A debate that might help build bridges to craft a budget?

AWC’s 2015 priorities are primarily about protecting and enhancing the fiscal sustainability of cities. Our success relies on convincing lawmakers to:

1. Avoid new unfunded mandates,
2. Maintain and enhance tools allowing cities to manage their own affairs, and
3. Continue to support a state/local government fiscal partnership that guarantees some of the revenues generated within cities are returned home to support the services and infrastructure needed to sustain vitality.

By the end of this 105-day session, the only thing required of the Legislature is to adopt a balanced budget by July 1, and there’s more revenue projected to help them accomplish that.

The problem is the needs and demands on this budget outweigh projected revenues. Some of those “needs” aren’t agreed to across the aisle, Capitol rotunda or between the floors where the Governor and legislators do their work. It’s also difficult to find agreement on what’s driving demands. Legislative budget leaders are quietly trying to figure this all out while most legislators go about the business of holding hearings and meetings about a range of other policy matters.

In the midst of all of this, and following last fall’s close statewide vote passing I-1351 (K-12 Class size), uncommonly bi-partisan groups of legislators are introducing a series of bills aimed at helping voters connect the dots between what they might like as ideas and how to pay for them. Diverse opinions are surfacing on what changes, if any, to make to laws governing how measures get to the ballot and what’s included as voter information once there. Legislators who often can’t agree with one another are finding themselves on the same side - whichever side that might be. Are changes warranted? Do they help or hinder the fundamental parts of the initiative and referendum process available in Washington since 1912? For those measures with fiscal impacts above a certain level, how can those impacts best be determined and described?

Under current law, after citizen initiatives or referenda are filed, there’s a specified amount of time for signatures to be collected to qualify for statewide consideration at the polls. For those measures qualifying, the Office of Financial Management must prepare (as of changes to the law in 2004) a fiscal analysis of the impacts on state or local governments. That information is summarized in the voter pamphlet for measures that qualify.

AWC supported that 2004 change and has carefully weighed in on initiative reform legislation in the past. Our direction to do so comes from a membership-approved Statement of Policy that is reviewed and updated every few years. Previous versions of it have directly addressed this issue, particularly following the passage of initiatives impacting state and local revenues, such as the I-695 repeal of the Motor Vehicle Excise Tax and the I-747 1% property tax cap. 

continued
The current AWC Statement of Policy, reviewed and adopted during our June 2014 Annual Meeting, articulates that we support the “objective review of the impact of statewide ballot measures and initiatives on local governments, both before and after passage of such measures.”

We’re interested in some level of engagement in this debate as it unfolds and will be seeking direction on how best to do that when our Board of Directors meets in Olympia on February 17 in advance of our City Action Days gathering. The initiative and referendum process is a cornerstone of how Washingtonians are governed and govern themselves and it must be protected. That doesn’t mean citizens don’t deserve ways to improve transparency, nor should legislators shy away from debating how best to make that happen. Who knows, maybe in the process of doing so, they’ll find agreement on budget priorities.

Budget and finance

REET flexibility bill gets hearing

HB 1789, sponsored by Rep. Larry Springer (D-Kirkland), is being heard on Tuesday, February 10 at 10 am in the House Local Government Committee. This bill, a priority for AWC, would harmonize the allowable expenditure of Real Estate Excise Taxes (REET). Under current law there are different allowable uses for the first 0.25% (REET 1) vs. the second 0.25% (REET 2) that is collected on real estate transactions in the majority of cities. In addition, the bill allows REET proceeds to be used for on-going operation and maintenance of capital facilities. That use of the funds is currently set to expire in 2016. AWC and the Washington State Association of Counties are highly supportive of this bill.

If your Representative sits on the House Local Government Committee now would be a good time to contact them and express your support for this bill.

Energy

Bill proposes new criteria and process for changes to state energy code

SB 5804 makes a number of changes to the process the State Building Code Council uses to adopt and amend our state energy code, including:

- Specifies that amendments to the Code for non-residential buildings may be adopted if they increase energy efficiency and promote a competitive business climate based on economic, technical, and process factors.

- Specifies that amendments to the Code for residential buildings may be adopted if they increase energy efficiency, promote a competitive business climate, and are technically feasible, commercially available, and cost-effective to building owners and tenants.

- Requires the Council to adopt rules that are consistent with Chapter 19.85 RCW, the Regulatory Fairness Act.

The bill is currently scheduled for public hearing in the Senate Government Operations & Security Committee at 10:00 am on February 9. If you have comments or concerns with this bill please share them with Carl Schroeder.
Environment and land use

New approach for septic to sewer bills
AWC has been working to find a compromise in response to bills which would have required cities to pay for all sewer infrastructure costs in public right of way when a septic system fails and a city requires mandatory hookup to public sewer.

Two new bills, HB 2010 and SB 5871 have been introduced that would replace the earlier bills, with the first being heard next Thursday in the House Local Government Committee. The new proposal would require cities to offer an administrative appeal when septic repair or replacement of existing single family systems are denied and sewer hookup is required. Cities will be able to use an existing appeal mechanism and may still choose to require hookup. There are also a series of considerations that the appeal must consider, including cost to the homeowner, system and financing issues, and environmental issues.

Given the significant change in approach and retention of local authority, AWC intends to be supportive of this compromise. Please contact Carl Schroeder if you have feedback or concerns.

Impact fee deferral bill is back again
Like a bad penny, the impact fee deferral bill (HB 1709) has shown up once again. As before, the building industry is advocating for a uniform system for deferral of impact fee collection until either the time of closing or 18 months after issuance of a building permit, whichever is earlier. The proposal contains a few of the provisions that we had successfully negotiated in previous iterations, including a limitation to only the first 20 homes per builder/developer, and only for single family or condominium units.

The bill has an effective date of July 2016. AWC has been opposing this bill for many years, and we will oppose again. That said, the proponents of the bill continue to pick up support and this proposal has come very close to becoming law for several years in a row. If there are ways you can see to make this more workable they would be very welcome. Please contact Carl Schroeder.

Revision of latecomer fees for water and sewer infrastructure
HB 1911, supported by AWC and a number of our member cities would provide a new tool for cities to finance water and sewer infrastructure.

The proposed legislation would amend chapter 35.91 RCW to provide municipalities with the authority to solely finance water/sewer facilities and recoup (rate-payer) infrastructure investments through latecomer reimbursements to the municipality. Exercise of this authority would require establishment of an assessment reimbursement area, limitations on reimbursable costs, notification of affected property owners and public hearing procedures.

This legislation parallels existing municipal authorities for street improvements under chapter 35.72 RCW. Chapter 35.91 RCW currently limits municipality participation in water/sewer facility latecomer reimbursement only to situations where they are partnering with a private developer.

The bill is currently scheduled for public hearing in the House Local Government Committee at 1:30 pm on February 12.

continued
Infrastructure

Changes to Public Works Board membership and process proposed

The Public Works Board has introduced legislation regarding administration of the public works assistance account (HB 1959). The proposal includes several elements, including:

• Adding legislators to the Public Works Board;

• Requiring policies that maximize the use of federal funds; and

• Requiring the board to consider a number of factors when setting interest rates including market rates.

At this point we recognize the need to maximize the use of federal funds while acknowledging that federal funds come with additional requirements that can be especially burdensome for smaller cities. We remain concerned about too-closely pegging the interest rates to the market rate. We believe adding legislators to the board would be a positive outcome and build long-term support within the legislature for this program.

We welcome feedback on this proposal. Please share your comments with Carl Schroeder.

General government

Fiscal impacts of initiatives and referenda

Several bills and a constitutional amendment have been introduced that would add fiscal impact information disclosure requirements on Initiatives and Referenda. Late last month, three bills with different approaches were heard in the House State Government Committee. HB 1228 and HB 1229 expand requirements for information needed about fiscal impacts. HB 1364 creates a citizens’ initiative review oversight committee that, at a minimum, must consider the fiscal impact of up to two measures, the availability of funds to conduct the review, the significance of other impacts on the public, and other criteria established by the committee. This approach is modeled on a similar process in Oregon.

Other measures have also emerged. SB 5535 establishes a citizens’ initiative review pilot program and SJR 8201/HJR 4204 propose a Constitutional Amendment that prohibits initiatives that cause the state budget to violate the statutory balanced budget requirements. None of these bills have been scheduled for hearing.

Finally, another proposal, SB 5715, requires any initiative impacting the state budget by more than $25 million to include the following statement in the ballot title: “The state budget office has determined that this proposal would have a net impact of (amount) on the state general fund. This means other state spending may need to be reduced or taxes increased to implement the proposal.” The Senate Ways & Means Committee will hear the bill on Monday, February 9 at 3:30 pm.

continued
Voting Rights Act gets public hearing

HB 1745, Rep. Luis Moscoso (D-Mountlake Terrace), establishing a Washington State Voting Rights Act, had a public hearing Thursday, February 5 in the House State Government Committee. AWC’s Victoria Lincoln was on hand to provide testimony outlining some of the outstanding concerns AWC has with the legislation. You can read about those in last week’s Bulletin here.

In addition to Victoria’s testimony the counties, school directors and a few cities voiced both support and concerns around the bill.

Next week the Senate will hear its version of the bill, SB 5668, Sen, Cyrus Habib (D-Seattle), in the Senate Government Operations & Security Committee on February 10 at 10 am.

Law and justice

Slew of fire bills making their way through the Legislature

Over the past few weeks a number of fire service and firefighting bills have had public hearings. Here are a few of the bills AWC is paying special attention to this legislative session:

HB 1368: Removing disincentives to the voluntary formation of regional fire protection service authorities by equalizing certain provisions with existing laws governing fire protection districts and by clarifying the formation process, Rep. Chris Reykdal (D-Olympia)

HB 1368: Had a public hearing and executive action was taken in the House Local Government Committee on February 5.

HB 1368: Allows regional fire protection service authorities (RFAs) to continue to impose benefit charges with a ballot measure approved by a majority, rather than 60%, of the voters voting on the measure. It also establishes financial protections for the authorities by allowing up to $0.25 per $1,000 of assessed value of a RFAs levy to be exempted from pro-rationing requirements, and by extending future levy capacity protection provisions to RFAs that impose benefit charges.

HB 1389 & SB 5181: Addressing the scope of state fire service mobilization and ensuring compliance with existing state and federal disaster response policies, Rep. Roger Goodman (D-Kirkland), Sen. Kirk Pearson (R-Monroe)

HB 1389: Had a public hearing and executive action taken in the House Public Safety Committee on January 21 and a public hearing in the House Appropriations Committee on February 4.

SB 5181: Had a public hearing and executive action taken in the Senate Government Operations & Security Committee. It has been referred to Ways & Means.

Currently the state Fire Service Resource Mobilization Plan can be implemented to provide resources from around the state when a wild land fire exceeds firefighting capacity of local jurisdictions. Non-host fire protection authorities are eligible for reimbursement of expenses when mobilized under the plan.
Following the Oso landslide a commission was formed to review the landslide and the collective response to it. Among the commission’s recommendations was that the Legislature clarify the definition of all-hazards mobilization under the plan. SB 5181 and HB 1389 do that by authorizing mobilization of risk resources regularly provided by fire departments, fire districts and regional fire protection authorities, including but not limited to wild land fires, landslides, earthquakes, floods, and contagious diseases. Non-host fire protection authorities are eligible for reimbursement of expenses if a mobilization meets requirements identified in the mobilization plan.


HB 1606: Had a public hearing in the House Local Government Committee on February 4.

SB 5537: Had a public hearing in the Senate Government Operations & Security Committee on February 3.

Spearheaded by the Firefighters and Fire Chiefs, HB 1606 and SB 5537 authorize regional fire protection service authorities to be formed within a single regional city rather than only within an area that is coextensive with two or more fire protection jurisdictions. “Regional city” is defined as a city with not less than either 40% of the total population of the county in which the city is located, or 50,000 residents.

HB 1382 & SB 5455: Addressing the delivery of basic firefighting training and testing, Rep. Dan Griffey (R-Allyn), Sen. Ann Rivers (R-La Center)

HB 1382: Had a public hearing in the House Local Government Committee on February 3.

SB 5455: Had a public hearing in the Government Operations & Security Committee on February 3.

HB 1382 and SB 5455: Obligate the Director of Fire Protection to develop and adopt a plan for the WA State Patrol’s Fire Training Academy to deliver basic firefighting training and testing to all public firefighting agencies in the state. Under the proposed legislation firefighting agencies have the option to seek reimbursement for their firefighting training expenses in lieu of obtaining training from the Academy.

### Marijuana

**More activity on marijuana related legislation**

On Monday, February 9, the Senate Commerce & Labor Committee is scheduled to take executive action to advance SB 5417, AWC’s priority marijuana revenue sharing bill. This is an important step in the continued effort to secure revenue sharing for local governments. If you have a Senator on the Commerce & Labor Committee, please let them know how important this bill is before the hearing at 1:30 on Monday.

The Commerce & Labor Committee is also hearing a number of marijuana related bills on February 13 at 8 am.
• **SB 5398** defines public place for the purposes of prohibiting consumption of marijuana as equivalent to the prohibitions on consuming liquor in public. Public place generally includes the following: streets, alleys, and roads; public buildings; the halls, lobbies, and dining rooms of hotels, restaurants, and other businesses used by the public; public conveyances; publicly owned beaches, parks, and playgrounds; and, all other places where the general public has unrestricted right of access, and which are generally used by the public.

• **SB 5402** makes it a misdemeanor for an adult to help a minor purchase marijuana and creates a civil infraction for someone under 21 to try to purchase marijuana.

• **SB 5519** focuses on medical marijuana. It eliminates collective gardens effective August 2016 and directs the Liquor Control Board to reopen the license application process to allow for additional recreational marijuana licensees. **SB 5519** also creates a medical endorsement for those selling to qualified patients. Additionally, the proposal allows for home grows of up to six plants for recreational use, and up to 15 plants for qualifying medical patients or their designated providers. **SB 5519** would also require a public vote for a jurisdiction to prohibit marijuana businesses.

We also saw the introduction of another proposal to share revenue with local governments. Rep. Carlyle (D-Seattle) introduced **HB 2008** which would provide for revenue sharing with cities and counties once the State’s General Fund has received $25 million in excise tax revenue. One this occurs point cities and counties would receive 30% of the revenue going to the General Fund (which is equal to about 18.7% of the revenue). Revenue sharing would be capped at $20 million per year and end in 2022. Jurisdictions that prohibit marijuana businesses would not receive any revenue sharing. The bill makes revenue sharing contingent on passage of **HB 1461** which is currently an omnibus bill with numerous provisions. It is expected that the contents of **HB 1461** will be narrowed as it comes out of committee and will contain a new flattened tax structure instead of the current 25% excise tax at each transaction point. We are appreciative of Rep. Carlyle’s efforts and hope to continue the revenue sharing conversation.

**Liquor control board issues warning about marijuana scam**

The Liquor Control Board (LCB) has issued an advisory for marijuana license applicants. Applicants have been receiving scam solicitations from a company about an impending universal February deadline for applicants to “get set up” and that the LCB will “no longer wait for your plan to come together.” These claims are not true.

The LCB writes, “While some individual applicants may be facing deadlines in February those are not universal to every applicant. Any changes to the status of an individual application will be conveyed to the applicant by their investigator and universal changes regarding the implementation of I-502 will be communicated via official WSLCB channels including this Listserv. Applicants should be skeptical about any mass communications claiming to have inside information and treat them as hearsay or rumor until they speak with their WSLCB representative.”

continued
Open Government

Public Records round-up
As reported in previous Bulletin articles, AWC is tracking several public records bills this session.

**HB 1086**, Rep. Jim Moeller (D-Vancouver), would provide a cost recovery mechanism so that local governments are no longer subsidizing commercial activity through public records. **HB 1086** had a public hearing on Tuesday, January 20, at 10 am in the House State Government Committee and is scheduled for executive session in the same committee on February 12. AWC supports this proposal and continues to work on efforts to move the bill forward.

**HB 1431/SB 5395**, Rep. Steve Bergquist (D-Renton) and Sen. Pam Roach (R-Auburn), deals with real estate transactions and confidentiality. Specifically, **HB 1431** and **SB 5395** exempt disclosure relating to an agency's consideration to purchase or sell property where public knowledge would likely affect the property price. **HB 1431** had a public hearing on February 4 and executive action taken on February 5 in the House State Government Committee. **SB 5395** had a public hearing in the Senate Government Operations & Security Committee on February 3. AWC supports this proposal.

**HB 1554/SB 5396**, Rep. Melanie Stambaugh (R-Puyallup) and Sen. Pam Roach (R-Auburn), exempts information of guardians or family members of children enrolled in child care, early learning, parks and recreation, after-school, and youth development programs. **HB 1554** had a public hearing in the House State Government Committee on February 3. **SB 5396** had a public hearing in the Senate Government Operations & Security Committee on January 29. AWC supports this legislation as an important technical fix to protect children.

**HB 1684 & SB 5533**, Rep. Dean Takko (D-Longview) and Sen. Steve Hobbs (D-Lake Stevens), establishes charges for providing electronic data under the public records act. In recognition of the trend towards requestors asking for records electronically in lieu of paper copies, agencies will be allowed to charge a reasonable fee for transmitting electronic copies. Currently there is no authority for an equivalent per page cost for electronic transmission, yet there are costs associated with producing electronic copies of records in response to public records requests similar to those of making a paper copy. **HB 1684** had a public hearing in the House State Government Committee on February 3. **SB 5533** has yet to have a public hearing. AWC supports both of these bills and is working with the sponsors on improving the language.

**HB 1189**, Rep. Sam Hunt (D-Olympia), deals with the hours of availability of cities, towns and special purpose districts for inspection and copying of public records. The bill would clarify when a local government with limited office hours (open less than 30 hours per week) has to respond to a public records request. **HB 1189** had a public hearing and executive action taken in the House Local Government Committee and has been referred to the Rules Committee for review.

continued
WA State Archives seeking participants

Washington State Archives is seeking subject matter experts to assist with updating the Human Resource Management (HR) section of the Local Government Common Records Retention Schedule (CORE). They will also review the Payroll activity, which is currently located in Financial Management (and may be moved to HR, depending on feedback.)

In order to encourage statewide participation, and out of respect for everyone's budgets, most input will be gathered by e-mail, but an occasional "in-person" meeting will be held for discussion purposes. Attendees are welcome to participate via PolyCom from any one of the regional branch archives (Bellingham, Ellensburg, Bellevue, Cheney, Olympia).

It begins early in February and will likely take between 4 and 8 months, depending on how energetically the Reference Group is able to provide necessary input.

If you are interested in reviewing and providing feedback on the CORE function of Human Resource Management (benefits, misconduct/discipline, occupational health & safety, performance management, personnel, recruitment/hiring, etc.), and/or the Payroll section (employee compensation, retirement, time sheets, etc.), please do the following:

4. Email: recordsmanagement@sos.wa.gov, with a subject line of "Request for Reference Group Participants - CORE/Human Resource Management (and Payroll)"

5. Enter the information requested in the table provided so it can be copied and pasted into a spreadsheet.

6. Indicate how you wish to participate:
   - **Actively** (as a subject matter expert, reviewing drafts, providing feedback via email, and attending meetings when possible); or
   - **Reviewer** (staying "in the loop" by receiving significant drafts as the project progresses and sending feedback only if inclined).

   In the "Area(s) of interest" column, let them know if you would like to contribute to the entire project or to specific areas - such as retirement, misconduct, payroll, labor relations, etc.

Body camera legislation up for debate in Legislature

Two separate bills addressing body camera protocol and policies have been introduced over the past week. The first, **HB 1917**, is the result of work done by the Washington Association of Sheriffs and Police Chiefs.

**HB 1917**, concerning video and/or sound recordings made by law enforcement or corrections officers, Rep. Drew Hansen (D-Bainbridge Island), is scheduled for public hearing in the House Judiciary Committee on Thursday, February 12 at 1:30 pm.
HB 1917 outlines provisions surrounding the disclosure of video (dash/body cameras, etc.) and/or sound recordings by a uniformed law enforcement or corrections officer while in the course of his or her official duties. The provisions include:

1. A request to specifically identify the name of the person or persons involved, and the incident or case number, or the specific date, time and location of the incident. In addition, the request must be made by a person directly involved in the incident recorded, be an attorney representing the individual involved in the recording, or if a court finds that it is within the public’s interest to disclose the video or sound recording. Law enforcement responding to such requests must require any person requesting a video or sound recording to identify his/herself to ensure compliance.

2. Any person requesting data is prohibited from displaying or disclosing the video or sound recording without first providing direct third-party notice to each non-law enforcement individual in the recording. Each individual in the recording shall also first be afforded an opportunity to obtain an order from the court to enjoin all or some of the content.

3. A law enforcement agency responding to a request for a recording may require the requestor to pay the costs of redacting any portion of the recording before disclosure.

HB 1910/SB 5732: Encouraging effective oversight of law enforcement conduct, Rep. Cindy Ryu (D-Shoreline), Sen. Pramilia Jayapal (D-Seattle). HB 1910 is scheduled for public hearing in the House Judiciary Committee at 1:30 pm on February 12. SB 5732 is currently not scheduled for public hearing.

Specifically, the bills require:

1. Any oversight recorder, when mounted in a vehicle or to a law enforcement officer, to be operated continuously while the officer is on duty. This excludes periods of time when the officer uses the restroom or is on a break.

2. Officers to communicate with the public when a recording is being made.

3. A retention schedule for flagged or un-flagged recordings. Flagged recordings are those where the incident involved use of force, or when a complaint, formal or informal, is registered. Subjects of a recording may also flag the footage. Flagged recordings shall be kept for three years, or the duration of any investigation, whichever is longer. Flagged recordings are subject to the Public Records Act, but are only to be disclosed if the subject of the recording consents. If it is impossible to gain consent from all subjects in a recording because there are too many, their identities must be redacted. Un-flagged recordings only need to be kept for 60 days.

4. Any jurisdictions that utilize recording devices are subject to audits and evaluations by the law enforcement oversight recorder program. The audit and evaluation must be conducted at least biennially.
Transportation

Local transportation revenue options bill gets hearing
HB 1593 sponsored by Rep. Joan McBride (D-Kirkland) was heard in the House Transportation Committee on February 4. Mayor Shane Bowman of Battleground, Deputy Mayor Larry Smith of Vancouver, Councilmember Dave Asher of Kirkland, and Covington City Manager Regan Bolli all testified in support. These city officials shared the transportation needs of their communities and how these tools would help them meet these needs.

Another local options bill, HB 1757 sponsored by Rep. Jake Fey (D-Tacoma), will be heard on Thursday, February 12 at 3:30 in the House Transportation Committee. The Senate version, SB 5813 sponsored by Sen. Annette Cleveland (D-Vancouver) has not yet been scheduled for a hearing. We would welcome testifiers on either of these bills and encourage cities to communicate with their legislators about how important these tools are for maintaining local transportation systems.

Feedback needed on concrete recycling bill
HB 1695 sponsored by Rep. Judy Clibborn (D-Mercer Island) would require WSDOT and local governments to meet concrete and construction aggregate recycling standards. It is being heard in the House Environment Committee on Monday, February 9 at 1:30 pm. Its companion, SB 5480 sponsored by Sen. Curtis King (R-Yakima), was heard in the Senate Transportation Committee on January 27.

The bills have the laudable goal of increasing the reuse and recycling of construction aggregate and concrete. AWC has identified concerns with how the requirements would be implemented and the potential to increase the cost of local transportation projects. AWC staff is working with the bill proponents and would appreciate feedback on the bill. Please contact Alison Hellberg.

Bill provides for expedited permitting and contracting for local bridge repair
HB 1851 provides for expedited permitting of local government bridges that are rated as structurally deficient. In particular the bill exempts repairs to those bridges from SEPA in certain circumstances, and provides authority for cities to use expedited bidding procedures by selecting three competent bidders rather than a full public bidding process.

The bill is scheduled for public hearing in the House Environment Committee at 1:30 pm on February 9 where AWC intends to express support for the bill.

continued
Bill would exempt certain WSDOT projects from local shoreline permitting

HB 1850 exempts a wide range of WSDOT projects from local shoreline permitting if the project occurs within the right-of-way of state highway facilities or a ferry terminal. The replacement of structures must be comparable to the original structure except to meet current engineering or environmental permitting requirements. This exemption would apply to maintenance, repair and reconstruction and replacement of any road, highway, bridge, tunnel, or transit facility including ancillary facilities such as bike paths or pedestrian lanes. This bill has been discussed as a component of a statewide transportation revenue package as a reform and efficiency proposal. We would like to be measured in our response. Please share your concerns with Carl Schroeder.

AWC Legislative Contacts

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

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

Dave Williams
Director of Government Relations
davew@awcnet.org

Candice Bock
Government Relations Advocate
candiseb@awcnet.org
Issue areas - Law & justice,
pensions, personnel, public
records, social services

Alison Hellberg
Government Relations Advocate
alisonh@awcnet.org
Issue areas - Economic
development, infrastructure,
transportation

Victoria Lincoln
Government Relations Advocate
victorial@awcnet.org
Issue areas - General government,
municipal finance, state budget,
telecommunications

Carl Schroeder
Government Relations Advocate
carls@awcnet.org
Issue areas - Environment & water,
housing, infrastructure, land use,
social services

Dave Catterson
Government Relations Analyst
davc@awcnet.org
Issue areas - Economic
development, energy, environment
& water, housing, infrastructure,
land use, telecommunications,
transportation

Serena Dolly
Government Relations Analyst
serenad@awcnet.org
Issue areas - Federal, municipal
finance, pensions, personnel, state
budget

Jane Wall
Government Relations Analyst
janew@awcnet.org
Issue areas - General government,
law & justice, public records,
social services

AWC Interim CEO
Luann Hopkins, luannh@awcnet.org

AWC Officers
President Francis Benjamin,
Councilmember, Pullman
Vice President Paul Roberts,
Councilmember, Everett
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Sunnyside
Immediate Past President Craig
George, Mayor, Dayton
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