’s recent supplemental budget proposal (https://wacities.org/docs/default-source/Legislative/1921govsuppbudgets.pdf?sfvrsn=0) includes a set of investments aimed at reducing homelessness by 50% over the next two years.

The Governor’s proposal includes policy expectations for local governments to support the goal of reducing homelessness. The proposal would dedicate more than $300 million from the state’s rainy day fund to pay for this effort. Of particular note to cities:
• $66 million is proposed for a new grant program to help cities establish and operate temporary homeless shelters.
• $30 million in capital funding is provided for new or upgraded homeless shelters.
• $4 million is provided for encampment cleanup costs.

The Governor is also proposing legislation requiring larger counties and cities (counties with populations over 40,000 and cities over 15,000) to amend their five-year plans to end homelessness. Amended plans would be required to increase shelter or sanctioned encampment capacity to a level equivalent to at least 50% of the jurisdiction’s population living outside, based on point-in-time counts or other means.
Local governments would also be asked to provide an accounting of local law, policy, and resource changes required to achieve this goal, and include recommendations to the state for law, policy, and resource changes that are needed at the state level to achieve these local goals. We are working to understand the mechanism that would direct cities to meet this requirement, given that it is a responsibility of the counties to establish and maintain the five-year homelessness plans.

Any feedback on the concept or implementation is welcomed. Please contact Carl or Shannon.

**Supreme Court declines to consider Martin v. Boise case**  
**Contact:** Carl Schroeder, Shannon McClelland


The decision prevents the prosecution of homeless people for camping and sleeping in public spaces unless shelter space is available.

This leaves in place the law that Washington cities have been adapting to since September 2018.

**Land use & planning**  
**New density bill will be heard in committee**  
**Contact:** Carl Schroeder, Shannon McClelland

A new land use density bill, **HB 2343**, will be heard this week and proposes several changes. Some of the changes are related to last year’s **HB 1923** that was intended to increase density within cities. The bill is sponsored by Rep. Joe Fitzgibbon (D–Burien).

**HB 2343** proposes the following changes. The bill:

- Creates new optional actions that would be eligible for planning grant funding and safe harbor from SEPA and GMA appeals if cities adopt certain policies.
- Revises the accessory dwelling unit policy option with the goal of making it more attainable.
- Adds a maximum off-street parking cap of one space per bedroom or .75 per unit for market-rate multifamily units within a quarter mile of high frequency transit service that operates four times per hour for at least twelve hours per day. Cities may establish alternative caps under specified circumstances.
- Extends the deadline from 2021 to 2023.
- Directs the Department of Ecology to amend SEPA rules to remove parking as an element of the environment that must be included in a SEPA review.
- Exempts aesthetics from appeal under SEPA if the project went through a design review process.
- Amends the definition of “permanent supportive housing” in the GMA.

As you can see, there are many topics being adjusted in this bill. City planners have reviewed earlier versions of this proposal, and we support many of these changes.

If your city sees problematic elements or things you support, please share that feedback with Carl and Shannon.

**Dates to remember**  
**HB 2343** will be heard on Thursday, January 16 at 8 am in the House Environment & Energy Committee.
Open government

Two bills propose changes and exemptions to Public Records Act

Contact: Sharon Swanson, Jacob Ewing

Two bills impacting public records will go before the House and Senate State Government & Tribal Relations Committees the week of January 13.

**HB 1888**, sponsored by Reps. Zack Hudgins (D–Tukwila) and Javier Valdez (D–Seattle), proposes new exemptions to the Public Records Act and establishes a requirement to notify employees of records requests containing personal information.

One of the proposed exemptions would apply to payroll deductions, including the amount and identification of the deduction. The bill also appears to bring back the exemption for dates of birth, despite the 2019 Washington Supreme Court ruling that public employees’ dates of birth are subject to public record requests.

**HB 1888** proposes a notification requirement that would compel public agencies to send notices to an employee whose personal information is part of a public records request, to any union representing that employee, and to the original requestor. The notice to these parties must include the following:

- The date the request was received.
- The nature of the records request relating to the employee.
- The date that the agency intends to release the requested records. This date must be at least 10 days after the notice is sent to the required parties.
- Instruction to the required parties that the records will be released unless a court order blocking the release is obtained.

**SB 5246**, sponsored by Sens. Sam Hunt (D–Olympia) and Hans Zeiger (R–Puyallup), brings several changes to the Public Records Act based on recommendations from the Sunshine Committee. A few of the proposed changes will directly impact cities and towns, including new exemptions to public disclosures, new information subject to public disclosures, and new processes for releasing information.

The bill proposes that the following items be subject to public records disclosures:

- Applications for vacancies in elective office
- Employees’ residential city, state, and zip codes
- Employees’ dates of birth

Newly proposed exemptions from public records disclosures outlined in the bill include:

- Passport and visa numbers
- All identifying and contact information of employee dependents
- All identifying and contact information of public agency volunteers

The bill also proposes the addition of a section to RCW 42.56 that exempts bids, quotes, and proposals submitted to a public agency for goods and services until the agency announces the apparent successful bidder or decides not to accept any of the bids.
The bill also proposes changes to exemptions for information regarding ongoing and active investigations of employment-related discrimination. As the bill is currently written, once an investigation is concluded and the agency has notified the complaining employee of the outcome of the investigation, the exemption to public disclosure no longer applies. However, as the bill is written, it does not incorporate amendments made last session regarding permissible redactions, and the bill will need to be updated prior to its hearing.

**Dates to remember**

**HB 1888** is scheduled for public hearing before the House State Government & Tribal Relations Committee on Tuesday, January 14, at 1:30 pm. The bill is scheduled for executive session on Friday, January 17, at 8 am.

**SB 5246** is scheduled for public hearing before the Senate State Government, Tribal Relations and Elections Committee on Friday, January 17, at 1:30 pm.

**JLARC publishes 2018 public records request data**

Contact: Candice Bock, Jacob Ewing

In early December 2019, the Joint Legislative Audit and Review Committee (JLARC) published a report detailing public records request data from 2018. This report represents the first full year of data collected by the organization (six months of data was collected in 2017).

The report includes information from 57 cities and towns. While some variance and inconsistencies exist in the data, the numbers show that cities are dedicating significant resources to manage a large number of public records requests.

In 2018, the 57 reporting cities logged a total of 120,654 public records requests.

- This averaged out to about 2,117 requests per reporting city, with a median of 1,202 requests.
- Seattle reported the highest number of requests at 13,218.

Reporting cities estimated that staff spent a total of 291,114 hours responding to requests in 2018.

- This averaged out to almost 2.5 hours per request.
- Cities spent a reported $33,334,227 to manage their public records programs.
- Two-thirds of those costs were categorized as staff time.

JLARC has presented several options for viewing the data:

- Read the final findings on the JLARC website (http://leg.wa.gov/jlarc/reports/2020/PubRecordsDataCollection/default.html).
- View and filter the data interactively on JLARC’s public Tableau page (https://public.tableau.com/profile/jlarc#!/).
- View the full data set, which includes all reporting public agencies, in an Excel spreadsheet (https://jlarc.blob.core.windows.net/publicrecordsreporting/2018%20JLARC%20Public%20Records%20Full%20Dataset.xlsx).
Is your city facing litigation related to public records?
Contact: Candice Bock, Jacob Ewing

AWC would like to hear from cities and towns that are facing public records lawsuits designed only to generate payouts for litigants.

Local governments across Washington face an ever-increasing number of public records lawsuits of this kind. In 2018 alone, cities and towns reported spending just over $1 million to litigate claims alleging public records violations and over $33 million in costs to manage their public records programs.

We want to hear your stories of any pending public records litigation that you would categorize as vexatious or frivolous that seems designed only to generate a payout.

How is the pending litigation affecting your staff and impacting your city’s resources? Share your experiences here (https://forms.office.com/Pages/ResponsePage.aspx?id=cL1JyzCFxEipYy_46MPSMq2eleyhvIlItw2J1thquq1UMDQ5UEtORIBWSfJjOYU1WV1gzRDIwT09KSS4u).

Pensions
PERS Plan 1 cost-of-living increase proposed
Contact: Candice

SB 6165 would provide a one-time 1.5% cost-of-living adjustment (COLA), capped at a maximum increase of $22 per month, for members of the Public Employees’ Retirement System (PERS) Plan 1 who are not receiving a minimum benefit.

Public employers are concerned that the additional benefits provided in SB 6165 would come directly from state and local government budgets through what is called the supplementary contribution—an additional contribution rate that public employers pay on top of PERS Plan 2 contributions. A similar bill introduced in 2019, HB 1390, included a 3% COLA that would raise local governments’ PERS Plan 1 unfunded liabilities by $47.2 million over the next two biennia.

While we do not know for certain that the increase in SB 6165 would be paid for with a supplemental rate increase, based on the fiscal note for HB 1390, we can assume that if there were an increase it would be about 0.04%. We will have more information on the potential fiscal impact once a fiscal note has been prepared for the bill.

Here is some background on how the supplementary contribution rate impacts local government employers. PERS Plan 1 is underfunded, meaning that its assets are considered insufficient to meet the expected obligations. As a result, employers are paying a higher rate to make up the difference. Retirees within PERS Plan 1 do not have any additional fiscal costs to make up this difference.

2019 PERS Plan 2 rates
- PERS Plan 2 employees paid 7.9% of reportable compensation; and
- PERS Plan 2 employers paid 12.86% of reportable compensation:
  - 7.9% of reportable compensation;
  - 0.18% for DRS administrative costs; and
  - 4.76% to pay for PERS Plan1 supplementary contributions (unfunded liabilities).

Dates to remember
SB 6165 is being heard in the Senate Ways & Means Committee on January 15 at 3:30 pm. AWC will testify with concerns about the possible fiscal impacts to cities.
Public safety & criminal justice

WASPC announces RFP for Arrest and Jail Alternatives Grant Program
Contact: Sharon Swanson, Jacob Ewing

A new grant program is accepting proposals through January 30. Under SSHB 1767, the 2019 Legislature directed the Washington Association of Sheriffs and Police Chiefs (WASPC) to create a grant program to develop arrest and jail alternatives throughout Washington.

The $1 million grant fund (https://waspc.formstack.com/forms/arrest_and_jail_alternatives) is aimed at supporting local efforts to identify criminal justice system-involved persons with substance use disorders and other behavioral health needs and engage them with therapeutic interventions and other services. Grant funds will be used to accomplish specific goals such as reducing arrests and time spent in custody, increasing access to community behavioral health services, and reducing utilization of emergency services.

WASPC’s request for proposals is being released alongside the Health Care Authority’s RFA 4007 in hopes that communities will leverage funds from both sources to create stronger programs and increase positive outcomes.

Applications to the program are due by Thursday, January 30 at 3 pm.

Restrictions on breed-specific ordinances take effect
Contact: Sharon Swanson, Jacob Ewing

HB 1026, regarding dog breed-specific ordinances, went into effect on January 1.

The law restricts Washington cities and towns from:
• Prohibiting the possession of a dog based on its breed;
• Enacting breed-specific ownership requirements; or
• Declaring a dog dangerous or potentially dangerous based solely upon its breed.

Cities and towns may enact breed-specific ordinances only if jurisdictions establish a reasonable process for exempting any dog from the ordinance. The purpose of the legislation is to encourage local jurisdictions to enhance public safety by focusing on a dog’s behavior rather than a dog’s breed.

An acceptable exception process may be the American Kennel Club Canine Good Citizen Test (https://www.akc.org/expert-advice/training/training-for-the-canine-good-citizen-test/) or a reasonably equivalent canine behavioral test as determined by the city, and must include the following conditions:
• Dogs that pass the test must be exempt from breed-based restrictions for at least two years.
• Dogs that pass the test must be allowed to retest to maintain their exemption.
• Dogs that fail to pass the test must be allowed to retest within a reasonable period of time.

This legislation excludes undomesticated animals and any related hybrids such as wolves, coyotes, wolf-dog hybrids, and coyote-dog hybrids.

continued


Public works

LOCAL Program webinar on financing options for local governments
Contact: Logan Bahr, Maggie Carol

AWC and the Office of the State Treasurer are hosting a webinar (https://wacities.org/events-education/Upcoming-AWC-events/events-details?ID=2015) on the LOCAL Program on Friday, January 24 at 1 pm.

The LOCAL Program (https://tre.wa.gov/local-program/) provides Washington local governments (including cities, counties, school districts, fire districts, and others) with a cost-effective way to finance equipment and real estate projects, including property acquisition and new facility construction. The program’s benefits include low fees, technical assistance, and access to the public bond markets.

Learn how to take advantage of these resources during the LOCAL Program webinar:
• Learn what can be financed through the program and how it can be accomplished with the state’s low interest rate.
• Discover how to efficiently finance property and equipment.
• Hear about the timelines to access funds and the repayment schedule.

The webinar is free for AWC members. Elected officials can earn five credits toward their Certificate of Municipal Leadership (https://wacities.org/events-education/cml-program) and meet the “effective local leadership” requirement.

Transportation

Governor’s proposed transportation budget to be heard this week
Contact: Logan Bahr, Shannon McClelland

The Governor’s proposed transportation budget will be heard in the House and Senate Transportation Committees this week.

The Governor has proposed the following changes to the state’s transportation budget in response to the loss of state revenue associated with I-976:
• Additional bonding of approximately $150 million
• Delaying approximately $180 million (https://ofm.wa.gov/sites/default/files/public/budget/statebudget/20supp/20GOV003TranspoAllPausedProjList.pdf) in highway projects by seven months (these are delays, not cuts)
• Delaying approximately $60 million in multimodal spending (used for public transportation, rail projects, and WSDOT Local Programs) into 2021-23
• Balance transfers and other adjustments of approximately $60 million

The budget also includes some of the Governor’s priority transportation policies for the 2020 legislative session:
• A carbon fuel standard
• Funding for WSDOT to facilitate disadvantaged business certifications
• Emissions standards for Transportation Network Companies, such as Uber and Lyft
• A zero emissions vehicle standard to be administered by the Department of Ecology
• Funding for the state to expand electric vehicle infrastructure on state-owned land
• Noise reduction research on Washington state bridges

Dates to remember
The House will hear HB 2322 (the transportation budget bill) on Monday, January 13, at 3:30 pm.

The Senate will hear the same version on Tuesday, January 14, at 3:30 pm.

continued
Do you have a new Complete Streets policy?
Contact: Logan Bahr, Shannon McClelland

The National Complete Streets Coalition (NCSC) is requesting information from cities with newly implemented Complete Streets policies.

Each year, the NCSC gathers new Complete Streets policies and reviews them using its grading framework called The Elements of a Complete Streets Policy. NCSC would like to gather information from cities for this effort.

If your city did one of the following in the last year, please send it to info@completestreets.org:
- Ratified a new resolution or ordinance;
- Signed an executive order;
- Adopted a new design manual; or
- Otherwise implemented a Complete Streets policy.

Related resources:
- NCSC list of all jurisdictions that have a Complete Streets policy (https://smartgrowthamerica.org/program/national-complete-streets-coalition/complete-streets-act-of-2019/)

Washington still leads as #1 “bike friendly state”
Contact: Logan Bahr, Shannon McClelland

Washington state is again ranked as the number 1 “Most Bicycle Friendly State in America.” Washington is the only state in the nation to be consistently named by the League of American Bicyclists (League) as a leader for the past decade.


The great news comes with a note of caution (https://bikeleague.org/content/new-bicycle-friendly-state-ranking-shows-progress-perils-persist). In the past year alone, serious injuries to people walking increased by 12% and serious injuries to people bicycling increased by 32% in Washington.

Target Zero serves as the Washington State Strategic Highway Safety Plan. It is updated on a three-year cycle and is intended to help agencies at every jurisdictional level. The 2019 update of the Target Zero Plan (https://www.wtscpartners.com/tz-update) includes a new chapter on the Safe Systems Approach, which focuses on the most effective strategies with the broadest reach. Concerns for people walking and rolling are combined in a chapter focused on pedestrians and bicyclists. While each mode has its own challenges and concerns, many of the strategies work well for both modes. The plan presents data and identifies issues and strategies intended to move us toward our shared goal of zero traffic fatalities and serious injuries by 2030.

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.

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

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