



Legislative Bulletin

August 15, 2017

This is your **Legislative Bulletin: Session Recap**, which summarizes the 2017 legislative sessions. The **Legislative Bulletin** will be produced monthly during the interim, resuming weekly production in January 2018. Here is additional information on how to use this recap edition.

From the Director

It took a record-breaking 193 days to finish, there's still no capital budget, but overall, city issues were mostly addressed

Find out how several AWC priority issues fared, what's up with the budget, which issues AWC is still tracking, and what's coming later this year, including a hotly-contested Senate race in November.

Media time

2017 AWC City Priority outcomes

Check out our easy-to-use, pro/con formatted outcomes sheet to determine what happened with each of our city priorities this session, broken down into our five legislative priority categories.

Things you can do

Seeking nominations for AWC's legislative City Champion Award!

Did your legislator do great things not only for your city, but for all cities throughout the state? Did they sponsor or sign on to a bill that made cities stronger? Did they speak up publicly in support of city issues?

If your legislator did at least two of these things this past session, nominate them for AWC's 2017 City Champion Award! Winners will be selected in late August and recognized with press releases and in-district presentations early this fall.

For the past three years, we've recognized and honored at least one legislator from each of the four caucuses for their work to support cities. See a list of past recipients here. Send your nominations with a short explanation of your reasoning to Dave Williams by August 18.

What you need to know

Budget & finance

Several city priorities were addressed in the 2017-19 operating budget and revenue package, including internet sales tax, but disappointing outcome on property tax cap.

Economic development

Tourism marketing, creative districts, extension of public facilities district sales tax are highlights of 2017 session.

Environment & land use

School siting, buildable lands and GMA review addressed during 2017 session.

Human services & housing

New tools and funding are needed to address these community challenges. Some progress was made in 2017.

Infrastructure

The 2017 session may prove to be a turning point for the Public Works Trust Fund.

Marijuana

Changes to marijuana laws regarding local distributions, advertising, and more.

Open government

Big win for AWC in 2017 as priority public records laws pass.

Personnel

Significant developments in personnel and pensions in 2017; Paid Family Leave, LEOFF 2 and more.

Public safety & criminal justice

BLEA funding approved, new distracted driving law passed, and deadly force bills sputter.

Telecommunications

The hot topic this session was small cell telecommunication facilities. Bills preempting city authority did not pass.

Transportation

Distracted driving and Real ID bills pass.

continued

From the Legislative Director

2017 session recap: It took a record-breaking 193 days to finish, there's still no capital budget, but overall, city issues were mostly addressed

The need for legislators to finally and fully address K-12 funding gaps dwarfed most other issues during the 2017 legislative session. It was unclear how cities would fare until the very end. When session ultimately concluded with little fanfare, cities generally fared well – other than an unresolved deadlock that currently leaves no capital budget to fund critical local projects. A summary of how AWC priorities fared is included at the end of this section.

The 193 days consisted of a regular 105-day session, and three special sessions. As usual, we spent a considerable amount of our time helping legislators sort through their ideas on how cities should address each issue. There were numerous attempts to preempt local authorities, create new costly mandates, or eliminate or reduce key state support to city interests. Ultimately, we were successful in stopping detrimental ones from moving forward.

After the conclusion of the regular session, AWC witnessed the passage of our priority bills making reform measures to the Public Records Act. These long-sought measures were the result of several years of back and forth conversations, hearings, and a State Auditor study detailing costs and challenges with the 1970s era statutes. Ultimately, a core group of committed legislators used their skills to reach consensus with stakeholders and local governments, and took these important first steps.

As the special sessions began, we remained optimistic that critical state-shared revenues would ultimately be retained, key infrastructure funding would return to the dormant Public Works Trust Fund, and resources and tools would be provided to cities to address homelessness. The first and second 30-day special sessions found most legislators at home while leadership worked behind the scenes attempting to resolve budget and outstanding policy issues. During this period, AWC and city officials throughout the state continued to remind legislators of the value and importance of the \$225 million in operating revenues shared with cities.

Amid the third special session and within hours of the state's fiscal year ending with no budget, an operating budget was unveiled and passed. Thankfully, it did contain almost all critical state-shared revenues and some important new revenues that benefit both the state and cities. It contained changes to the 1 percent cap on property taxes for the state to meet its funding needs, but unfortunately not one sought by counties and cities. Before closing out this historically-long session, the Legislature took action to retain a critical funding source needed to address homelessness, as well as a bill to revitalize the Public Works Trust Fund, but funding it remained elusive.

Ultimately, legislators left town without adopting a capital budget. This resulted from the inability of legislators and the Governor to come to agreement on how to address a thorny State Supreme Court ruling that called into question the availability of water from exempt wells. Without resolving this Hirst case, agreement on the capital budget hasn't happened. Quiet conversations continue, but it remains unclear if a solution will be reached.

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The 2018 session looms ahead

In the meantime, summer is waning and the 2018 session looms ahead. AWC's Legislative Priorities Committee met in July to begin the process of identifying potential priorities for 2018. They're meeting again in mid-September to consider and recommend a short list of priorities for consideration by AWC's Board of Directors. Later that month, the Board will act and during October and early November, AWC will discuss these items with cities during a series of Regional Meetings throughout the state.

The upcoming "short" 60-day session is intended to fine tune the state's budget, address some policy issues, and do so with a Senate that may or may not be controlled by the Republicans. In November, a key special election to fill a seat now held by a Republican is projected to be won by a Democrat which would shift control of the Senate and put both it, the House and Governor's office in the hands of Democrats.

Whichever way the levers of political power turn, AWC will be there advocating for cities to remain strong and provide the tools to do so. We'll work to fend off bills and ideas that erode local control and resources and continue to ask for and rely upon your efforts at home to keep your legislators, community, and media outlets aware of your needs. Those efforts proved invaluable this past session and were largely the reason for our successes. Thank you!

Legislative priorities outcomes: awcnet.org/portals/0/documents/legislative/legprioritiesoutcomes.pdf

How to use the 2017 legislative session recap

As usual, this Legislative Bulletin is divided into issue areas (finance, transportation, personnel, 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.

About the bill tables:

- Within each table, bills that passed appear first, followed by bills that did not pass. Within those two groups, bills are listed in numerical order.
- The table also indicates the effective date for bills that passed.
- In some cases, we use our own descriptive bill titles rather than the official bill titles used by the Legislature to give you a better idea of what each bill is about.
- 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 web 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 passed by the Legislature and signed by the Governor can be found under the header, "Available Documents." Click the link under "Bill Documents" that says "Session Law."

For background information and a summary of the bill, again look under "Available Documents," and click on "Final Bill Report" under "Bill Reports." Bill reports are written by nonpartisan 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 must also be finalized and approved by OFM.

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Budget & finance

Several city priorities addressed in 2017-19 operating budget & revenue package, including internet sales tax, but disappointing outcome on property tax cap

After two special sessions and a new revenue forecast that did not bring much change, it was a relief when the Legislature enacted a new 2017-19 operating budget that provided state shared revenues historically distributed to cities such as liquor revenues, fire insurance premium tax, and funding for the Municipal Research and Services Center (MRSC). A revenue bill **EHB 2163** was also enacted that will produce new revenue for the state and cities. AWC has long supported an effort to collect sales tax on internet purchases from out-of-state retailers to compliment taxes already collected on in-state retailers, and the passage of a state version of the Marketplace Fairness Act (AKA internet sales tax) will begin to close the loophole for online purchases. In addition, the budget funded new classes at the Basic Law Enforcement Academy (adding six classes per year in the operating budget and adding eight new classes in the supplemental budget for 2017) to address the backlog. Finally, additional sales taxes will be raised by eliminating the bottled water tax exemption.

There were a few areas of disappointment for cities in the 2017-19 operating budget:

- Local government marijuana mitigation revenues are reduced from \$30 million to \$12 million in the 2017-19 biennium. The budget also provides that if marijuana revenues exceed certain forecasts, local governments will receive an additional \$18 million in the 2017-19 biennium. However, in all biennia following 2017-19, the budget imposes a \$6 million per fiscal year limit on marijuana distributions.
- The budget includes the intent to phase out streamlined sales tax (SST) mitigation distributions in 2019 for the 48 cities receiving them. Instead, a budget proviso is included to study the actual revenue impacts from the new state implementation of collecting internet sales taxes from out-of-state retailers.
- While the Legislature changed state property taxes as part of the funding sources for the McCleary “fix” for schools (**EHB 2242**), the budget proposal did not include a new local option (**HB 1764**) to allow cities or counties to increase property taxes greater than one percent, or any other new “cap.”

In 2016, the Legislature passed a bill which established a task force on local business tax and licensing simplification. A nine-member task force, chaired by the Department of Revenue and included business and city representatives, developed options for simplifying local business licensing. The task force chair reported to the Legislature early in the 2017 session, and many of the recommendations were implemented with the passage of **EHB 2005**. The bill:

1. Requires all cities with business licenses to collaborate for administration of business licenses by 2022 with the state Business Licensing Service (BLS) or by 2020 with FileLocal, the city licensing and local tax administration portal;
2. Requires cities to adopt a model business license threshold by January 2019; and
3. Creates a task force chaired by the Department of Revenue to recommend changes to the two-factor formula for service income apportionment for local B&O taxes.

AWC is working with cities to aid in the implementation of the bill provisions.

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Bill #	Descriptive title	Final status
EHB 1201	Extending the taxing authority of public facilities districts	Law; Effective 7/23/2017
SHB 1526	Exempting multipurpose senior citizen centers from property tax	Law; Effective 7/23/2017
EHB 2005	Simplifying the administration of municipal general business licenses	Law; Effective 7/23/2017
EHB 2163	Relating to revenue (includes Marketplace Fairness Act)	Law; Effective 7/7/2017, except for sections 101-109 effective 8/1/2017; Section 213 effective 7/23/2017; Sections 301-304 effective 7/1/2017; and Section 502 effective 1/1/2018
SSB 5138	Modifying metropolitan park district authority	Law; Effective 7/23/2017
SSB 5883	State operating budget	Law (Partial veto); Effective 6/30/2017
SB 5977	Relating to revenue (includes Mainstreet Program tax credit)	Law (Partial veto); Effective 10/19/2017, except for sections 401-402 effective 6/30/2017; Sections 301-302, 1001-1003 effective 7/1/2017; Sections 101-104, 403, 503, 506, 508, 526, 703, 705, 707, 801-803 effective 1/1/2018; Sections 1301-1032 effective 1/1/2022
SHB 1113	Gradually restoring local liquor revenue	Did not pass
HB 1764	Replacing the one percent property tax revenue limit with a limit tied to cost drivers	Did not pass
HB 1904	Concerning the sale and taxation of personal information and consumer data	Did not pass
HB 2006	Providing cities and counties flexibility with existing revenues	Did not pass
HB 2041	Making local authority to seek voter approval on property tax more useful	Did not pass
HB 2115	Homestead property tax exemption	Did not pass

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SHB 2186	Concerning investing in Washington families by improving the fairness of the state's excise tax system by narrowing or eliminating tax preferences, imposing a business and occupation tax surcharge while eliminating tax liability for small businesses, enacting an excise tax on capital gains, modifying the real estate excise tax, making administrative changes, and implementing marketplace fairness in Washington	Did not pass
SB 5772	Replacing the one percent property tax revenue limit with a limit tied to cost drivers	Did not pass
SB 5240	Gradually increasing local liquor revenue	Did not pass
SSB 5827	Definitions and reporting requirements for municipalities receiving lodging tax revenues	Did not pass
SB 5929	Concerning investing in Washington families by improving the fairness of the state's excise tax system by narrowing or eliminating tax preferences, imposing a business and occupation tax surcharge while eliminating tax liability for small businesses, enacting an excise tax on capital gains, modifying the real estate excise tax, making administrative changes, and implementing marketplace fairness in Washington	Did not pass

Economic development

Some positive steps forward on the economic development front

Cities made small but significant economic development gains in 2017. Tourism office/authority reinvestment efforts were successful with a \$500,000 appropriation dedicated to a new Tourism Marketing Authority in the state. Unfortunately, legislation setting up the authority was caught up in the capital budget drama at the end of session and was not successful in passing. The appropriation is a great step forward, and the failure to pass a bill should not hamper efforts to revive a tourism effort in Washington.

In addition to tourism marketing, bills providing new authorities and funds to cities to promote creative districts and aviation projects made it to the Governor's desk. For cities with Public Facilities Districts (PFD), **HB 1201** extends the time that the PFD sales tax can be collected and expands the eligible uses of the tax revenue.

Bill #	Descriptive title	Final status
HB 1018	Modifying the maximum amount for grants provided to airports and air navigation facilities	Law; Effective 7/23/2017
HB 1183	Authorizing specified local governments to designate a portion of their territory as a creative district	Law; Effective 7/23/2017

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HB 1201	Extending the authorization for, and uses of, local sales and use taxes for regional centers and regional theaters	Law; Effective 7/23/2017
HB 1123	Creating the Washington Tourism Marketing Authority	Did not pass
HB 1823	Authorizing expanded authority to Parking and Business Improvement Areas	Did not pass
SB 5251	Creating the Washington Tourism Marketing Authority	Did not pass

Environment & land use

School siting, buildable lands and GMA review addressed during 2017 session

It was a quietly significant legislative session on land use and growth management issues. Several long-running policy debates came to a head and a potentially wide-ranging growth management act review process was given the go ahead with funding in the budget. For the most part, cities fared well in the outcomes of these issues.

School siting

For many years advocates for school districts have come to the Legislature seeking assistance for districts facing challenges siting schools outside of urban growth areas (UGAs). Their concerns have been varied. Some face challenges with regional plans which preclude the siting of schools outside of UGAs if they serve urban students. Others need to extend utility services outside of UGAs.

AWC and cities have historically supported some measure of flexibility for schools, so long as local control for cities is retained, impacts are mitigated, and costs of service extensions and other impacts are borne by the school district. The bill that finally passed (**HB 2243**) met those tests. Schools are authorized for siting outside urban areas, at the consent of the affected cities and county. Any impacts of the facility must be mitigated as required in the State Environmental Policy Act (SEPA). Utility extensions are permitted, at the consent again of the city and county, and with all costs borne by the school district. There was some controversy about a provision of the bill that allows immediately adjacent landowners to connect to sewers installed for the school. That provision was initially vetoed by the Governor but later in session agreement was reached and the same provision was ultimately passed again and signed.

Buildable lands

Concerns from the development community about the “Buildable Lands” review process undertaken by urban counties has for several years yielded bills that cities have opposed. A more collaborative approach this year led to resolution of another long-standing policy discussion in the form of **SB 5254**. The developers sought changes to the review process that would, from their perspective, better incorporate market realities and land usability concerns into city and county evaluations of whether sufficient land exists to accommodate planned growth. Local governments have opposed proposals that would have instituted new requirements that relied on qualitative information or data that was otherwise unattainable such as land owner willingness to sell. This session there was a series of negotiating meetings which allowed all parties to find common ground and identify short-term law changes

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that all could live with. The changes include direction for a forthcoming stakeholder process to identify changes to the Department of Commerce's guidance for the buildable lands review. AWC will be coordinating with city planners to participate in that process.

Since state funding to conduct this mandated review has been greatly reduced over the years, we made it clear that renewed funding from the state is necessary. In the end the bill passed with language spelling out that any future buildable lands responsibility for counties and cities (under the old guidance, or under the new, yet to be developed guidance) is contingent upon sufficient funding from the state.

GMA review

Finally, for several years legislators have discussed implementing some sort of large scale review of the Growth Management Act (GMA). This year the state provided funding to the Ruckelshaus Center, a facilitation group housed at the University of Washington and Washington State University, to undertake a series of guided stakeholder and public conversations about growth management and related issues. The goal is to identify areas where there is enough common understanding of challenges and opportunities to warrant additional focused policy discussions. AWC will be actively participating in this process, to ensure that city voices are heard and that city concerns are considered.

Bill #	Descriptive title	Final status
HB 1017	Allowing for the siting of schools outside of Urban Growth Areas	Law (Partial veto); Effective 7/23/2017
HB 1503	Clairifying that counties may authorize homeowners to conduct inspections of on-site septic systems	Law; Effective 7/23/2017
HB 1683	Clairifying the requirement to provide sewer service within an Urban Growth Area	Law; Effective 7/23/2017
HB 2243	Allowing for the siting of schools outside of Urban Growth Areas	Law; Effective 10/19/2017
SB 5254	Ensuring adequacy of buildable lands in urban growth areas and providing funding for low-income housing and homelessness programs	Law; Effective 10/19/2017
SB 5517	Allowing for rail dependent uses in rural areas in certain counties under the Growth Management Act	Law; Effective 10/19/2017
SB 5674	Allowing for final plat approval to be delegated to planning commission or staff	Law; Effective 7/23/2017
HB 1013	Reducing overlap between the State Environmental Policy Act and other laws	Did not pass
HB 1210	Increasing revenue to the oil spill prevention account	Did not pass
HB 1430	Concerning the review and adoption of electrical rules	Did not pass
HB 1476	Ensuring the ongoing viability of on-site sewage systems in marine counties by identifying best management practices with accountability in on-site program management plans	Did not pass

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HB 1504	Allowing for rail dependent uses in rural areas under the Growth Management Act	Did not pass - Vetoed
HB 1570	Concerning access to homeless housing and assistance	Did not pass
HB 1632	Concerning rules for on-site sewage systems	Did not pass
HB 1682	Concerning actions by Boundary Review Boards	Did not pass
HB 1740	Using the State Environmental Policy Act to encourage development that is consistent with forward-looking growth plans	Did not pass
HB 1797	Providing new local options to encourage and fund affordable housing	Did not pass
HB 1846	Authorizing new manufactured housing communities outside of urban growth areas	Did not pass
HB 1885	Clarifying the roles of state and local governments in the regulation and mitigation of water resources	Did not pass
HB 1918	Addressing treatment of groundwater under state water codes to support rural development while protecting instream flows	Did not pass
SB 5024	Concerning groundwater supply availability in areas with ground and surface water interaction	Did not pass
SB 5212	Clarifying the scope of land use control ordinances for purposes of vesting	Did not pass
SB 5281	Concerning rules for on-site sewage systems	Did not pass
SB 5304	Concerning the review and adoption of electrical rules	Did not pass
SB 5412	Concerning the state building code council	Did not pass
SB 5425	Increasing revenue to the oil spill prevention account	Did not pass
SB 5445	Prohibiting the use of eminent domain for economic development	Did not pass
SB 5500	Concerning the state building code council	Did not pass
SB 5615	Authorizing new manufactured housing communities outside of urban growth areas	Did not pass
SB 5652	Concerning actions by Boundary Review Boards	Did not pass

Human services & housing

Some progress made on affordable housing and homelessness

Helping our communities address the challenges of homelessness and affordable housing has been a major focus for AWC in recent years. This year we came in with three major priorities: extending and increasing the state document recording fee that funds local and state homelessness efforts; creating new local option tools for communities to address affordable housing challenges; and securing funding for critical human services programs in the state budget.

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On the homelessness front, cities came into the session hopeful that the Legislature would recognize the crisis facing communities across the state and increase the resources to address the challenge. We worked hard to develop a comprehensive approach that addressed challenges around homelessness as well as affordable market-rate housing.

On the market rate side we agreed to some changes to the buildable lands review process if it could be coupled with an increase in the document recording fee to direct more resources to homelessness efforts. Ultimately the connection was partially successful. Interests who have opposed recording fees were supportive of some level of increase if it came with improvements to the buildable lands process. Unfortunately we were unable to gain support for the fee increase from the Senate Majority Caucus and the final deal merely extended the sunset on the current recording fees for another four years.

We also achieved partial success on local option affordable housing tools. We had a very positive bipartisan effort in the House of Representatives where a series of tools were developed with broad support (**HB 1797**). Unfortunately the proposal got caught up in the legislative calendar. The House held the bill until budget negotiations began. By the time those negotiations started the Legislature was looking to take things off their to-do list and the House bill was one of the casualties. New authority to utilize excess REET 2 dollars at the local level for homelessness housing was provided in **SB 5254** for two years, but the rest of the housing tools were deferred for future consideration.

When it came to the state budget, we continued to stay engaged in the debate around funding for mental health, chemical dependency and low-income assistance. Once again the results were mixed, but some of our most critical social services programs remained intact. Notably, early Senate efforts to eliminate the Housing and Essential Needs (HEN) program, and to place limits on the Temporary Assistance to Needy Families (TANF) program and Medicaid 1115 waiver were quelled.

There is still a great amount of work to do in this arena. AWC will continue to work towards finding solutions to these incredibly complex problems.

Bill #	Descriptive title	Final status
HB 1427	Concerning opioid treatment programs	Law, Effective 7/23/2017
SB 5252	Addressing the effectiveness of document recording fee surcharge funds that support homeless programs	Law, Effective 10/19/2017
SB 5254	Ensuring adequacy of buildable lands and zoning in urban growth areas and providing funding for low-income housing and homelessness programs	Law, Effective 10/19/2017
HB 1432	Concerning foundational public health services	Did not pass
HB 1570	Concerning access to homeless housing and assistance	Did not pass
HB 1797	Concerning encouraging affordable housing development and preservation	Did not pass
SB 5223	Concerning safe injection sites in Washington State	Did not pass
SB 5656	Concerning the goal of ending homelessness	Did not pass

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SB 5657	Concerning the hosting of the homeless by religious organizations	Did not pass
SB 5864	Concerning the goal of ending homelessness	Did not pass

Infrastructure

Public Works Trust Fund lives on

The 2017 session may prove to be a turning point for the Public Works Trust Fund (PWTF). Under almost continual assault since 2013, this year the Legislature stands poised to make the first investment in a loan list since the 2011-13 biennium – with one major catch. AWC went into the 2017 session knowing that we needed to change our approach on the PWTF, or risk another biennium with no loans issued, or worse, the end of the program altogether.

Rather than focusing on extolling the virtues of the program as it has always been, we underwent a difficult set of conversations within the city family and with other stakeholders to come to terms with what the program may need to look like moving forward. We challenged ourselves to respond to the critiques we were hearing from some legislators, particularly the Senate, and looked for opportunities to respond to those concerns. We chose to focus on retaining the loan repayments and the remaining Real Estate Excise Tax (REET) revenues instead of continuing to fight for the return of all the tax revenues that have been diverted from the PWTF. This was a difficult conversation amongst the membership and the AWC Board of Directors, because there is huge support for this program and the principle that the dedicated revenue streams put in place in the 1980s to fund the PWTF should continue to be used for their original intent.

AWC, the Public Works Board, and other public infrastructure owners and users brought forward and supported **HB 1677** which instituted some very significant reforms to the PWTF program. The bill creates a dual-tiered system where cities with rate bases larger than 50,000 residences receive a less-generous interest rate subsidy than their smaller peers. The bill gives the Public Works Board new authority to require upfront value planning and reaffirmed the expectation that asset management and rate structures would be in place to ensure a good long-term investment by the state.

Democrats and Republicans in The House of Representatives rallied around the program and our proposed reforms, putting together a bipartisan work group of Representatives Doglio (D-Olympia), Koster (R-Arlington), Kraft (R-Vancouver), and Ryu (D-Shoreline) to refine the proposal brought forward by the stakeholders. The group did a great job listening to all parties and brought their own ideas to the table, perhaps most impactful was a proposal to remove the requirement that the Legislature approve a specific project list. This change will allow the PWTF to more nimbly provide resources at the right time during the project development cycle, and to better leverage other funding sources.

As the final budget negotiations commenced, the House brought forward **HB 1677** and full funding for the PWTF, while the Senate's initial approach was to completely eliminate the program, divert all revenues permanently to education, and in its place create a program to facilitate local government access to the private capital markets. To their credit, when the Senate leaders saw how well the public works reform bill spoke to their concerns they were receptive to continuing the program under those conditions. At that point the negotiations began to focus on the disposition of the public works revenue streams.

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Since 2013, almost all the tax revenues that had gone into the PWTF have been diverted to the state’s education funding account. Those revenues were scheduled to come back to the PWTF in 2019, but that was always highly unlikely in an environment where the Legislature was entering multiple special sessions to find even more resources to fund K-12 education and meet their McCleary obligation. Ultimately the deal that was reached extended the revenue diversions another four years, but did not permanently sweep the remaining portion of REET revenues that still flow into the account, and did not permanently redirect the loan repayment resources. The budget does transfer all the revenues in the PWTF to fund education, but the capital budget is poised to replace about half of those dollars with bond proceeds to allow the program to continue forward. While this somewhat undermines the revolving structure of the account, and is questionable long-term budgeting – the key takeaway is that the program lives to fight another day. This is an outcome that was very much in question coming into the 2017 session.

The unfortunate ending to this story, as it currently stands, is that the Legislature departed Olympia without passing a biennial capital budget because of a dispute over an unrelated water rights issue. While the final negotiated capital budget is poised to implement what is described above, we won’t achieve that outcome until the budget is actually passed. AWC remains actively involved in trying to bring about that resolution, but at this point the timing is unclear.

Public works contracting

As is typical in any legislative session, the Legislature considered a number of public works contracting bills during the 2017 session. Most of the bills had little to no impact on cities. However, there were a few exceptions.

The issue that most dominated city interests was the resurrection of the Mike M. Johnson Supreme Court case. **HB 1574/SB 5788** would have rolled-back significant protections for local governments in contract claim notification processes. We were successful in fending off this legislation but fully expect the issue to return in 2018.

Bill #	Descriptive title	Final status
HB 1064	Removing expiration dates and an outdated statutory reference from the enforcement provisions of the underground utility damage prevention act	Law; Effective 7/23/2017
HB 1538	Requiring prime contractors to bond the subcontractors portion of retainage upon request	Law; Effective 7/23/2017
HB 1677	Reforming the Public Works Trust Fund program	Law (Partial veto); Effective 10/19/2017
HB 1683	Clarifying the requirement to provide sewer service within an Urban Growth Area	Law; Effective 7/23/2017
SB 5049	Requiring relocation assistance following real property acquisition	Law; Effective 7/23/2017
SB 5301	Adding repeat and willful violations of state wage laws to responsible bidder criteria	Law; Effective 7/23/2017
HB 1574	Concerning claims procedures in construction contracts	Did not pass
HB 1849	Addressing compliance with apprenticeship utilization requirements	Did not pass

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SB 5576	Addressing compliance with apprenticeship utilization requirements	Did not pass
SB 5788	Concerning claims procedures in construction contracts	Did not pass

Marijuana

Marijuana highlights from the 2017 session

The legislative action around marijuana was relatively light in 2017. However, there were still some significant bills and the budget included a disappointing reduction in marijuana revenue sharing with cities and counties.

As we have come to expect, there were efforts to restrict cities’ authority to regulate and prohibit the siting of marijuana businesses. **HB 1099** and **HB 2060** both would have significant restrictions on local authority. AWC strongly opposes any restrictions on cities’ regulatory and zoning authority related to the marijuana industry. While we have successfully opposed these efforts over the last few years, we do believe these kind of proposals will continue in the future.

The major marijuana legislation that passed in 2017 was **SB 5131**, an omnibus bill that addressed a number marijuana policy areas. The Liquor and Cannabis Board (LCB) developed this fact sheet (lcb.wa.gov/sites/default/files/publications/Leg_FactSheets/2017_factsheets/ESSB-5131-FactSheet.pdf) about the changes made by **SB 5131**. Most of the changes do not directly impact cities. The exception may be the changes to marijuana-related advertising. Here is a LCB fact sheet (lcb.wa.gov/sites/default/files/publications/Marijuana/5131-Advertising-Notice.pdf) on the new advertising restrictions. The new restrictions do not effect a city’s ability to adopt its own more restrictive advertising requirements.

When the Legislature finally adopted its 2017-19 budget in time to avoid a state government shut down, one of the casualties was an \$18 million reduction in marijuana revenue sharing with cities and counties. This is extremely disappointing, especially since this was an agreement made only two years ago. In the new budget, city and county marijuana mitigation revenues were reduced from \$30 million to \$12 million in the 2017-19 biennium. This comes at a time when a new formula for distributing marijuana revenues is effective: 30 percent of the distribution based on jurisdictions’ marijuana retail sales and 70 percent based on a per capita basis (this only includes jurisdictions that allow marijuana businesses). Due to these complicating factors, the amount of local marijuana distributions are, at this time, difficult to project. However, it is possible that the revenue will be restored back to \$30 million if the February 2018 forecast of general fund revenues exceeds the June 2017 general fund forecast by over \$18 million. AWC will continue to work with the Liquor and Cannabis Board to provide greater clarity for our members.

Even more disturbing is language in the budget that states that the Legislature intends to impose the \$6 million cap on revenue sharing in all biennia following 2017-19. Cities will need to talk with their legislators about the impact of the reduced distributions and stress the importance of restoring the agreement from 2015 which calls for revenue sharing of \$15 million per year in fiscal years 2018 and 2019 and \$20 million in subsequent years.

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Bill #	Descriptive title	Final status
SB 5131	Addressing provisions concerning marijuana with respect to research licenses, local authority notifications, the retail licensing application process, processor wholesale events, and jurisdictional requirements	Law, Effective 7/23/2017
HB 1099	Addressing local governments' unofficial moratoria on state-licensed marijuana retail outlets	Did not pass
HB 1911	Authorizing the masking of odors by regulated marijuana facilities	Did not pass
HB 2060	Requiring counties, cities, and towns to permit the operation of state licensed marijuana retail businesses in order to receive marijuana-related tax distributions	Did not pass
HB 2076	Increasing marijuana revenue distributed to local jurisdictions	Did not pass

Open government

Big win for AWC, priority public records laws pass this year

2017 was a big year for public records with the passage of two of AWC's priorities bills. We have spent years seeking updates to the Public Records Act (PRA) to address the challenges cities face in complying with the increasing complexity and volume of records requests.

The work on AWC's two priority bills, **HB 1594** and **HB 1595**, began over a year ago with commitments from Representatives Joan McBride (D-Kirkland) and Terry Nealey (R-Dayton) to bring stakeholders together to find common ground for updates to the PRA. Months of meetings and negotiations followed and culminated in the successful passage of these two bills. There are many parties to thank. In addition to our prime sponsors, several other legislators were key to the process including Representatives Springer (D-Kirkland), Senn (D-Mercer Island), Koster (R-Everett), and Hudgins (D-Tukwila) and Senators Miloscia (R-Federal Way), Hunt (D-Olympia), Schoesler (R-Ritzville), and Kuderer (D-Clyde Hill). AWC was joined in this effort by the Washington State Association of Counties (WSAC), making it a true local government partnership. We also want to thank all the other stakeholders, especially Allied Daily Newspapers of Washington and the Washington Coalition for Open Government who came together to find compromise. Finally, we are so grateful to all our city officials who worked so hard to help pass these changes.

The work now begins on implementation of the new laws. AWC, WSAC and the Municipal Research & Services Center (MRSC) hosted a webinar (awcnet.org/DataResources/Resourcesbytopic/TabId/941/ArtMid/2423/ArticleID/1841/New-public-records-laws-and-what-you-need-to-know.aspx) on the new laws on July 17. The new laws included new reporting requirements to be administered by the Joint Legislative Audit Review Committee (JLARC). JLARC is working with stakeholders

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to develop common definitions and a standard reporting process. Here is a link to preliminary guidance (leg.wa.gov/jlarc/Pages/publicRecAdmin.aspx) from JLARC on reporting. The bills provided the Attorney General and the State Archivist funding for consultation programs for local government and those programs are now in the development stages.

There were a few other bills of note on open government in 2017.

HB 1417 allows discussion of cybersecurity issues in executive session with legal counsel present. **HB 1829** specifies that certain information regarding public and private computer and telecommunications networks is exempt from disclosure under the Public Records Act. **SB 5207** exempts disclosure of GPS data that would indicate the location of any public employee or volunteer.

Additional details on the two AWC priority bills:

HB 1595 amends the PRA to allow cities to charge a small fee for providing copies of electronic records. A city may establish different fees by conducting its own cost-study, but the default charges in the bill are as follows:

- 10 cents per scanned page
- 5 cents per four files or attachments
- 10 cents per gigabyte
- These charges may be applied cumulatively

The bill also:

- Allows an agency to charge a flat fee of \$2 for providing copies when the estimated costs are expected to be \$2 or more.
- Creates the ability for cities to deny overwhelming computer generated “bot” requests.
- Prohibits overly broad requests for all a city’s records.
- Creates a way for cities to apply a service charge to exceptionally complex requests.

HB 1594:

- Requires training for records officers to address issues of retention, production and disclosure of electronic records.
- Creates a grant program within the Office of the Secretary of State for local governments to improve their public record management systems.
- Establishes a program within the Office of the Attorney General and the State Archives to consult with local governments on public records best practices.
- Provides for a \$1 document recording fee to fund the consultation and grant programs.
- The funding and the programs will sunset in 2020.
- Updates the process for asking a requestor to clarify a request.
- Requires agencies to maintain a log of each records request.
- Requires agencies with actual budgeted public records costs over \$100,000 to report certain performance measurements to JLARC.
- Exempts certain volunteers’ records from disclosure.

Bill #	Descriptive title	Final status
HB 1417	Concerning the harmonization of the open public meetings act with the public records act in relation to information technology security matters	Law, Effective 7/23/2017

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HB 1594	Improving public records administration	Law, Effective 7/23/2017
HB 1595	Concerning costs associated with responding to public records requests	Law, Effective 7/23/2017
HB 1829	Concerning the exemption from public disclosure of information regarding public and private computer and telecommunications networks	Law, Effective 7/23/2017
SB 5207	Concerning the public disclosure of global positioning system data corresponding to residential addresses of public employees and volunteers	Law, Effective 7/23/2017
SB 5545	Requiring public employee collective bargaining sessions to be open meetings	Did not pass
SB 5710	Concerning penalties awarded for violations of the public records act	Did not pass

Personnel

Significant developments in personnel and pensions in 2017

This session saw significant changes to the personnel environment with the Legislature passing a new Paid Family & Medical Leave program. Additionally, 2017 saw a big debate about the state's role in funding the LEOFF 2 pension system. There were also a number of issues debated in 2017 that didn't pass but will be back in 2018.

After intense negotiations, the Legislature adopted **SB 5975** creating a new Paid Family & Disability Leave program. The new program was the result of compromise between representatives from the labor and business communities and the four legislative caucuses. Washington joins only four other states in having a program of this type. The program is intended to cover all employees and provide paid leave for a medical disability as well as paid leave to care for a family member. The new program will apply to all private and public sector employers and employees including cities. Premiums will begin to be collected in 2019 and benefits will follow in 2020. Employers with 50 or fewer employees will not be required to participate in the program. For more about the specifics of the new legislation check out this previous article at awcnet.org/Advocacy/Newsandupdates/LegislativeIssues/TabId/677/ArtMID/1863/ArticleID/1831/Legislature-passes-new-statewide-Paid-Family-amp-Medical-Leave-program.aspx.

There were some interesting discussions around the Law Enforcement and Fire Fighters Plan 2 (LEOFF 2) pension system throughout the session. At one point, the Senate proposed a budget that included shifting the state's share of pension contributions for LEOFF 2 to city and county employers. Currently, the state contributes 20 percent of the pensions for LEOFF 2 members with the local employer contributing 30 percent and employees 50 percent. This proposal would have shifted over \$70 million to cities for the biennium. AWC and our cities fought back hard against this proposal and it was not included in the final budget. We want to thank everyone who took time to talk to your legislators about the negative impacts of this proposal. In the future, we will need to continue to remind the Legislature that they have a responsibility for public safety and that includes funding their share of LEOFF 2 contributions.

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That wasn't the only interesting LEOFF 2 development in 2017 – there was a “back of the budget” surprise. The budget, **SB 5883**, included a provision in section 963 that requires local employers to also pay the state's share of LEOFF 2 contributions for salaries that are reimbursed as part of a contract with a third-party, non-LEOFF 2 employer. Nothing prohibits the local government from recovering the cost of this contribution from the third party. The provision began July 1 and the Department of Retirement Services (DRS) is rushing to develop a reporting method and provide guidance on implementation. DRS has indicated that this new provision will not apply to contracts between cities and other cities and counties nor will it apply to contracts with the Department of Natural Resources or the Department of Fish and Wildlife. We are continuing to work with DRS as they develop their new guidance. Overall, AWC is concerned about this change in contributions given the earlier discussions about the State's commitment to the LEOFF 2 system. We will continue to watch this and any other LEOFF 2 developments closely.

Finally, there were several issues of note that have come up in previous sessions that were also raised in 2017 and will likely be proposed in 2018. The first is around occupational disease presumptions for workers' compensation. **HB 1655** would have exempted police officers and firefighters from current prohibitions against claiming stress-related mental conditions as occupational diseases. The bill was stopped in the Senate, but the proponents are interested in continuing this conversation specific to PTSD injuries. We anticipate work over the interim on this topic and another bill in 2018. The second recurring issue worth noting is the push to open collective bargaining sessions to the public. **SB 5545** would have required collective bargaining sessions to be open public meetings. AWC has opposed these efforts. However, there continues to be interest and a handful of jurisdictions in Washington have moved to open their bargaining sessions to the public, so we believe it will be back on the table in 2018.

Bill #	Descriptive title	Final status
HB 1755	Requiring notice to state fund employers for certain workers' compensation third-party settlements	Law, Effective 7/23/2017
SB 5661	Addressing interruptive service credit for members of the law enforcement officers' and fire fighters' retirement system	Law, Effective 7/23/2017
SB 5835	Promoting healthy outcomes for pregnant women and infants	Law, Effective 7/23/2017
SB 5975	Relating to paid family leave	Law, Effective 10/19/2017
HB 1094	Concerning medical marijuana patients and their employers	Did not pass
HB 1116	Implementing family and medical leave insurance	Did not pass
HB 1227	Concerning correctional industries' insurance costs	Did not pass
HB 1298	Prohibiting employers from asking about arrests or convictions before an applicant is determined otherwise qualified for a position	Did not pass
HB 1301	Concerning the employee antiretaliation act	Did not pass
HB 1533	Addressing wage and salary information	Did not pass

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HB 1560	Addressing plan membership default provisions in the public employees' retirement system, the teachers' retirement system, and the school employees' retirement system	Did not pass
HB 1655	Providing industrial insurance coverage for stress-caused mental disorders and disabilities of members of the law enforcement officers' and firefighters' retirement system	Did not pass
HB 1708	Allowing new government employees the option of opting out of retirement system membership if the employee is age sixty or older when first hired, or when the employee's employer opts into retirement plan participation	Did not pass
HB 1951	Requiring public employee collective bargaining sessions to be open meetings	
SB 5276	Allowing new government employees the option of opting out of retirement system membership if the employee is age sixty or older when first hired, or when the employee's employer opts into retirement plan participation	Did not pass
SB 5545	Requiring public employee collective bargaining sessions to be open meetings	Did not pass
SB 5822	Improving workers' compensation system costs and administration and worker outcomes through modification of procedures for claims to self-insureds, clarification of recovery in third-party legal actions, clarification of occupational disease claims, and lowering age barriers for structured settlements	Did not pass

Public safety & criminal justice

Big issues talked about in public safety & criminal justice

The 2017 session was marked by attempts to tackle some big issues in the public safety and criminal justice arena.

To start off, there was some good news in the budget for the Basic Law Enforcement Academy (BLEA) and public defense grants. The Legislature added the necessary funding to the 2015-17 supplemental budget to cover the cost of ongoing BLEA classes and funded 16 classes per year for FY 2017-19. While we were asking for 18 classes per year, 16 is a good start towards meeting the training demand. The FY 2017-19 also includes additional funding for city public defense grants from the Office of Public Defense.

One of the most noticeable bills to pass is the new distracted driving laws that took effect on July 23. The new law requires the use of hands-free devices while driving. The bill originally had a delayed effective date, but that was vetoed by Governor Inslee resulting in the July 23 effective date. For more information about the new law you can visit Target Zero - www.wadrivetozero.com/distracted-driving.

Additionally, there were a number of legislative proposals on the deadly use of force by law enforcement. In 2016 there was a legislative task force created to recommend

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changes to the use of force laws. The members of the task force failed to agree on a common approach resulting in multiple, competing legislative proposals on changing the criminal liability standard for law enforcement officers using deadly force. The proposals generally included removing the “malice” language in statute, a redefined “good faith” standard, and increased training requirements. However, there was not agreement on these changes and legislation failed to pass. Advocates are now pursuing an initiative to the Legislature on this topic.

SB 5046 also passed which requires local emergency management organizations to develop a plan to communicate with limited English speaking populations during emergencies.

There were a number of bills on regional fire authorities with two notable bills passed: **HB 1467** made changes to levy authority and benefit charge renewal and **SB 5628** allows for the creation of a municipal fire authority within the boundaries of a city.

Bill #	Descriptive title	Final status
HB 1467	Removing disincentives to the voluntary formation of regional fire protection service authorities by establishing parity, equalizing certain provisions with existing laws governing fire protection districts, and clarifying the formation process	Law; Effective 5/5/2017 except for sections 10 and 12, which become effective 1/1/2018
HB 1540	Providing public notices of public health, safety, and welfare in a language other than English.	Law, effective 7/23/2017
HB 1757	Addressing transient accommodations contaminated by methamphetamine	Law, Effective 7/23/2017
SB 5046	Providing public notices of public health, safety, and welfare in a language other than English.	Law, effective 7/23/2017
SB 5289	Modifying the infraction of and penalties for distracted driving	Law, Effective 7/23/2017
SB 5628	Providing for fire protection district formation by the legislative authority of a city or town subject to voter approval	Law, Effective 7/23/2017
HB 1016	Requiring a finding of guilt prior to the forfeiture of private property	Did not pass
HB 1047	Protecting the public's health by creating a system for safe and secure collection and disposal of unwanted medications	Did not pass
HB 1390	Concerning disclosures regarding incentivized evidence and testimony	Did not pass
HB 1418	Authorizing the use of automated license plate recognition systems	Did not pass
HB 1529	Concerning recommendations from the joint legislative task force on the use of deadly force in community policing	Did not pass
HB 1698	Concerning enhancing public health and safety by implementing emergency preparedness guidance measures related to oil train accidents	Did not pass
HB 1783	Concerning legal financial obligations	Did not pass

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HB 1909	Authorizing the use of automated license plate recognition systems	Did not pass
SB 5038	Concerning disclosures regarding incentivized evidence and testimony	Did not pass
SB 5073	Concerning recommendations from the joint legislative task force on the use of deadly force in community policing	Did not pass
SB 5904	Concerning convicted persons	Did not pass

Telecommunications

Small cell facilities were a hot topic this session

The wireless and broadband industries advanced legislation (**SB 5711** and **HB 1921**) that contained sweeping preemption of cities' authority to manage the public rights-of-way, site and permit small cell networks in city neighborhoods, set appropriate timelines and fees, and would have imposed a cost formula for charging for pole attachments. Small cell networks will be used to deploy the 5th generation of mobile phone and data communication standards, otherwise known as 5G. It will also be used to upgrade current 3G and 4G networks and will be used for a dedicated public safety network under development.

Cities worked with other stakeholders to stop preemption, and instead offered an alternative that would have required cities over 5,000 in population to update their policies relating to permitting and costs, would have created a rural broadband program, and would have studied pole attachment policies and fees (**SB 5935**). Neither the original proposal nor the alternative passed this legislative session. However, we expect the issue to come back in 2018.

We are encouraging cities to update policies and ordinances to prepare for applications relating to small cell facilities and networks. In this way, we can make it clear that state preemption of local authority is not needed or helpful. If you want more information on how to get started please see our recorded webinar available [here](#).

Bill #	Descriptive title	Final status
HB 1921	Pre-empting city authority over fees and permitting for small cell telecommunication facilities	Did not pass
SB 5711	Pre-empting city authority over fees and permitting for small cell telecommunication facilities	Did not pass
SB 5935	Enhancing consumer access, affordability, and quality of broadband and advanced telecommunications services	Did not pass

Transportation

Unexpected excitement in the transportation world

We expected a relatively quiet year on the transportation front as we headed into the 2017 legislative session. The heavy lifting required to pass the Connecting Washington transportation package in 2015 left a feeling that this biennia's transportation focus would be light. The 2017-2019 transportation budget was just

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that. It had few surprises, and made good progress on issues important to cities. For details on this budget see our past Legislative Bulletin article here. A short synopsis can be found below.

- \$250,000 of city fuel taxes for the Department of Fish and Wildlife to identify city-owned fish passage barriers that share the same stream systems as state-owned fish passage barriers to identify, map and provide a preliminary assessment of city-owned barriers that need correction.
- \$60,000 of city fuel taxes for the Freight Mobility Investment Board (FMSIB) to manage and update the road-rail conflicts database produced based on the Joint Transportation Committee's "Study of Road-rail Conflicts in Cities," in 2016.
- \$43,800,000 of federal appropriations to National Highway Freight Network projects.
- \$300,000 to the Transportation Commission to continue to evaluate a road usage charge (RUC) as an alternative to the motor vehicle fuel tax.

While the transportation budget held few surprises, there was much greater activity on the policy front. Major issues dominated the 2017 legislative session. These included:

- Significant debate, but no compromise, around Sound Transit's recent transportation initiative (Sound Transit 3);
- The regulation of transportation network companies such as Uber and Lyft, but again, no compromise;
- Progress on ensuring Washington State is in line with federal Real ID requirements (**SB 5008**); and
- A new law governing distracted driving in the form of the prohibition of using hand held devices behind the wheel (**SB 5289**).

Bill #	Descriptive title	Final status
HB 1018	Modifying the maximum amount for grants provided to airports and air navigation facilities	Law; Effective 7/23/2017
HB 1149	Exempting public transit vehicles equipped with a bike rack from the 3-foot limit for front vehicle protrusions	Law; Effective 7/23/2017
HB 1490	Eliminating the requirement that a city or town report preservation rating information	Law; Effective 7/23/2017
SB 5008	Facilitating compliance with the federal REAL ID act by modifying driver's license and identocard design and fees	Law; Effective 7/23/2017
SB 5049	Requiring relocation assistance following real property acquisition	Law; Effective 7/23/2017
SB 5289	Modifying the infraction of and penalties for distracted driving	Law; Effective 7/23/2017
HB 1498	Concerning high hazard flammable train speed limits in certain urban areas	Did not pass
HB 1656	Establishing a community aviation revitalization loan program	Did not pass
HB 2147	Concerning taxpayer relief for persons subject to a motor vehicle excise tax imposed by a regional transit authority	Did not pass
HB 2148	Establishing a regional transit authority rebate program for low-income individuals	Did not pass

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HB 2149	Requiring a taxpayer accountability statement to be included with regional transit authority motor vehicle excise taxes	Did not pass
HB 2150	Requiring a taxpayer accountability statement to be included with regional transit authority property taxes	Did not pass
HB 2166	Nullifying the imposition of certain taxes within regional transit authority boundaries	Did not pass
HB 2168	Concerning the administration of motor vehicle excise taxes by regional transit authorities	Did not pass
SB 5098	Concerning high hazard flammable train speed limits in certain urban areas	Did not pass
SB 5817	Nullifying the imposition of certain taxes within regional transit authority boundaries	Did not pass
SB 5893	Concerning the administration of motor vehicle excise taxes by regional transit authorities	Did not pass
SB 5905	Concerning taxpayer relief for persons subject to a motor vehicle excise tax imposed by a regional transit authority	Did not pass
SB 5906	Establishing a regional transit authority rebate program for low-income individuals	Did not pass
SB 5908	Requiring a taxpayer accountability statement to be included with regional transit authority motor vehicle excise taxes	Did not pass
SB 5909	Requiring a taxpayer accountability statement to be included with regional transit authority property taxes	Did not pass

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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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