Tuesday, February 4, 2020
City Council Workshop

5:30 to 8:00 p.m.

Council Chambers

1. Opening Items.

Subject :	1.01 Pledge of Allegiance
Meeting :	Feb 4, 2020 - City Council Workshop
Category :	1. Opening Items.
Access :	Public
Type :	Procedural

Public Content

"Ipledge allegianceto the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all."

Subject :	1.02 Moment of Silence for Reflection / Invocation - Any City Employee or Elected Official; delivering the invocation, does so in his/her capacity as a private citizen, and not in his /her official position as a city employee/elected city official.
Meeting :	Feb 4, 2020 - City Council Workshop
Category :	1. Opening Items.
Access :	Public
Type :	Procedural

2. Workshop Topics.

Subject :	2.01 Drill Tower Presentation
Meeting :	Feb 4, 2020 - City Council Workshop
Category :	2. Workshop Topics.
Access :	Public
Type :	Procedural

Public Content

Workshop only, no action to be taken.

Historical Perspective:

The current drill grounds that we utilize for fire and rescue training, was built in the 1970's. College Place has never contributed to the maintenance or usage of the facility.

Information for Consideration:

The three local fire departments are in discussion to repair and upgrade the facility. Fire District #4 has saved up for the repair and upgrade they are planning to go forward with the project in 2020, with the other two departments repaying them for their share, which is yet to be determined. We are also looking at other agencies that might want to partner with us to make the facility utilized by as many first responders as feasible.

File Attachments

TRAINING FOR TODAY (1).pdf (1,667 KB)

Subject :	2.02 Indigent Defense Contract Addendum - Ms. Rachel Cortez
Meeting :	Feb 4, 2020 - City Council Workshop
Category :	2. Workshop Topics.
Access :	Public
Type :	Discussion, Information, Procedural

Public Content

Workshop only, no action to be taken.

Expenditure Information: Expenditure Required: $6,750.00 / Budgeted: $2,400.00 / Appropriation Required: $4,350.00

Historical Perspective:

Mrs. Rachel Cortez has served as the Public Defender since March 1st, 2015.

Information for Consideration:

Mrs. Cortez submitted a letter to the City Administrator in late 2019 requesting a compensation increase based on case load demands and the fact that the City contracted with a Conflict Public Defender at a rate higher than that of the main City Public Defender. The Conflict Public Defender is contracted at a per case amount. The request of the City Public Defender is a set fee per month. Mrs. Cortez will present data behind her request.

File Attachments

Rachel Cortez Contract for Indigent Defense 3.1.15.pdf (318 KB)
HR_PayStudies_IndigentDefense_Comparable.pdf (179 KB)
College Place Contract for Indigent Defense.pdf (37 KB)
College Place Cases.pdf (180 KB)
RachelCortez_232020Email.pdf (52 KB)

Subject :	2.03 FY 2020 Legislative Session Update - Mr. Rizzitiello
Meeting :	Feb 4, 2020 - City Council Workshop
Category :	2. Workshop Topics.
Access :	Public
Type :	Discussion, Information, Procedural

Public Content

Workshop only, no action to be taken.

Information for Consideration:

Mr. Rizzitiello will provide an update on legislative happenings in Olympia from when he was over at the State Capital visiting with legislators, Governor's Office representatives, and agency directors.

File Attachments

AWC_BillsofInterest.pdf (143 KB)
FactSheet_AffordableHousing.pdf (57 KB)
FactSheet_BehavioralHealth.pdf (111 KB)
FactSheet_CityFinances.pdf (65 KB)
FactSheet_PropertyTaxCap.pdf (63 KB)
FactSheet_PublicWorksTrustFund.pdf (75 KB)
FactSheet_TaxIncrementFinancing.pdf (57 KB)
FactSheet_TransportationOptions.pdf (60 KB)
FactSheet_WatershedCulverts.pdf (417 KB)
LegislativeBillTracker_Week3.pdf (292 KB)
stateofcities2020.pdf (368 KB)

Subject :	2.04 Lions Park Community Center Lease with College Place Lions Club - Mr. Rizzitiello
Meeting :	Feb 4, 2020 - City Council Workshop
Category :	2. Workshop Topics.
Access :	Public
Type :	Discussion, Information, Procedural

Public Content

Workshop only, no action to be taken.

Historical Perspective:

The previous lease was enacted in February 2000 via a ten year initial lease, with a ten year option that was exercised to February 2020.

Information for Consideration:

The new agreement has updated terminology and reflects existing operations, city code: Examples of changes are as follows:

- New agreement will go five years in duration with five year renewals.
- Agreement spells out that 10% of revenues the Lions Club makes off of renting out space must be used for maintenance and general improvements to facility and surrounding park.
- Reflects utility protocol when City has community events near/at Lions Club Community Center building.
- Should any State tax be enacted that would cover operations of building, Lions Club would pay for it.
- Protects city rights to have events for free at community center.

- Covers the fact it is a community center to satisfy State Recreation Conservation Office criteria.
- A report on operations must be turned in every March 1st.

File Attachments

Lions Club Lease.pdf (229 KB)
Legal_LionsClubLease_2020_Draft.pdf (64 KB)

Subject :	2.05 City Council Training
Meeting :	Feb 4, 2020 - City Council Workshop
Category :	2. Workshop Topics.
Access :	Public
Type :	Discussion, Information, Procedural

Public Content

Workshop only, no action to be taken.

The City Administrator will present key information on the following topics from the Washington City County Managers Association Guidebook for City Managers and Elected Officials:

- Courts, Public Meetings, and Public Records. (Page 1 thru 5)
- Finance & Budget. (Page 6 thru 25)
- Land Use Planning & Economic Development. (Page 26 thru 31)
- Resources. (Page 32)

The City Clerk will review the Council Rules Booklet established with the passing of Resolution No. 20-003

File Attachments

WCMA_CouncilGuidebook.pdf (1,068 KB)
Council_Rules_Booklet_2020.pdf (311 KB)

TRAINING FOR TODAY AND TOMORROW

Training is the backbone of a fire department. It produces a well-prepared force that through repetition increases the speed of an operation and enhances proper execution while reducing injuries.

(Smith, 1996)

High Risk/Low Frequency

(Graham, n.d.)

Civilian Statistics

Trends in fires, deaths, injuries and dollar loss

		Trend
Fires	1,319,500 in 2017	-6.2% from 2008
Deaths	3,400 in 2017	+9.6% from 2008
Injuries	14,670 in 2017	-15.8% from 2008
$ Loss	$23.0 billion in 2017	+12.0% * from 2008

US Fire Administration

Firefighter LODD Statistics 2015 - 2017

2015

Type of Duty	
After	19
Other On-Duty	20
Responding	8
Training	7
Non-fire	10
Fireground	26
Total	90

2016

Type of Duty	
After	21
Other On-Duty	16
Responding	13
Training	9
Non-fire	13
Fireground	17
Total	89

2017

Type of Duty	
After	18
Other On-Duty	16
Responding	12
Training	12
Non-fire	12
Fireground	17
Total	87

US Fire Administration

WAC Mandated Training (annually)

- LIVE FIRE
- INCIDENT MANAGEMENT
- DRIVER TRAINING
- OVERHAUL
- VENTILATION
- SCBA
  - To name a few

(WAC, 2018)

NFPA Requirements

- MINIMUM OF 20 HOURS PER FIREFIGHTER PER MONTH
- NIGHT DRILLS
- MULTI-COMPANY DRILLS (multiple)

(WSRB, 2019)

WSRB
Washington Surveying & Rating Bureau Training Center Requirements

- Drill Tower
- Fire Building
- Combustible Liquid Pit
- Training Aids & Props
- Training Area

(WSRB, 2019)

Training for the Brain as well as the Brawn

- Consistent
- Realistic
- Relevant

"Research suggests that, despite its unpleasantness, pain may actually have positive social consequences, acting as a sort of 'social glue' that fosters cohesion and solidarity within groups."

Association for Psychological Science

Where we are right now

- Current drill tower built in the early 70's.
- Engineer estimates that even if repaired we should only expect a few more years of use.
- Unable to train in live fire due to structural issues (nearing 4 years now)
- Even repaired it will not meet all our needs due to limited ingress and egress (one entry door)
- Has value once repaired and the plan would call for leaving in place…for now.

Estimate for repair of existing tower

Item/Task	Estimated Cost w/o Tax
General Conditions	$ 5,500.00
Mobilization	$ 5,490.00
Roof Parapet Guardrail	$ 1,000.00
Roof Hatch Guardrail	$ 600.00
Roof Tie Back Anchors	$ 600.00
Wall opening closure at Conex Firebox	$ 1,000.00
Repair/Modify West Wall Shutter Doors (8 EA)	$ 1,600.00
Concrete Apron Extension below Conex	$ 1,000.00
CMU interior wall infill (2 blocks)	$ 200.00
FRCM Below second floor	$ 16,000.00
Hollow Metal Doors (2 new installed w/ hardware)	$ 2,800.00
Conex Box (20 ft long delivered to site & set)	$ 3,700.00
Non-skid weather tight coating at roof surfaces	$ 6,200.00
Exterior Concrete & CMU sealer	$ 8,000.00
Exterior Concrete & CMU crack and masonry Repair	$ 8,000.00
East Wall Fire Escape Door Replacement (3 EA)	$ 4,200.00
Total Estimated Construction Cost Before Tax	**$ 65,890.00**

(Personal communication, Nov. 7, 2018)

What are we doing now?

- Acquired structures
  - Elevated safety concerns
  - Few and far between
  - Increased costs
- Actual Events
  - Training value after the fact
  - HIGH RISK/LOW FREQUENCY

OLD VS NEW

70's DRILL TOWER

2020 DRILL TOWER

Proposed Training Tower Highlights

- Two (2) burn rooms
- Multi-story
- Rooms set up close to actual sized residential
- Configurable into many different layouts
- Capable of supporting many different scenarios

Cost recovery options

- Could make us marketable
- Establishes an avenue for maintenance cost recovery

Pasco Fire Department

Facility Use Schedule

Event Name:

Date(s):

Contact Person:

Phone #:

Email:

Training Room Fees: (Priority Given to Public Safety Training and Activities)				
Expense	**Rate**	**Unit**	**Quantity**	**Total Fee**
Classroom and Conference Room	$50.00	Daily		
Props:				
Expense	**Rate**	**Unit**	**Quantity**	**Total Fee**
Forcible Entry Prop	$50.00	Daily		
3-Story Class A Burn Buidling (Live Fire)	$900.00	Daily		
(Includes 1 Live Fire Instructor - IIC /Prop Technician)				
3-Story Class A Burn Buidling (No Live Fire)	$200.00	Daily		
Ground Ventilation Props	$50.00	Hourly		
*1/2 Day Options Available				
Equipment / Supplies				
Expense	**Rate**	**Unit**	**Quantity**	**Total Fee**
Apparatus - Type 1 Engine w/o SCBA	$77.58	Hourly	4	
Liquid Smoke	$40.00	Gallon		
Smoke Generator	$50.00	Daily		
4x8 OSB Sheeting	$15.00	Sheet		
Pallets for Live Fire	$5.00	Pallet		
(1 Burn Package (4OSB, 4 Pallet)	$80.00	Package		
Personnel				
Expense	**Rate**	**Unit**	**Quantity**	**Total Fee**
Additional Live Fire Instructor	$60.00	Hourly		
Engineer	$40.00	Hourly		

Submitted By:

Total Fee

Internal use only:

Date:

Accepted by:

Payment Options: Invoice / PO

*Copy to Finance / Fire Admin

Partnership

- City of Walla Walla
- Walla Walla County Fire District #4
- City of College Place

Proposed Drill Ground

Initial Cost Estimates

New drill tower	$450,000.00
Fix existing tower	$ 95,000.00
Asphalt work	$186,000.00
Irrigation Costs	$ 14,000.00
Permitting fees	$ 9,500.00
Estimated Total	$754,500.00

Project Timeline

- Currently scheduled to meet with City of Walla Walla Planning Department for plan review.
- Optimistically this project could be completed by late 2020.

WE DO THIS FOR OTHERS

References

Smith, J. P., (1996). *Benefits of training*. Retrieved from https://www.firehouse.com/operations-training/article/10544299/benefits-of-training

Graham, G., (n.d.). *High risk/low frequency events in the fire service*. Retrieved from https://www.youtube.com/watch?time_continue=8&v=Og9Usv82CdU

Washington Surveying and Rating Bureau, (2019) *WSRB community protection class grading schedule.*

Washington State Department of Labor & Industries, (2018). *Chapter 296-305 WAC safety standards for fire fighters.* Retrieved from http://www.lni.wa.gov/safety/rules/chapter/305/WAC296-305.pdf

References

Association for Psychological Science, (2014). *Shared Pain Brings People Together.* Retrieved from https://www.psychologicalscience.org/news/releases/shared-pain-brings-people-together.html

U.S. Fire Administration, (2018). Annual report on firefighter fatalities in the United States. Retrieved from https://www.usfa.fema.gov/data/statistics/ff_fatality_reports.html

ORIGINAL

CONTRACT FOR INDIGENT DEFENSE

THIS AGREEMENT is made and entered into effective as of March 1, 2015, between the CITY OF COLLEGE PLACE, a municipal corporation of the State of Washington, hereinafter referred to as "City", and Rachel Cortez, hereinafter referred to as "Attorney".

NOW, THEREFORE, it is agreed by the parties as follows:

1. **SCOPE OF SERVICE.** Except as set out below, Attorney shall be responsible for representing or providing suitable representation for every person involved as a party in a College Place case before the Walla Walla County District whenever publicly provided counsel for such person is required by the constitution or laws of the United States or the State of Washington and such representation has not been lawfully waived. A case is defined as the filing of a document with the court naming a person as defendant or respondent, to which an attorney is appointed in order to provide representation. Multiple citations from the same incident shall be counted as one case. In the event a change of venue is granted to a person for whom Attorney is to provide representation pursuant to this contract, Attorney shall continue to represent such person in that court with no additional compensations over the contract price.

The parties agree and understand that C. Dale Slack currently has a contract with the City having substantially the same terms and conditions as this contract and that Rachael Cortez is currently handling all College Place cases under that Contract ("the Slack Contract"). The parties further agree and understand that Mr. Slack is resigning his contract effective March 1, 2015. Attorney agrees that she will continue to handle any cases that are pending March 1, 2015 under the Slack Contract and will continue to represent the defendants in those cases to their conclusion per the terms and conditions of this instant contract.

(a) <u>Warranties</u>: The attorney will provide indigent defense services in accordance with the Standards for Indigent Defense adopted by the Washington State Supreme Court, as the same exist or are hereafter amended. A copy of these standards is attached hereto as Exhibit A. The attorney warrants that she, and every attorney and/or intern employed by the Attorney to perform services under this contract, has read and fully understands the provisions of these Standards. Compliance with these Standards goes to the essence of this Contract. The Attorney, and every attorney and/or intern performing services under this Contract, shall certify compliance quarterly with the Walla Walla County District Court on the form established for that purpose by the Standards for Indigent Defense. A copy of each and every such certification shall be provided to the City Administrator contemporaneously with filing with the Walla Walla County District Court and the same shall be available for inspection by the public. The attorney further warrants that her proposal, reflected in section 2, Compensation, reflects all infrastructure, support, administrative services and systems necessary to comply with the Standards.

(b) <u>Appeals</u>. Whenever a person represented by Attorney demands an appeal from a matter filed in the Walla Walla County District Court, Attorney shall assist said person in perfecting the appeal and shall represent said person in Superior Court or subsequent remands to College Place Municipal Court.

(c) Show Cause Docket. Attorney shall appear at the Walla Walla County District Court's Show Cause Docket, at the direction of the Judge or as otherwise indicated, whenever a defendant requests or requires legal representation. The Attorney's obligation in this regard does not include an obligation to monitor a defendant's compliance with probation conditions or to provide continuous representation to defendants after entry of judgment and sentence. Nothing herein shall be construed as limiting Attorney's obligation to represent defendants in show cause proceedings or the Attorney's right to withdraw from a case after entry of a judgment and sentence or completion of an appeal and subsequent remand.

2. **MANNER OF SERVICE.** Attorney shall contact and meet with the client within 72 hours of appointment and shall maintain file notes to confirm the same. Services provided by Attorney pursuant to this contract shall be performed in a prompt, professional, skilled and competent manner consistent with the laws of the State of Washington, the rules adopted by the State Supreme Court, the minimum standards set forth by the American Bar and Washington State Bar Association, the Rules of Professional Conduct, case law and applicable court rules defining the duties of counsel and the rights of defendants in criminal cases. The Attorney's primary and most fundamental responsibility shall be to promote and protect the interests of the client. Services to be provided by Attorney, insofar as applicable and necessary in any given case, shall include counseling, investigation, preparation of motions and court papers, hearings and trial work, post-trial motions and such other services as would normally be provided by competent private counsel.

3. **ADMINISTRATIVE COSTS, SUPPORT SERVICES AND INFRASTRUCTURE.** The Attorney shall provide for adequate administrative support, including but not limited to:

(a) Travel, law library and/or electronic research capabilities, financial accounting, case management systems, computers, word processing equipment and software, office space and supplies.

(b) Private offices and/or conference rooms which allow the maintenance of confidentiality. The Attorney shall maintain and office within the corporate limits of the City of Walla Walla or the City of College Place, provided, however, that it Attorney's office is located outside these areas the attorney may, in lieu of maintaining such an office, use City facilities for the purpose of conducting client interviews during normal business hours.

(c) A telephone system, internet access and postal address.

(d) Adequate staffing under the contract. An adequate staff includes the provision for investigative services, legal assistance, accounting services, case management services and/or programs and access, when needed, to the services of a social worker, mental health professional and translator.

4. **PERFORMANCE AND MONITORING.** The Attorney shall maintain a case reporting and information management system. Such system shall have the capability to provide periodic reports to the City regarding the caseloads generated under this contract for each attorney and intern providing services under the contract, including case name, type of case, time expended

handling the case, motions filed, disposition and history. Further, attorney agrees to provide the Court with a record of time and expenses incurred in the representation of a defendant at the time of sentencing in those cases where recoupment of all or a portion of the Attorney's fees is deemed appropriate by the Court.

5. **CASELOAD LIMITS.** The Attorney and his associates shall comply with all caseload limitations imposed pursuant to the Court Rules and the Standards for Indigent Defense adopted Standards of the Washington State Supreme Court. The Attorney is not a full-time public defense attorney inasmuch as she also maintains a private law practices. Currently the maximum number of misdemeanor cases that a full-time public defense attorney is permitted to handle under the Standards is 400 annually. Attorney represents that that the number of indigent misdemeanor cases that she handles on an annual basis does not exceed in number a number derived by multiplying the amount of time she spends on misdemeanor cases annually by 400 and then dividing the product by the amount of time she spends on all of the cases he handles annually. To facilitate the caseload limits computation Attorney shall report all of her public defense contracts and hours billed for nonpublic defense legal services, including number and types of private cases. Attorney certifies that she will not accept a greater number of cases (or a proportional mix of different case types) than specified in Standard 3.4, prorated if the amount of time spent for indigent defense is less than full time, and taking into account the applicable case counting system.

6. **PAYMENT.** In consideration for Attorney's performance hereunder, including the completion of all cases and matters covered by the Contract as of the date of any termination, City shall pay Attorney TWO THOUSAND FOUR HUNDRED DOLLARS ($2,400.00) per month until any termination. The first payment is due on the last day of the month in which performance commences, and each succeeding payment is due on the last day of each month thereafter, provided, however, that upon any termination the final monthly payment shall be paid in two installments, one-half on the last day of the month in which termination is to occur and one-half on the last day of the following month. Attorney agrees to submit an invoice to the City on forms approved by the City's Finance Director for compensation in accordance with the Contract terms set forth herein. Attorney warrants that the compensation provided is sufficient to provide adequately for the training, administrative and staff services, and infrastructure required by Washington State Standards for Indigent Defense, Court Rule and the State and Federal Constitution. In appropriate situations extra compensation shall be made available for case of extraordinary complexity and for defense experts and investigators. Prior to incurring costs for experts Attorney shall make application to the City Administrator.

7. **TRAINING.** The attorney shall attend 7 hours of Washington State Office of Public Defense Services annually.

8. **COMPLAINTS.** The Attorney shall advise each indigent public defense client of his or her right to register a complaint if he or she feels that the Attorney is not providing the client with an adequate public defense. Complaints shall be directed to the City Administrator and the Administrator or his designee shall promptly investigate the same and report back to the complainant.

9. **TERMINATION.**

(a) Termination without cause. This Contract may be terminated by either party without cause, after ninety (90) days written notice has been delivered to the other party. Attorney agrees to complete all pending cases or matters that have been set for trial, probation revocation hearing, or appellate argument as of the date of any termination.

(b) Termination for cause. Except as provided in the preceding paragraph, termination of the contract shall occur only for "good cause." Good cause shall include the failure of the contract Public Defender to render adequate representation to clients, the willful disregard of the rights and best interests of the client, and the willful disregard of the these Standards. Termination may also occur for violation of the express terms of the contract, provided, however, that the Public Defender shall be provided reasonable opportunity, following notice, to cure any technical contract violations that do not impair the provision of quality representation to the indigent client.

(c) Termination by Court of Competent Jurisdiction. If a court of competent jurisdiction rules that Attorney is incapable of providing competent legal representation, this Contract shall automatically terminate. However, at City's discretion, such agreement may continue until the validity of any lower court ruling has been ultimately determined on appeal. Removal by the court of counsel from representation normally should not occur over the objection of the attorney and the client.

10. **INITIAL TERM AND RENEWAL.** The initial term of Attorney's performance shall commence March 1, 2015, and shall terminate on December 31, 2015, both dates inclusive, PROVIDED, HOWEVER, that this contract shall automatically renew itself from year-to-year absent written notice of nonrenewal thirty (30) days prior to its annual expiration date.

11. **DEVELOPMENT OF CASE WEIGHTING SYSTEM**. It is the intent of the parties to work jointly during the term of this Contract to develop written policies and procedures to implement a numerical case-weighting system per the provisions of Standard for Indigent Defense 3.4 so that in the event the City should ultimately elect to use a weighting system it will be prepared to do so on or before June 30, 2015. The Attorney shall track the number and type of cases and average hours expended in the processing of each type of case through June 30, 2015, and thereafter the parties shall meet go examine the feasibility of a case weighting system. If a case weighting system is adopted the total case load, adjusted for case weighting, will comply with the Indigent Defense Standards.

12. **DETERMINATION OF INDIGENCY**. For the purposes of this Contract a person is indigent when the Walla Walla County District Court Judge or Assistant Judge or Judge Pro Tem has determined, in accordance with applicable law or court rule, that such person is financially unable to obtain the services of an attorney. However, any person arrested and held in custody for a crime and who claims to be indigent shall be represented by the Attorney until a magistrate determines that such person is not indigent and permits Attorney to withdraw. Attorney shall provide the College Place Police Department the name and 24-hour local or otherwise toll-free telephone number of Attorney to be provided to persons in custody claiming the right to publicly-provided legal counsel. In each instance where

Attorney undertakes to represent an indigent person, Attorney shall make an inquiry into such person's financial ability to employ private legal counsel and shall report to the court any information indicating a financial ability to employ private counsel unless such information has already been provided. Attorney shall also report to the court any improvement in the person's financial condition which occurs subsequent to the initial appointment of counsel.

13. **ASSOCIATED ATTORNEYS.** Attorney may designate one or more licensed attorneys, including those authorized to practice under APR 9, to associate with Attorney in the performance of this Contract. Any attorney so designated shall be responsible for the performance of this Contract in the same manner as Attorney.

14. **CONFLICT COUNSEL.** In the event that alternative or Conflict Counsel is required to be assigned, the Public Defender shall bear no part of the costs associated with the appointment of an alternative or Conflict Counsel.

15. **ASSIGNMENT.** Attorney shall not assign or subcontract her responsibility for performance of this Contract without the prior written approval of City.

16. **INSURANCE-INDEMNIFICATION AND HOLD HARMLESS.**

(a) Insurance. During the life of this contract, Attorney shall maintain errors and omissions insurance and shall include anyone else acting for or on behalf of Attorney in the performance of this Contract, as an additional named insured on any such policy. Such insurance shall be obtained from any insurance company authorized to do business as such in the State of Washington and shall have policy limits of $250,000.00 or more. At the time performance commences hereunder, Attorney shall submit evidence that such insurance is in force and that such insurance will not be canceled without first giving 30 days written notice to City.

(b) Indemnification. Attorney covenants and agrees to indemnify and hold harmless City and any of City's officers, employees and agents from any loss, damage, costs, charge or expense whether direct or indirect and whether to persons or property to which City or agents may have been put or subjected by reason of any act, action, neglect, omission or default on the part of Attorney or anyone acting for, on behalf of, or at the direction of Attorney in the performance of the Contract.

(c) Defense of claims. In case any suit or legal proceedings shall be brought against City or any of City's officers, employees or agents at any time on account of or by reason of any act, action, neglect, omission or default of Attorney or anyone acting for, on behalf of, or at the direction of Attorney, Attorney hereby covenants and agrees to assume the defense thereof and to defend the same at Attorney's own expense and to pay any and all costs, charges, attorney's fees and other expenses and any and all judgments that may be incurred by or obtained against City or any of City's officers, employees or agents in such suits or other proceedings.

17. **NON-DISCRIMINATION.**

(a) Non-Discrimination in Employment. During the performance of this Contract, Attorney shall comply with the Washington "Law against Discrimination" and all federal laws against discrimination. Satisfactory performance of this clause by Attorney shall include, but not be limited to, the following:

(i) During the performance of this Contract, Attorney shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, creed marital status, age or the presence of any sensory, mental or physical handicap;

(ii) Attorney shall ensure that applicants are employed and that employees are treated during employment without discrimination because of their race, color, religion, sex, national origin, creed, marital status, age or the presence of any sensory, mental or physical handicap. Performance under (i) and (ii) above shall include, but not be limited to employment, upgrading, demotion or transfer, recruitment advertising, layoff or termination, rates of pay or other form of compensation, and programs for training including apprenticeships, unless such distinctions are based upon a bonafide occupational qualification.

(b) Non-Discrimination in Subcontracting. If subcontracting is authorized as provided in this Contract, any contract or subcontract resulting therefrom must include appropriate safeguards against discrimination in employment binding upon each contractor or subcontractor. Attorney will take such action with respect to any contract or subcontract, or purchase order as may be required to insure full compliance with RCW 49.60, and any applicable federal law against discrimination in employment including sanctions for noncompliance.

(c) Compliance. To insure compliance with the non-discrimination clause set out herein, Attorney will permit access to her records of employment, employment advertisements, application forms and other pertinent data and records. Such access shall be by City, the Washington state Human Rights Commission, and any applicable federal agency or any appropriate employees, department or agent thereof designated by such federal, state or local agency respectively, for the purpose of investigation to ascertain compliance with the appropriate non-discrimination laws or this non-discrimination clause.

DATED: Feb. 6, 2015.

ATTORNEY

Rachel Cortez

Rachel Cortez

CITY OF COLLEGE PLACE

Julie L. Scott

Julie L. Scott, Mayor

Attest:

Sarah K Killgore

Sarah Killgore, City Clerk

Indigent Defense: Monthly Costs		
City	**Population**	**Monthly Payment**
Cheney	12,410	$ 4,500.00
Othello	8,345	$ 3,916.67
Liberty Lake	11,000	$ 4,785.92
Airway Heights	9,545	$ 4,500.00
Clarkston	7,205	$ 4,700.00
College Place - Current	9,665	$ 2,400.00
College Place - Proposed	**9,665**	**$ 6,750.00**
Median (w/o CP)		**$ 4,480.52**

CONTRACT FOR INDIGENT DEFENSE

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NOW, THEREFORE, it is agreed by the parties as follows:

1. SCOPE OF SERVICE. Except as set out below, Attorney shall be responsible for representing or providing suitable representation for every person involved as a party in a College Place case before the Walla Walla County District whenever publicly provided counsel for such person is required by the constitution or laws of the United States or the State of Washington and such representation has not been lawfully waived. A case is defined as the filing of a document with the court naming a person as defendant or respondent, to which an attorney is appointed in order to provide representation. Multiple citations from the same incident shall be counted as one case. In the event a change of venue is granted to a person for whom Attorney is to provide representation pursuant to this contract, Attorney shall continue to represent such person in that court with no additional compensation over the contract price.

(a) Warranties: Attorney will provide indigent defense services in accordance with the Standards for Indigent Defense adopted by the Washington State Supreme Court, as the same exist or are hereafter amended. A copy of these standards is attached hereto as Exhibit A. Attorney warrants that she, and every attorney and/or intern employed by Attorney to perform services under this contract, has read and fully understands the provisions of these Standards. Compliance with these Standards goes to the essence of this Contract. Attorney, and every attorney and/or intern performing services under this Contract, shall certify compliance quarterly with the Walla Walla County District Court on the form established for that purpose by the Standards for Indigent Defense. A copy of each and every such certification shall be provided to the City Administrator contemporaneously with filing with the Walla Walla County District Court and the same shall be available for inspection by the public. Attorney further warrants that her proposal, reflected in section 2, Compensation, reflects all infrastructure, support, administrative services and systems necessary to comply with the Standards.

(b) Appeals. Whenever a person represented by Attorney demands an appeal from a matter filed in the Walla Walla County District Court, Attorney shall assist said person in perfecting the appeal and shall represent said person in Superior Court or subsequent remands to College Place Municipal Court.

(C) Show Cause Docket. Attorney shall appear at the Walla Walla County District Court's Show Cause Docket, at the direction of the Judge or as otherwise indicated, whenever a defendant requests or requires legal representation. Attorney's obligation in this regard does not include an obligation to monitor a defendant's compliance with probation conditions or to provide continuous representation to defendants after entry of judgment and sentence. Nothing herein shall be construed as limiting Attorney's obligation to represent defendants in show cause proceedings or the Attorney's right to withdraw from a case after entry of a judgment and sentence or completion of an appeal and subsequent remand.

2. MANNER OF SERVICE. Attorney shall contact and meet with the client within 72 hours of appointment and shall maintain file notes to confirm the same. Services provided by Attorney pursuant to this contract shall be performed in a prompt, professional, skilled and competent manner consistent with the laws of the State of Washington, the rules adopted by the State Supreme Court, the minimum standards set forth by the American Bar and Washington State Bar Association, the Rules of Professional Conduct, case law and applicable court rules defining the duties of counsel and the rights of defendants in criminal cases. Attorney's primary and most fundamental responsibility shall be to promote and protect the interests of the client. Services to be provided by Attorney, insofar as applicable and necessary in any given case, shall include counseling, investigation, preparation of motions and court papers, hearings and trial work, post-trial motions and such other services as would normally be provided by competent private counsel.

3. ADMINISTRATIVE COSTS, SUPPORT SERVICES AND INFRASTRUCTURE. The Attorney shall provide for adequate administrative support, including but not limited to:

(a) Travel, law library and/or electronic research capabilities, financial accounting, case management systems, computers, word processing equipment and software, office space and supplies.

(b) Private offices and/or conference rooms which allow the maintenance of confidentiality. Attorney shall maintain and office within the corporate limits of the City of Walla Walla or the City of College Place; provided, however, that if Attorney's office is located outside these areas the attorney may, in lieu of maintaining such an office, use City facilities for the purpose of conducting client interviews during normal business hours.

(c) A telephone system, internet access and postal address.

(d) Adequate staffing under the contract. An adequate staff includes the provision for investigative services, legal assistance, accounting services, case management services and/or programs and access, when needed, to the services of a social worker, mental health professional and translator.

4. PERFORMANCE AND MONITORING. The Attorney shall maintain a case reporting and information management system. Such system shall have the capability to provide periodic reports to the City regarding the caseloads generated under this contract for each attorney and intern providing services under the contract, including case name, type of case, time expended handling the case, motions filed, disposition and history. Further, Attorney agrees to provide the Court with a record of time and expenses incurred in the representation of a defendant at the time of sentencing in those cases where recoupment of all or a portion of the Attorney's fees is deemed appropriate by the Court.

5. CASELOAD LIMITS. Attorney and her associates shall comply with all caseload limitations imposed pursuant to the Court Rules and the Standards for Indigent Defense adopted Standards of the Washington State Supreme Court. The Attorney is not a full-time public defense attorney inasmuch as she also maintains a private law practices. Currently the maximum number of misdemeanor cases that a full-time public defense attorney is permitted to handle under the Standards is 400 annually. Attorney represents that that the number of indigent misdemeanor cases that she handles on an annual basis does not exceed in number a number derived by multiplying the amount of time she spends on misdemeanor cases annually by 400 and then dividing the product by the amount of time she spends on all of the cases he handles annually. To facilitate the caseload limits computation, Attorney shall report all of her public defense contracts and hours billed for nonpublic defense legal services, including number and types of private cases. Attorney certifies that she will not accept a greater number of cases (or a proportional mix of different case types) than specified in Standard 3.4, prorated if the amount of time spent for indigent defense is less than full time, and taking into account the applicable case counting system.

In the event the number of City criminal appointments for Attorney reaches 200 appointments in a calendar year for cases actually filed by the City, Attorney's obligation to provide representation in criminal matters shall have been fulfilled for the entire contract year, and full payment shall be made by the City for the duration of the contract term. The City and Attorney agree Attorney may be appointed to additional cases with Attorney's consent and consistent with the Indigent Defense Standards caseload limits. The City agrees to reimburse Attorney at the rate of FOUR HUNDRED FIVE DOLLARS ($405) per case.

6. PAYMENT. In consideration for Attorney's performance hereunder, including the completion of all cases and matters covered by the Contract as of the date of any termination, City shall pay Attorney SIX THOUSAND SEVEN HUNDRED FIFTY DOLLARS ($6,750.00) per month until any termination. The first payment is due on the last day of the month in which performance commences, and each succeeding payment is due on the last day of each month thereafter, provided, however, that upon any termination the final monthly payment shall be paid in two installments, one-half on the last day of the month in which termination is to occur and one-half on the last day of the following month. Attorney agrees to submit an invoice to the City on forms approved by the City's Finance Director for compensation in accordance with the Contract terms set forth herein. Attorney warrants that the compensation provided is sufficient to provide adequately for the training, administrative and staff services, and infrastructure required by Washington State Standards for Indigent Defense, Court Rule and the State and Federal Constitution. In appropriate situations extra compensation shall be made available for case of extraordinary complexity and for defense experts and investigators. Prior to incurring costs for experts Attorney shall make application to the City Administrator.

Further, the City shall provide an increase to the base salary in the form of an annual cost of living adjustment (COLA) of 2.5 percent. The first COLA shall be applied January 1, 2021, creating the new base salary for 2021. Each successive year on January 1, the COLA will be added to the base salary of the previous year to create the new base salary for the current year.

7. TRAINING. The attorney shall attend 7 hours of Washington State Office of Public Defense Services annually.

8. COMPLAINTS. The Attorney shall advise each indigent public defense client of his or her right to register a complaint if he or she feels that Attorney is not providing the client with an adequate public defense. Complaints shall be directed to the City Administrator and the

Administrator or his designee shall promptly investigate the same and report back to the complainant.

9. TERMINATION.

(a) Termination without cause. This Contract may be terminated by either party without cause, after ninety (90) days written notice has been delivered to the other party. Attorney agrees to complete all pending cases or matters that have been set for trial, probation revocation hearing, or appellate argument as of the date of any termination.

(b) Termination for cause. Except as provided in the preceding paragraph, termination of the contract shall occur only for "good cause." Good cause shall include the failure of the contract Public Defender to render adequate representation to clients, the willful disregard of the rights and best interests of the client, and the willful disregard of these Standards. Termination may also occur for violation of the express terms of the Contract, provided, however, that the Public Defender shall be provided reasonable opportunity, following notice, to cure any technical contract violations that do not impair the provision of quality representation to the indigent client.

(c) Termination by Court of Competent Jurisdiction. If a court of competent jurisdiction rules that Attorney is incapable of providing competent legal representation, this Contract shall automatically terminate. However, at City's discretion, such agreement may continue until the validity of any lower court ruling has been ultimately determined on appeal. Removal by the court of counsel from representation normally should not occur over the objection of the attorney and the client.

10. INITIAL TERM AND RENEWAL, The initial term of Attorney's performance shall commence January 1, 2020, and shall terminate on December 31, 2020, both dates inclusive, PROVIDED, HOWEVER, that this contract shall automatically renew itself from year-to-year absent written notice of nonrenewal thirty (30) days prior to its annual expiration date.

11. DETERMINATION OF INDIGENCY. For the purposes of this Contract a person is indigent when the Walla Walla County District Court Judge or Assistant Judge or Judge Pro Tem has determined, in accordance with applicable law or court rule, that such person is financially unable to obtain the services of an attorney. However, any person arrested and held in custody for a crime and who claims to be indigent shall be represented by Attorney until a magistrate determines that such person is not indigent and permits Attorney to withdraw. Attorney shall provide the College Place Police Department the name and 24-hour local or otherwise toll-free telephone number of Attorney to be provided to persons in custody claiming the right to publicly-provided legal counsel. In each instance where Attorney undertakes to represent an indigent person, Attorney shall make an inquiry into such person's financial ability to employ private legal counsel and shall report to the court any information indicating a financial ability to employ private counsel unless such information has already been provided. Attorney shall also report to the court any improvement in the person's financial condition which occurs subsequent to the initial appointment of counsel.

12. ASSOCIATED ATTORNEYS. Attorney may designate one or more licensed attorneys, including those authorized to practice under APR 9, to associate with Attorney in the performance of this Contract. Any attorney so designated shall be responsible for the performance of this Contract in the same manner as Attorney.

13. CONFLICT COUNSEL. In the event that alternative or Conflict Counsel is required to be assigned, the Public Defender shall bear no part of the costs associated with the appointment of an alternative or Conflict Counsel,

14. ASSIGNMENT. Attorney shall not assign or subcontract her responsibility for performance of this Contract without the prior written approval of City.

15. INSURANCE-INDEMNIFICATION AND HOLD HARMLESS.

(a) Insurance. During the life of this contract, Attorney shall maintain errors and omissions insurance and shall include anyone else acting for or on behalf of Attorney in the performance of this Contract, as an additional named insured on any such policy. Such insurance shall be obtained from any insurance company authorized to do business as such in the State of Washington and shall have policy limits of $250,000.00 or more. At the time performance commences hereunder, Attorney shall submit evidence that such insurance is in force and that such insurance will not be canceled without first giving 30 days' written notice to City.

(b) Indemnification. Attorney covenants and agrees to indemnify and hold harmless City and any of City's officers, employees and agents from any loss, damage, costs, charge or expense whether direct or indirect and whether to persons or property to which City or agents may have been put or subjected by reason of any act, action, neglect, omission or default on the part of Attorney or anyone acting for, on behalf of, or at the direction of Attorney in the performance of the Contract.

(C) Defense of claims. In case any suit or legal proceedings shall be brought against City or any of City's officers, employees or agents at any time on account of or by reason of any act, action, neglect, omission or default of Attorney or anyone acting for, on behalf of, or at the direction of Attorney, Attorney hereby covenants and agrees to assume the defense thereof and to defend the same at Attorney's own expense and to pay any and all costs, charges, attorney's fees and other expenses and any and all judgments that may be incurred by or obtained against City or any of City's officers, employees or agents in such suits or other proceedings.

16. NON-DISCRIMINATION.

(a) Non-Discrimination in Employment. During the performance of this Contract, Attorney shall comply with the Washington "Law against Discrimination" and all federal laws against discrimination. Satisfactory performance of this clause by Attorney shall include, but not be limited to, the following:

(i) During the performance of this Contract, Attorney shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, creed marital status, age or the presence of any sensory, mental or physical handicap;

(ii) Attorney shall ensure that applicants are employed and that employees are treated during employment without discrimination because of their race, color, religion, sex, national origin, creed, marital status, age or the presence of any sensory, mental or physical handicap. Performance under (i) and (ii) above shall include, but not be limited to employment, upgrading, demotion or transfer, recruitment advertising, layoff or termination, rates of pay or other form of compensation, and programs for training including apprenticeships, unless such distinctions are based upon a bonafide occupational qualification.

(b) Non-Discrimination in Subcontracting. If subcontracting is authorized as provided in this Contract, any contract or subcontract resulting therefrom must include appropriate safeguards against discrimination in employment binding upon each contractor or subcontractor. Attorney will take such action with respect to any contract or subcontract, or purchase order as may be required to insure full compliance with RCW 49.60, and any applicable federal law against discrimination in employment including sanctions for noncompliance.

(c) Compliance. To insure compliance with the non-discrimination clause set out herein, Attorney will permit access to her records of employment, employment advertisements, application forms and other pertinent data and records. Such access shall be by City, the Washington state Human Rights Commission, and any applicable federal agency or any appropriate employees, department or agent thereof designated by such federal, state or local agency respectively, for the purpose of investigation to ascertain compliance with the appropriate non-discrimination laws or this non-discrimination clause,

DATED: this ____ day of _______________, 2019.

ATTORNEY CITY OF COLLEGE PLACE

_________________________________ _______________________________

Rachel Cortez Mayor

Attest:

____

City Clerk

College Place 2019

	January	Feburary	March	April	May
Appointments	19	19	24	31	16
Dismissals	6	5	6	4	1
Withdraws	1	1		2	
Total	12	25	43	68	83

College Place 2019 Cont

June	July	August	September	October	November	December
16	20	18	23	17	24	31
2		4	4	4	2	
	1			2	2	
97	116	130	149	160	180	211

College Place 2018

	January	February	March	April	May	June	July
Appointments	23	10	20	15	16	9	25
Dismissals	1		1				8
Withdraws							2
Total	22	32	51	66	82	91	106

College Place 2018 Cont

August	September	October	November	December
15	13	18	7	16
5	2	2		1
				1
116	127	143	150	164

College Place 2017

	January	Feburary	March	April	May
Appointments	20	8	8	16	10
Dismissals					
Withdraws	1				
Total	19	27	35	51	61

College Place 2017 Cont

June	July	August	September	October	November	December
12	25	12	13	12	22	20
			2			
	2					
73	96	108	119	131	153	173

College Place 2016

	January	February	March	April	May	June	July
Appointments	11	21	16	25	14	10	7
D/M							
Withdrawal	1	1	3	3			1
Total	10	30	43	65	79	89	95

College Place 2016 Count

August	September	October	November	December
17	9	19	8	11
3		3		
109	118	134	142	153

Michael Rizzitiello

From: Rachel Cortez <rcortez@cortezlawoffice.com>
Sent: Monday, February 03, 2020 3:36 PM
To: Michael Rizzitiello
Subject: Re: City Court - Indigent Public Defender Monthly/Yearly Cost
Attachments: College Place Cases.pdf

STOP and VERIFY - This message came from **outside** of the City of College Place.

Good Morning,

You requested additional information regarding the proposed budget increase for indigent defense. I have been researching and have also reached out to the some of the public defenders in Cheney and Airway Heights, which you indicated are comparable in your analysis. I do want to point out the geographical distinction that makes College Place unique from Cheney and Airway Heights, as College Place and Walla Walla are separated by just one road. Cheney and Airway Heights are standalone cities that don't have another city adjoining them. The reason I believe this is important is that we have a lot of Walla Walla residents who have City of College Place cases. Our January 23, 2020 docket had 21 College Place Residents, 37 Walla Walla City and County Residents and 20 residents who reside elsewhere.

I did speak with the public defenders for Cheney. They reported to me they have court every week, but that may soon change to twice a month similar to College Place. They have about 20-30 cases per docket. They did not specify between active and show cause. They also work off a case weighting system.

I also spoke with one of public defenders for Airway Heights. He is one of two contract attorneys and there is also one conflict attorney. They have court every week and that attorney has a case load of 10-30 cases per docket, which includes both active and show cause cases. They also work on a case weighting system.

Our last docket had 96 active cases. That's for one docket and does not include all of the show cause cases. Including those, there were 106 cases. Even if we had court weekly, we would still be averaging over what both of those attorneys reported for their caseloads. It's my understanding that four new officers were hired, which means that our case load will only continue to grow. At this rate, I will need either a new office assistant to compensate for the growth, but it's more likely I will need another attorney to help even out the case load cap.

I have attached a copy of our case load numbers broken down by year. Last year we were assigned 211 cases, which is the most cases we have ever been assigned. The case load document shows how many cases we were assigned each month and how many we had to withdraw from and how many were dismissed. I am pulling more information on location of clients and will have that prepared by tomorrow.

I apologize for not getting this to you sooner, for some reason I thought the meeting was the 11th. I will still be able to attend tomorrow.

Thank you,

Hot sheet – Bills of interest
Week of January 27, 2020

Priority bills – Support

- HB 2145 Revises the 1% property tax cap
- HB 2342 Extends GMA and SMP planning timelines—Needs amendment on timeline for increased review of housing element and critical areas
- HB 2343 / SB 6334 Expands and creates new incentives for urban density and housing supply
- HB 2362 Creates new local transportation revenue options
- HB 2620 / SB 6411 Extends and expands eligibility for the multifamily tax exemption program
- HB 2778 / HR 4212 Authorizes Tax Increment Financing and the corresponding constitutional amendment
- HB 2804 Reopens and funds additional Local Revitalization Funding applications
- HB 1590/SB 6126 Makes an optional sales tax for affordable housing councilmanic
- HB 2625 / SB 5680 Establishes a voter-approved sales tax option for parks funding (Senate bill will be amended)
- HB 2684 / SB 6466 Allows cities to install bike-specific traffic signals
- SB 6543 Allows a grace period after closing records requests to provide additional responsive records
- HB 2642 Removes coverage barriers to accessing substance use disorder treatment services
- SB 6386 Authorizes cities to fully waive impact fees for affordable housing

Other bills – Support

- HB 1086 / SB 5098 Increases appropriated funding for public defense services
- HB 1793 / SB 5789 Don't "block the box," expands the use of automatic traffic cameras
- HB 1938 / SB 6328 Creates an infrastructure investment program to support development of affordable housing and revitalization
- HB 2307 Allows cities to enact certain fireworks bans immediately
- HB 2420 Shifts the management of public defenders to the state
- HB 2438 Establishes an opioid impact fee to fund a state grant program
- HB 2473 Includes intimate partners as protected individuals under domestic violence laws
- HB 2560 Establishes a statutory annual minimum number of required BLEA classes

Other bills – Monitor

- HB 2230 Expands a property tax exemption for tribal-owned lands serving an economic development purpose—Cities would like to see time limitations on the exemption
- HB 2427 / SB 6453 Adds climate change as a goal to GMA—Cities have concerns with the goal language and liability potential
- HB 2507 Mandates a new element of stormwater programs to address wastewater from RVs used by people experiencing homelessness
- HB 2565 Establishes labeling requirements for non-flushable wipes
- SB 6302 Prohibits limiting the number of unrelated dwelling occupants—Cities have concerns it could impact the ability to address unregulated boarding houses
- SB 6335 / HB 2609 Adds a climate change goal and element to GMA and assigns emission reduction requirements to cities
- HB 2649 Creates a new process to increase homeless shelter capacity

Hot sheet – Bills of interest
Week of January 27, 2020

Other bills – Oppose

- HB 2069 Limits a city-owned utility from collecting delinquent utility bills from property owners and prohibits use of utility liens
- HB 2549 Requires GMA planning and development regulations to achieve "net ecological gain" instead of "no net loss"
- SB 6165 Adopts an unfunded PERS 1 cost of living adjustment
- SB 6266 Adds reporting requirements for seizure & forfeiture
- SB 6194 Preempts local business taxing authority by restricting cities to imposing only one tax on businesses
- SB 6461 Reduces land use permit application review timelines
- HB 2570 Preempts local control around accessory dwelling units (ADUs)
- HB 2780 / SB 6536 Preempts local control around single-family zoning mandates

Affordable housing

HB 1590, HB 2343/SB 6334, HB 2620/SB 6411, SB 6126

1 The affordable housing crisis looks different in every city.

2 Policy solutions must be tailored to address a variety of challenges.

3 The Legislature should invest in new and existing programs and remove barriers to affordable housing.

Support tailored solutions to increase affordable housing and reject one-size-fits-all approaches.

1 Our cities face affordable housing challenges across the income spectrum. The need for each city is different based on its residents and surrounding communities. Local leaders are in a unique position to appreciate the complexity of the affordable housing challenges facing their city. Elected officials see firsthand how these diverse issues affect their community and are dedicated to finding effective solutions. Washington's mayors and councilmembers know that a multipronged approach is required to meet the complex challenge of affordable housing.

2 Cities need infrastructure to support housing—including water, wastewater, electric, gas, and transportation. Even when cities have upzoned, they find that costly infrastructure upgrades stand in the way of development. In other cities, the lack of economic development hinders housing growth.

80% of cities need additional resources to support affordable housing programs and local planning efforts.*

*2019 AWC City Conditions Survey

3 Strong cities need…

- Changes to the Multifamily Tax Exemption program to allow eligibility for smaller cities, extend the tax exemption for continued affordability (see back page), and extend the ability to preserve existing affordable housing (**HB 2620/SB 6411**).
- Support and incentives for cities that want to pursue a greater variety of housing types in traditional single-family neighborhoods, such as missing middle or ADU ordinances (**HB 2343/SB 6334**).
- New councilmanic taxing authority for affordable housing, such as optional sales taxes (**HB 1590**, **SB 6126**).

Contact:

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Shannon McClelland
Legislative & Policy Analyst
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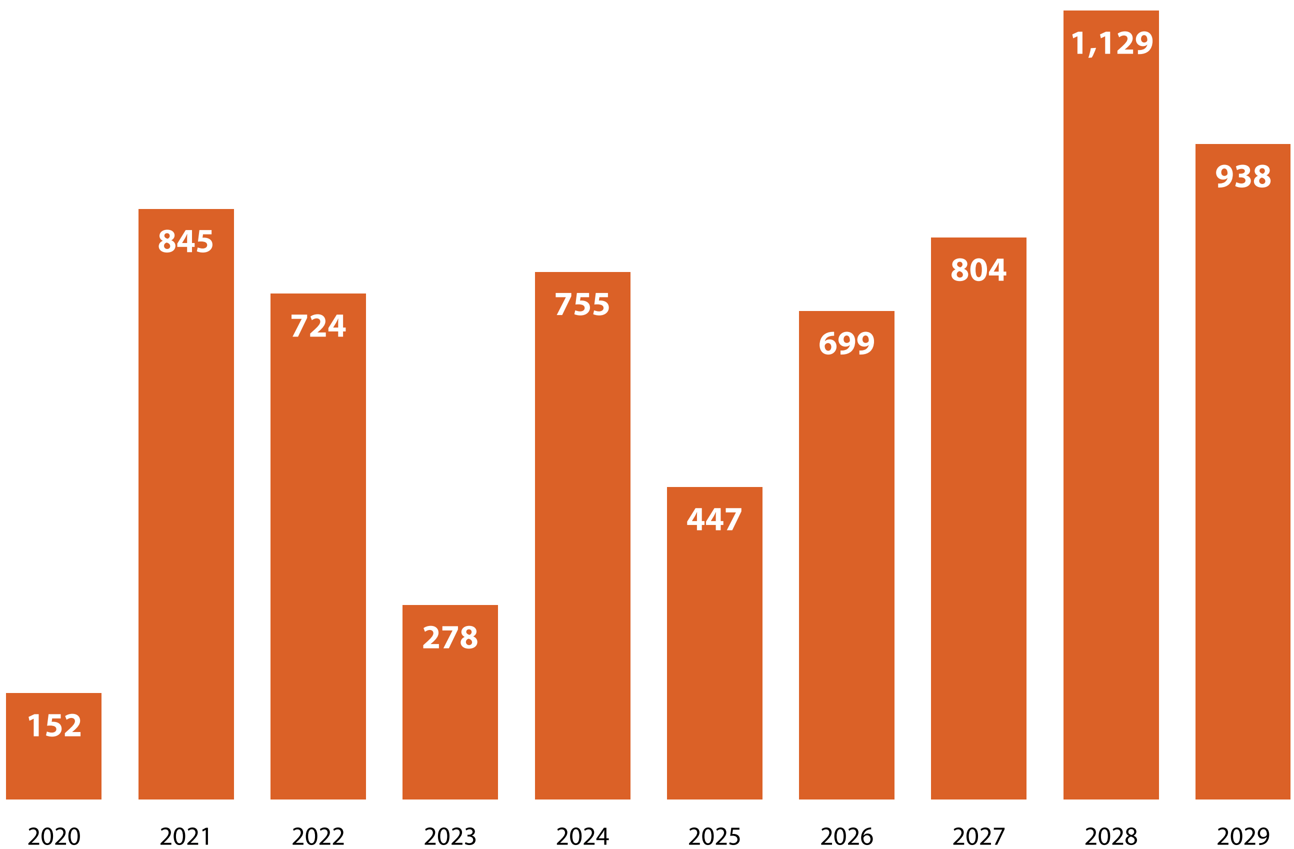
Association of Washington Cities • 1076 Franklin St SE, Olympia, WA 98501 • 1.800.562.8981 • wacities.org

01/23/20

AWC ASSOCIATION OF WASHINGTON CITIES

Nearly 7,000 affordable housing units will expire out of MFTE projects in the next 10 years unless the program is extended.



Source: Up for Growth National Coalition.

The Multifamily Tax Exemption (MFTE) program is an optional property tax abatement to incentivize multifamily apartment construction. The tax exemption on a qualifying property lasts for eight consecutive years. However, the exemption is extended to a 12-year period if the owner commits to renting or selling at least 20% of the units as affordable housing to low- and moderate-income households. Further extending this incentive program will keep more affordable housing units available for low-income households.

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Behavioral health

2020

Pursue a state-supported approach to medication-assisted treatment services in city and regional jails.

1 City and regional jails need state funding to deliver medication-assisted treatment (MAT) services to incarcerated individuals with opioid use disorder.

2 Cities oppose opioid treatment mandates that do not provide funding and flexibility.

3 Cities need help to address the challenges that stem from the universally underfunded behavioral health and jail systems.

1 Jails are in a unique position to save lives and reduce recidivism by initiating treatment for incarcerated individuals with substance use disorder. The use of MAT—particularly when coupled with evidence-based behavioral therapy—improves medical and mental health outcomes and reduces relapses and recidivism. State funds will help cities offset the costs of medication, additional staff, transportation, and contracting with medical providers.

"Two-thirds of people in jail meet the criteria for drug dependence or abuse."
Bureau of Justice Statistics

2 The Legislature passed **SB 5380** in 2019, requiring jails in the state to provide MAT services to incarcerated individuals, pending legislative funding. However, the Legislature did not provide funding for MAT services in jails. City and regional jails are on the front line of the opioid crisis and are well positioned to assist individuals struggling with addiction. However, many rural communities lack medical providers who can assess individuals and prescribe the necessary medications to combat opioid use disorder. Without sufficient access to providers and medications, city and regional jails cannot fulfill this critical function.

3 In 2019, the Legislature committed significant state funds to support our over-burdened behavioral health systems, including huge investments in community-based services. Despite these investments, Washington's city and regional jails continue to struggle with the costs of providing MAT services. City and regional jails benefit from the purchasing power of the state and need financial assistance to hire sufficient staff with appropriate training to provide MAT services to help save lives and reduce recidivism.

Contact:

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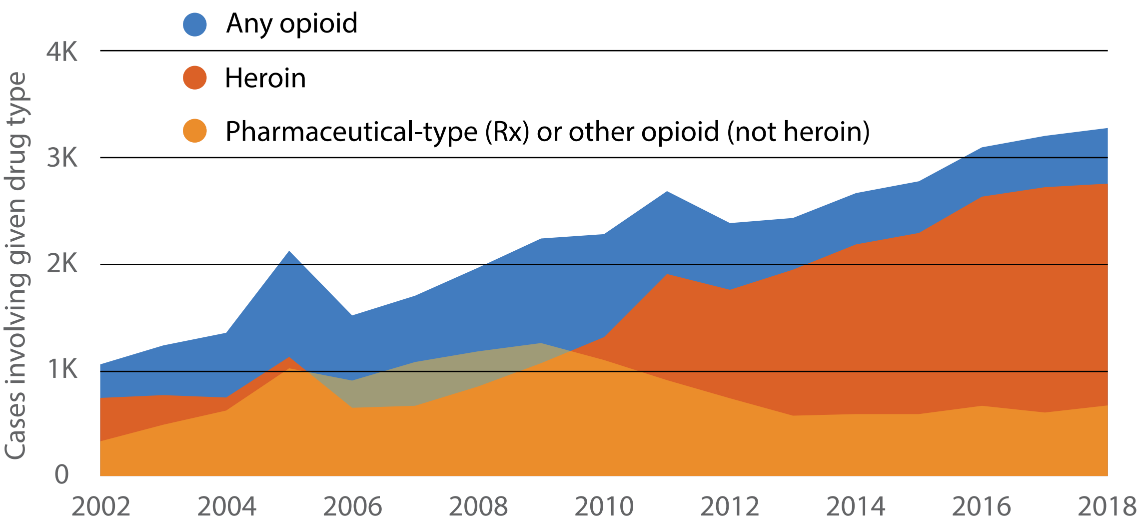
Additional information

What is medication-assisted treatment?

Medication-assisted treatment (MAT) combines behavioral therapy with prescribed medications to treat opioid use disorders. Medical professionals may prescribe medications such as methadone, buprenorphine, and naltrexone to treat opioid dependence and addiction to short-acting opioids such as heroin, morphine, and codeine, as well as semisynthetic opioids such as oxycodone and hydrocodone. These prescriptions provide a safe and controlled level of medication to help individuals manage withdrawal symptoms, reduce psychological cravings that cause chemical imbalances, and overcome dependence on an abused opioid.

Statewide opioid cases



According to the Bureau of Justice Statistics, two-thirds of people in jail meet the criteria for drug dependence or abuse. Statewide crime lab data indicate an increase in overall reported incarcerations involving opioids in Washington state.

Source: Forensic Laboratory Services Bureau, Washington State Patrol

City-operated jails in Washington

**SCORE serves Auburn, Burien, Des Moines, Federal Way, Renton, SeaTac, Tukwila, and more than 30 additional contract agencies.*

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City finances

HB 2145

1 Cities need revenue authority and flexibility to keep up with community growth and increasing needs.

2 State investment via shared revenues is instrumental to supporting essential programs and services, especially in our smallest communities.

3 Cities want responsive revenue options and authority to meet the needs of our residents.

Ensure city fiscal health with reliable and flexible revenue sources that can be tailored to meet local needs and support essential community services.

1 Even in good economic times, revenues aren't keeping up with rising costs. Washington is experiencing the highest rate of population growth in the last 30 years. Consequently, city residents demand additional infrastructure, public safety, and other key services. The fact is, existing city revenues cannot keep up with the growing demand for services and increasing costs. The state can support cities by ensuring a full menu of revenue options that local officials can use to meet their community needs.

Between 1990 and 2019, city populations increased by 102%.

2 The state has a long history of sharing revenues with cities and towns to help deliver vital services to their residents. This is done in recognition of the state revenue generated within cities. Over the past decade, however, the state has faced budget challenges that have impacted state support for cities. Not all of the revenue reductions made in response to the Great Recession have been fully restored.

Cities rely on these funds to support safe communities and strong infrastructure. These shared revenues are important to all cities, but are especially vital to our smallest cities. In fact, 57% of Washington's 281 cities have fewer than 5,000 residents. Revenue sharing benefits our residents and must continue.

3 Cities rely on the local ability to select a mix of revenue options that fit their unique communities. Local decisions like these are best made by elected city officials who know their community well. When it was implemented nearly 20 years ago, the 1% property tax cap was an arbitrary number. It now means that cities cannot keep up with the natural inflationary growth of expenditures. The Legislature must revisit this subjective restriction and replace it with something designed to keep up with natural economic and inflationary pressures.

For every $1 the state invests in cities, we generate another $132 in state revenue

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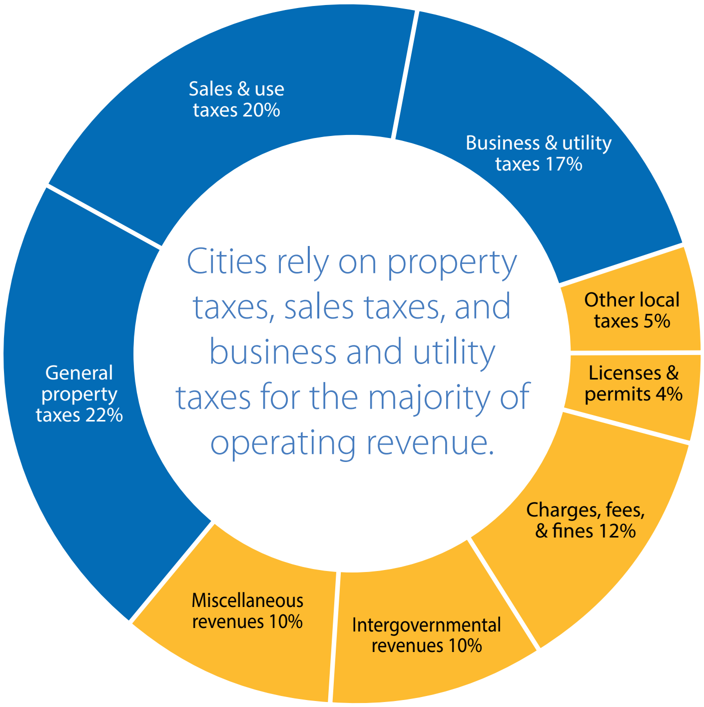
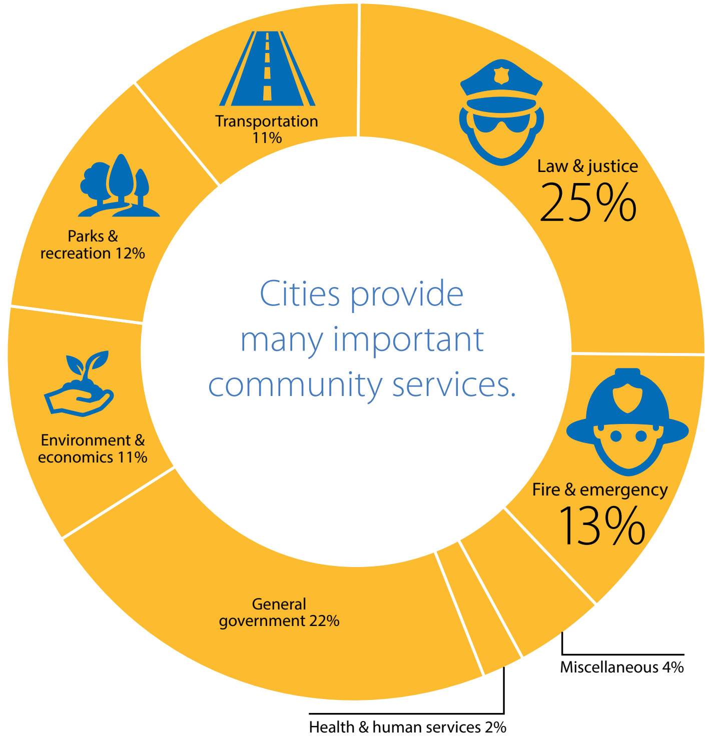
01/23/20

AWC ASSOCIATION OF WASHINGTON CITIES

Additional information



Source: State Auditor's Office; general fund, special revenues



Source: State Auditor's Office; general fund, special revenues

Cities are extremely concerned about their revenue collections in the next five years. More than a third of Washington cities say their revenues are falling short of expenditures, and the consequences of insufficient revenues are felt most dramatically in smaller, more rural cities.

Current revenues are not enough for many cities to support community expectations and priorities. Despite the recent economic growth, cities are depleting their capital and operating reserves in order to fund critical services. On top of that, the price of goods and services purchased by local governments is rising much more quickly than consumer goods and services. That means it's getting more expensive to buy the same things.

Consequently, the city tax structure is not keeping up with either the traditional rate of inflation or actual growing costs. Most significantly, cities struggle to manage ever-increasing costs of basic services like fulfilling public records requests, complex public safety challenges, and aging infrastructure.

Cities are where the state's revenue is generated

$9.4

billion in sales tax sent to the state general fund

$2.8

billion of the state's business & occupation (B&O) tax

$2.3

billion in property tax for state school levy (includes additional school levy)

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Lift the property tax cap

HB 2145

The artificial 1% property tax cap strips authority from city elected representatives and channels revenue generation efforts into other less reliable taxes and fees.

1 Community need are outpacing revenues.

2 Increase options available to raise the arbitrary 1% limit.

3 Address structural funding deficits with a modest compromise.

1 Cities are extremely concerned about their revenue collections in the next five years. Current revenues are not enough for many cities to support community expectations and priorities. It's also getting more expensive for cities to buy the same goods and services. Consequently, city tax structures are not keeping up with either the traditional rate of inflation or actual growing costs. Most significantly, cities struggle to manage ever-increasing costs of basic services like complex public safety challenges, aging infrastructure, and responding to increasing public records requests.

For each 1% increase in the property tax limit, cities generate an additional $70 million.

2 The 1% limit on annual increases has deeply strained many city budgets. But there are few (and only temporary) options available to increase the limit. Cities can implement a one-year or multiyear levy lid lift. A one-year levy lid lift provides a one-time "bump" in property taxes and may be used as the base to calculate the following year's 1% increase. Although the purpose of the levy lid lift need not be stated, voters seldom approve a levy lid lift without a purpose specified. A multiyear levy lid lift allows voters to approve an increase greater than 1% annually for up to six years. It can be done for any purpose, but the purpose must be stated in the title of the ballot measure. Unfortunately, neither of these options have the capacity to address structural and chronic budget deficits.

3 The devastating impacts of the tax cap continue to reverberate in city budgets. To make ends meet, cities cut services or rely upon more regressive revenue sources like sales taxes and fees. Over time, the deficit from the cap creates a structural budget gap that grows wider each year. Lifting the cap to a 3% annual limit is a modest compromise to increase funding flexibility and preserve critical city services. However, to truly address the decades of budget deficits and threatened city services, Washington state needs structural property tax reform.

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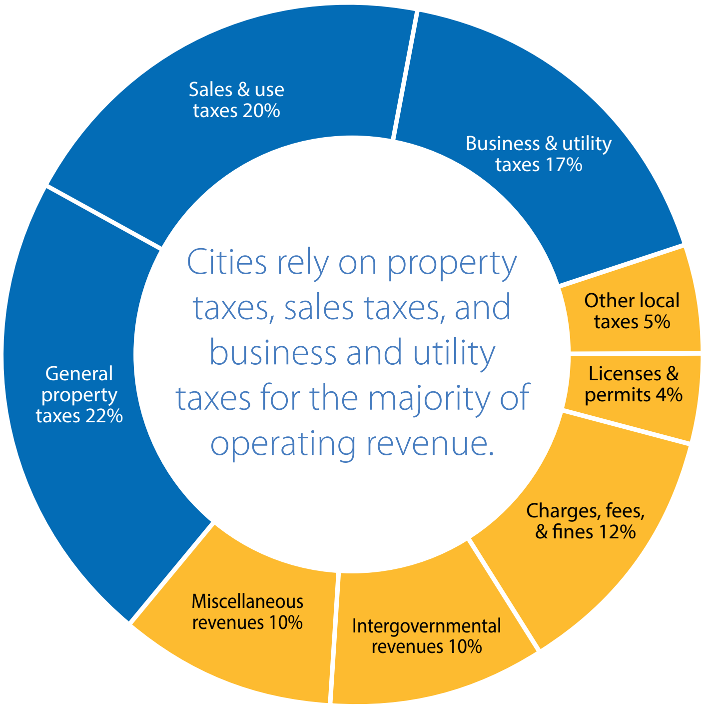
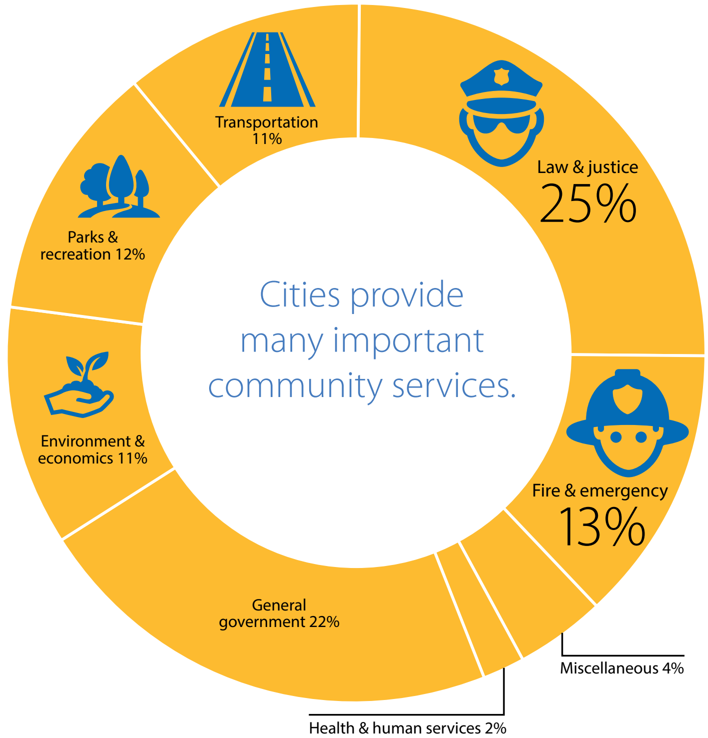


Source: State Auditor's Office; general fund, special revenues

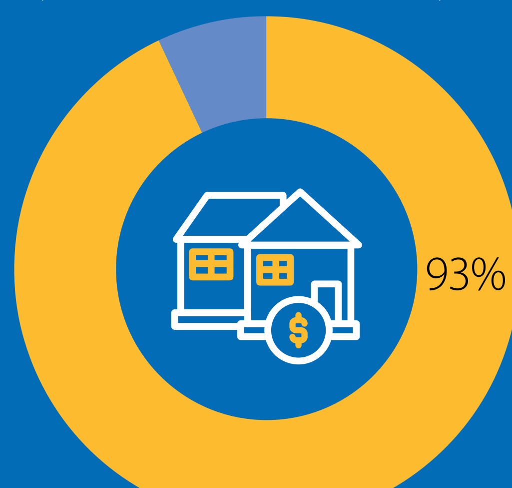


Source: State Auditor's Office; general fund, special revenues

In 1973, the Legislature responded to concerns that property taxes were rising too fast by passing a 106% annual cap. This means that property tax levies could not increase by more than 6% annually. Initiative 747 passed in 2001, which limited regular property levies for all taxing districts to 101% of the previous year, plus new construction. After the Supreme Court found I-747 unconstitutional, the Legislature reenacted the 1% limit. The limit is arbitrary because it's not tied to any service costs or needs and prevents revenues from keeping pace with inflation and population growth, which both rise faster than 1%.

Property tax is the single largest revenue source for cities in Washington state, comprising 22% of all city revenue.

93% of cities say that increasing the 1% property tax limit would have a significant, positive impact on their ability to meet their community needs.



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Public Works Trust Fund

HB 1680/SB 5952

1 The Public Works Trust Fund (PWTF) provides necessary infrastructure loans for our communities and helps keep rates for services like drinking water and sewer affordable for all residents.

2 Local governments have spent decades replenishing the Public Works Trust Fund via loan repayments.

3 Investments in infrastructure keep cities vibrant and leverage additional private investment in local communities.

Cities need a fully funded Public Works Trust Fund.

1 There are more than $881 million worth of local infrastructure projects that lack funding to move forward, with higher needs in eastern Washington's rural infrastructure maintenance and construction. The American Society of Civil Engineers gave Washington's infrastructure a "C" grade, with wastewater getting a "C-" and stormwater getting a "D+" because failing infrastructure hurts everyone. It is necessary to fully fund the various state programs designed to support local infrastructure.

Roughly $2 billion has been redirected from the PWTF over the last three biennia to pay for other state priorities.

2 For the first time since 2013, the Public Works Trust Fund was appropriated $95 million in the 2019-2021 biennial budget. However, roughly $2 billion has been redirected from the PWTF over the last three biennia to pay for other state priorities. Even with last year's significant appropriation, diversions continued from the fund, including a $160 million transfer to the Education Legacy Account and $21.5 million diverted to a new statewide broadband program.

3 For every dollar invested in the Public Works Trust Fund, a match of 5.5 additional dollars come from other sources. This program helps cities overcome the financial challenges of building and repairing local infrastructure systems that benefit our economy, the environment, and the entire state. Low cost infrastructure funding helps keep these critical services affordable for our residents now and into the future.

City infrastructure systems are a critical part of the larger network that serves and benefits the entire state. City streets move traffic seamlessly from one place to another. Businesses relying on city water and sewer systems create a positive impact on the entire region. Cities take on major toxic cleanup efforts to enhance our communities and bring new economic development opportunities to the state. Collectively, the strength of Washington's local infrastructure systems creates a stronger and healthier state, better positioned for continued economic growth and development.

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Additional information

AWC is focused on maintaining and enhancing state infrastructure support because cities are:

- **Behind on the basics**
  The core infrastructure systems such as streets, water, sewer, and stormwater that residents and businesses depend on are aging, costing more to operate and falling behind in environmental standards.
- **Making tough choices**
  Cities are forced to choose between funding basic city services like police and fire, and building and maintaining capital assets while trying to keep these basic services affordable for all residents.
- **Struggling to accommodate a growing population**
  Today's cities are building the infrastructure systems to support the next generation. We need to make smart designed infrastructure decisions to meet environmental standards and respond to our communities' needs well into the future.
- **Supporting critical development**
  Infrastructure investment is necessary to leverage much needed private investment in housing and commercial development.

2019 estimated infrastructure needs by sector in Washington State

Highways and local roads
$146.5 billion

Stormwater and natural resources
$19.4 billion
for stormwater infrastructure
$15.5 billion
for fish and habitat

Bridges
$5.2 billion

Ports
$5.7 billion
for marine ports

Water
$5.5 billion
for drinking water, storage, and agriculture

Freight rail
$2 billion

Wastewater
$4.1 billion
for treatment and conveyance infrastructure

Communications
$450 million
for rural broadband

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Tax increment financing

HB 2804, HB 2778/HJR 4212

Cities and towns need tax increment financing options to boost economic growth and opportunity for all Washingtonians.

1 Tax increment financing (TIF) can help cities build public infrastructure to spur economic and job growth throughout the state.

2 Washington's Local Revitalization Financing (LRF) program (closely akin to TIF) can fund local infrastructure improvement projects and encourage economic development.

3 An amendment to the state constitution is needed to allow a traditional property-tax-based TIF program.

1 A designated TIF district can spark public-private partnerships to help fund useful infrastructure projects that may not otherwise be appealing to investors. It can also create new economic activity in a region that may not otherwise see investments. This enables a city to widen its tax base and create economic development that pays for itself. Similar approaches are already used in 49 other states and Washington, D.C.

In 2018, LRF jurisdictions alone reported a state benefit of $633.8 million.

2 Created in 2009, the Local Revitalization Financing (LRF) program awarded local jurisdictions sales tax credits to fund local infrastructure improvement projects to encourage economic development. In 2018, the 18 LRF jurisdictions reported a state benefit of $633.8 million, as well as the creation of 19,159 jobs by 2,555 new businesses (see next page for examples).

Unfortunately, LRF is no longer accepting new applications, as the state contribution limit has been reached. The Legislature can incentivize economic growth throughout the state by investing in the LRF program again.

3 Attempts to authorize the use of state property tax revenue in Washington to finance developments through TIF have been struck down by the courts. A constitutional amendment allowing for a property-tax-based approach would allow cities to access critically needed funding for local economic development projects. This approach doesn't raise property taxes on residents but allows development to pay for the public infrastructure needed.

Every **$1** invested in infrastructure generates **$1.50** in economic output.

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Additional information

Forty-nine states and Washington, D.C. have successfully implemented various versions of TIF. One example is Oregon, where the state implemented TIF to provide revenue for local infrastructure and development projects in more than 50 communities.

Here's how three Oregon cities used TIF:

The City of Portland used TIF to help develop its Oregon Convention Center, Downtown Waterfront, and various neighborhoods.

The City of Bend used TIF for capital improvement loans for small or startup businesses, parks and plazas, and utility and infrastructure projects to support new development.

The City of Hillsboro used TIF to solidify Intel's presence and tech-sector job growth in the city.

Here's how four Washington cities used LRF:

In Washington, 18 local jurisdictions participated in the state-funded Local Revitalization Financing (LRF) program established in 2009. Projects in these communities have created thousands of new jobs and boosted private investment.

The City of Kennewick received $500,000 in LRF funds to improve streets and local infrastructure and develop and build a 52-acre sports and events complex. In 2018, the city reported $19 million in state benefit, and 52 new businesses have chosen to locate in the revitalization area, creating 409 new jobs.

The City of Bremerton received $330,000 in LRF funds to develop a multiuse parking garage and to revitalize the Park Plaza district through street, sidewalk, and streetscape improvements. In 2018, the city reported $493,335 in state benefit, and 31 new businesses have chosen to locate in the revitalization area, creating 214 new jobs.

The City of Wenatchee received $500,000 in LRF funds to improve water, sewer, and storm systems and to construct sidewalks, parking facilities, and docking facilities and carry out environmental remediation projects. To date, the city has reported $1.6 million in state benefit, and 30 new businesses have chosen to locate in the revitalization area, creating 228 new jobs.

The City of Spokane received $250,000 in LRF funds to construct and improve water and sewer systems, park and ride facilities, parks and recreational areas, and bicycle infrastructure. To date, the city has reported $1.5 million in state benefit, and three new businesses have chosen to locate in the revitalization area, creating 68 new jobs.

71%

of cities face significant challenges to local employment opportunities, due largely to low economic development investments.

94%

of cities report that creating new and enhanced state programs to help spur economic development would have a significant positive community impact.

54%

of cities report broadband infrastructure as a significant barrier to economic development in their community.

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Increase city transportation resources

HB 2362

Cities are investing more than ever, but need comprehensive transportation tools that provide new resources and funding options.

1 Cities own and manage a significant share of our state's transportation system.

2 Cities provide nearly 80% of the funding that flows into local transportation systems and have increased spending over the last decade.

3 Cities continue to struggle to address the $1 billion gap that exists in maintenance and preservation costs.

1 City transportation systems accommodate 26% of statewide vehicle travel on over 35,000 lane miles of streets, including 740 bridges. Cities are responsible for multimodal transportation assets that include streets, sidewalks, and bicycle infrastructure; certain aspects of state highways; and the spaces between transportation infrastructure, utilities, and the natural environment.

2 A recent study by the Joint Transportation Committee (JTC) found that cities have stepped up to invest in their local transportation systems by providing about 80% of funding at the local level. City spending has continued to outpace state and federal spending. However, nearly 86% of local spending comes from unrestricted revenue, which must also fund other critical municipal needs such as parks and public safety services.

More than 25% of daily trips happen on city streets, yet cities receive only 8% of the state transportation budget.

3 Even with increased city spending, a funding gap of $1 billion per year remains for maintenance and preservation.

For local transportation networks to thrive, strong cities need:

New local options:

1. Create a new transportation-specific utility tax.
2. Change Transportation Benefit District (TBD) sales tax authority by increasing the rate and extending the sunset date.
3. Allow cities to use the existing local gas tax authority.

Defense of state agencies that support city transportation funding, such as the Transportation Improvement Board and the Freight Mobility Strategic Investment Board.

A new transportation revenue package that increases resource for cities.

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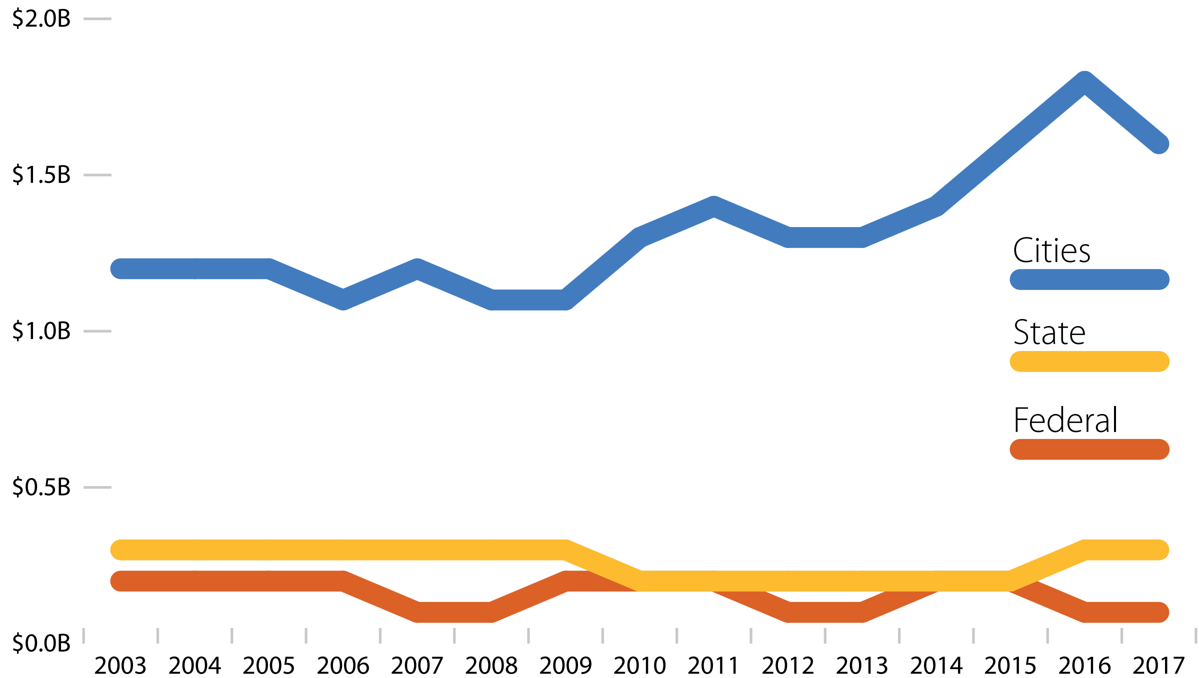
Additional information

$1.9 billion in annual city transportation funding comes from a variety of sources:

- Nearly 80% of city transportation funding comes from locally generated revenue. However, 86% of these revenue streams are unrestricted and can be used for any municipal activity.
- 13% of city transportation funding comes from the state. Cities receive about 8% (or $736 million) of the state's transportation budget. These resources include direct distributions from:
    - The Motor Vehicle Fuel Tax and Multimodal Funds ($223 million);
    - State competitive programs such as the Transportation Improvement Board ($330 million); and
    - Local project appropriations ($183 million).
- Less than 10% of city transportation funding comes from federal sources such as the Highway Safety Improvement Program, Surface Transportation Block Grants, and the Highway Infrastructure Program.

Cities have increased spending on transportation, while state and federal spending has lagged.



Source: JTC Assessment of City Transportation Funding Needs, 2019

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AWC ASSOCIATION OF WASHINGTON CITIES

Culverts & salmon recovery

2020

Support and fund a comprehensive approach to culvert corrections that includes state, local, and private barriers.

1 Washington is mandated to fix state-owned, fish-blocking culverts.

2 But fixing only state-owned culverts will not solve the problem.

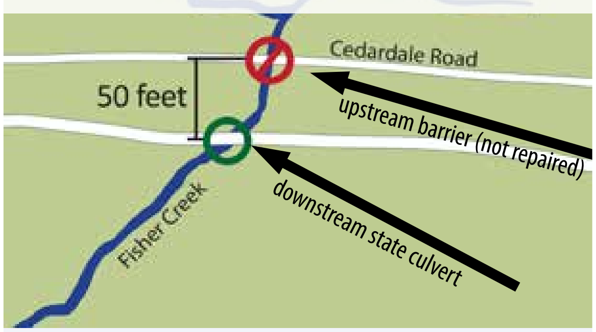
3 Fish need access to streams no matter who owns the barrier. A coordinated approach is best.

1 Undersized and deficient culverts—built as part of the state's transportation infrastructure—impair the ability of migratory fish, like salmon, to access prime habitat and achieve their natural abundance. The U.S. Supreme Court recently upheld an injunction requiring the state to fix its fish-blocking culverts by 2030. The Legislature will wrestle with this daunting funding commitment this session.

2 Fixing only state-owned culverts will make the state's investment incomplete at best and ineffective at worst. **On average, there are two downstream and five upstream culverts associated with each state barrier.**

Investing only in state-owned culverts without addressing all barriers will not achieve the goal of salmon recovery. For many years, people across the state have spent millions restoring salmon habitat—now we need to restore access to it.

A recently completed WSDOT fish passage project on Fisher Creek shows the opportunity. This $8.7 million project has a local barrier just 50 feet upstream that, if corrected, could restore access to 14 miles of salmon habitat.



3 **It's time to support and fund a coordinated program that removes state, local, and private barriers to truly open habitat throughout a watershed. Strong cities need:**

- A framework to fund corrections, including fully funding the Fish Barrier Removal Board (FBRB).
- Long-term, sufficient funding to correct nonstate barriers in coordination with the state's legal obligation.
- Prioritizing whole stream systems to maximize return of salmon and the public investment.

City culvert repair has a potential cost of $4.2 billion* and no identified revenue source.

*Using the average correction cost of a WSDOT barrier of $3.4 million, applied to the 1,233 known city barriers

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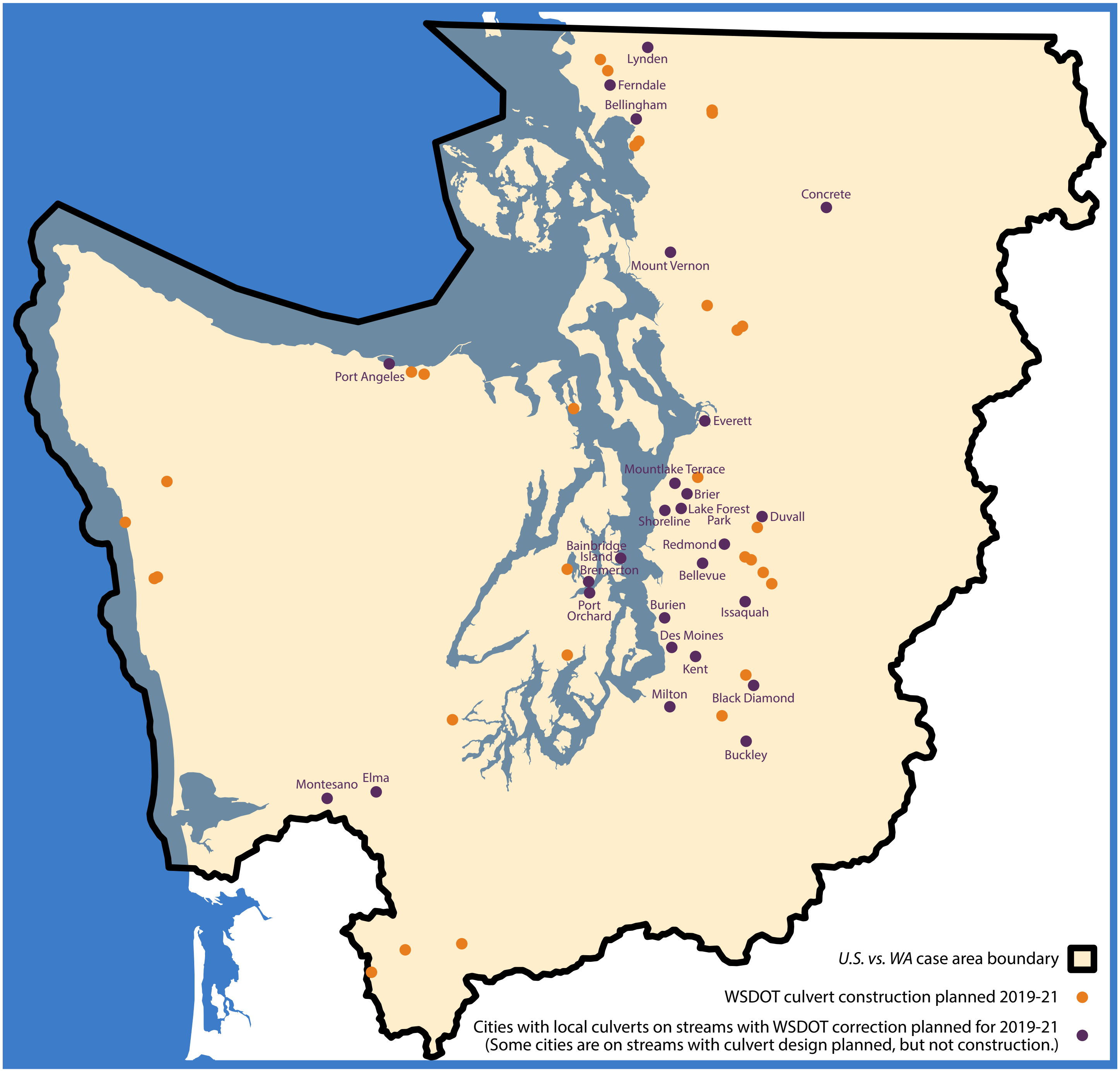
The average cost of a WSDOT barrier correction is $3.4 million. Comparing this to city transportation budgets makes clear that cities need state funding assistance to correct local culverts, which is essential to restoring full access to salmon-spawning streams.

Cities with local culverts on streams with DOT culvert correction planned for 2019-21	Barriers		Total city transportation spending in 2018 (non-enterprise funds)
	Downstream	Upstream	
Bainbridge Island	1	4	$2.8 million
Bellevue	4	5	$35.9 million
Bellingham	15	32	$9.7 million
Black Diamond	2		$268,554
Bremerton		3	$6.7 million
Brier		2	$203,018
Buckley		1	$1.1 million
Burien	2	2	$2.9 million
Concrete	4	2	$100,577
Des Moines		3	$5 million
Duvall		2	$713,207
Elma		11	$95,506
Everett		9	$7.3 million
Ferndale		1	$1.5 million
Issaquah		2	$22.6 million
Kent		2	$8.7 million
Lake Forest Park	2	16	$1.1 million
Lynden	4		$1.1 million
Milton	1	1	$303,262
Montesano		19	$20,171
Mount Vernon		2	$2.8 million
Mountlake Terrace		20	$1 million
Port Angeles	3	1	$1.7 million
Port Orchard		3	$1.7 million
Redmond		5	$11.1 million
Shoreline		1	$3.9 million
City barriers up/downstream from the 34 WSDOT planned corrections	38	149	

Investing only in state-owned barrier corrections will not achieve the goal of salmon recovery. It's time to fully fund a coordinated program that includes city-owned barriers.



Additional information

> "Many people are unaware of the huge scale of the problem. It's a significant issue… It's one of the highest priorities we have for salmon recovery."
>
> *–Jeff Breckel, Former Executive Director, Lower Columbia Fish Recovery Board*

The recent U.S. Supreme Court decision, upholding a federal court order mandating the state fix state-owned culverts that are blocking migratory salmon and steelhead by 2030, has received a lot of attention. Less well known is the fact that the fish barriers that the state is legally obligated to remove have other barriers up and down stream that will effectively make the state's investment incomplete at best, and ineffective at worst. Now is the time to support and fund a coordinated program that removes state, local, and private barriers that will truly open up habitat throughout a watershed.

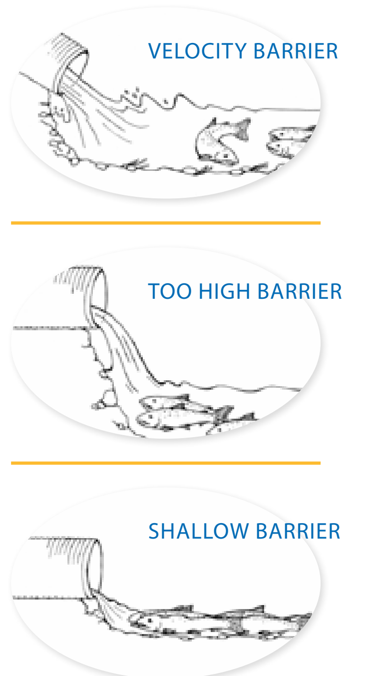
Cities and counties have pursued a strategic approach to create a coordinated effort on culvert removal.

Salmon and orca recovery are linked. Salmon abundance is key to orca survival.

We took part in reconvening the state's Fish Passage Barrier Removal Board and worked with our partners to develop a coordinated approach with the salmon recovery regions. We have funded barrier inventory and identification work. We sought direct funding in the transportation package and authority for culvert correction to serve as priority mitigation for transportation projects.

While we have made progress, now is the time to cement that work and commit to the future of salmon. Cities need a coordinated, comprehensive, and long-term funding investment for the Fish Passage Barrier Removal Board to address these barriers.

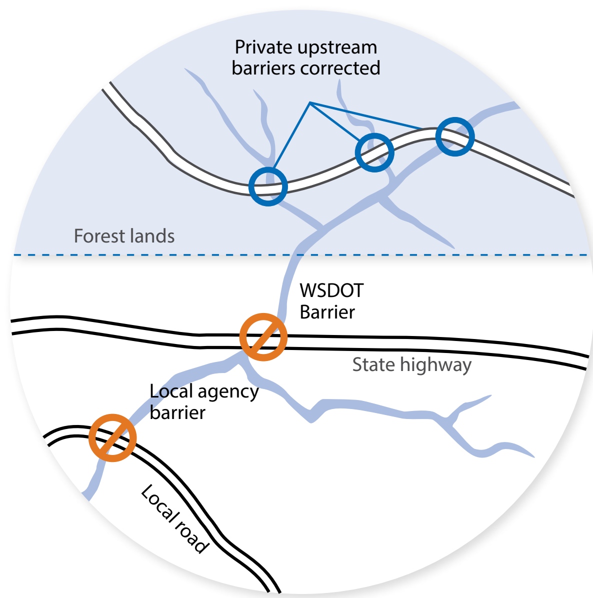
Not all culverts are created equal



Source: Fish Passage Barrier Removal Board

Many older culverts were not designed for fish passage:

- A steep or too narrow culvert will cause a stream to flow too fast
- A culvert too high above the stream bed will defy even the hardiest jumpers
- An undersized culvert can be overwhelmed by storms and debris and cause flooding.



Upstream barriers have largely been fixed on forest lands. Now we need to tackle downstream barriers which are mostly state- and locally-owned.

Source: Fish Passage Barrier Removal Board

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Local Government Bills Bill Status & Upcoming Events Report

Upcoming Events

Labor & Commerce (Senate) - SHR 1, JACB - 1/28 @ 8:00am

- SB 6372 - Public Hearing - Concerning structured settlements. (Medium)
- SB 6373 - Public Hearing - Allowing self-insurers to accept certain industrial insurance claims. (Medium)

Housing, Community Development & Veterans (House) - HHR E, JLOB - 1/28 @ 10:00am

- HB 2639 - Public Hearing - Creating the home sharing support grant program. (Medium)
- HB 2649 - Public Hearing - Concerning homeless shelter capacity. (Medium)

Local Government (House) - HHR D, JLOB - 1/28 @ 10:00am

- HB 2508 - Public Hearing - Simplifying the process for donating low-value surplus property owned by a city-owned utility. (Support/High)

Environment & Energy (House) - HHR B, JLOB - 1/28 @ 3:30pm

- HB 2265 - Exec Session - Eliminating exemptions from restrictions on the use of perfluoroalkyl and polyfluoroalkyl substances in firefighting foam. (Medium)
- HB 2343 - Exec Session - Concerning urban housing supply. (Support/High)
- HB 2550 - Public Hearing - Establishing net ecological gain as a policy for application across identified land use, development, and environmental laws. (Medium)

Labor & Workplace Standards (House) - HHR E, JLOB - 1/28 @ 3:30pm

- HB 2715 - Public Hearing - Concerning minimum labor standards for certain employees working at an airport or air navigation facility. (Medium)
- HB 2740 - Public Hearing - Concerning the employment of individuals who lawfully consume marijuana. (Medium)

Public Safety (House) - HHR D, JLOB - 1/28 @ 3:30pm

- HB 2560 - Public Hearing - Concerning basic law enforcement training. (Support/Medium)

Transportation (Senate) - SHR 1, JACB - 1/28 @ 3:30pm

- SB 6398 - Public Hearing - Expanding transportation policy goals. (Medium)

Environment, Energy & Technology (Senate) - SHR 1, JACB - 1/29 @ 8:00am

Local Government (House) - HHR D, JLOB - 1/29 @ 8:00am

- HB 2667 - Public Hearing - Increasing housing access and affordability by decreasing construction costs associated with implementing the Washington state energy code for residential buildings. (Concerns/Medium)

State Government, Tribal Relations & Elections (Senate) - SHR 2, JACB - 1/29 @ 8:00am

- SB 6519 - Public Hearing - Requiring protection of archaeological and cultural sites by state agencies, local governments, and all recipients of state revenue. (Medium)

Housing Stability & Affordability (Senate) - SHR 2, JACB - 1/29 @ 1:30pm

- SB 6328 - Exec Session - Creating a local infrastructure investment program to support the development of affordable housing, workforce housing, and revitalization efforts. (Support/Medium)

Appropriations (House) - HHR A, JLOB - 1/29 @ 3:30pm

- HB 2193 - Public Hearing - Reauthorizing and expanding the financial fraud and identity theft crimes investigation and prosecution program. (Medium)

Environment & Energy (House) - HHR B, JLOB - 1/30 @ 8:00am

- HB 2565 - Exec Session - Concerning the labeling of disposable wipes products. (Support/High)

Labor & Workplace Standards (House) - HHR E, JLOB - 1/30 @ 8:00am

- HB 2715 - Exec Session - Concerning minimum labor standards for certain employees working at an airport or air navigation facility. (Medium)
- HB 2740 - Exec Session - Concerning the employment of individuals who lawfully consume marijuana. (Medium)

Public Safety (House) - HHR D, JLOB - 1/30 @ 8:00am

- HB 2560 - Exec Session - Concerning basic law enforcement training. (Support/Medium)

Environment, Energy & Technology (Senate) - SHR 1, JACB - 1/30 @ 10:00am

- SB 6360 - Exec Session - Eliminating exemptions from restrictions on the use of perfluoroalkyl and polyfluoroalkyl substances in firefighting foam. (Medium)
- SB 6432 - Exec Session - Concerning offshore oil extraction. (Medium)

Agriculture, Water, Natural Resources & Parks (Senate) - SHR 3, JACB - 1/30 @ 1:30pm

- SB 6509 - Public Hearing - Increasing the abundance of salmonids in Washington waters. (Medium)

Ways & Means (Senate) - SHR 4, JACB - 1/30 @ 3:30pm

- SSB 6074 - Public Hearing - Reauthorizing and expanding the financial fraud and identity theft crimes investigation and prosecution program. (Medium)

Health Care & Wellness (House) - HHR A, JLOB - 1/31 @ 8:00am

- HB 2335 - Exec Session - Increasing access to medications for opioid use disorder. (Support/High)

State Government & Tribal Relations (House) - HHR E, JLOB - 1/31 @ 8:00am

- HB 2529 - Exec Session - Concerning odd-numbered year elections. (Medium)

Housing, Community Development & Veterans (House) - HHR E, JLOB - 1/31 @ 10:00am

- HB 2639 - Exec Session - Creating the home sharing support grant program. (Medium)
- HB 2649 - Exec Session - Concerning homeless shelter capacity. (Medium)

Local Government (House) - HHR D, JLOB - 1/31 @ 10:00am

- HB 2508 - Exec Session - Simplifying the process for donating low-value surplus property owned by a city-owned utility. (Support/High)
- HB 2667 - Exec Session - Increasing housing access and affordability by decreasing construction costs associated with implementing the Washington state energy code for residential buildings. (Concerns/Medium)

Behavioral Health Subcommittee to Health & Long Term Care (Senate) - SHR 1, JACB - 1/31 @ 1:30pm

- SB 6086 - Exec Session - Increasing access to medications for opioid use disorder. (Support/High)

High Priority Bills

Bill #	Abbrev. Title	Short Description	Status	Sponsor	Position
HB 2335 (SB 6086)	Opioid use/medications	Increasing access to medications for opioid use disorder.	H HC/Wellness	Davis	Support
HB 2342	Comprehensive plan updates	Aligning the timing of comprehensive plan updates required by the growth management act with the timing of shoreline master program updates	H Env & Energy	Fitzgibbon	Support

		required by the shoreline management act.			
HB 2343 (SB 6334)	Urban housing	Concerning urban housing supply.	H Env & Energy	Fitzgibbon	Support
HB 2362	Local transportation revenue	Addressing local transportation revenue options.	H Trans	Ramos	Support
HB 2508 (SB 6481)	City utility surplus	Simplifying the process for donating low-value surplus property owned by a city-owned utility.	H Local Govt	Wylie	Support
HB 2565	Disposable wipe labeling	Concerning the labeling of disposable wipes products.	H Env & Energy	Fitzgibbon	Support
HB 2620 (SB 6411)	Multiple-unit dwellings/tax	Expanding the property tax exemption for new and rehabilitated multiple-unit dwellings in urban growth areas.	H Finance	Walen	Support
HB 2778	Community redevel. financing	Concerning community redevelopment financing in apportionment districts.	H Finance	Sullivan	Support
HB 2804	Local government infrastruct	Addressing local government infrastructure.	H Local Govt	Duerr	Support
SB 5970	Transportation funding bonds	Authorizing bonds for transportation funding.	S Transportation	Hobbs	Support
SSB 5972	Additive trans funding	Concerning additive transportation funding and appropriations.	S Transportation	Hobbs	Support
SB 6086 (HB 2335)	Opioid use/medications	Increasing access to medications for opioid use disorder.	S Behavioral Hea	Hasegawa	Support
SB 6126	Housing tax/councilmanic	Allowing the local sales and use tax for affordable housing to be imposed by a councilmanic authority.	S Rules 2	Hunt	Support
SB 6334 (HB 2343)	Urban housing	Concerning urban housing supply.	S Housing Stabil	Salomon	Support
SB 6411 (HB 2620)	Multiple-unit dwellings/tax	Expanding the property tax exemption for new and rehabilitated multiple-unit dwellings in urban growth areas.	S Housing Stabil	Das	Support
SB 6481 (HB 2508)	City utility surplus	Simplifying the process for donating low-value surplus property owned by a city-owned utility.	S Local Governmen	Cleveland	Support

Medium Priority Bills

Bill #	Abbrev. Title	Short Description	Status	Sponsor	Position
SHB 1456	Aviation revital. loan prg	Concerning a community aviation revitalization loan program.	H Rules X	Dent	
2SHB 1938	Local infra. investment prg	Creating a local infrastructure investment program to support the development of affordable housing, workforce housing, and revitalization efforts.	H Hous, Com Dev &	Steele	Support
HB 2193 (SSB 6074)	Financial fraud/theft crimes	Reauthorizing and expanding the financial fraud and identity theft crimes investigation and	H Approps	Kirby	

		prosecution program.			
HB 2265 (SB 6360)	Firefighting foam	Eliminating exemptions from restrictions on the use of perfluoroalkyl and polyfluoroalkyl substances in firefighting foam.	H Env & Energy	Doglio	
HB 2285	Road maintenance/planning	Elevating road maintenance and preservation in transportation planning.	H Trans	McCaslin	
SHB 2311	Greenhouse gas emissions	Amending state greenhouse gas emission limits for consistency with the most recent assessment of climate change science.	H Approps	Slatter	
HB 2438	Opioid impact account	Concerning establishment of the prescription opioid impact account.	H Approps	Kilduff	Support
HB 2461 (SB 6452)	Transp. system goals/health	Including health in the state transportation system policy goals.	H Trans	Riccelli	
HB 2469	Small works rosters	Concerning small works rosters.	H Inn, Tech & E	Santos	
HB 2472	Greenhouse gas/fossil fuels	Incorporating comprehensive measurements of greenhouse gas emissions from certain fossil fuels into state environmental laws.	H Env & Energy	Pollet	
HB 2529 (SB 6503)	Odd-numbered year elections	Concerning odd-numbered year elections.	H State Govt & T	Gregerson	
HB 2549	Salmon recovery efforts/GMA	Integrating salmon recovery efforts with growth management.	H Env & Energy	Lekanoff	
HB 2550	Net ecological gain	Establishing net ecological gain as a policy for application across identified land use, development, and environmental laws.	H Env & Energy	Lekanoff	
HB 2560	Basic law enf. training	Concerning basic law enforcement training.	H Public Safety	Maycumber	Support
HB 2625	Local parks funding options	Concerning local parks funding options.	H LGDP	Eslick	Support
HB 2639	Home sharing support grants	Creating the home sharing support grant program.	H Hous, Com Dev	Caldier	
HB 2649	Homeless shelter capacity	Concerning homeless shelter capacity.	H Hous, Com Dev	Ryu	
HB 2667	Energy code/residential	Increasing housing access and affordability by decreasing construction costs associated with implementing the Washington state energy code for residential buildings.	H Local Govt	Chapman	Concerns
HB 2688 (SB 6398)	Transportation policy goals	Expanding transportation policy goals.	H Trans	Shewmake	
HB 2715 (SB 6217)	Airport labor standards	Concerning minimum labor standards for certain employees	H Labor & Workpl	Gregerson	

		working at an airport or air navigation facility.			
HB 2740	Marijuana/employment	Concerning the employment of individuals who lawfully consume marijuana.	H Labor & Workpl	Kloba	
HB 2741 (SB 6509)	Salmonid abundance	Increasing the abundance of salmonids in Washington waters.	H Approps	Van Werven	
HB 2774	Housing/state property inven	Concerning the inventory of underutilized, state-owned property that may be suitable for the development of affordable housing.	H Hous, Com Dev	Ryu	
ESB 5457 (HB 1571)	Naming of subcontractors	Naming of subcontractors by prime contract bidders on public works contracts.	S Passed 3rd	Keiser	
SSB 5636	Fiscal notes	Concerning fiscal notes.	S Rules 2	Brown	
SSB 6074	Financial fraud/theft crimes	Reauthorizing and expanding the financial fraud and identity theft crimes investigation and prosecution program.	S Ways & Means	Dhingra	
SB 6217 (HB 2715)	Airport labor standards	Concerning minimum labor standards for certain employees working at an airport or air navigation facility.	S Labor & Commer	Keiser	
SB 6272 (SHB 2311)	Greenhouse gas emissions	Amending state greenhouse gas emission limits for consistency with the most recent assessment of climate change science.	S Environment, E	Das	
SB 6328	Local infra. investment prg	Creating a local infrastructure investment program to support the development of affordable housing, workforce housing, and revitalization efforts.	S Housing Stabil	Warnick	Support
SB 6360 (HB 2265)	Firefighting foam	Eliminating exemptions from restrictions on the use of perfluoroalkyl and polyfluoroalkyl substances in firefighting foam.	S Environment, E	Van De Wege	
SB 6372	Structured settlements	Concerning structured settlements.	S Labor & Commer	King	
SB 6373	Industrial insurance claims	Allowing self-insurers to accept certain industrial insurance claims.	S Labor & Commer	King	
SB 6398 (HB 2688)	Transportation policy goals	Expanding transportation policy goals.	S Transportation	Salda?a	
SB 6432	Offshore oil extraction	Concerning offshore oil extraction.	S Environment, E	Rolfes	
SB 6452 (HB 2461)	Transp. system goals/health	Including health in the state transportation system policy goals.	S Transportation	Billig	
SB 6461	Project permit timelines	Concerning permit timelines.	S Local Governmen	Fortunato	

SB 6503 (HB 2529)	Odd-numbered year elections	Concerning odd-numbered year elections.	S State Govt/Tri	Nguyen	
SB 6509 (HB 2741)	Salmonid abundance	Increasing the abundance of salmonids in Washington waters.	S Ag/Water/Natur	Rivers	
SB 6519	Archaeological sites	Requiring protection of archaeological and cultural sites by state agencies, local governments, and all recipients of state revenue.	S State Govt/Tri	McCoy	

AWC
ASSOCIATION OF WASHINGTON CITIES

State of the Cities

Greater responsibilities, fewer resources

2020 report

Methodology of State of the Cities research project

This State of the Cities research report is revisiting a project first conducted by the Association of Washington Cities (AWC) in 2005. Fifteen years later, this new report is designed to reflect the current fiscal conditions, costs, and service challenges of the 281 cities in Washington state and to communicate the links between the health of cities and the state's economic health.

This report presents a comprehensive analysis of the conditions that impact our cities today, over the last four years, and what challenges cities are anticipating in the future.

142 of Washington's 281 cities and towns (representing 68% of the statewide incorporated population) responded to a survey on major issues and challenges for cities. Survey data was supplemented with data from the U.S. Census, Washington State Auditor Financial Intelligence Tool, issue-specific city data reports, and other state agency program data for analysis.

In addition, analysis was conducted to categorize cities by common characteristics (such as small rural, tourism, large central cities) into clusters to further analyze financial conditions and common concerns by types of cities.

Find more information on the State of the Cities research by visiting our website. wacities.org

Cities today

In this report, we use the word "cities" in reference to both Washington cities and towns.

As the governments closest to the people, cities bring critical value to the health of the state. Cities drive economic health, population growth, and commercial activity in Washington. When the state invests in cities, we all benefit.

In the last decade however, cities have faced evolving challenges, new service demands, structural gaps in revenues and expenditures, and decreasing state commitment to city issues. Despite these trials, cities are doing their part to deliver more and better services to residents—all while leading with innovations to meet new and existing service needs.

Cities squeezed by the Great Recession ten years ago are better off today, but constrained revenues mean they still struggle to meet the growing needs of their communities. Structural issues with city revenues, changes in state and federal shared revenues, and new expenditure challenges have resulted in backlogs in infrastructure upgrades and other needs.

The availability of funding for local services varies widely across the state's diverse cities depending on their growth, business activity, and other economic conditions. But the state has consistently limited local options for cities to adequately fund their most basic services, meet the needs that accompany population growth, and keep up with the effects of inflation. Further exacerbating the situation, the Legislature has repeatedly swept city assistance programs to help fill state budget gaps.

In short, cities are tasked with doing more than ever before, with less help and financial assistance to do it all.

Cities provide critical value to the state

Basic services like streets, utilities, parks, and public safety impact the daily lives of city residents. They also drive the economic health, population growth, and commercial activity in the state. Cities bring great value to our quality of life. Things like clean water, safe streets, and the accompanying thriving businesses are basic expectations. Without healthy cities, the state cannot thrive.

281
cities

Cities drive the state's economy

85%
of all retail sales

69%
of job-generating businesses

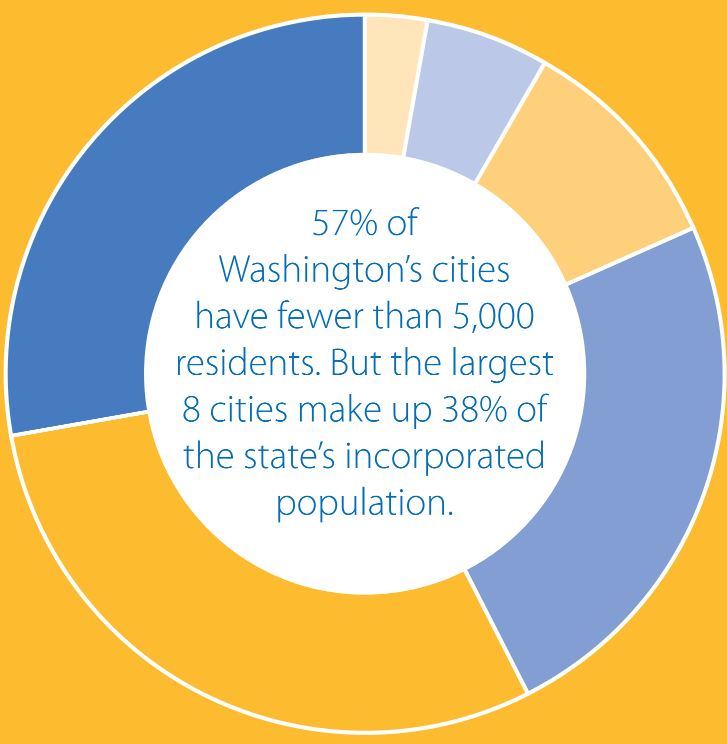
Cities generate the state's annual revenue

$9.4
billion in sales tax sent to the state general fund

$2.8
billion of the state's B&O tax

$2.3
billion in property tax for state school levy (*includes additional school levy)

City population distribution



Population | **Number of cities**

- Over 100,000 | **8**
- 50,000 - 100,000 | **17**
- 20,000 - 50,000 | **30**
- 5,000 - 20,000 | **66**
- 1,000 - 5,000 | **83**
- Less than 1,000 | **77**

Cities—where Washingtonians live

4.9 million people live in cities.

That is **65%** of the state's population (and growing).

1.5 million more residents will locate in Washington state between 2020 and 2040. That's the equivalent of adding another Spokane, Vancouver, Tacoma, Yakima, Seattle, and Kennewick combined.

People choose cities to live, work, and play

At their core, cities are communities of people who seek a place that reflects their needs and values. While cities provide core services, they also provide an intangible sense of belonging that draws people to them and creates a connection. The things people love about their city instills their deep connections to their hometowns. This translates into high expectations for their municipal government.

Cities are the governments closest to the people

Residents recognize the value of cities and the services they provide. People choose where to live, in part, by considering the things they love about their community. In that respect, it makes sense that city governments so closely reflect the communities that elect them. Local governments consistently score higher in public opinion polls gauging government trust. In 2018, there was a significant gap between how much more favorably people view local government compared to state and federal government.

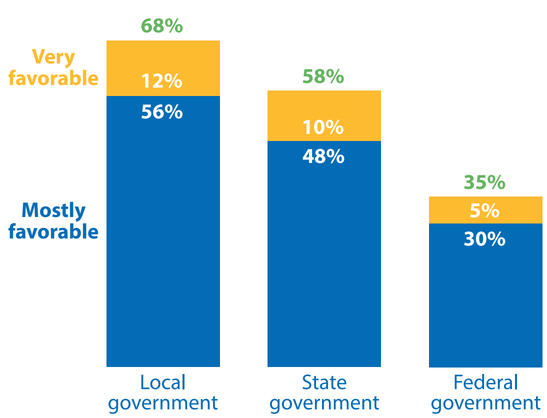
Population changes in Washington

Cities represent 65% of the state's population and act as growth hubs for the state. It is estimated that the population of Washington will grow by 1.5 million people in the next 20 years, and many will settle in cities.

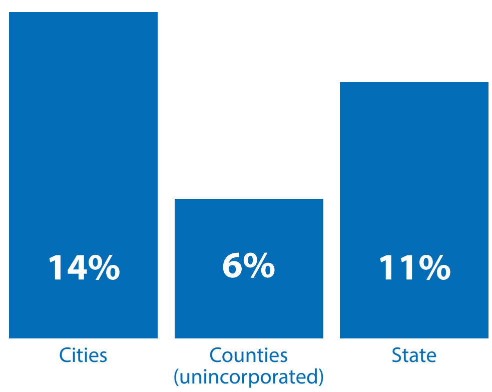
Throughout the last decade however, in addition to growth in urban cities and suburbs, areas that were once considered rural have grown substantially. Communities that once had more suburban or rural character and service needs have grown into urban areas and new suburbs. On top of that, the fastest growing cities are dispersed throughout the state due to a combination of migration, job growth, and annexations.

The demographics of cities are also shifting. The state is growing more diverse as communities work to provide flexible services for changing and aging populations.

Trust in government



Population growth rate from 2010-2019



Cities' most challenging community conditions

Availability of affordable housing

Infrastructure conditions (water/sewer/stormwater)

Cities need the state's help to meet growing challenges

Cities are consistent about how the state can help with our long-standing needs, including:

- Infrastructure funding
- Local revenue flexibility
- Revising the 1% property tax limit
- Local option revenue tools
- Economic development tools

Throughout the last decade, the major challenges facing cities have evolved to include new service demands that fall outside of the traditional roles of cities. Changes include increasing pressure for affordable housing and human services and the impacts of evolving technology, such as cybersecurity threats.

Local control remains a core theme for cities. Local elected officials are in the best position to know what solutions work best for their communities.

Overall economic health of cities

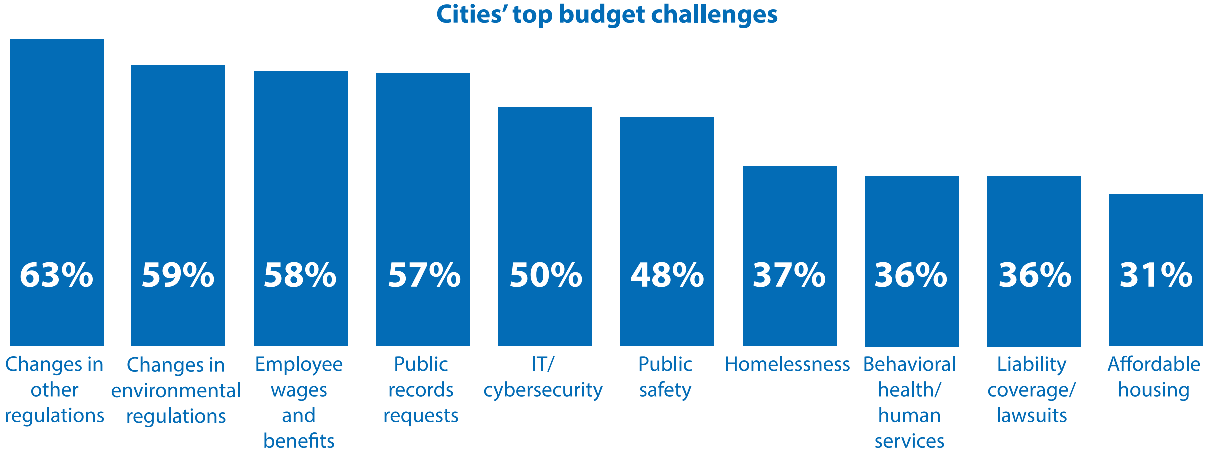
The overall economic health of cities is better for most cities than it was four years ago. That's partly because population growth, changes to sales taxes, and the growing economy have helped some cities recover from the last recession.

But, looking to the future:

- 20% of cities predict that their situation will be worse in the next year; and
- 38% predict they will be less able to meet basic needs in the next several years.

This is due (in part) to predictions and changing indicators of a possible recession looming in the near term and the fact that many cities heavily rely on growth to overcome structural limits of city revenues.

Cities' top budget challenges



How the state can best support cities

Funding for infrastructure projects

Protect state shared revenues

Unfunded mandates

Availability of behavioral health resources

Availability of local employment opportunities

"Strong sales tax growth (8-10% annually) has offset impacts of diminishing property tax revenues, helping our city meet our financial needs. I am **concerned about the long-term viability of this trend.**"

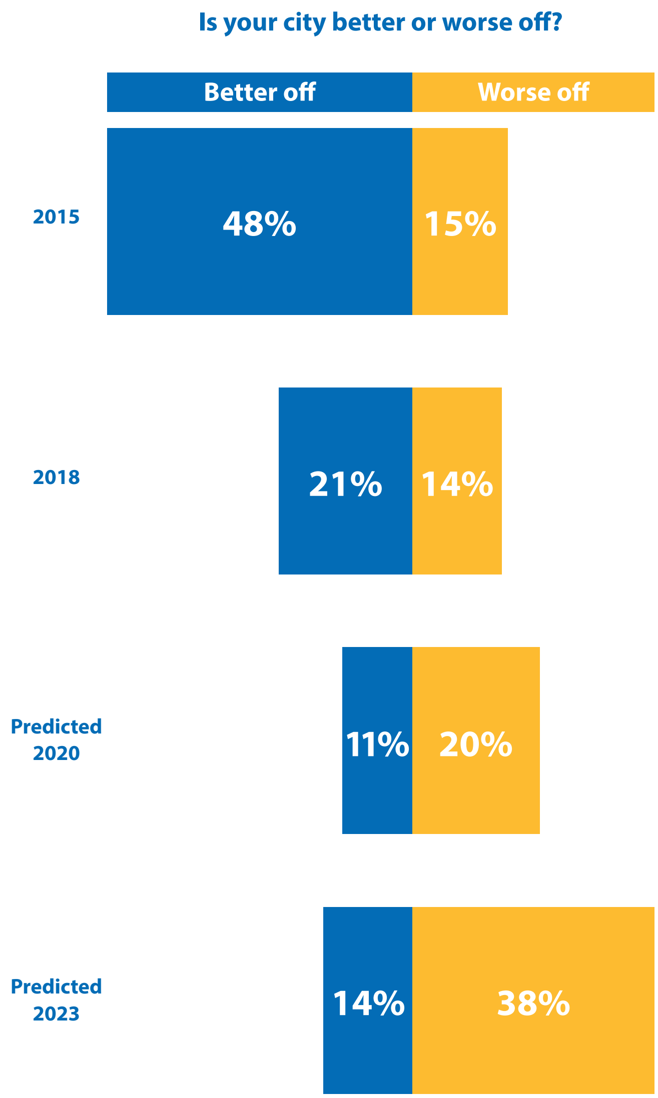
—Aberdeen, WA
Population: 17,000

"Due to rising costs and less revenue we are **struggling to stay above water.**"

—Marcus, WA
Population: 175

"Even though we are in one of the most economically healthy regions in the nation, **revenues are not keeping pace** with the increasing cost of doing business. Kenmore is very dependent on property tax, which can only grow by 1%, thanks to state-imposed limits. While we we've already implemented a lot of actions to delay the inevitable, our **financial lines are going to cross** (operating expenditures will start to exceed operating revenues) in 2021."

—Kenmore, WA
Population: 23,000



Funding to maintain operating services

Increase 1% property tax limit

Allow flexibility with existing resources

Assist local governments in economic development

City budgets & finances

Cities are economic generators for the state

Cities are the economic engines of our state, serving as hubs for regional economies. Most of Washington's population lives or works in a city, contributing to an economy that benefits the state.

An uncertain future

Washington cities are more financially stable now than they were five years ago, but many are concerned for the future. City revenues grew due to strong economic growth over the last five years, thanks in part to the economic contributions from people who live and work in cities. But the current need for infrastructure construction and maintenance limits resources available for other basic services. On top of that, public safety and health services compete for limited resources.

Cities are looking ahead to the next predicted economic slowdown and are facing the reality that they may need to reduce services.

City budgets strained

City residents rely on their local governments to provide the many services they care about, like transportation, affordable housing, and public safety. These services expand every year due to population growth, aging infrastructure, and changing community needs. In light of this, cities need access to stable and reliable revenue sources to make critical investments in crumbling infrastructure and to keep basic city services working for all residents.

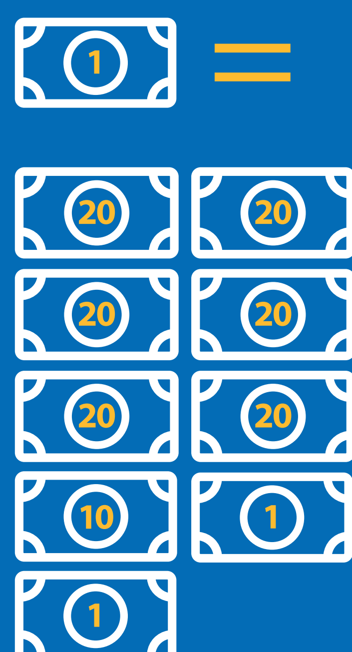
How the state can help cities

The Legislature can help by providing additional revenue tools to local elected officials and by honoring commitments to share revenues and fund infrastructure through the Public Works Trust Fund. Cities are worth the investment. For every $1 dollar in revenue the state shares with cities, cities generate at least another $132 back to the state.

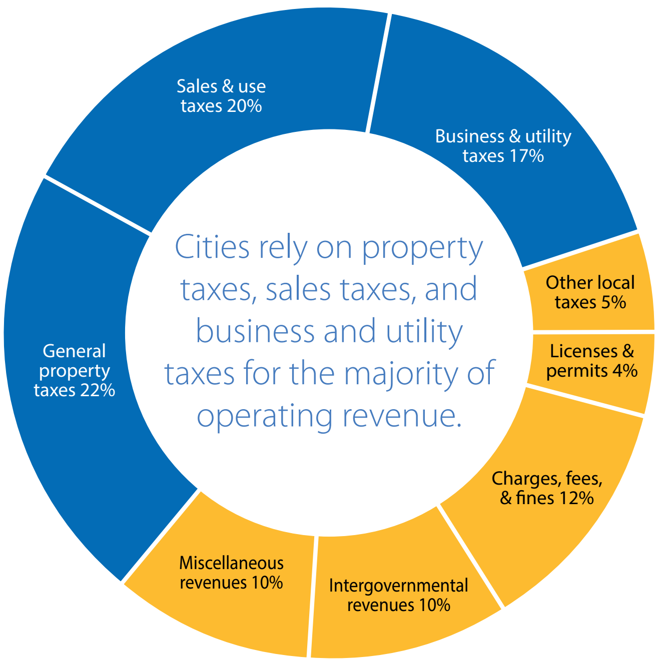
The Legislature can also address property tax limits. Property tax revenue is one of the bedrocks of government funding. In fact, 93% of cities say that increasing the 1% cap would positively impact their community. We need to have a real conversation about the impacts of the 1% property tax cap and find a more meaningful cap that recognizes and honors communities' demands for services.

1/3 of Washington cities collect less than $300,000 in revenue per year.

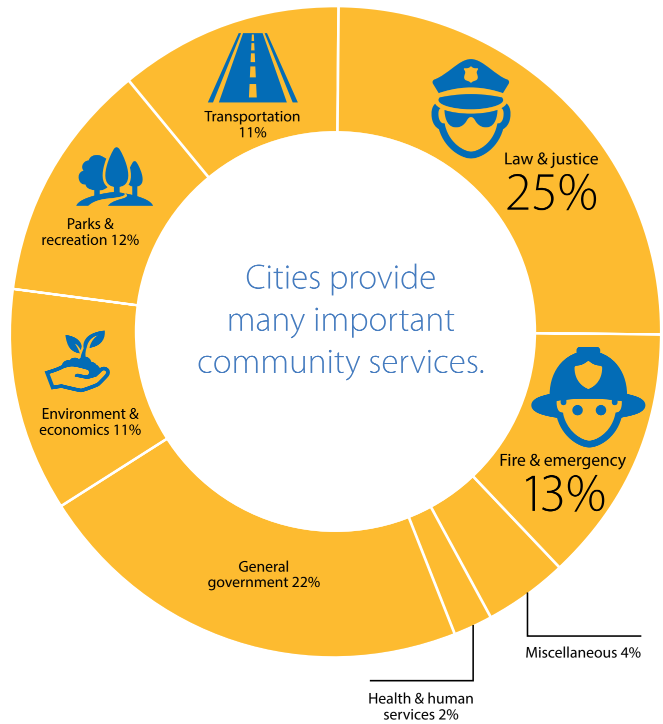
For every **$1** in shared revenue the state provides to cities, cities generate another **$132** back to the state.



City revenues



City expenditures



Arbitrary 1% property tax cap

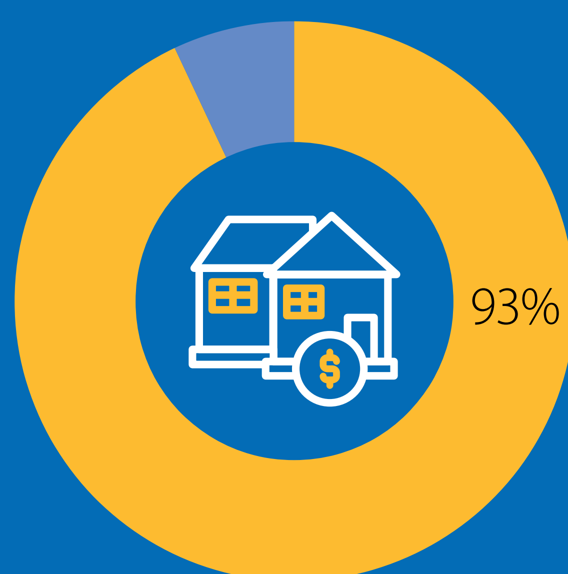
Property tax is the single largest revenue source for cities in Washington, comprising 22% of city revenues. However, annual property tax increases have been arbitrarily capped at 1% since 2001, which prevents revenues from keeping pace with inflation and population growth. Furthermore, the artificial cap strips authority from local elected representatives and channels revenue generation efforts into other, less reliable taxes and fees. Compared to sales tax, which fluctuates with the economy, property tax is a much more stable and reliable revenue source.

The 1% limit on annual increases has deeply strained many city budgets. Cities have the option of levy lid lifts and excess levies. However, both require voter approval and neither option permanently raises the annual increase in levies. In the first five years after the cap was introduced, cities lost an estimated $500 million in property tax revenue, and the devastating impacts continue to reverberate in city budgets.

The rising cost of real estate increases assessed values, which should positively influence city revenue (and the potential to support critical city services like infrastructure and public safety).

Unfortunately, that positive growth hits the 1% limit, leaving cities with revenues that can't keep up with the rising costs of community services.

93% of cities say that increasing the 1% property tax limit would have a significant, positive impact on their ability to meet their community needs.



Revenues are falling short of expenditures

Cities are extremely concerned about their revenue collections in the next five years. More than a third of Washington cities say their revenues are falling short of their expenditures, and the consequences of insufficient revenues are felt most dramatically in smaller, more rural cities.

Current revenues are not enough for many cities to support community expectations and priorities. On top of that, the price of goods and services purchased by local governments is rising much more quickly than consumer goods and services. That means it's getting more expensive to buy the same things.

Consequently, cities' tax structures are not keeping up with either the traditional rate of inflation or cities' actual growing costs. Most significantly, cities struggle to manage ever-increasing costs of basic services like complex public safety challenges, aging infrastructure, and responding to increasing public records requests.

57% of cities report that the amount and frequency of public records requests negatively impact their budgets. **48** cities spent more than **$100,000** in the last year to fulfill requests.

Funding the future

More cities are pessimistic about their ability to meet service needs and about signs pointing to an economic recession in the near future.

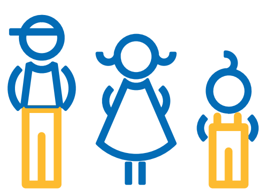
Without reliable state investment through state-shared revenues like liquor taxes, Municipal Criminal Justice Assistance, Fire Insurance Premium Tax Account, and programs like the Public Works Trust Fund, cities are forced to shift funding from other city service areas and are losing the ability to fund other services valued by their communities. Threats to core services require cities to shift resources from other critical departments, and ultimately limit opportunities for cities to invest in our communities.

Despite the recent economic growth, cities are depleting their capital and operating reserves in order to fund critical capital investments, public safety, affordable housing options, behavioral health and human services, and employee wages and benefits.

45%

of cities report that the conditions of their public parks are a significant problem *but are underfunded because of other pressing service needs.*

76%



of cities do not feel prepared to offer programs and services for their youth, *and **91%** of cities do not feel prepared to offer programs and services for their seniors.*

Conclusion

A structural imbalance remains between cities' revenue options and cities' obligations to fund critical services for residents. This imbalance means it is critical to continue to advocate for greater diversity in funding sources.

We also need the state to recognize both the intrinsic value of the services cities provide to Washington's residents and the economic value cities provide to the state's budget, and partner with cities to invest in infrastructure and city services.

Public safety

62%

of the state's commissioned law enforcement officers are city police

Cities are addressing emerging public safety demands—we need state support to help keep pace

In many ways, the mission of city public safety officials hasn't changed much over the years. What has significantly changed in recent years are the needs and demands of our communities and residents.

In Washington, cities are leading efforts to address evolving public safety needs. From adopting innovative widespread community policing policies, to training police officers to administer emergency opioid overdose medications, Washington cities are doing their part. Yet without additional state investments, cities struggle to address the visible and devastating symptoms of many emerging public safety challenges.

To address the vast changes in public safety and law enforcement, cities need:

01 Increased access to behavioral health services and additional state funding for localized behavioral health response options.

02 State action to ensure newly hired law enforcement personnel have timely access to the Basic Law Enforcement Academy (BLEA).

03 Greater investment in a holistic approach to public safety and behavioral health.

City law enforcement is called upon to address a new array of social problems

Law enforcement officers are frequently the first to arrive at a behavioral health emergency. Local law enforcement agencies grapple with the rising costs of responding to these increasingly prevalent emergencies.

In response, many of Washington's police departments have implemented creative and unique strategies to address the symptoms of the nationwide behavioral health crisis. But without significant state investments, city law enforcement lacks the necessary resources to adequately respond to the behavioral health needs of our communities.

Drastic state action is needed to assist the work of city law enforcement. Cities need the state to increase access to community behavioral health treatment options and provide additional resources for cities to expand jail diversion programs, medication assisted treatment programs, and other localized programs.

75%

of all cities identified the inability to access behavioral health resources as a leading problem for their community.

32%

Increase in drug-related arrests in Washington state over three years.

Cities face challenges with recruiting and retaining police officers

Demand for hiring new law enforcement officers continues to increase across the state, while qualified pools of applicants continue to shrink. Nearly 62% of cities with police departments stated they face challenges with hiring police officers. Increased retirements, employment competition, and population growth are all factors that have contributed to recruitment and retention challenges.

The role of police officers has also changed drastically in recent years, making it more difficult for agencies to recruit candidates who have the required skill set for 21st century policing. In addition to reforming recruitment practices at the local level, cities need state action to ensure newly hired law enforcement personnel are provided timely access to the state's Basic Law Enforcement Academy (BLEA).

Nearly **55%** of cities report fewer police officer job applicants.

Over **75%** of cities list "a lack of qualified applicants" as a primary challenge in hiring new officers.

In less than five years, **47%** of Washington law enforcement officers will be eligible for retirement.

Washington state could see a **2 to 1** ratio of outgoing to incoming officers over the coming years.

Cities spend more of their limited resources on public safety

Cities prioritize public safety budgets to address:

- Washington's growing population
- Increasing behavioral health-related disturbances
- Recruitment and retention issues
- Overall spikes in wage and benefit costs

Public safety is the most common city budget area expected to increase in fiscal year 2020. Cities need greater investment in a holistic approach to address public safety and behavioral health issues.

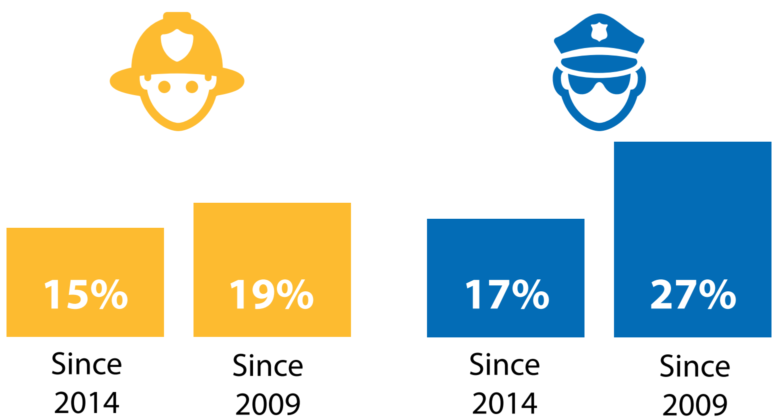
Growing public safety needs have forced cities to shift resources away from popular central services such as parks and recreation, libraries, and street repair. Even so, city public safety needs continue to fall behind.

Cities report public safety as the most common city budget area **expected to increase** in 2020.

Despite the efforts of cities, Washington ranks **last in the nation** for the number of law enforcement officers per 1,000 residents.

Cities are **shifting resources away** from popular central services such as parks and recreation, libraries, and street repair to address public safety concerns.

Wage change for city public safety employees



Conclusion

City public safety officers are undoubtedly on the front lines of Washington's collective social and community challenges. Cities are continuously adopting new innovative strategies and making new investments to address these growing public safety demands. However, cities can't continue to invest in our public without state support and the flexibility to address emerging budget gaps.

Human resources

City staff are key to providing core community services

Cities are people-intensive operations. Many of the services we count on in our cities are carried out by experienced staff. These are the people who invest their time and energy to deliver the best services to their neighbors and make a difference in their communities. Great employees are the key to providing excellent city services.

From public safety, to street maintenance, to recreational activities, residents rely on our dedicated public servants for a host of services. Cities recognize the value of competitive wages and benefits and know that in order to attract the best and brightest to careers in public service, cities must offer competitive compensation. However, cities around the state indicate concern that employee wage growth will continue to outpace city revenue growth.

New state wage and benefit mandates have further increased the cost of doing business for most cities, in addition to cost increases surrounding the competitive nature of Washington's job market. Despite rapid growth in many parts of the state, cities continue to struggle to balance community needs with budgetary constraints.

Overall, the growth in city staffing levels does not keep up with population increases in our fast-growing communities—meaning fewer city employees are serving more residents.

In most cities, revenue growth has not kept pace with wage growth

Many cities express concern over rising costs associated with employee wages. In the last five years, wages in 56% of cities have risen faster than city revenues. Furthermore, cities are worried about future costs associated with state mandates including increases to the state minimum wage, changes in prevailing wage polices, and state-led efforts amending standards on overtime eligibility.

Cities recognize the value of competitive wages, but need state leaders to consider the larger impacts on public budgets before finalizing new personnel and wage policies.

Since 2000, the number of city personnel per 1,000 population has decreased by **19%,** while Washington's population has grown over **28%.**

To address the changes in personnel, cities need:

01 State consideration of cities' budgets when implementing new personnel and wage policies.

02 Assistance funding employee benefits and wage increases mandated by the state.

In the last five years, wages of city employees increased **16%** on average, while **56%** of cities have seen revenues grow less than **16%.**

State expanded benefits have increased personnel costs across the board

In addition to the overall spike in labor costs, state-mandated increases of employee benefits are impacting city budgets throughout Washington. In the last few years, state increases to employer-paid pension programs and expanded workers' compensation benefits have required city employers to bear the burden of cost increases.

The statewide fiscal impact on local government is still unknown. New costs mandated by the statewide Paid Family and Medical Leave law will require cities to fund employer-paid premiums and additional expenditures to backfill positions, update and process payroll, cover collective bargaining costs, and process employee eligibility and benefits appeals.

Cities need the state to address the financial impacts created by mandates for new or expanded benefits to public employees.

Workers' compensation rates for firefighters have increased **13%** in the past three years and the rate for law enforcement grew by **23%.**

Since 2012, the PERS employer pension contribution rate has increased by **82%.**

City workforce growth trends mirror economic and population growth

Cities likely to maintain or decrease workforce

Cities with a population less than 2,500 indicate that they are much less likely than other cities to expand their workforce in the coming years. Most of these cities are small rural communities or metro mid-size cities outside of urban core centers.

Cities likely to increase workforce

Most of the cities that plan to increase the size of their workforce are in a better financial and budgetary position than average. Metro mid-size cities in urban cores, rural commercial and regional centers, and tourism hubs are more likely to increase the size of their workforce.

This data suggests that workforce growth is correlated with increased community need and economic activity. Cities facing both growth and decline need state support to help keep pace with community needs.

61% of cities say that expanding wages and benefits negatively impacts their budget outlook.

27% of cities expect to increase the size of their workforce in 2020.

Workforce growth is correlated with **increased community needs and economic activity.**

Conclusion

City workforce trends continue to mirror patterns in economic and population growth. However, increased wages and benefits instituted at the state level significantly impact the ability of cities to keep up with service demand. Cities have no control over these significant cost drivers and must weigh the increased costs with either revenue increases or service reductions. Cities need the continued support and consideration of state lawmakers to ensure cities have the best personnel to effectively and efficiently serve our communities.

Infrastructure

Sustainable, fully funded infrastructure is the most pressing need for cities

Cities own a significant share of our state's critical infrastructure. Cities manage a diverse set of assets including streets, bridges, water mains, reservoirs, sewers, waste treatment plants, electrical lines, and more. While the state has historically provided necessary low-cost financing for these facilities, that funding is at risk. Cities need these vital shared resources to ensure that communities are safe, healthy, and thriving.

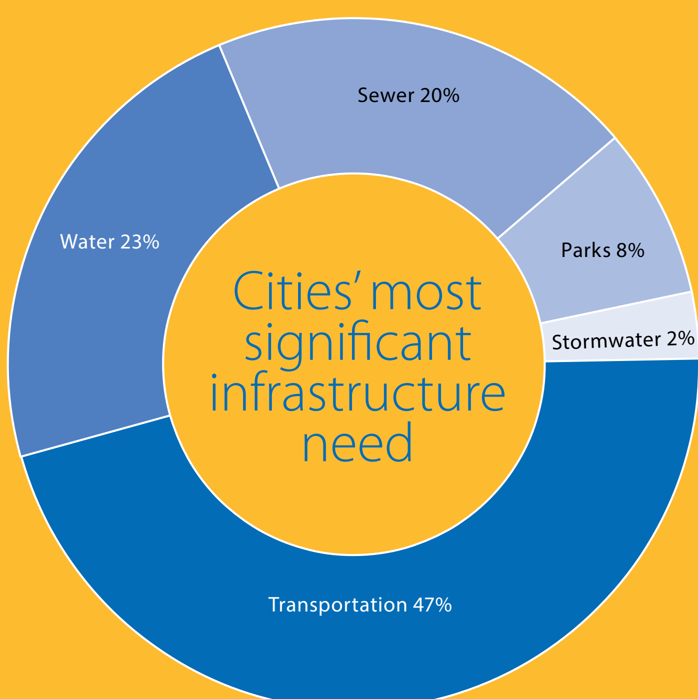
The Public Works Trust Fund is a crucial funding partner

Cities rely on state support for infrastructure financing. While financing needs can't be satisfied by any one program, the Public Works Trust Fund (PWTF) has long been the predominant funding mechanism for local infrastructure development. Full state funding for the PWTF helps local governments invest in the maintenance and preservation of our critical systems. Yet the PWTF has not been fully funded since 2009.

When it comes to updating and maintaining our state's infrastructure, cities need:

01 Full funding for the Public Works Trust Fund and the return of lost revenue streams.

02 Continued and reliable state support for critical basic infrastructure.



88%

of cities have concerns about funding their capital facilities plan.

57%

of cities say they need state help with infrastructure funding.

Infrastructure funding is a top problem for cities in Washington

Cities report that deteriorating infrastructure is the second most pressing problem impacting their overall community conditions. Infrastructure needs are even more dire in Eastern Washington—where cities identify infrastructure improvements as the most pressing need facing their communities. In many cities, improvement efforts are halted by the limited funds available from the state, like the PWTF. State funding help is the most effective way to mitigate both infrastructure deterioration and city budgetary constraints.

Cities need to keep their rates affordable for all residents and businesses. Secure and stable funding is the only way cities can maintain affordable utilities. The capacity of sewer networks is a growing concern as density increases and older systems struggle to accommodate higher flows. Much of the stormwater infrastructure is currently beyond its design life and urgently needs repair or replacement. Furthermore, small city public water systems cannot keep up with water quality regulations, meet demands for water supply, or maintain and operate the infrastructure effectively.

Cities rely on the PWTF to fund critical infrastructure improvements

The PWTF was created in 1985 to help local governments address infrastructure needs through a dedicated funding pool. The revolving loan program has provided more than $2.9 billion in loan assistance to local governments for critical infrastructure projects. The affordable infrastructure financing provided by the PWTF cannot be matched by the private sector. Due to the PWTF's financing options, both taxpayers and ratepayers save money. Unfortunately, state diversions and sweeps of these funds threaten cities' ability to provide critical infrastructure safety improvements.

Only 2% of cities plan to decrease infrastructure spending despite other pressing service needs.

Although the PWTF has provided **$2.9 billion in loans** since the account's inception in 1985, there have been nearly **$2.9 billion in state diversions** and sweeps in the last decade.

60%

More than **60% of cities** have applied to receive a PWTF loan, yet 33% of applicants still report that **unmet infrastructure funding** is a major problem facing their community.

In the 2019 legislative session, legislators **diverted an additional $160 million** from the PWTF while, in the same year, the PWTF received loan applications totaling over $250 million. **Only $81 million in projects were funded.**

Regional differences

Small and rural cities face a harder time funding infrastructure projects as a result of PWTF sweeps. These cities have a smaller tax base and lower average assessed property value, and therefore have a harder time attaining funding for maintenance and preservation. Smaller service areas also make utility rates too high to be affordable for residents.

Infrastructure investment promotes economic development and supports the state's economy

Cities rely on robust, functioning infrastructure that supports local economies, but face significant challenges in funding streets, sidewalks, water mains, sewer systems, and other infrastructure. Most of the infrastructure residents and businesses rely on goes unnoticed, but they cannot live, work, and play in our communities without it.

Basic infrastructure is necessary to support economic activity—businesses need reliable and affordable public infrastructure, like water and sewer systems to operate. It is also key to protecting our environment and quality of life that attract people and commerce to our state.

Cities own a significant share of our state's critical infrastructure.

These assets help ensure:

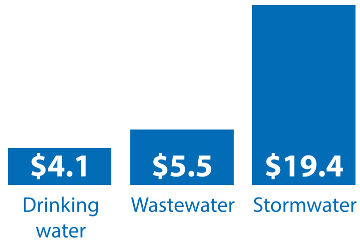
- Public health and safety
- Robust commercial activity
- High quality of life for residents

Every **$1** invested in infrastructure generates **$1.50** in economic output.

42%

of surveyed Washington registered voters said that increasing public investment in education, training, services, and public works was the best way for government to help the economy.

Top infrastructure need in Washington
(in billions)



Conclusion

As the state's population increases, cities face continued strains on aging and inadequate infrastructure systems. Cities need continued support from the state's Public Works Trust Fund in order to keep our roads, bridges, utility lines, water systems, and sewers in excellent working condition.

C grade

Washington's infrastructure isn't keeping up with these challenges. In 2019, the American Society of Civil Engineers gave Washington's infrastructure only a **C grade.**

Transportation

75%

of cities list transportation maintenance as one of the top three significant capital budget needs. *For a quarter of those cities, it ranks as the number one need.*

25% | 8%

25% of daily trips happen on city streets, yet cities receive only **8%** of the state transportation budget.

Most cities are unprepared for the rapid rise of alternative transportation modes, such as autonomous vehicles and micromobility devices (scooter and bike shares), which may require additional investments.

86%

of locally generated transportation funding comes from cities' unrestricted revenues such as property tax or sales tax—which competes with other critical spending needs, such as public safety and parks.

Cities are investing more than ever in transportation infrastructure, but can't close the $1 billion gap in maintenance and preservation costs

Cities own, manage, and maintain a significant share of our state's transportation system. More than a quarter of all daily trips happen on city streets. And, while cities are investing more than ever before, they are struggling to address the $1 billion funding shortfall that exists in maintenance and preservation costs. In addition, cities face a $900 million gap in unmet transportation system growth needs, including city streets that are designed for the transportation modes of the future—those that will transport people for their first or last mile.

Cities need greater local options and more state-shared resources to fully address transportation shortfalls

For city transportation systems to thrive, cities need:

01 Protection of existing transportation revenues and creation of more local revenue options.

02 Policy improvements like the expansion of Transportation Improvement Board programs, a federal fund swap option, and other changes to existing policies and programs.

03 A state transportation revenue package that increases resources for cities.

Transportation maintenance ranks as a top city budget need

Three-quarters of cities name transportation maintenance as one of the top three capital budget needs. For a quarter of those cities, street improvement and repair rank as the number one need. Similarly, nearly two-thirds of cities say maintenance is their greatest transportation need.

A recent study by the state's Joint Transportation Committee found that cities have stepped up to invest in their local transportation systems—providing nearly 80% of city transportation funding from local revenue. But while cities have increased their investment, state and federal government investments have declined at the same time. The result is a $1 billion per year maintenance and preservation funding gap. The costs of preservation and maintenance continue to outpace local revenues—creating a costlier backlog over time.

1.4

Washington cities **spent $1.4 billion** in construction, maintenance, and preservation projects in 2017.

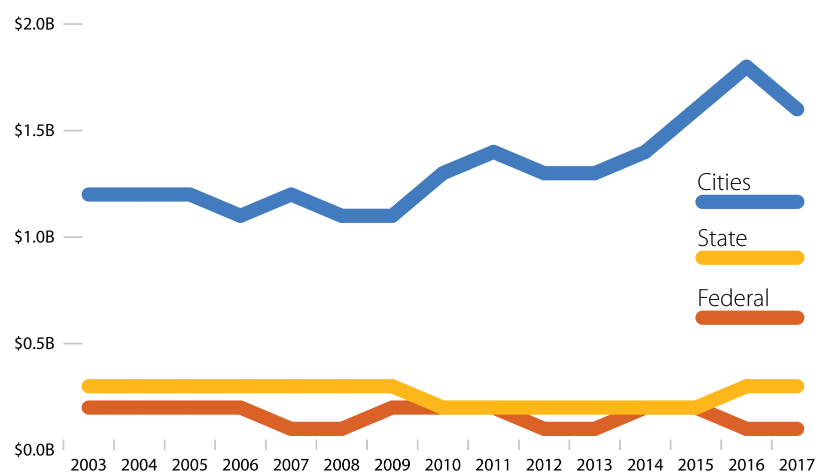
Cities rely on state resources for basic maintenance and preservation. Yet state investment has **remained unchanged, or even declined,** during the last 15 years.

The amount of state funding for city streets does not match their level of use

Cities are responsible for more than a quarter of the roadways that make up the state's transportation system. Most trips begin and end on city streets. City streets are an essential and basic part of our transportation network, connecting Washington residents and communities, and supporting our economy. While more than 25% of statewide travel occurs on city streets, cities only receive 8% of the state's transportation investment.

City streets interact with both the built and natural environments. This means streets must allow for utility infrastructure, residential and commercial uses, trees, and multiple users of various transportation methods—such as cyclists, transit riders, pedestrians, and people requiring accessible sidewalks. Cities have stepped up to invest local dollars in their streets; but as the complexities increase, so do the costs to maintain city roadways. City streets are a vital part of the state's transportation system and require increased state investments to address systemwide mobility needs.

Cities have increased spending on transportation, while state and federal spending has lagged.



Regional differences

While cities generate most of their transportation resources locally, they also rely on state-shared revenues to bolster their local spending. The Transportation Improvement Board (TIB) provides small cities (under 5,000 in population) with an asset management and pavement preservation program. TIB also provides grants to larger cities (over 5,000 in population) to fund or partially fund vital infrastructure projects. Unfortunately, greater funding is needed, as less than 40% of TIB grant applications were funded for fiscal year 2020.

Most cities are unprepared to meet the needs of new transportation methods

As a result of the strain a growing population puts on transportation networks, micromobility technologies have recently taken off in some cities. Micromobility is a category of very small (usually one passenger) light mode of transportation, such as dockless bikes and electric scooters. Micromobility provides new ways for residents to move throughout a community. The promise of this alternative transportation method is to close the public transportation gap between the first and last mile of trips—making investments in public transit more effective and reducing congestion.

The rapid rise of micromobility comes with an additional set of challenges and considerations for local decision-makers. Three-quarters of cities say they are unprepared for micromobility. Many cities are already feeling the pressure of adapting to the rapid rise of micromobility technologies. And almost all cities feel unprepared for the rise of autonomous (driverless) vehicles.

Prioritizing multimodal goals without raising additional or dedicated funding affects a city's foundational street responsibility—maintaining and preserving existing infrastructure to protect the city's investment. There are also important safety and liability considerations when sidewalks and bike lanes become crowded and more complex. Balancing these competing, but often compatible, interests is increasingly challenging.

1/4

of cities report that they are somewhat prepared for the emergence of micromobility transportation modes.

In Bellingham, which prioritized a transportation mode shift to a highly connected pedestrian and bike network, street resurfacing is typically **only completed when combined** with a non-motorized project like adding a bike lane.

Conclusion

City responsibilities for streets come with many considerations, including how to accommodate multimodal transportation goals, how to increase access for individuals with differing abilities, and how to smoothly manage the complexities of the built and natural environments. Construction costs, inflation, and competition for increasingly scarce local revenue reduce resources available to invest in maintaining city transportation infrastructure. When cities can't invest enough in preserving the existing system, lifecycle costs compound over time—creating a costlier system for all users.

Affordable housing & homelessness

Cities face two complex challenges that intertwine — lack of affordable housing and increased homelessness

In the last five years, cities have been increasingly asked to handle service areas that have historically fallen outside their traditional fiscal responsibility—homelessness and behavioral health response. Both are exacerbated by the affordable housing crisis happening across the state.

Washington is missing more than 100,000 housing units for the anticipated population increase alone, to say nothing of the urgent need for workforce housing and for those at lower income levels. Cities are struggling to address the absence of affordable housing in their communities and lack resources to help the growing number of people experiencing homelessness who are sheltering in parks and on city streets.

The state should support city-tailored solutions to increase affordable housing options for all income levels and make additional investments in homelessness crisis response.

Cities need:

01 New councilmanic taxing authority for affordable housing, such as an optional sales tax or real estate transaction tax.

02 Support and incentives for cities that are working to expand the variety of housing in traditionally single-family neighborhoods.

03 Increased state funding for homelessness crisis response.

80%
of cities need state funding to support affordable housing programs and local planning efforts.

3/4
of cities are struggling to handle the costs and impacts of the homelessness crisis in their communities.

The challenge of affordable housing is too great for local budgets alone.

77%
of cities list a lack of low income and affordable housing **as a problem** in their community.

1/3
of cities indicate that affordable housing-related expenses are having **a negative impact** on their budget.

41%
of cities are **unprepared** to meet the increased demand for affordable housing.

Cities need state investments to address the statewide lack of affordable housing

Cities rank the following as major problems in their community:

- Availability of affordable housing
- Infrastructure conditions

Eighty percent of cities want direct state funding for housing programs to address the challenge, as well as additional local revenue options for affordable housing.

Cities need resources to handle the impacts of the homelessness crisis in their communities

Cities are increasingly finding themselves entering the homeless crisis response system not only as funders, but as service providers. We are entering uncharted waters in attempting to address the ballooning number of unsheltered people in our communities. There are no existing best practices for funding, setting up, or prioritizing individuals into managed encampments, including safe parking programs or tiny home villages. Meanwhile, the existing shelter system is at capacity and turning high numbers of unsheltered people away on a nightly basis.

Washington, and the nation, are facing a crisis:

- A steadily growing unsheltered population
- Lack of shelter beds
- Lack of affordable housing
- An overly burdened system

The costs of responding to the homelessness crisis across city services are significant:

- Responding to increased police calls
- Cleaning up parks and unsanctioned public encampments
- Creating and staffing homeless outreach teams
- Managing mitigation sites

Over half of cities report fiscal impacts to public safety and parks departments, but many cities cite impacts across all departments **due to the significant budget impact** of homelessness response.

1/3 of city legal departments have also experienced impacts as cities try to navigate the changing legal landscape.

"The entire city staff, organization, and community has been impacted [by homelessness response]."

—Port Angeles, WA
Population: 19,872

Conclusion

Cities across the state are stepping up to address both the affordable housing and homelessness crises. Cities will respond when given new options to generate revenue for affordable housing—as proven by early adoption of the new sales tax credit authority provided in 2019 by the Legislature in **HB 1406.** However, the challenge is too great for local budgets alone. Cities need increased state resources to address the scale of the housing crisis to effect meaningful change at the local, regional, and state levels.

Economic development

Washington cities need financing options to boost economic growth and opportunity for residents

City leaders repeatedly name economic development as one of their highest priorities. Cities drive our state's economy and to do so they need to attract, grow, and support diverse businesses, commercial centers, and industry in our communities. City leaders also want to ensure residents have local employment opportunities and a healthy and diverse tax base. To do all of that, and achieve the shared goal of maintaining and enhancing a robust economy, cities need a diverse economic development toolkit to encourage commercial and economic growth in their communities.

Broadband infrastructure is critical to spur economic development

Sustainable, reliable infrastructure is the foundation for building an economy. Cities overwhelmingly report the need for state investment in local broadband internet infrastructure projects to help spur local economic development.

Broadband is the "superhighway" for economic development—it's an essential component of infrastructure that gives all residents access to opportunity. Small businesses and organizations in cities need infrastructure to process transactions, post job opportunities, buy and sell products, and participate in specialized trainings and professional development opportunities online.

Access to broadband and advanced telecommunications infrastructure is one of the most pressing needs for cities under 7,500 in population. These communities' economies rely primarily on retail, tourism, and commuter industries. To support cities and their unique needs, funding for broadband infrastructure is critical.

71%

of cities face significant challenges to local employment opportunities, due largely to low economic development investments.

94%

of cities report that creating new and enhanced state programs to help spur economic development would have a significant positive community impact.

54%

of cities report broadband infrastructure as a significant barrier to economic development in their community.

City economic development opportunities are unique and diverse

Washington cities are diverse in their available industries and economic development needs. However, most cities need opportunities for local economic development to provide more local employment opportunities to their residents.

City economies are diverse in nature—encompassing industries of agriculture, tourism, aviation, technology, and military. Cities that report tourism and hospitality as their primary industry also have the lowest rates of local employment opportunities. Conversely, cities with technology and telecommunications as the primary industry rarely struggle to provide local employment opportunities.

These varying trends highlight the diversity in economic needs across cities and show that a single solution cannot adequately meet the needs of all cities.

Cities' access to a more robust and diverse toolkit will encourage economic development

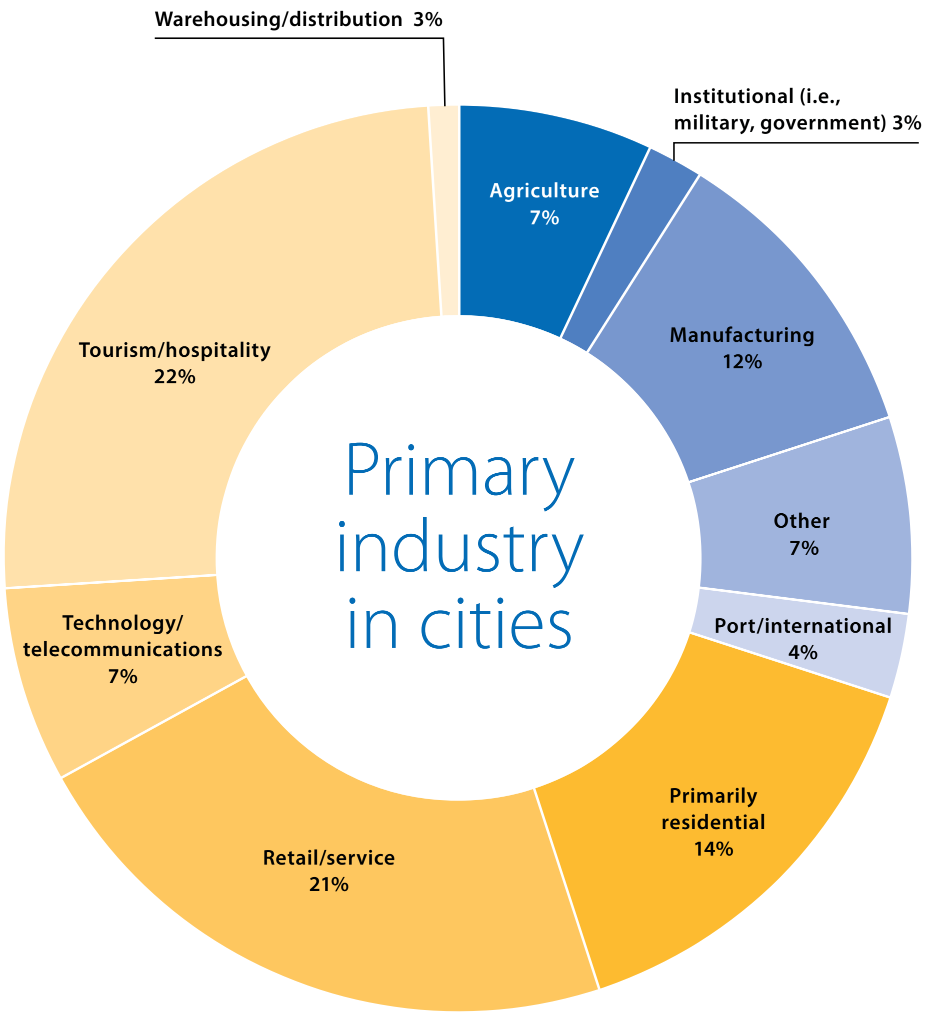
Cities need:

01 Access to reliable broadband infrastructure to attract new businesses.

02 State support to invest in infrastructure to support diverse and unique industries.

03 New tools such as Tax Increment Financing to incentivize local investments.

City industries are diverse and have differing economic needs. A single solution from the state cannot adequately meet the vast variety of needs in all Washington cities.



50%

of businesses and organizations say broadband is essential infrastructure for them to maintain their business in any given city.

77%

of cities report that inadequate street infrastructure is a significant barrier to economic development.

New tools can help support economic development

Cities report that Tax Increment Financing (TIF) options can dramatically impact the economic health of their communities. TIF is a method of using property tax collections within designated areas to finance public infrastructure improvements. TIF, and programs like TIF, have helped many states encourage new investments from private industry and improve overall economic health. Small towns and rural cities see TIF as a critical tool that could help spur new investment in their local economy.

TIF is one example of an economic development tool cities seek to leverage. The state has also utilized "tax increment financing lite" programs such as the Local Revitalization Fund (LRF). Under the LRF program, cities use sales tax credits from the state to fund infrastructure investments that support new commercial development.

50%

of Washingtonians feel that the economic conditions of their community are worse off or have not improved in the last two years compared to the rest of the state.

$359 million

In 2017, 12 cities with LRF-funded projects reported a state benefit of $359 million.

Conclusion

Maintaining and enhancing Washington's economy is a widely shared goal. Cities are particularly critical in this quest because they contain so much of our state's economic activity. However, cities have limited tools available to support continued economic development. Infrastructure investment is one of the most important ways that cities can encourage commerce and industrial development, but it is also one area where city funding is stretched most thinly. Our state also lacks a key tool available in almost every other state—Tax Increment Financing. TIF (at its most basic) is a way for economic growth to pay for itself. Every city's economic development goals are unique based on differing strengths and needs—Cities need diverse tools to achieve these unique goals.

State of the Cities conclusion

Cities are vital to the state's economic prosperity and serve as hubs for innovation. They are where businesses are located and where people live and gather. City services, from streets and infrastructure to public safety and parks, are essential to Washingtonians' quality of life.

The findings and recommendations in this report are intended to continue the conversation about how the state can assist cities and ensure the long-term economic health of the state. Cities need state assistance with strategies to help with infrastructure funding, local revenue options, and the flexibility to adequately fund city services and spur economic development.

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Association of Washington Cities
1076 Franklin St SE, Olympia, WA 98501-1346 | 360.753.4137 | 800.562.8981 | wacities.org

COPY

LEASE AGREEMENT

THIS LEASE, made and entered into at the City of College Place, Washington, this 28th day of February 2000, by and between the CITY OF COLLEGE PLACE, a non-charter code city, a municipal corporation organized under the laws of the State of Washington. hereinafter called the Lessor, and THE COLLEGE PLACE LIONS CLUB, hereafter called the Lessee.

WHEREAS, the field house the subject of this lease has been constructed by funds, donation of labor and the supervision of the College Place Lions Club and it is the desire of the City of College Place to contract with the Lions Club for the operation of the field house. The College Place Lions Club shall use the property for their use as a meeting place and to supervise under appropriate acceptable regulations, the property for use by the general public as a multi-purpose community center. The Lions Club as Lessee will establish reasonable rates to be charged for the use of said building based upon reasonable costs, approved by the City. These rates shall be posted at the facility. The Lions Club will be responsible for supervising and scheduling the use of said building.

WHEREAS, finally in the event of an established emergency or need by the City this contract may by appropriate negotiation be terminated and the property used as a city facility. It is specifically found that the arrangements herein made are for the common benefit of the members of the community, the City, and the Lions Club.

WITNESSETH, the Lessor does hereby lease to the Lessee the following described premises in consideration of and in accordance with the terms, covenants and conditions hereinafter set forth:

1. Premises: That building and the immediate area adjacent thereto described as being an area approximately 100 feet by 40 feet in the northwest corner of the Lions-City Park as described on Exhibit "A" attached hereto.

2. Term: That the lease shall commence on the 28th day of February, 2000, for a period of ten (10) years ending on the 28th day of February, 2010, subject to a contract upon the same terms and conditions for a further period of ten (10) years upon due notice by the City and substantial compliance with the terms of the within lease. Renewal of lease requires written notice of intent to renew thirty (30) days prior to expiration.

3. Rental: It is understood and agreed that no monthly rental herein shall be charged. In consideration for the waiver of a rental, the Lions Club shall manage the facility and make it available at reasonable hours for the use of the general public. The Lions Club shall post rental fees for usage on building.

4. Use: That the Lessee will use and occupy said premises for the purpose of maintaining a multi-purpose community center upon terms and conditions duly established by the Lessee but subject to the approval of the Lessor. Said facility shall be scheduled and charges made consistent with the costs of maintaining and operating said building and its use by the general public, the City and the Lions Club. However, as the building is intended to be used by the community at large, every effort will be made to accommodate various potential users. Persons denied use of the facility by the Lion's Club may appeal that decision to the College Place Administration and ultimately to the College Place City Council. First weekend of July reserved for Lessors use.

5. Maintenance and Alteration: That the Lessee will make no alterations or changes in or addition to said premises without the consent of the Lessor and that all additions, improvements and fixtures made or added by the Lessee or Lessor shall be and remain the property of the Lessor.

6. Assignment and Subletting: That the Lessee will not assign this lease or any interest here under and will not permit any assignment hereof by operation of law, and will not sublet said premises or any portion thereof, for any period of time and will not permit the use or occupancy of said premises by other than the Lessee and his agents and employees of the Lessee except on terms and conditions as established for the use of the building as a multi-purpose community center. The Lessee shall prepare and submit proposed terms and

conditions for third party use of these facilities within sixty (60) days of signing this agreement. The College Place City Council shall have sixty (60) days from submittal of these proposed terms and conditions to approve, modify or change in entirety these proposed rules. If the Lions Club fails to submit proposed terms and conditions within sixty (60) days the City shall establish and implement usage terms and conditions.

7. Maintenance and Upkeep: The Lessee will be responsible for the upkeep and maintenance of the inside of the building (excluding adjoining restrooms), the payment of all electricity, water and other utilities used in the building.

8. Liability for Injury and Damage: That the Lessor shall not be liable to the Lessee for any damage to person or property resulting from the use of said property. That the Lessee will maintain appropriate liability insurance naming the Lessor as a co-insured, and does agree to hold Lessor harmless from all claims arising from the use of said building. The Lessor shall maintain appropriate liability insurance under their blanket insurance policy for its usage of the facility.

9. Fire Insurance: The Lessor will carry insurance under the City's blanket policy to replace the building in case of fire.

10. Lessor's Responsibilities for Maintenance: The Lessor will be responsible for outside maintenance of the building which shall include, but is not limited to the roof and walls and any external utility service that may be required. It is further understood and mutually agreed that in the event of any structural change or repairs or the placing of any equipment in the building, that as a condition of the lease herein the same shall be the sole and only responsibility of the Lessee. In the event of failure to pay any accrued obligation or to make any payment due or in the event a lien is filed by any builder, contractor or other individual duly established and failure of the Lessee to remove the same upon due demand, the lease herein shall terminate and all of the property and interest in said building shall revert to the Lessor.

11. Inspection of Premises: That the Lessor may from time to time upon giving prior notice examine said premises to assure itself of the proper maintenance of said premises or for viewing the same.

12. Surrender of Premises: That at the expiration or sooner termination of this lease the Lessee will surrender and deliver up said premises to the Lessor or those having the Lessor's estate therein on the same conditions as the Lessee now receives said premises, ordinary wear and tear and damage by fire and the elements excepted, retaining, however, the right to remove any personal property unique to the Lions Club including but not limited to all books, documents, flags, paraphernalia, file cabinets and like items.

13. Annual Audit and Report: It is further mutually agreed that at least annually an audit and financial report shall be filed by the Lions Club indicating the status of the community building, the rents received and the costs of maintenance.

14. Legal Regulations: That the Lessor, in order to comply with any municipal regulations under the laws of the State of Washington and for proper maintenance of said lease or for the building herein and for safety, order and cleanliness, may make and enforce additional regulations appropriate for such purposes but not necessarily an enlargement of or inconsistent with the terms, covenants and conditions of this lease which are primarily for the benefit of the community and the establishment here in of this community facility.

15. Licenses, taxes and Fees: Lessee shall pay any and all federal, state or local fees assessable in connection with the operation of this lease.

16. Breach of Covenant: That the covenants of this lease are continuing covenants and the waiver, whether expressed or implied by Lessor of breaches of said covenants shall not be deemed a waiver of subsequent breaches thereof.

17. Conditions of Premises: Lessee has examined the premises and accepts the same in their present good order, condition and repair.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

LESSOR:

City of College Place
A Municipal Corporation

By Thor Bakland
Mayor Thor Bakland

Attest:
Kathleen Boruman
City Clerk

LESSEE:
The College Place Lions Club

By: Henry Sunderland President

By: Buck Williams

EXHIBIT "A"
Lions Park Management Agreement

The following described tract used as a public park and owned by the Town of College Place:

> Beginning at the center of Section 36, Township 7 North, Range 35 E.W.M., and run thence South along the North and South centerline of said Section 36 a distance of 524.2 feet; thence North 61°58" East 160.0 feet; thence South 86°49" East 238.0 feet; thence south 66°32" east 175.0 feet; thence North 86°03" East 115.0 feet; thence North 68°24" East 80.0 feet; thence North 5°41" West 283.3 feet; thence North 15°02" West 389.0 feet; thence South 74°47" West 621.32 feet to the point of beginning.

LEASE AGREEMENT BETWEEN THE CITY OF COLLEGE PLACE, WASHINGTON & THE COLLEGE PLACE LIONS CLUB REGARDING THE OPERATION OF A PUBLICLY-OWNED COMMUNITY CENTER STRUCTURE COMMONLY IDENTIFIED AS 801 SE LARCH AVENUE

This LEASE AGREEMENT (this "Lease"), is made and entered into this 25th day of February, 2020 (the "Date of this Lease"), by and between the CITY OF COLLEGE PLACE, a non-charter code city governed by RCW Title 35A and municipal corporation organized under the laws of the State of Washington (the "LESSOR") and the COLLEGE PLACE LIONS CLUB, a 501©4 organization that is part of LIONS CLUB INTERNATIONAL, hereinafter called (the "LESSEE").

WHEREAS, the LESSOR owns that real property (the "PREMISES"), which is illustrated and designated on the "PREMISES MAP" attached to this Lease as Exhibit No. 1 and incorporated herein by reference, and is more particularly described in the "Legal Description of the Premises". Attached to this Lease as Exhibit No. 2 more commonly referred to as 801 SE Larch Avenue in College Place, Washington, 99324. And incorporated herein by reference; and

WHEREAS, the previous agreement between the LESSOR and LESSEE was in effect from February 28th, 2000 through February 28th, 2020; and

WHEREAS, pursuant and subject to the terms and conditions set forth herein, the LESSEE shall lease the premises from the LESSOR and the LESSOR shall lease the Premises to the LESSEE in order to accommodate the LESSEE's continued use of the PREMISES to operate it as a community center; and

WHEREAS, the LESSOR finds that leasing of said PREMISES to LESSEE for will be beneficial to the citizens of the LESSOR as well as the general public, and therefore should be executed under the terms and conditions mentioned herein below; and

NOW, THEREFORE, in consideration of the foregoing of the mutual conditions, promises and covenants hereinafter contained, the parties hereto hereby agree as follows:

1. LEASE OF PREMISES

LESSOR agrees to lease to LESSEE, and LESSEE agrees to lease from LESSOR the PREMISES in an "as is" condition, in accordance with the following terms and conditions.

2. USE OF PREMISES

The LESSEE shall use the PREMISES to as a meeting place of the LESSEE and will supervise under appropriate acceptance regulations, the property for use by the public as a multi-purpose community center.

3. TERM

The AGREEMENT will begin on March 1st, 2020 and will continue for a period of five (5) years to March 1st, 2025, unless otherwise terminated under the provisions of this AGREEMENT. This AGREEMENT shall automatically renew for an additional period of five (5) years on the same terms as this AGREEMENT or as it may exist as amended, unless either party gives written notice of the termination no later than sixty (60) days prior to the end of the term or renewal term.

4. LEASE PAYMENTS

The lease payment shall be $1 per year for the subject property. The LESSEE will manage and supervise under appropriate acceptable regulations agreed upon by the LESSEE & LESSOR the PREMISES for use by the public as a multi-purpose community center. The LESSEE will establish reasonable rates to be charged for the use of the PREMISES, which shall be approved by the LESSOR. These rates shall be posted at the PREMISES. The LESSEE will be responsible for supervising and scheduling the use of the said PREMISES. At least ten (10%) of gross revenues from PREMISES rentals must be reserved for maintenance and aesthetic improvements to the PREMISES and/or surrounding park.

5. TENANT IMPROVEMENTS

LESSEE shall be solely responsible for tenant improvements required to utilize the PREMISES as permitted and contemplated by this Lease.

6. REPAIR & MAINTENANCE

During this term of this Lease, including both the Initial Term and any extension thereof, the LESSEE shall be responsible for all repairs and day-to-day maintenance of the PREMISES.

7. UTILITIES & SERVICES

The LESSEE shall be solely responsible for payment of all utilities and services furnished to, or used by the LESSEE at the PREMISES, including without limitations, gas, electricity, water, sewer, telephone, cable, and all pertinent taxes, levies, connection charges, fees, and surcharges, if applicable. If LESSOR holds community events such as the College Place Farmers & Artisans Market, Movies at the Park, or other event outlined in the annual Community Events Resolution adopted by the College Place City Council the LESSOR will pay the difference in the electricity bill from an average month in which no community event is held in recognition of the community's use of electricity.

8. ALTERATIONS & REPAIRS

The LESSEE acknowledges that it accepts the PREMISES in an “as-is” condition and agrees to make no demands upon the LESSOR for any alterations or improvements, unless agreed to by the LESSOR. The LESSEE shall have the right to make alterations and improvements only upon receipt of written approval thereof from the LESSOR, which will not be unreasonably denied.

9. TAXES

The LESSEE shall pay prior, to delinquency all taxes and assessments which may be levied upon or assessed against the PREMISES and all taxes and assessments of every kind and nature whatsoever arising in any way from the use, occupancy, or possession of the PREMISES or assessed against the improvements situated thereon, together with all taxes levied upon or assessed against LESSEE’s PREMISES. To that end, the LESSOR shall not be required to pay any taxes or assessments whatsoever which relate to or may be assessed against this Lease, the PREMISES, improvements, and LESSEE’s Property. The LESSEE may, at its option, contest in good faith and by appropriate and timely legal proceedings any such tax and assessment; provided, however, that the LESSEE shall indemnify and hold harmless the LESSOR from any loss or damage resulting from any such contest, and all expenses of same (including, without limitation, all attorney’s fees, court, and other costs) are paid solely by the LESSEE.

10. INDEMNIFICATION

The LESSEE agrees to indemnify, defend, and save harmless the LESSOR, its agents, officers, and employees from and against any and all liability, expense, including defense costs and legal fees, and claims for damages of any nature whatsoever, including, but not limited to, bodily injury, death, personal injury, or property damages arising from or connected with LESSEE’s operations, or its services hereunder, including any workers’ compensation suits, liability, or expense, arising from or connected with services performed on behalf of the LESSEE by any person pursuant to this Lease.

11. INSURANCE

The LESSOR will carry insurance under the City’s blanket policy to replace the building in case of fire.

12. DEFAULT

The LESSEE agrees that if a default is made in any of the covenants and agreements herein contained to be kept by the LESSEE, the LESSOR may forthwith revoke and terminate this Lease.

13. ASSIGNMENT

This Lease is personal to the LESSEE, and in the event the LESSEE shall attempt to assign or transfer the same in whole or part, all rights hereunder shall immediately cease and end.

14. OPERATIONAL RESPONSIBILITIES

During the term of this Lease, including both the Initial Term and any extension thereof, the LESSEE shall:

A. Use the PREMISES for the purpose of conducting activities of the COLLEGE PLACE LIONS CLUB as that use is permitted by the City of College Place Unified Development Code;
B. Comply with the terms and conditions set forth in this Lease;
C. Manage, maintain, operate, and schedule the PREMISES as a community center.
D. ALLOW the LESSOR to reserve the PREMISES free of charge for city-sponsored community events.
E. Comply with and abide by all applicable rules and regulations required by the LESSOR;
F. Comply with all applicable local, state, and Federal ordinances, laws, and regulations, in the course thereof, obtain and keep in effect all permits and licenses required to conduct the authorized activities of the PREMISES;
G. Maintain the PREMISES in a clean, aesthetically pleasing, and sanitary condition;
H. Conduct the activities permitted herein in a courteous and non-profane manner and remove any agent, servant, or employee who fails to do so;
I. Assume the risk of loss, damage, or destruction due to theft, fire, and casualty of any and all fixtures and personal property belonging to the LESSEE that are installed or places upon or within the PREMISES;
J. Repair any and all damage to the PREMISES caused by or arising out of the LESSEE's use of the PREMISES;
K. Permit the LESSOR and/or its authorized representative to enter the PREMISES at any time upon 48 hours' notice for determining whether the LESSEE complies with the terms and conditions of this lease.
L. LESSEE shall not cause or permit discrimination against any particular class of individuals, which is a protected class under State and Federal law.
M. LESSEE needs to file annually on March 1st of each calendar year a report detailing the status of the community building, rents received, and the costs of maintenance.
N. LESSEE may reject space rental applications on basis of scheduling or unsavory activities. If event applicant wants to contest the rejection of said activity it can appeal to the CITY's Park, Arbor, and Recreation Board.

15. NOTICES

Notices desired or required to be given by this Lease or by any law now or hereinafter in effect may be given by personal service or by enclosing the same in a sealed envelope addressed to the party for whom intended and by depositing such envelop with postage prepaid in the United States Post Office or any substation thereof, or any public letter box, and any such notice and the envelope containing the same shall be addressed to LESSOR as follows:

City of College Place
Attn: City Administrator
625 S. College Avenue
College Place, Washington, 99324

Or such other place as may hereinafter be designated in writing by the LESSOR and the notices and envelopes containing the same to LESSEE shall be addressed to:

College Place Lions Club
Attn: President
PO Box 503
College Place, Washington, 99324

16. WARRANT OF AUTHORITY

Each of the undersigned signatories for the LESSEE hereby personally covenant, warrant, and guarantee that each of them, jointly and severally, have the power and authority to execute this Lease upon the terms and conditions stated herein and each agrees to indemnify and hold harmless the LESSOR from all damages, costs, and expenses, which result from a breach of this material representation.

17. TERMINATION OF LEASE

Termination of this Lease for any reason whatsoever shall not release either party from liability or obligation hereunder resulting from an event which may have occurred before such termination, or thereafter in case by the terms of this Lease it is provided that certain things shall or may have to be done after such termination (including, but not limited to, removal of fixtures and equipment placed on the PREMISES by the LESSEE).

18. LIENS

The LESSEE shall have no power to do any act or make any contract which may be created or be the foundation for any lien, mortgage, or other encumbrance upon the PREMISES or in the buildings or improvements thereon; it being agreed that should the LESSEE cause any alterations, rebuilding, replacements, changes, additions, improvements, or repairs to be made to the PREMISES; or labor performed or material furnished therein, thereon or thereto, neither the LESSOR nor the PREMISES under any circumstances be liable for the payment of any expense incurred or for the value of any work done or material furnished, but all such alterations, rebuilding, replacements, changes, additions, improvements, and repairs, and labor and material, shall be made, furnished and performed at the LESSEE's expense, and the LESSEE shall be solely and wholly responsible to the contractors, laborers and materialmen furnishing and performing such labor and material.

If, because of any act or omission (or alleged act of omission) of the LESSEE, any mechanic's or other lien, charge or order for the payment of money shall be filed against the demised PREMISES or any buildings or improvements thereon, or against the LESSOR (whether or not such lien, charge, or order is valid or enforceable as such, the LESSEE shall, at its own cost and expense, cause the same to be cancelled and discharged of record or bonded within ten (10) days after notice to the LESSEE of the filing thereof, and the LESSEE shall indemnify and save harmless the LESSOR against and from all costs, expenses, liabilities, losses, damages, suits, fines, penalties, claims, and demands, including reasonable counsel fees, resulting therefrom.

19. GOVERNING LAW:

This Lease shall be construed in accordance with the laws of the State of Washington.

20. ENTIRE AGREEMENT/AMENDMENT:

This Lease Agreement contains the entire agreement of the parties and there are no other promises or conditions in any other agreement whether oral or written. This Lease may only be modified or amended if both parties agree to alterations in writing.

IN WITNESS WHEREOF, the parties hereto have executed this Lease, or caused it to be duly executed, as of the day, month, and year first above written.

LESSOR:	LESSEE
CITY OF COLLEGE PLACE	COLLEGE PLACE LIONS CLUB
______________________	______________________
Norma L. Hernández, Mayor	, President

ATTEST:

____

Lisa R. Neissl, City Clerk

APPROVED AS TO FORM:

____

Rea Culwell, City Attorney

Separation of Powers – City/Court Relations

Judge

- Appointed
- Elected
- In either case, independent with regard to judicial matters

General Rule 29 defines administrative authority and what can be delegated to whom

Court revenue is a general revenue for the City

- Courts cannot be required to generate a desired level of revenue
- Fines and forfeits are imposed and collected by the Court
- Cities can set local fines (e.g. parking but cannot interfere with judicial decisions)

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Open Public Meetings (RCW 42.30)

- Applies to all meetings when a quorum of the members is in attendance
  - City Councils
  - Boards and Commissions
- City Council Committees
- Requirements
  - Public Notice
  - Minutes
  - Access to the public
  - Training for all elected officials and records officers

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Open Public Meetings

- Executive Sessions (RCW 42.30.110)
  - Limited by topics
    - Acquisition or sale of property **when knowledge of the topic will likely cause a change in price**
    - Performance of a public employee **but not just any personnel matter**
    - Pending or potential litigation
    - Labor negotiations (which is really a "Closed Session")
  - Discussions and materials must remain confidential
  - Discussions must be confined to the topic of the executive session

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The Accidental Meeting

- When can a conversation become a meeting?
  - Email exchanges that involve a quorum of the Council
  - Any meeting when a quorum of the Council is present AND City business is being discussed
  - Participation in social media by a quorum of the Council
  - A series of phone conversations of a quorum (the "Daisy Chain")
- When in doubt
  - Publicize the meeting
  - Listen to your City Attorney and City Clerk
  - Call MRSC

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Public Records Act

- A Public record is…
  - Any writing or recording **including text messages, voice mails, blog postings**
  - That relates to the conduct of government
  - That is created, owned, used or retained by that government or its employees
- All records are presumed to be subject to disclosure with narrow exceptions

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Public Records Act - continued

- Public disclosure requests
  - Can be in any form
  - Do not have to disclose the purpose of the request
  - Do not require you to create records that don't currently exist
- Agencies must respond promptly or be subject to monetary fines

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2017 Legislative Update

- HB1595
  - Authorizes charges for electronic copies of records
  - Authorizes charges for locating and preparing excessively complex requests
  - Defines requests that are overly broad as not valid requests
  - Allows agencies to deny automatically generated requests (“robo requests”) that would interfere with the normal course of business

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2017 Legislative Update

- HB1594
  - Protects personal records of volunteers not serving in an administrative capacity, not an appointed official and with no supervisory authority
  - Requires agencies to maintain a log of requests
    - Name of requestor
    - Date and text of request
    - Description of records produced
    - Description of redactions
    - Date of final disposition
  - Establishes new reporting requirements if agency PRA costs over $100,000

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Public Record Pitfalls and Tips

- Do not put it in an email unless you are ready to disclose it (or see it in the newspaper)
- Do not delete it just because you don't want to disclose it
- Understand and abide by retention rules
- Don't keep records beyond their retention period because if you get a PRR it's more records to search

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Public Record Pitfalls and Tips - continued

- Have a policy for participating in social media and a way to save social media posts
- Err on the side of disclosure
- Make sure your staff understands the PRA
- Pick your battles

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Welcome to Washington

A Guidebook for City Managers

Finance & Budget

PRESENTED BY:
TRACEY DUNLAP

We'll Discuss

- Constitutional Provisions (e.g. Gift of Public Funds)
- BARS
- Budget
- Local Government Revenue Sources
- Property Tax
- Purchasing
- State Auditor

Finance and Budget

Keeping your City in Financial Order

The Big Picture: Constitutional Provisions

- Gift of public funds prohibited
- No lending of public credit
- No income tax (but not in so many words)
- Aggregate property tax limit

Budgeting, Accounting and Reporting System (BARS)

- Proscribed system of accounting and reporting
- Outline of BARS manual
  - Chart of accounts
  - Budgeting
  - Accounting
  - Financial Reporting
  - Considerations of working under BARS

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Budgeting

State law requirements
- Variations by type of city (code/non-code)

State law options – biennial versus annual

How BARS impacts budget approaches
- Chart of accounts
- Specific timelines and requirements
- Required public hearings (2)
- Broad guidance only as to approach

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Factors Contributing to Budget Balancing Challenges

- Citizen initiatives
- Property tax limitation
- Volatility of sales tax
- Growth in labor and benefit costs
- Binding arbitration

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Saving for the Rainy Day

Statutory Reserves

- RCW 35A.33.145 - Contingency fund
  - Unforeseen expenses
  - Maximum accumulation limited to $0.375 per $1,000 of assessed valuation (AV)
- RCW 35.21.070 - Cumulative reserve fund
  - Can be for a variety of municipal purposes
  - 2/3 majority approval of Council to use for purposes not defined in local ordinance
- Requirement to segregate certain revenues (examples: impact fees, real estate excise tax)

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Municipal Revenue Sources

- Taxes
- Permits and licenses (Regulatory)
- Intergovernmental payments
- Fees for service
- Fines and forfeits
- “Miscellaneous”

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Types of Taxes

- Sales tax
- Property tax
- Business and occupation tax
- Utility tax
- Lodging tax (Tourism)
- Gambling tax
- Admissions tax
- Real Estate Excise Taxes (Capital)

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Sales Tax - How Does it Work?

- Statutory authority: RCW 82.14.030
- Collected as percentage of sale
  - Clothing
  - Household goods
  - Automobiles
  - Eating out
- Destination of sale determines who gets the revenue (except automobiles)

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How Much is the Sales Tax?

- Depends on location (in King County, most pay 10%)
- Items not taxed
  - Unprepared foods (Groceries)
  - Prescription drugs
  - Some public expenditures
  - Home sales

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Where Does it Go? (Kirkland Example)

State of Washington	6.50%
King County/Metro	1.00
Criminal Justice Funding	0.10
City of Kirkland (1.0 plus 0.1 with 15% remitted to County)	
Base City portion	0.85
Base County portion	0.15
Optional Voted 0.1% Criminal Justice [1] City portion	0.085
Optional Voted 0.1% Criminal Justice [1] County portion	0.015
Regional transit	1.40
Total rate	**10.10%**
Additional 0.3% for car sales and leases (Transportation) [1]	10.30%

[1]Per RCW 82.14.450, 30% must be used from "criminal justice purposes: and this increment does not apply to car sales and leases

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Issues Affecting Sales Tax

- Economic conditions
- State mandates and initiatives
- Local land use decisions
- Economic development efforts
- Streamlined sales tax
- Legislation
  - Recent example is HB1406 which shares a portion of the State's existing sales tax revenue for affordable housing and supportive services if certain actions are taken

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Property Tax

- Statutory authority: RCW Title 84
- At least 30 types of taxing districts with different maximum levies individually and in aggregate
- Two main aggregate limits:
  - Statutory limit applies to most local regular tax levies ($5.90 per $1,000 AV)
  - Constitution limits the amount of property tax imposed on an individual parcel without voter approval to one percent of its true and fair value
  - If either limit is reached, the individual levy components are reduced for junior taxing districts first (it's complicated!)

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Property Tax - How Does it Work?

- Levies are divided by the assessed valuation (AV) as determined by county assessor
- A "property tax rate" results
- The "Rate" is applied to every $1,000 of assessed valuation on each property

Sample levy calculation:
Total levy $15 million divided by
Assessed valuation $10 billion/$1,000 equals
Levy rate of $1.50 per $1,000 AV

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Property Tax Truths

- The city determines its levy (total allowable property tax revenue or the amount needed to balance the budget if less)
  - Current levy plus allowance for new construction
  - Plus optional amount up to the lesser of . . .
    - Implicit Price Deflator
    - One percent
  - Banked capacity if available (allowable increase not taken in the past)
- The Assessor determines home values based on market values
- The tax rate per $1,000 results from the math
- The rate is multiplied by the parcel's AV/$1,000 to arrive at the individual tax bill

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Property Tax Myths

- When the valuation goes up the city gets more revenue
- If the city raises property taxes by 1% my entire tax bill will go up 1%
- The city determines the tax rate, the Assessor determines my value and the city gets whatever revenue results
- My taxes go up every year

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Factors Affecting Property Taxes

- City council decisions
- Decisions of other jurisdictions
- Decisions of voters
- County assessor's valuation
  - Your property
  - All other properties
  - Your property compared to all others
- New construction

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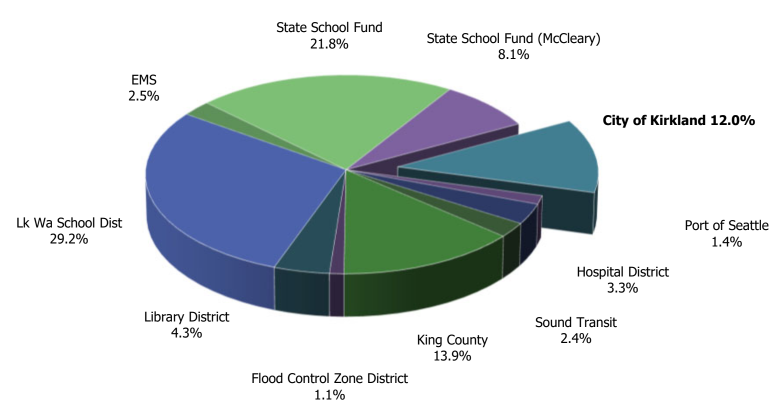
Who Gets the Property Tax? (Kirkland Example)



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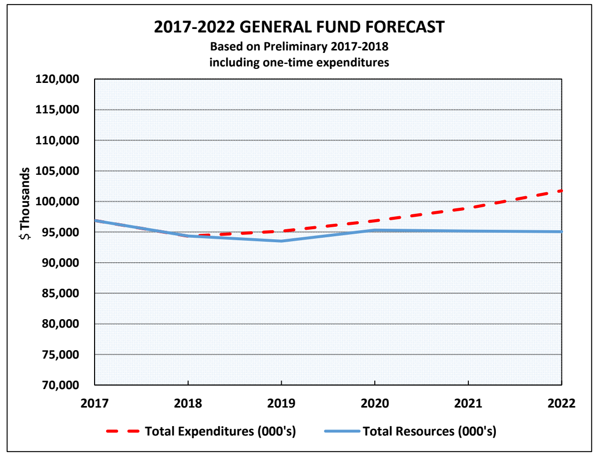
Budget Implications

- 1% limit on base levy growth generally results in revenues growing slower than expenses (the diverging lines)
- Trends on growth from new construction can be hard to predict resulting in volatility
- In growing AV environment, the only way to access unused rate capacity is through a voted levy lid lift



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Business and Occupation Tax (B&O tax)

- Statutory authority: RCW 35.22.280/35A.82.020/35.90.020, others
- Three main forms:
  - Excise (%) taxes levied on different classes of business to raise revenue
  - Licenses for the purpose of regulation only
  - Licenses to regulate and raise revenue
- Can take a variety of forms:
  - Percentage tax on gross revenues
  - Revenue Generating Regulatory Fee can be based on square footage, employees, type of business
- Local B&O tax is imposed in addition to Washington State's B&O tax - recent legislation requires model ordinance adoption by 1/1/19, transition to collection by State Business License Services (BLS) by 2022 (if funding provided, 2027 if not), or election to use FileLocal by 2020

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Utility Taxes

- Considered a B&O tax but not subject to recent legislation
- Imposed as a percent of total bill on . . .
  - Private utilities such as electricity, natural gas, telephone, cable
  - Public utilities such as water, sewer, garbage and surface water
  - Can be applied to special purpose utility districts although some choose a franchise fee as an alternative
- Tax on private utilities is limited to 6% without a vote
- No statutory limit on the rate charged to the jurisdictions own utilities
- Counties cannot currently impose a utility tax (but they are trying!)

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Lodging (Hotel-Motel) Tax

- Statutory Authority: RCW 67.28.180
- Limitation on use
  - Tourism promotion
  - Acquisition and/or operation of tourism-related facilities
  - Special events designed to attract tourists
  - Annual reporting requirements to the State
- Counties also have the right to levy this tax and in most cases must allow a credit for city tax
  - Special circumstances – King County – limited to 1% for most cities until the bonds for the new football stadium are retired in 2021

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Real Estate Excise Tax (REET)

- Statutory Authority: RCW 82.45 and 82.46
- Levied on the all sales of real estate
- The State levies 1.28%
- All cities may levy a quarter percent tax (REET 1) [.25%]
- Cities fully planning under GMA may levy an additional quarter percent tax (REET 2) [.25%]
- Role of Capital Facilities Plan (CFP)
- For specific capital purposes and comes with conditions that vary - consult the statutes for more information

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Other Taxes

- Gambling Taxes (RCW 9.46.110)
- Admissions Tax (RCW 35.21.280)
- Leasehold Excise Tax (RCW 82.29A)

…Collected by Others and Shared with Cities

- Gas Tax (RCW 82.36.025)
- Liquor Tax (RCW 66.08)
- EMS Levy (in some areas) (RCW 84.52.069)
- Criminal Justice Sales Tax (RCW 82.14.3**)
- Fire Insurance Premium Tax (RCW 48.14.020)
- Marijuana Excise Tax (RCW 69.50.530-540)

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Other Revenues

- Intergovernmental payments
  - Grants (Federal and State)
- Permits and licenses (Regulatory)
- Fees for service
  - Fees should be based on cost of service
- Fines and forfeits
  - Parking fines set by council
  - All other fines set by state law
- Miscellaneous
  - Rents, settlements, interest income, etc.
- Other major capital resources
  - Impact fees (RCW 82.02.050)
  - Transportation Benefit District (RCW 36.73)

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Purchasing

State law requirements vary

- By type of city
- By type of purchase
  - Public works
  - Architectural services
  - Professional services
  - Equipment purchases
- State contract and interlocal purchasing

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Legal and Regulatory Environment

- Generally establishes avenues for purchasing and thresholds
- RCW
  - Established dollar limits and process for competitive bidding
  - Requires payment of prevailing wage
- Local municipal code (for code cities)
  - Establishes local limits and requirements
  - Allows interlocal agreements
  - Establishes internal authority and accountability

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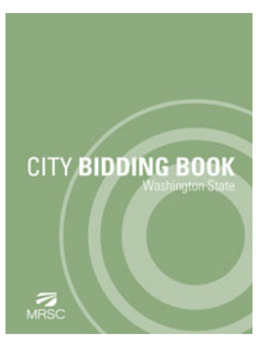
For More on Purchasing for Your Jurisdiction

Resources

- Your Jurisdiction's Municipal Code
- Municipal Resource and Services Center – City Bidding Book



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Other Considerations

- Cooperative purchasing (interlocal agreements)
  - State contract
  - Other agencies
  - Cooperatives
- Job order contracting (JOC)
- Sole source
- Emergency purchases

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Ethical/Audit Issues with Purchasing

- Influencing vendor selection
- Circumventing bid requirement/splitting job
- Using emergency in absence of real one
- Inappropriate use of sole source
  - Restrictive specifications
  - Pre-qualifying in discriminatory manner
- Withholding information
- Collusion
- Kickbacks
- Low balling followed by change orders
- Substitution of products

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State Auditor

- State law requirements
- Types of audits
- Scope of SAO Audit
- Key concepts
- Other auditors
- What to watch for and tips for success

The Audit – Legal and Regulatory Environment

RCW

- Establishes State Auditor as elected official
- Requires financial and compliance audits by State Auditor's Office ("SAO")
- Requires Auditor to prescribe uniform system of accounting and reporting
- Performance Audits mandated by I-900

AICPA

- Sets Generally Accepted Auditing Standards
- Recognizes GASB as rule making body for government financial reporting

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Types of Audits

Financial Compliance Performance

Internal
- Documentation for expenditures
- Cash counts and cash handling practices
- Inventory controls
- Payroll procedures
- Policy compliance (cell phones, procurement cards)

External
- SAO
- Granting agencies
- IRS
- Other state agencies
  - Retirement
  - Revenue
- Benefit administrators
  - Unions
  - MEBT

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Scope of SAO Audit

- Financial audit
  - Financial information
  - Internal controls
- Compliance audit
  - Legislative priorities
  - High risk items
  - RCW compliance
  - Local legislation and policy compliance
- Single audit (Federal grants)
- Complaint driven audit
- Performance audit
- Fraud
- Whistleblower

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Key Concepts

- Materiality
- Range of opinions
  - Unqualified "Clean" opinion
  - Qualified opinion
  - Findings
  - Disclaimer
  - Adverse opinion
- Management Representation Letter(s)
- Council Participation (entrance/exit conferences, interviews)

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Other Auditors

- Department of Revenue (DOR)
- Department of Retirement Systems (DRS)
- Labor and Industries (L&I)
- Labor unions
- IRS

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Audit Tips

- SAO reviews all Council meeting minutes
- Adopt policies and procedures you can adhere to
- Ensure that you adequately resource and train your finance function
- Use SAO website resources
  - Filter report notification (for example, cities/findings)
  - Local Government Performance Center

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Thank You!

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City of Kirkland

425.587.3101

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Welcome to Washington

A guidebook for city managers

Land Use Planning & Economic Development

PRESENTED BY:
JOHN CAULFIELD
LAKEWOOD CITY MANAGER

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Topics

- Washington State Enabling Legislation
- Basic Rules
- Who is Involved
- Economic Development Tools

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Washington State Enabling Legislation

- Growth Management Act (GMA): Comprehensive Plan RCW 36.70A
- State Environmental Policy Act (SEPA) RCW 43.21C
- Shoreline Management Act (SMA) RCW 90.58
- (National Environmental Policy Act (NEPA) 42 U.S.C 4231 et seq.

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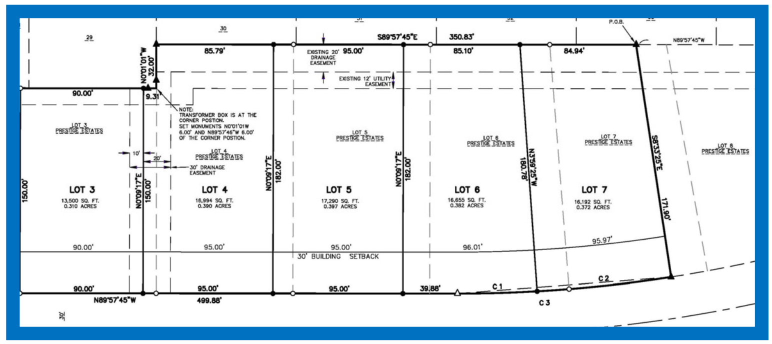
Washington State Enabling Legislation (cont'd)

- Subdivision
  - Long Plats
  - Short Plats
  - Boundary Line Adjustments
  - Binding Site Plans
- Zoning Permits
  - Map & Text Changes
  - Administrative Use Permits
  - Conditional Use Permits
  - Variances
- Public Works
  - Right-of-Way Permits
  - Site Development Permits



Washington State Enabling Legislation (cont'd)

- International Building Code (IBC)
  - Building Permits
  - New Construction
  - Remodels
  - Change of Use
  - ADA Compliance
- Critical Areas
- Energy Conservation
- Liquor & Gambling
- Marijuana
- Adult Family Homes
- Enhanced Services Facilities
- Mobile Fueling Services

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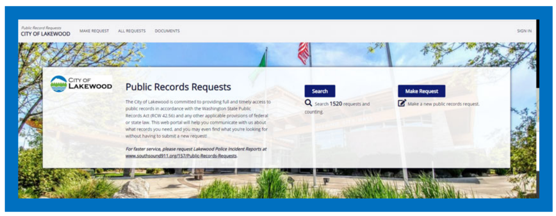
Basic Rules

- Open Public Meetings Act (OPMA)
- Appearance of Fairness
  - Quasi-judicial actions
  - Ex-parte communications
- Public Disclosure/Public Records Act (PRA)



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Who is Involved…

- Public
- Elected officials
- Planning commission
- Other boards/commissions
- Cities and Counties
- Special purpose districts (Ports)
- Hearings Examiner
- Media
- Developers & Business Interests
  - Associate Development Organizations (ADOs)/EDBs
  - Chambers of Commerce
  - Downtown Associations
- State & federal agencies
  - Community Economic Revitalization Board (CERB)
  - Commerce
  - Community, Trade & Economic Development (CTED)

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Economic Development Tools

- **NO -** Tax Increment Financing (TIF)

- **YES -** TIF-lite
  - Local Infrastructure Financing Tool Program (LIFT)
  - Local Revitalization Financing (LRF)
  - Community Revitalization Financing (CRF)
  - Hospital Benefit Zones (HBZ)

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Economic Development Tools (cont'd)

- Public Development Authorities (PDA)
- Public Facilities Districts (PFD)
- Community Renewal Area (CRA)/Community Renewal Plan
- Opportunity Zones

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Economic Development Tools (cont'd)

- Streamlined Permitting Process
- Competitive Fees
- Subarea Plan/PAO/EIS
- Zoning & Design Standards
- Housing Options & Choices
- Tax Incentives (e.g., no B&O tax)
- Multi-Family Tax Exemption
- Impact Fees (transportation, parks, fire, schools)
- Lodging Tax (Hotel/Motel)
- Workforce Development, Business Assistance, Business Development Programs & BREs

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Economic Development Tools (cont'd)

- EB5 Regional Center
- Foreign Trade Zones
- New Market Tax Credits (NMTC)
- Innovation Partnership Zone (IPZ)
- Hub Zone Program
- Main Street Program
- Infrastructure Investment
  - Streets & Sidewalks
  - Utilities
  - Parks
  - LIDs & BIAs
  - Farmer's Market/Public Markets
- Transportation Options
  - Commuter rail
  - Light rail
  - Bus service
  - Transit-oriented development (TOD)
  - Autonomous vehicles (coming soon?)

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Resources

Association of Washington Cities (AWC)
https://wacities.org

Municipal Research Services Center (MRSC)
http://mrsc.org

Washington City/County Management Association (WCCMA)
https://wccma.org

City of College Place City Council Rules

Established by Resolution 20-003
January 28, 2020

To be used in conjunction with the American Institute of Parliamentarians Standard Code of Parliamentary Procedure and Statutes of Washington State, Specifically RCW 35A

Table of Contents

Table of Contents Continued

Section 1: General Rules:

1.1 Meetings to be public: All official meetings of the Council shall be open to the public with the exception of the executive sessions for certain limited topics, as defined in section 2.4 of this Resolution.

1.2 Quorum: Four Council Members shall be in attendance to constitute a quorum and be necessary for the transaction of business. If a quorum is not present, those in attendance will be named and they shall adjourn to a later time.

1.3 Compelling attendance: The Council might adjourn from day-to-day to compel the attendance of absent members.

1.4 Journal of proceedings: An account of all proceedings of the Council shall be kept by the City Clerk and shall be entered in a book constituting the official record of the Council.

1.5 Ordinances: Confined to one subject; Exceptions: No ordinance except an appropriation ordinance, an ordinance adopting or embodying an administrative or governmental code, or an ordinance adopting a code of ordinances, shall relate to more than one subject, which shall be clearly stated in its title.

1.6 Right of floor: Any member desiring to speak shall be recognized by the Chair, and shall confine his or her remarks to. The Subject under consideration or to be considered.

1.7 City Attorney: The City Attorney shall attend all meetings of the Council, unless excused by the Mayor. Any member of the Council may, at any time during a regular or special meeting of the Council, call upon the City Attorney for an oral or written opinion to decide any question of law.

1.8 City Clerk: The City Clerk, or such other person as the Mayor may designate, shall be ex-officio Clerk of the Council and shall keep minutes of the meeting and perform such other further duties in the meeting as may be ordered by the Mayor.

1.9 Officers and Employees to Attend: The head of any department or any officer or employee of the city, when requested by the Mayor, or the City Council, shall attend any regular, executive or special meeting and confer with the Council on matters relating to the city.

1.10 Conflict of Interest: A Council member may not vote on a matter where he or she would be especially benefitted and shall absent himself or herself from Council Chambers during the time said matter is being discussed and voted on by the Council.

Back to TOC

1.11 Procedures for Filling Vacated Positions

a. In the event of a vacancy on the Council or in the Office of Mayor, the City Clerk shall, within two weeks of the occurrence of such vacancy, publish a notice in the Walla Walla Union Bulletin notifying of such vacancy and soliciting written applications from qualified persons to fill such vacancy. The applications shall be accompanied by a written questionnaire to be completed by each applicant. Such notice shall be in a form acceptable to the City Administrator and the City Attorney.

b. Such notice shall establish a deadline for the submission of applications and answers to the questionnaires, which shall be no less than fifteen (15) days from the date the notice is published.

c. Once this deadline has passed, the City Clerk shall review each application to ensure that each applicant is a registered voter of the City at time of application, and has been a resident of the City for at least one year.

d. Once the Clerk has reviewed the applications to determine eligibility per the provisions of the preceding paragraph of this resolution, those applicants that are determined to be eligible shall be notified to appear before the Council to submit to an interview by the Council. Applicants will be asked to remain in the foyer when each separate applicant is interviewed, PROVIDED, HOWEVER, that the applicants as a group shall be advised that if anyone of them objects to this process, then they shall all be permitted to remain in Council Chambers for each interview conducted.

e. At the conclusion of all interviews the Council shall adjourn to executive session pursuant to RCW 43.30.110(1)(h) to evaluate the qualifications of the applicants, PROVIDED, HOWEVER, that final action appointing an applicant to office shall be in a meeting open to the public.

f. Upon completion of the Executive Session, Council shall return to open session and the Mayor or Mayor Pro Tem shall request nominations from Council Members, who may then nominate the applicants of their choice. A second shall be required for each nomination. Only those that submitted applications shall be eligible for nomination.

g. Council members shall then vote for the nominees of their choice. Absent members shall be permitted to vote by phone. The nominee with the majority of the votes cast is then selected to fill the vacancy. In the event of a tie, the Mayor may vote. If no candidate receives a majority vote, Council may adopt motions to enable it to complete the election by majority vote within a reasonable time.

Section 2: Types of Meetings:

2.1 Regular Council meeting: The Council meeting dates and times shall be set by Ordinance and specified in Title 2 – Administration of the College Place Municipal Code.

Back to TOC

2.2 Special Meetings: Special meetings may be called by the Mayor or any three members of the Council. The City Clerk shall prepare a notice of the special meeting, stating the time, place, and object, and personally serve notice upon each of the City Council at least 24. Hours before the time of meeting. The City Clerk shall attempt to notify each member of the Council in person, either by telephone or otherwise, of the special meeting. The City Clerk shall give notice of the special meeting to each local newspaper of general circulation, and to each local radio and television station which has filed with the clerk a written request to be notified of special meetings. The City Council may not discuss nor make final disposition of any matter not mentioned in the notice.

2.3 Special meetings may be called in less than 24 hours, and without the notice required in this section, to deal with emergencies involving injury or damage to persons or property or the likelihood of such injury or damage if the notice requirements would be impractical or increase the likelihood of such injury or damage.

2.4 Executive Sessions: Executive sessions, or closed meetings, may be held in accordance with the provisions of the Washington state open public meetings act. Topics that may be discussed are: (1) personnel matters, (2) considerations of acquisition of property for public purposes or sale of city-owned property, (3) potential or pending litigations in which the city has an interest, and any other as provided in the revised code of Washington. (42.30 .110)

2.5 Conducting of:

a. Executive sessions must be part of a regular or special meeting. (RCW 42.30.110)

b. Before convening in executive session, the presiding officer must publicly announce the purpose for excluding the public and the time when the executive session will conclude. The executive session may be extended by an announcement of the presiding officer. (RCW 4-2.30.100 (2))

c. Final adoption of an "ordinance resolution, rule, regulation, order or directive" must be done in the "open" meeting. (RCW 42.30.060)

2.6 Attendance of media at Council meetings: All official meetings of the City Council and its committees shall be open to the media, freely subject to recording by radio, television and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings.

Section 3: Chairman and Duties:

3.1 Chairman: The Mayor, if present, shall preside as chairperson at all meetings of the Council. In the absence of the Mayor, the Mayor pro-tem shall preside. In the absence of both the Mayor and the Mayor pro-tem, the Council shall elect a chairperson.

Back to TOC

3.2 Call to order: The meetings of the Council shall be called to order by the Mayor or, in their absence, by the Mayor pro-tem. In the absence of both the Mayor and the Mayor pro tem, the meeting shall be called to order by the City Clerk for the election of a temporary chairperson. Four Council members shall be in attendance to constitute a quorum.

3.3 Preservation of order: The chairperson shall preserve order and decorum, prevent attacks on personalities or the impugning of a member's motives, and confine members in debate to the question under discussion.

3.4 Questions to be stated: The chairman shall state all questions submitted for a vote and announce the result. A roll call vote shall be taken upon the request of any member.

3.5 No member shall speak more than twice on the same subject without permission of the presiding officer.

3.6 Motions to reconsider must be by a member who voted with the majority, and at the same or next succeeding meeting of the Council.

3.7 Each member present should vote on all questions put to the Council, except as to matters with respect to which such Council member has a disqualifying interest.

3.8 The presiding officer of the Council may, at his or her discretion call any member to take the chair, to allow him or her to address the Council, make a motion, or discuss any other matter at issue.

3.9 All questions of order shall be decided by the presiding officer of the Council with the right to appeal to the Council by any member.

3.10 A motion for adjournment shall always be in order.

Section 4: Creation of Committees, Boards, and Commissions:

4.1 Citizen committees, boards and commissions: The Council may create committees, boards, and commissions to assist in the conduct of the operation of the city government with such duties as the Council or Mayor may specify.

4.2 Membership and selections: Membership and selection of members shall be as recommended by the Mayor and approved by the Council. Any committee, board, or commission so created shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the Council. No committee so appointed shall have powers other than advisory to the Council or to the Mayor unless otherwise specified.

4.3 Removal of members of boards and commissions: The Council may remove any member of any board or commission which it has created by a vote of at least a majority of the Council.

Section 5: Citizen's Rights:

5.1 Addressing the Council: Any person desiring to address the Council by oral communication shall first secure the permission of the Presiding Officer.

5.2 Manner of addressing the Council - time limit: Each person addressing the Council shall give his/her name and address in an audible tone of voice for the record and, unless further time is granted by the Council, shall limit their address to five minutes. No person may transfer any portion of their time allotment to another person. All remarks shall be addressed to the Council as a body, and not to any member thereof. No person, other than members of the Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through the members of the Council. No questions shall be asked the Council Members, except through the Presiding Officer.

5.3 Personal and slanderous remarks: Any person making personal, impertinent or slanderous remarks, or who shall become boisterous, while addressing the Council may be requested to leave the meeting and may be forthwith, by the Presiding Officer, barred from further audience before the Council during that Council meeting.

5.4 Reading of protests: Interested persons, or their authorized representatives, may address the Council for the reading of protest, petitions, or communications relating to any matter over which the Council has control, when the item is under consideration by the Council, if a majority of the Council present agrees to let them be heard.

5.5 Mayor may appoint committee or refer citizens' complaints: The Mayor may appoint a committee of three members of the city Council to hear citizen's complaints or may refer citizen's complaints to an executive session of the City Council, whenever the subject would be appropriate.

5.6 Written communications: Interested parties, or their authorized representatives, may address the Council by written communication in regard to any matter concerning the city's business or over which the Council had control at any time by direct mail or by addressing the City Clerk and copies will be distributed to the Council Members.

Section 6: Suspension and Amendment of These Rules:

6.1 Suspension of these rules: Any provision of these rules may be temporarily suspended by a vote of a majority of the Council. The vote on any such suspension shall be taken by ayes and nays and entered upon the record.

6.2 Amendment of these rules: These rules may be amended, or new rules adopted, by a majority vote of all members of the Council, provided that the proposed amendments or new rules shall have been introduced into the record at prior Council meeting.

Section 7: Parliamentary Procedure:

7.1 The Standard Code of Parliamentary Procedure shall govern the deliberations of the Council when there is no specific guideline set in the foregoing rules, subsequent City of College Place Ordinances and Resolutions, or the statutes of the State of Washington –
Specifically RCW 35A