



Legislative bulletin

January 30, 2023

Hot topics

Bills related to police vehicle pursuits up for hearing this week

We urge city officials to testify and speak to your local legislators about the need to support this bill. **HB 1363** revises the pursuits restrictions to use a 'reasonable suspicion' standard as well as other safety measures.

Transit density bill joins the fray

We have been looking forward to the scheduling of this proposal, as it is likely to be the vehicle for the conversation about how to maximize housing opportunities near transit, which is a pillar of the approach put forward by the AWC Housing Solutions Group. This proposal has other elements that are more challenging, however, especially the restrictions of authority to provide for parking.

Bill to link cap on property taxes to inflation and population introduced

HB 1670 revises the property tax cap up to 3% for local governments to account for inflation and population growth. In a recent public opinion survey commissioned by AWC, 72% of respondents indicated support for a 3% cap on property taxes. The proposal was one of the recommendations of the State Tax Structure Work Group.

Media time

Hot off the press! Read our newest research highlighting city infrastructure

AWC's State of the Cities: Washington's interconnected infrastructure report looks at city infrastructure across Washington to examine the present condition of our infrastructure systems, how cities are overcoming barriers to improvement, and what more can be done to support the statewide network. Read the report and share the findings with your legislators. Productive and reliable partnerships between cities and state-level actors are essential to successfully maintain our shared infrastructure and transportation systems.

Listen to our podcast covering City Conditions Survey results

We sat down with AWC Government Relations Director Candice Bock to go over AWC's recent City Conditions Survey results. The survey asked 92 Washington cities and towns about current policy and fiscal conditions in cities. Survey findings highlight what cities are focusing on around community issues, city policy priorities, finance, housing, infrastructure, transportation, human resources, DEI, and more. Listen to this synopsis of interesting things we learned and how we're using that data.

View from the hill

Wow, so much going on right now

There is so much action at this point in session, it can be hard to keep track. So many a multitude of bills are being considered that impact cities. But there is lots of good news with AWC priority bills up for hearing this week and many others in various stages of the process. Exciting new bills are being introduced, including a bill revising the property tax cap and companion bills to reduce frivolous public records litigation. This is a great time to engage in the process – learn how to testify or send written comment on a bill, reach out to your legislators, and watch for opportunities like local legislative town halls where you can share the needs of your city. As always, we work to help you keep track of it all with our weekly Bill Hot Sheet.

AWC city action calls

Fridays at 12:30 pm | Online

Join our city action calls each Friday at 12:30 pm to hear updates directly from your team of AWC lobbyists on the latest action on the hill and progress on bills of importance to cities. Make sure to sign up in advance each week. After registering, you will receive a confirmation email containing the Zoom link for that week's call. Register now for this Friday's call.

City Action Days is nearly sold out!

February 15-16 | Olympia

It's our first in-person City Action Days in three years and it's nearly full! If you haven't already, register now before it's too late. We can't wait to see you there!

Things you can do

Connect with your legislators at local town halls

Legislators will be hosting their own town hall meetings over the coming weeks. Check your legislators' websites to find out when and where they will be, and plan to attend. Listening in and voicing the issues important to your city at local town halls is a great way to ensure your legislators and constituents are aware of your city's legislative needs.

Check out this new tool from NLC on federal funding sources for homelessness

The National League of Cities recently released a tool for cities looking to comprehensively address homelessness at the local level. The tool offers a searchable list of federal grant programs designated for homelessness support, intervention or prevention, and those that are particularly relevant to support people at high risk of experiencing homelessness.

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What you need to know

Affordable housing: AWC Housing Solutions Group proposal update. Three weeks into session and the response by the Legislature has been very positive to the comprehensive policy package. The count now stands at 15 bills covering nine policy areas.

Three local option housing incentive bills emerge. One bill is especially promising, as it addresses part of the affordable housing issue in our vacation destination communities.

Three more bills aimed at streamlining housing permits. Three streamlining proposals have hearings in the House this week, but only one is aligned with our proposal.

Opening land for housing is a theme in recent proposals. To leave no stone unturned in its mission to address housing affordability and supply, the Legislature turns to bills that would in one form or another provide additional urban land for development or allow more urban levels of development in limited areas of counties.

Broadband & telecommunications: \$200 million request made for new Capital Broadband Investment Acceleration Program. Grant dollars would support efforts to increase broadband access in unserved areas of Washington.

Budget & finance: State infrastructure bank proposal scheduled for hearing. The bank would be an option for local governments to invest funds and receive low-interest loans to help finance infrastructure and economic development projects.

Court security task force recommendations seek funding for small rural courts. The recommendations included a proposed budget request for \$2.5 million annually to establish the Security Matching Grant Program.

Economic development: Legislature looks to make TIF more useful. Tax Increment Financing (TIF) finally made it to Washington in 2021. This legislative session, we could see several helpful fixes coming to the program, making it more appealing to local governments.

Energy: Help may be on the way to low-income households for energy efficiency upgrades. Washington's electric utilities may see new loan-granting authority to support customers in lowering their energy bills and emitting fewer pollutants.

Federal: NLC adopts 2023 National Municipal Policy. Each year, NLC members adopt national policy to address emerging topics of consequence for local government. This year's policy covers finance, economic development, energy, and more.

General government: Bills to prevent "doxing" scheduled for hearings. Two bills to curtail "doxing" (releasing someone's personal information without permission) are scheduled for hearings in the House and Senate. One makes doxing a gross misdemeanor, and both would create a private cause of action for victims of doxing.

Bill clarifies authority to care for abused and neglected animals. Rep. Roger Goodman (D-Kirkland) has introduced **HB 1234**, clarifying the authority for law enforcement agencies and local animal care and control agencies to take possession of abused or neglected animals.

continued

HR & labor relations: Employer access to PFML claim info scheduled for hearing.

In response to several years of employer requests, **SB 5586** allows “interested parties” to access certain info on an employee’s Paid Family & Medical Leave claim. It has been scheduled for a hearing in the Senate.

Childcare and adult dependent care reimbursed as travel expenses in new proposal. SB 5485

would allow state and local governments to reimburse employees for childcare or adult dependent care as part of their travel expenses when they travel for work.

Bill requires new workers’ compensation standards for self-insured employers.

A bill imposing a “duty of good faith” between self-insured employers (including many large cities) and their injured employees workers’ compensation is scheduled for a hearing in the House.

Human services: Trueblood bill defers responsibility to local governments without new funding.

AWC opposes **SB 5440**, which is scheduled for a public hearing on Thursday.

Land use & planning: Psilocybin bill scheduled for public hearing. SB 5263

would legalize psilocybin for therapeutic purposes for people 21+. Cities would not be authorized to impose a tax and would be limited to adopting ordinances that impose “reasonable” regulations.

Open government: House and Senate introduce bipartisan bills that limit frivolous public records request lawsuits. SB 5571 and HB 1597

do not impact the ability to request records but focus on administrative problem-solving before a requester can file a lawsuit.

Public works & infrastructure: Public Works Assistance Account 2.0.

Following the Senate Joint Resolution proposed earlier this year, Sen. Mark Mullet introduces legislation amending state law to recognize the creation of a Public Works Revolving Loan Account and confer authority over the account to the Public Works Board.

Apprenticeship utilization requirements see further changes in response to stakeholder input. SB 5133

takes on a “two-strike” system and several other amendments, heading now to the Senate Ways & Means Committee.

New procurement standards aim to support local government needs.

Towns and first- and second-class cities would see several changes to their procurement rules.

Transportation: Right turns on red lights prohibited near schools, parks, and other community facilities.

One more of many bills emerges to address the state’s worsening traffic safety conditions.

continued

Affordable housing

Three local option housing incentive bills emerge

Contact: Carl Schroeder, Shannon McClelland

AWC appreciates legislative interest in proposing bills that intend to incentivize low-income housing. One bill is especially promising as it addresses part of the affordable housing issue in our vacation destination communities.

SB 5334, introduced by Sen. Liz Lovelett (D–Anacortes), provides a new local option revenue opportunity for cities in the form of authorizing an optional special excise tax on the sale or rental of short-term vacation rentals. The tax may be levied at either 1% or 2%. The revenue must be used exclusively for the operating and capital costs of affordable housing programs including, but not limited to, homeless housing assistance, temporary shelters, and other related services.

The stated purpose of **HB 1343** is to give communities a local option to preserve and increase healthy, high quality, and affordable rental housing for very low-income households in areas that have insufficient affordable housing opportunities available. To do that, the bill, sponsored by Rep. Shelley Kloba (D–Kirkland), proposes the following:

- Authorizes cities and counties to create a prescriptive affordable housing incentive program to preserve very low-income rental housing (50% and below) whose occupants are at-risk of displacement
- Only applies to multifamily residential buildings that are at least 25 years old
- The property must have at minimum of 25% of units rented at no more than 30% of the income of households at 50% or below AMI
- Must have 90% occupancy rate at time of exemption application
- Must provide a minimum of 50% of the building space for permanent residential units
- Provide property tax exemption for eligible property owners for 6 years, with one renewal based on amount of total square footage that is dedicated to qualifying units
- Requires government inspection

The bill has pages of more specific requirements for both the property owner and the regulating local jurisdiction. Please provide feedback that can streamline this proposal yet still achieve the desired intent.

HB 1350, sponsored by Rep. Amy Walen (D–Kirkland), would expand the 12-year multifamily tax exemption program (MFTE) to include converting existing multifamily units in buildings that were built no more than 15 years ago. Unfortunately, this opportunity is only available in Clark, King, Pierce, Snohomish, Spokane, and Thurston counties. Further, to use this expansion a city must designate a “low-income conversion target area” as detailed in the bill.

Dates to remember

HB 1343 and **HB 1350** will both be heard in the House Housing Committee on Tuesday, January 31 at 4 pm.

SB 5334 will be heard in the Senate Local Government, Land Use & Tribal Affairs Committee on Tuesday, January 31 at 8 am.

continued

Three more bills aimed at streamlining housing permits

Contact: Carl Schroeder, Shannon McClelland

One of the four pillars of AWC's Housing Solutions Group's legislative package is regulatory streamlining. Three streamlining proposals from House representatives have hearings this week, but only one is aligned with our proposal.

HB 1293, sponsored by Rep. Mark Klicker (R–Walla Walla), supports two aspects of AWC's housing policy proposal. The first is to exempt all residential development from SEPA if the development intensity is consistent what is planned for in the comprehensive plan and the plan went through environmental impact analysis. The bill also includes provision to eliminate external design review boards, allowing only administrative review of design standards.

There is one concerning amendment in section 3 that reads as though cities must have express authority from the state to regulate land use. Unlike Dillon's Rule states, where cities must prove they have specific permission to act, cities in home rule states have broad authority to act unless a state law prohibits the action. Washington is a home rule state.

HB 1449, sponsored by Rep. Emily Alvarado (D–Seattle), amends reporting requirements for the project permit application processing timeline. It removes building permits from definition of "project permit" in RCW 36.70B.020 and adds annual reporting requirements for each instance where the city took longer than the city's own timeline to process a permit. The bill also directs the Department of Commerce to create a website to report out compliance. Finally, cities are ineligible for Growth Management Act planning and environmental grants if not in compliance with reporting.

This bill is trying to address the lack of compliance with existing permit timeline reporting. Given that cities would be held to the timelines they create, this appears to be a reasonable approach on permit timeline reporting. Please share your any concerns with Carl and Shannon.

HB 1611, sponsored by Rep. Julia Reed (D–Seattle), is a prescriptive approach. By March 2024, each planning city with a population of 20,000 or more, and by March 2025 for those under that threshold must implement the permit processing requirements of section 5 dealing with application completeness (14 days) and residential use permit processing timelines, which are based on dwelling unit numbers. There are many issues with this approach but, just practically, the bill doesn't account for the fact that many cities have online permitting systems now and requires cities to mail or deliver a notice of completeness in person. Your feedback on this bill is appreciated.

Dates to remember

HB 1293 will be heard in the House Housing Committee on Monday, January 30 at 1:30 pm and is schedule for a vote in the same committee on Thursday, February 2 at 8 am.

HB 1449 will be heard in the House Local Government Committee on Tuesday, January 31 at 10:30 am and is scheduled for a vote in the same committee on Friday, February 3 at 10:30 am.

HB 1611 will be heard in the House Housing Committee on Monday, January 30 at 1:30 pm.

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Transit density bill joins the fray

Contact: Carl Schroeder, Shannon McClelland

Several housing density bills include provisions specific to transit, but this proposal is solely focused on transit-oriented development (TOD). We have been looking forward to the scheduling of this proposal as it is likely to be the vehicle for the conversation about how to maximize housing opportunities near transit, which is a pillar of the approach put forward by the AWC Housing Solutions Group. This proposal has other elements that are more challenging, however, especially the restrictions of authority to provide for parking.

SB 5466, sponsored by Sen. Marko Liias (D–Edmonds), is a bill requested by Governor Inslee. Here’s what the bill would do in a nutshell:

- Establishes TOD as floor area ratio of four or more for a “station area” and six or more for a “station hub.”
- Station area is defined as 3/4 walkable mile from major transit.
- Station hub is defined as 1/4 walkable mile from major transit.
- Definition of “major transit” is close to what you expect for “major transit” except, by our read, it includes any bus routes with seven-day service that operate on a schedule set by the transit authority.
- Minimum standards:
 1. Can't prohibit multifamily residential in station area where other residential use is allowed.
 2. Must include density bonus in TOD areas of 50% for 60% AMI or below.
 3. No maximum floor area ratio allowed that is less than that prescribed.
 4. No maximum density allowed in TOD.
 5. Prohibits requiring off-street parking in station area.
- Allows an alternative to minimum standard #3: Exemption if average minimum floor area ratio of TOD area meets the minimum AND no part of a station hub is subject to a maximum floor area ratio that is less than 1.0, AND no part of a station area is subject to a maximum floor area ratio that is less than 0.5.
- The proposal contains the same concerning anti displacement review that appears in the middle housing bill.
- Establishes categorical exemptions for infill development near stations.
- Planning grants, competitive housing financing TOD project grants, and compliance review provided.

Date to remember

SB 5466 will be heard in the Senate Local Government, Land Use & Tribal Affairs Committee on Tuesday, January 31 at 8 am.

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Opening land for housing is a theme in recent proposals

Contact: Carl Schroeder, Shannon McClelland

To leave no stone unturned in their mission to address housing affordability and supply, the Legislature turns to bills that would in one form or another provide additional urban land for development or allow more urban levels of development in limited areas of counties.

Annexation

First up is a great proposal from Rep. April Berg (D–Mill Creek) to re-institute the annexation sales tax credit to provide resources to facilitate and incentivize annexations. **HB 1425** applies to all cities and counties and is triggered by an inter-local agreement between a city and county.

Cities can receive a 1/10th of one percent sales tax credit for annexations of more than 2,000 in population but less than 10,000. Cities can receive a 2/10th of one percent sales tax credit for annexations of more than 10,000 in population.

All revenue collected under this sales tax credit may only be used to provide, maintain, and operate municipal services for the annexation area.

Urban Growth Area expansion

Rep. Cindy Jacobsen (R–Puyallup) has an interesting new take on how to consider urban growth area (UGA) expansion. **HB 1402** is premised on the reality that property owners control whether and how their property is developed. It declares that if there are properties within the existing UGA that are in flood plains or remain undeveloped or underdeveloped after twenty years, the county may assume that those properties or areas will not be developed as expected. They may expand the urban growth boundary to include more buildable land to satisfy the projected need. The proposal then goes further to preclude the growth management hearings board from hearing petitions regarding compliance or validity of these expansions.

Dates to remember

HB 1425 and **HB 1402** are scheduled for public hearing in the House Local Government Committee on Wednesday, February 1 at 8 am.

Broadband & telecommunications

\$200 million request made for Capital Broadband Investment Acceleration Program

Contact: Brandy DeLange, Brianna Morin

SB 5577, introduced by Sen. Nikki Torres (R–Pasco), creates the Capital Broadband Investment Acceleration Program within the Washington State Broadband Office. Intended to assist the state in taking advantage of the influx of federal dollars available for broadband services, the program would fund efforts to increase broadband access in unserved areas of WA.

The bill requests a \$200 million appropriation from the Washington Legislature to fund the competitive grant program within the current biennium. Awards made to program applicants are to be used as match funds required to participate in federal broadband infrastructure programs. Priority for grants must be for projects that serve distressed areas and rural counties across the state. Cities and towns are eligible applicants.

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Budget & finance

State infrastructure bank proposal scheduled for hearing

Contact: Candice Bock, Sheila Gall

A bill that would create a state infrastructure bank to issue debt to support infrastructure projects for state, local, and tribal governments will be heard this week. **SB 5509**, sponsored by Sen. Kuderer (D–Bellevue) is like proposals in previous years and would be created once sufficient state funding is provided to support operations and debt issuance.

The bank would be an option for local governments to invest funds and receive low interest loans to help finance infrastructure and economic development projects. It is intended to be voluntary and in addition to other local government infrastructure investment programs. Bonds issued by the infrastructure bank would be issued in the name of the bank and not the debt of the state or participating local governments.

AWC supports this proposal but reminds legislators that it does not replace the need to fully fund the Public Works Assistance Account or other state infrastructure funding programs.

Date to remember

SB 5509 is scheduled for a hearing in the Business, Financial Services, Gaming & Trade Committee on Tuesday, January 31 at 8 am.

Bill to link cap on property taxes to inflation and population introduced

Contact: Candice Bock, Sheila Gall

The bill, sponsored by Rep. Ormsby (D–Spokane), revises the property tax cap for local governments to account for inflation and population growth up to three percent (**HB 1670**). Changing the cap on property taxes to tie it to inflation and population growth is a proposal AWC has supported for several years and would help cities keep up with the increasing costs of services.

In a recent public opinion survey commissioned by AWC, 72% of respondents indicated support for a 3% cap on property taxes. We encourage city officials to talk to your legislators about the need for this local revenue flexibility.

The proposal was one of the recommendations of the State Tax Structure Work Group (<https://taxworkgroup.org/recommendations>) and would be limited to local government levies. The state property tax levy limit would remain one percent. The other work group recommendation related to replacing the state B&O tax with a margins tax (<https://wacities.org/advocacy/news/advocacy-news/2023/01/23/margin-tax-proposed-to-replace-state-b-o-tax>) was heard last week.

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Court security task force recommendations seek funding for small rural courts

Contact: Candice Bock, Sheila Gall

The Board for Judicial Administration (BJA) and Court Security Task Force recently released communications on court security funding ([https://www.courts.wa.gov/programs_orgs/pos_bja/taskForce/pdf/Court Security Funding - FAQs 2023.pdf](https://www.courts.wa.gov/programs_orgs/pos_bja/taskForce/pdf/Court%20Security%20Funding%20-%20FAQs%202023.pdf)) recommendations.

The task force focused on strategies for Washington Courts resources to meet minimum security standards and increased challenges to public and court employee safety.

One of the recommendations included an Administrative Office of the Courts proposed budget request for \$2.5 million annually to establish the Security Matching Grant Program ([https://www.courts.wa.gov/programs_orgs/pos_bja/taskForce/pdf/Small Rural Court Security Matching Program One Pager 2023.pdf](https://www.courts.wa.gov/programs_orgs/pos_bja/taskForce/pdf/Small%20Rural%20Court%20Security%20Matching%20Program%20One%20Pager%202023.pdf)). The new program would fund up to 90 percent of the costs for security equipment and private security staff for small and rural courts in economically distressed areas. Local government matching contributions would be a variable percentage of the costs to secure local courthouses.

The BJA communications also include a draft letter (https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.courts.wa.gov%2Fprograms_orgs%2Fpos_bja%2FtaskForce%2Fdocs%2FCourt%2520Security%2520Support%2520Template%25202023.docx&wdOrigin=BROWSELINK) for jurisdictions that want to advocate in support of the funding.

Economic development

Senate to consider fixes to Tax Increment Financing program

Contact: Candice Bock, Jacob Ewing

Tax Increment Financing (TIF) was finally permitted in Washington after the passage of **HB 1189** in 2021. Now, two years later, the Senate is considering some requested fixes and adjustments to the law.

As a reminder, Tax Increment Financing (TIF) captures a property's appreciated value by using its increased property taxes to finance infrastructure improvements that benefit a designated area. Local jurisdictions that utilize TIF benefit from improved public infrastructure, increased economic development, and local job growth.

SB 5539, sponsored by Sens. Annette Cleveland (D–Vancouver) & Lynda Wilson (R–Vancouver) and requested by the State Treasurer, would make technical corrections to the current TIF program in an effort to make it more effective for local governments. As written, the bipartisan bill would:

- Ensure private investments made on government-owned lands are included in the calculated increment value.
- Establish that the relocation and construction of a government-owned facility would be included as an eligible project.
- Clarify the definitions of 'increment value' and 'tax allocation base value' to be in-line with current law regarding add-on levies.
- AWC supported the creation of TIF in Washington in 2021 (https://wacities.org/docs/default-source/legislative/factsheettif2021.pdf?sfvrsn=6e82234f_3) and supports these fixes that will make the TIF program more practical and useful for local governments.

Dates to remember

SB 5539 is scheduled for public hearing in the Senate Business, Financial Services, Gaming & Trade Committee on Tuesday, January 31 at 8 am.

continued

Energy

Help may be on the way to low-income households making energy efficiency upgrades

Contact: Brandy DeLange, Brianna Morin

Washington's electric utilities may see new loan granting authority to residential customers under a proposal from Sen. Liz Lovelett (D–Anacortes). **SB 5570** establishes a grant program for electric utilities looking to establish loan programs for customers to make energy efficiency improvements to their homes.

Recognizing that energy efficiency improvements represent long-term savings for customers but may require costly upfront investments, the bill creates the Electric Utility Energy Efficiency Capitalization Grant program within the Department of Commerce. Electric utilities may apply to Commerce for funding to create an energy efficiency revolving loan program, and thereby offer residential loan options for low-income and moderate-income customers who plan to make residential energy upgrades.

The loans must be interest free. Eligible applicants include homeowners and renters; however, priority for loans must be given to properties in overburdened communities as identified by the state's environmental disparities map. Eligible projects include weatherization, window replacement, and repairs needed to generate energy savings.

The public utility tax does not apply to funds due and payable under the grant program.

General government

Woof! Bill clarifies authority to care for abused and neglected animals

Contact: Candice Bock, Katherine Walton

Rep. Roger Goodman (D–Kirkland) has introduced **HB 1234**, clarifying the authority for law enforcement agencies and local animal care and control agencies to take possession of an abused or neglected animal.

The bill would:

- Clarify the authority of law enforcement and animal control officers to take possession of abused or neglected animals, giving law enforcement or animal control officers authority to enter private property and seize an animal without a warrant if there is probable cause to believe that an animal is in immediate danger, is suffering from serious physical injury or infirmity, or needs immediate medical attention.
- Give officers authority to place the seized animal into the custody of an animal care agency, foster care, or a nonprofit humane society, animal sanctuary, or rescue organization.
- Establish a uniform petition process for the return of a seized animal, including requiring owners to post bond to cover minimum care; and
- Create a new definition of “minimum care”.

The bill had a public hearing last week in the House Civil Rights and Judiciary Committee.

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Bills to prevent “doxing” scheduled for hearings in the Legislature

Contact: Candice Bock, Matt Doumit

Bills to curtail the practice of “doxing” have been scheduled for hearings this week in the House and Senate. “Doxing” is the practice of intentionally publishing a person’s personal identifying information without consent, usually online. The practice is typically used to harass or threaten the person whose information was released, including public officials.

HB 1335, sponsored by Rep. Drew Hansen (D–Bainbridge Island), creates a new civil action against publishing a person’s “personal identifying information” when the publication:

- Was made without the express consent of the person whose information it was;
- Was made with either the intent or knowledge that the information will be used to harm the person whose information it was, or was made with reckless disregard for the risk that the information will be used to harm them; and
- Causes the person whose information it was to suffer either physical harm, significant economic injury, mental anguish, fear of serious physical harm or death to themselves or a close relation, or a substantial life disruption.

The bill includes exceptions for reporting criminal activity and for lawful, constitutionally protected speech. It precludes any defenses that the information was provided to the publisher voluntarily, had been previously publicly disclosed, or was otherwise readily discoverable through research and investigation. The victim

of the publication can bring an action against the publisher or anyone who knowingly benefits from the publication and knew or should have known the publication was doxing. A successful plaintiff can win compensatory damages, punitive damages, statutory damages of \$5000 per violation, attorney fees and costs, an injunction, or other relief the court deems fit. The bill includes a list of definitions, including what information is considered “personal identifying information.”

There is also a Senate companion, **SB 5321**, but it has not yet been scheduled for a hearing.

Another bill, **SB 5299**, sponsored by Sen. John Braun (R–Centralia) and a bi-partisan list of cosponsors, also addresses doxing. While that bill is primarily about enhancing penalties for assaulting police officers, it also contains a section making doxing a gross misdemeanor for first offense, then a class C felony for subsequent offenses. It also creates a private cause of action for victims to sue the person who committed the doxing offense (after they are convicted of the gross misdemeanor), or sue anyone who knowingly benefits from “any venture” that they knew or should have known would result in a third degree assault. In doxing civil actions, the bill imposes joint and several liability on those liable for doxing, and allows victim to recover damages, attorney fees, and other relief.

SB 5299 defines doxing slightly differently than **HB 1335**. Under the bill, a person is guilty of doxing if:

- They post another person’s personally identifiable information without consent
- They know that publishing the information is reasonably likely to result in harassment, bodily injury, or death of the person identified
- The posting of the information causes the person identified to experience substantial life disruption, harassment, bodily injury, or death.

The bill excludes publishing information when reporting unlawful activity, participating in an official investigation by a government agency or an employer, or in connection with lawful constitutionally protected activities from the definition of doxing.

Public officials and some public employees like police are often the target of doxing campaigns, including some local government officials in Washington. In those cases, the publication of the official’s personal information was typically an attempt to intimidate, harass, or even just disrupt the lives of the officials or their families. However, especially when talking about public officials, there are important free speech considerations for attempts to prevent doxing. AWC will continue to follow this issue as it develops.

Dates to remember

HB 1335 is scheduled for a public hearing in the House Civil Rights & Judiciary Committee on Tuesday, January 31 at 10:30 am. It is also scheduled for a committee vote on Friday, February 3 at 10:30 am.

SB 5299 is scheduled for a public hearing in the Senate Law & Justice Committee on Tuesday January 31 at 10:30 am. It is also scheduled for a committee vote on Thursday, February 2 at 8 am.

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HR & labor relations

Bill allowing access to PFML claim info scheduled for hearing

Contact: Candice Bock, Matt Doumit

In response to several years of employer requests, a new bill that would allow “interested parties” access to information on an employee’s Paid Family & Medical Leave (PFML) has been introduced.

SB 5586 is a bi-partisan bill sponsored by Sens. Curtis King (R–Yakima) and June Robinson (D–Everett). The bill amends the data privacy provisions of the PFML statute to allow “interested parties” to access certain records on an employee’s PFML claims, including:

- The type of leave being taken
- Requested duration and approved dates of leave
- Remaining hours of leave entitlement available to the employee
- The employee’s weekly benefit amount
- Actual benefits paid out and leave hours claimed

The bill restricts the use of this information to use for administering established internal employer leave or benefit practices. It also leaves the definition of “interested party” and the manner the PFML data is accessed up to the Employment Security Department (ESD) to determine by rule.

Cities and other employers have long asked ESD for access to this type of information so that they can better manage their own internal leave and benefits programs for their employees. Cities have told AWC that it is often difficult to coordinate with employees about return to work or other matters when they are out on leave, as well as decide how to manage certain employer-provided benefits while employees are out on PFML without this information. Current law only allows ESD to share certain claim determination information, information related to an employer’s own premium assessment, and when an employee has completely exhausted their PFML leave entitlement.

AWC supports **SB 5586**, since it will help cities know what types of leave an employee is using or remains entitled to, help employers better administer their employees’ participation in the PFML program, and let employers help employees to better understand how PFML impacts their other benefits.

Dates to remember

SB 5586 is scheduled for a public hearing in the Senate Labor & Commerce Committee on Thursday, February 2 at 8 am.

Childcare and adult dependent care could be allowed as travel expenses under new proposal

Contact: Candice Bock, Matt Doumit

A new proposal would allow state and local governments to reimburse employees for childcare or adult dependent care as part of their travel expenses when they travel for work.

SB 5485 is sponsored by Sen. Sharon Shewmake (D–Bellingham). The bill allows but doesn’t require state and local governments to reimburse officials or employees for reasonable childcare or adult dependent care expenses that the official or employee incurred while doing reimbursable work-related travel. It also amends state public

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service ethics laws to exclude reimbursement of reasonable travel and subsistence expenses (which includes childcare and adult dependent care) from prohibitions against using public office for “private benefit or gain” when the employee or official is traveling on official business.

The bill also contains an intent section, where it makes legislative findings that childcare and adult dependent care can be a major expense to public employees when they travel for work, and that the bill is intended to clarify that such expenses should be considered as travel expenses alongside transportation expenses, lodging, and meals. It notes that childcare and adult dependent care responsibilities fall disproportionately on women, and that the barriers to providing such care can limit advancement opportunities for public employees if they can’t travel for work.

Dates to remember

SB 5485 is scheduled for public hearing in the Senate State Government & Elections Committee on Tuesday, January 31 at 1:30 pm.

Bill requires new workers compensation standards for self-insured employers

Contact: Candice Bock, Matt Doumit

A bill that would impose a “duty of good faith and fair dealing” between self-insured employers and their injured employees in their self-insured workers’ compensation systems is scheduled for a hearing this week. Many larger cities are self-insured employers for workers compensation claims.

HB 1521, sponsored by Rep. Dan Bronoske (D–Lakewood), requires self-insured employers and self-insured employers’ lay representative third-party administrators to have a duty of good faith and fair dealing with workers in self-insured workers compensation programs. An employer or administrator violates this duty if they wrongfully induce a worker to accept less than the compensation due under self-insured employers law, or otherwise fails to act in good faith regarding its obligations under law. The bill also requires the Department of Labor & Industries (L&I) to adopt rules on good faith dealing, criteria for penalties for violations, and must consider recognized claims processing practices when drafting rules. It also requires L&I to investigate violations and permits penalties of up to \$3000 per violation.

There is a Senate companion, **SB 5524**, that has not yet been scheduled for a hearing, though one is expected in the near future.

Some self-insured employer advocates have indicated that **HB 1521** goes beyond a compromise made in 2020 to increase various penalties for self-insurers and require licensing of third-party administrators. Those advocates have indicated that L&I has not yet fully implemented the 2020 changes and argue that this year’s bills send the message that self-insured employers and third-party administrators can’t be trusted despite strong regulatory oversight by L&I.

Dates to remember

HB 1521 is scheduled for public hearing in the House Labor & Workplace Standards Committee on Wednesday, February 1 at 8 am.

continued

Human services

Trueblood bill defers responsibility to local governments without new funding

Contact: Candice Bock, Katherine Walton

A bill requested by the governor and sponsored by Sen. Manka Dhingra (D–Redmond) defers state responsibility to local governments to provide timely competency evaluations and restoration services to individuals suffering from behavioral health disorders in jails. AWC opposes **SB 5440**, which is scheduled for a public hearing on Thursday.

The 2014 *Trueblood v. DSHS* lawsuit challenged unconstitutional delays in competency evaluation and restoration services for people detained in jails. As it currently works, if a court believes a mental disability may prevent a defendant from assisting in their own defense, the criminal case is put on hold while an evaluation is completed to determine the defendant's competency. If the evaluation finds the defendant competent, they are returned to stand trial. If the evaluation finds the person is not competent to stand trial, the court can order services to restore competency. As it stands now, the state Department of Social and Health Services (DSHS) must provide competency evaluations within 14 days and competency restoration services within seven days of court orders and is fined when those deadlines are not met.

The numbers of in-jail competency orders have ballooned in the past few years, from 978 statewide in 2013 to 2,397 last year and DSHS is not keeping up (<https://www.dshs.wa.gov/bha/trueblood-et-al-v-washington-state-dshs>). According to DSHS's own data (<https://www.dshs.wa.gov/sites/default/files/BHSIA/FMHS/Trueblood/2022Trueblood/Trueblood-Report-2022-10.pdf>), wait times for mental health services had reached an average of over 80 days and have cost Washington taxpayers an estimated \$98 million since 2018.

Currently, DSHS is in court again as Disability Rights Washington has filed a motion in federal court alleging a breach in the 2018 settlement to provide timely competency restoration services (source (<https://www.seattletimes.com/seattle-news/mental-health/wa-again-under-pressure-to-curb-delays-in-mental-health-services-for-people-stuck-in-jail/>)).

The Governor's solution defers responsibility from the state and DSHS and puts that responsibility on local governments.

The bill states that if there is genuine doubt as to competency, the court on its own motion or on the motion of any party shall first review the allegations of incompetency. The court must appoint a qualified expert, approved by the prosecuting attorney, to evaluate and report upon the mental condition of the defendant. For individuals charged with a misdemeanor who have had two or more competency evaluations in the past two years, a forensic navigator would be assigned to meet with the individual and come up with a recommended diversion plan.

For defendants with a class C felony charge, the county would be responsible to hold that individual for inpatient competency restoration or outpatient restoration based on a recommendation from a forensic navigator. There are some situations where the prosecutor could request restoration to be conducted by the state, including in cases of domestic violence. DSHS or the county would also be able to authorize law enforcement transport to the designated inpatient competency restoration facility.

The Washington State Association of Counties is opposed to this bill (<https://www.wsac.org/trueblood-is-a-state-not-a-county-responsibility/>) as it shifts a significant burden to counties and county run jails. However, it will also impact cities directly and indirectly.

Dates to remember

SB 5440 is scheduled for public hearing in the Senate Law & Justice committee on Thursday, February 2 at 8 am.

continued

Land use & planning

Psilocybin bill scheduled for public hearing

Contact: Candice Bock, Katherine Walton

SB 5263, sponsored by Sen. Jesse Salomon (D–Shoreline), would legalize psilocybin for therapeutic purposes for people 21+. Unlike regulated substances like cannabis which are authorized for sale for recreational use, only trained and licensed facilitators would be allowed to administer psilocybin for therapeutic purposes.

Under the law, the state Department of Health (DOH) would be primarily responsible for licensing and regulating the new industry. The bill establishes a Washington Psilocybin Advisory Board that would research and recommend a comprehensive regulatory framework during a two-year development period following the bill’s passage. DOH would be authorized to begin accepting applications for manufacturing, service centers, or trest products beginning September 2025.

There is a lot more in this 81-page bill, but we wanted to let you know the impact to cities:

- Cities would not be authorized to tax (or impose a fee on) manufacture or sale of psilocybin products.
- Cities could adopt ordinances that impose the following “reasonable” regulations on the operations of businesses:
 - Conditions on the manner in which a psilocybin product manufacturer that holds a license may manufacture psilocybin products.
 - Conditions on the manner in which a center operates services.
 - Limitations on the hours during which a center may operate.
 - Requirements limited to the public’s access to a center.
 - Limitations on where a center may be located.
 - However, cities may not require a center or manufacturer to be located at a distance greater than 1,000 feet from a school (or more than 500 feet from a school if there is a physical or geographic barrier that prevents children from accessing the property).
- Cities would be required to notify DOH of any conviction of a violation of the statute and two-way communication between the state and local governments is mentioned throughout, including a hotline that city employees could call to determine if a manufacturer or service center holds a license or is operating illegally.

Dates to remember

SB 5263 is scheduled for public hearing in the Senate Labor & Commerce committee on Monday, January 30 at 10:30 am.

continued

Open government

House and Senate introduce bipartisan bills that limit frivolous public records request lawsuits

Contact: Candice Bock, Katherine Walton

Senator Ann Rivers (R–La Center) and Representative Larry Springer (D–Kirkland) have introduced companion bills intended to reduce the number of frivolous lawsuits pertaining to public records requests. **SB 5571** and **HB 1597** do not impact the ability to request records but focus on administrative problem-solving before a requester can file a lawsuit.

AWC has heard from numerous cities about the challenges they face with repeated public records litigation that seems more intent on generating settlement payouts than uncovering public records. This type of habitual litigation waste taxpayer resources and takes away from being able to effectively and efficiently respond to other records requests.

SB 5571/HB 1597 contain the following updates to the Public Records Act (PRA):

- If a records requester is not satisfied with the agency's response to their records request (because their request was denied or they believe they received incomplete records), the requester would be able to petition the agency for a review within 30 days of the denial or closure of that request.
- This bill would require cities to establish an administrative review process to handle these appeals. Agencies would have to complete the review within 20 business days of receiving the petition. If this process uncovers records that were improperly withheld, the agency would need to provide the requester with those records.
- Requesters would have to exhaust all administrative remedies available before seeking judicial review. Courts would be required to look at whether cities acted reasonably and in good faith when determining an award and would have the option to direct all or a portion of the award to be deposited into the local government archives account, which funds public records consultation, training, and providing local governments with resources to support records management and retention.
- If the court finds that the requester participated in civil action for an improper purpose, the court may not assess and award costs or attorney fees to the party. Improper purpose is defined as the intent to "harass, to cause an unreasonable or a frivolous increase in the cost of government operations or delay in government action; in pursuit of an award of statutory fees, costs, or other monetary award; to cause a violation of this chapter; or for any other frivolous purpose".
- The bill would also give agencies ten days (instead of two) to complete an internal review of denials of requests.

continued

City officials are committed to open government and upholding the PRA. Cities expend significant resources to do both. However, we need to close the loophole that allows individuals to use the Public Records Act (PRA) for their own monetary gain at the cost of taxpayer dollars.

Public agencies that reported public records data to the Joint Legislative **133 court claims filed in 2021 alleging a violation of the PRA**, which has increased every year since 2018. These 215 agencies spent **\$7,214,129 on litigation costs associated with public records requests in 2021**.

As an example, **in the past four years a single individual has filed over 100 lawsuits** against agencies across Washington, costing taxpayers millions of dollars in settlements, legal costs, penalties, and other payments.

Already the news media and open government groups are railing against this proposal claiming that it will limit access to records.

We urge you to let your Legislators know how important responsible fixes to the PRA are for cities and ask them to support these bills. You can use this handy one-page summary (https://wacities.org/docs/default-source/legislative/pralimitfrivolousclaims.pdf?Status=Master&sfvrsn=2f09264f_3)!

Want more?

Read AWC's article (<https://wacities.org/advocacy/news/advocacy-news/2023/01/13/check-it-out!-jlarc-releases-2021-public-records-data>) about the JLARC Public Records Report for 2021.

continued

Public safety & criminal justice

Bills related to police vehicle pursuits up for hearing this week

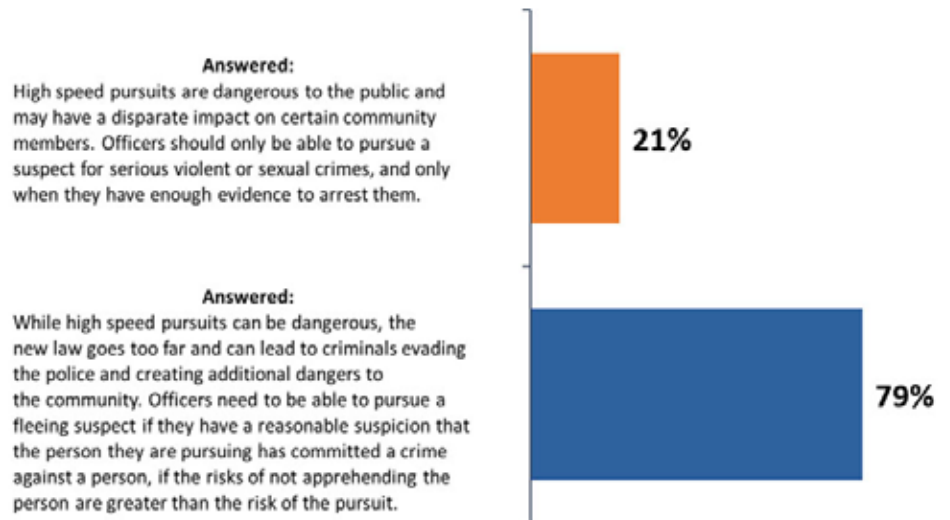
Contact: Candice Bock, Katherine Walton

An AWC priority bill to revise police pursuit restrictions is set for a hearing. We urge city officials to sign up to testify and speak to your local legislators about the need to support this bill. **HB 1363**, sponsored by Alicia Rule (D-Blaine), revises the pursuits restrictions to use a 'reasonable suspicion' standard as well as other safety measures.

Want to testify or provide written comment but don't know how? We can help with that! (<https://wacities.org/advocacy/News/advocacy-news/2023/01/23/learn-how-to-sign-in-and-testify>) You can testify in person, over Zoom, or provide written testimony. Let us know if you plan to testify (you can email Candice Bock or Katherine Walton).

Updating the restrictions around vehicle pursuits is a 2023 legislative priority (<https://wacities.org/advocacy/City-Legislative-Priorities>) for Washington cities. AWC has been working with sponsors on this vehicular pursuit bill that has a 'reasonable suspicion' standard, which is essential to address concerns about impacts to public safety and allow for effective and safe pursuit of suspects when there is an immediate threat to public safety.

In a recent public opinion survey commissioned by AWC we asked 500 likely voters from around the state their opinions on this issue. 79% indicated support for changing the pursuit restrictions to use a reasonable suspicion standard.



continued

In order to engage in a pursuit, **HB 1363** would require that:

- Officers must have reasonable suspicion that a person in the vehicle has committed or is committing a criminal offense.
- Officers comply with agencies procedures designating the primary pursuit vehicle and determining the appropriate number of vehicles to conduct the pursuit.
- The pursuing officer, supervisor, or dispatch must notify neighboring agencies.
- The pursuing officer must be able to directly communicate with other officers engaging in the pursuit and the dispatch agency.
- The pursuing officer, supervising officer or agency develop a plan to end the pursuit through intervention (spike strips, etc.).
- The pursuing officer has completed an emergency vehicle operator's course, updated emergency vehicle operator training within two years, and is certified in at least one pursuit intervention option.

Importantly, the bill does not prohibit cities from adopting more restrictive pursuit standards or limitations.

Additional police pursuits proposals

Both the House and Senate will also hear bills that would task the Criminal Justice Training Commission (CJTC) to create vehicular pursuit recommendations and establish grant programs to help fund acquisition of new technology for tracking vehicles (i.e., license plate readers, GPS darts). **SB 5533**, sponsored by Sen. John Lovick (D–Mill Creek), directs the CJTC to develop a model policy for pursuits along with establishing a grant program for deploying new technology to track vehicles. **HB 1586**, sponsored by Rep. Roger Goodman (D–Kirkland), directs the CJTC to establish a work group to develop legislative recommendations as well as establishes a grant program similar to the other proposal. AWC supports the concept of asking the CJTC to develop a model policy and additional recommendations, but neither of these two bills addresses the immediate need to clarify the current restrictions on pursuits. AWC also supports the efforts to create a new grant program to deploy technology to reduce the need for pursuits. AWC will support the intentions of these two bills while asking the legislature to also pass **HB 1363**.

Dates to remember

HB 1363 and **HB 1586** are scheduled for public hearing in the House Community Safety, Justice, & Reentry committee on Tuesday, January 31 at 4 pm.

SB 5533 is scheduled for public hearing in the Senate Law & Justice committee on Monday, January 30 at 10:30 am and is scheduled for a vote in that committee on Thursday, February 2 at 8 am.

Additional resources

Want to read more about vehicular pursuits? Check out our fact sheet (https://wacities.org/docs/default-source/legislative/factsheetpublicsafety2023.pdf?sfvrsn=a63d254f_6) on the topic or read last week's article (<https://wacities.org/advocacy/news/advocacy-news/2023/01/23/bills-revising-police-vehicular-pursuits-restrictions-introduced>).

Learn how to sign up to testify by watching AWC's short instructional video (<https://wacities.org/advocacy/News/advocacy-news/2023/01/23/learn-how-to-sign-in-and-testify>). Don't forget to let us know if you plan to testify! You can email Candice Bock or Katherine Walton.

continued

Public works & infrastructure

Public Works Assistance Account 2.0

Contact: Brandy DeLange, Brianna Morin

Earlier this session, Sen. Mark Mullet (D–Issaquah) introduced **Senate Joint Resolution 8201**, a bipartisan proposal to amend the State Constitution to establish the Public Works Revolving Account in the state Treasury. The measure provides the new account with constitutional protections not afforded to the existing Public Works Assistance Account (PWAA). AWC wrote about the bill [here](#).

In addition to **SJR 8201**, Sen. Mullet has introduced **SB 5303**, which amends state law to recognize the creation of the revolving account and confer governing authority over the account to the Public Works Board. The PWAA remains intact, as does the Board’s authority over it. The bill extends the same authority of the Board over the PWAA to the revolving account. However, under the new law, all moneys received from local governments in the repayment of loans made under the PWAA and the newly established revolving account would be paid into the revolving account. Repayments would no longer be paid into the PWAA.

The PWAA has provided a critical source of low-interest funding to cities working to update, preserve and maintain their critical infrastructure systems. AWC supports both bills and thanks Sens. Mullet and Warnick for their work to protect this important resource for locals. Cities are encouraged to sign in support of both bills.

Date to remember

SB 5303 and **SJR 8201** are scheduled for public hearing in the Senate Ways & Means Committee on Thursday, February 2 at 4 pm.

Apprenticeship utilization requirements see further changes in response to stakeholder input

Contact: Brandy DeLange, Brianna Morin

Aiming to expand apprenticeship utilization requirements for bidders on public works projects, **SB 5133** was introduced earlier this year by Sen. Karen Kaiser (D–Kent). AWC wrote about the bill [here](https://wacities.org/news/2023/01/06/send-us-your-feedback-on-public-works-contracting-proposals) (<https://wacities.org/news/2023/01/06/send-us-your-feedback-on-public-works-contracting-proposals>). A substitute bill has since been adopted to address some concerns raised by stakeholders.

As originally drafted, the bill stated that contractors who failed to meet apprenticeship utilization requirements would be prohibited from bidding on any public works contract for one year. The bill has been updated to allow a “two-strike” system, providing such contractors a warning of noncompliance before being barred from bidding on a project for one year.

Additionally, **SB 5133** was updated so that training agent requirements would apply only to apprenticeship utilization projects. Finally, language was also added to ensure good actors are not required to retake prevailing wage training.

The bill now heads to the Senate Ways and Means committee.

AWC will continue to work with proponents and other stakeholders to address our concerns.

continued

New procurement standards aim to support local government needs

Contact: Brandy DeLange, Brianna Morin

Just three weeks into the legislative session and several proposals addressing public works procurement law have come forward. Yet another has emerged: **HB 1621**, from Rep. Cindy Ryu, (D–Shoreline) seeks to standardize local government procurement rules for first- and second-class cities, and towns. The bill proposes several changes according to the following classes:

Towns and second-class cities:

- Can complete a public work by contract or day labor without calling for bids if the estimated budget doesn't exceed \$150,000 (up from the current \$116,155).
- Any purchase of supplies, material, or equipment (except for public work or improvement) with an estimated cost over \$40,000 must be by contract. Any purchase of materials, supplies, or equipment estimated to cost less than \$50,000 must be made using the informal vendor list process (RCW 39.04.190).

First-class cities:

If the lowest bidder for a city project has completed a project for that city within the previous three years which was late, over budget, or did not meet specifications, the city may choose the second lowest bidder whose bid is within 5% of the lowest bid and meets the specified criteria.

Towns and first- and second-class cities:

Regularly employed personnel can, without a contract, perform work that follows accepted industry practice. More specifically, they can perform work, without a contract, using material whose worth is under \$300,000 in value. The \$300,000 limit does not include the value of the individual items of equipment.

AWC seeks city input on the bill. **Please contact AWC staff if your city has feedback to share.**

Date to remember

HB 1621 is scheduled for public hearing in the House Local Government committee on Wednesday, February 1 at 8 am.

continued

Transportation

Right turns on red lights prohibited near schools, parks, and other community facilities

Contact: Brandy DeLange, Brianna Morin

In light of worsening safety conditions on Washington's roads and highways in recent years, several bills have come forward this session to propose greater safety measures be put in place. One such proposal, **SB 5514**, from Sen. John Lovick (D–Mill Creek), prohibits drivers from making a right turn at a red light when in proximity to certain facilities.

Specifically, the bill prohibits a right turn on a red light within 1,000 feet of:

- Elementary or secondary schools,
- Childcare centers,
- Public parks or playgrounds,
- Recreation centers or facilities,
- Libraries,
- Public transit centers,
- Hospitals,
- Senior centers, and
- Any other facility with high levels of pedestrian traffic as determined by the appropriate local jurisdiction or the Department of Transportation.

The legislation directs the Traffic Safety Commission to conduct a public awareness campaign to inform Washington citizens about the new prohibition. It also requires the state Department of Transportation and local jurisdictions to erect signs at the affected intersections. This provision has raised concerns about the potential for creating a backlog of signage requests and thus a delay in implementation.

AWC supports the intent of the bill but recommends pushing the implementation date out to allow cities the opportunity to order and install signs.

Date to remember

SB 5514 is scheduled for public hearing in the Senate Transportation Committee on Tuesday, January 31 at 4 pm.

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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