

2009 AWC Legislative Priorities

On November 21, 2008, the AWC Board adopted an ambitious legislative agenda for this upcoming session. The 2009 session will be like no other in the last 25 years given the projected \$5.1 billion state budget deficit. Success on the following issues will be difficult and only possible with significant direct city official assistance.

MAJOR PRIORITIES:

Infrastructure Funding

State infrastructure funding: AWC will continue to pursue funding for infrastructure programs including:

- Local Infrastructure Finance Tool (LIFT)
- Community Economic Revitalization Board (CERB)
- Communications Infrastructure-Interoperability
- Washington Wildlife and Recreation Program
- State Brownfield Redevelopment Funding

Local infrastructure options and flexibility: AWC will pursue local options to enhance transportation and economic opportunities for cities including:

- Modify Alternative Public Works statutes
- Modify current architect/engineering services statutes
- Update bid limits authority
- Support enabling Community Facilities District legislation
- Modify Community Revitalization Financing statutes
- Harmonize use of 1st and 2nd quarter local Real Estate Excise Tax
- Pursue Street Utility authority
- Modify the Transportation Benefit Districts statutes

Stormwater funding: The state needs to partner with cities to help fund implementation of NPDES permits at levels greater than the 2007-2009 biennium. AWC will seek such financial assistance.

Fiscal Health

Sales tax: AWC will seek to allow cities to levy the .3 percent voter-approved public safety sales tax, independent of county action, and remove supplanting language and the requirement that one-third of funds be spent solely for criminal justice purposes.

Property tax: AWC will seek an increase of the property tax cap of 1 percent for city EMS permanent levies, using inflation as the cap. In addition, AWC will assist the counties in obtaining state resources so every county can conduct annual valuations.

Fiscal aid for distressed cities and counties: AWC will seek an increase to the City-County Assistance Account and establish a "floor" so distributions to qualifying cities do not drop below a certain amount.

Oppose the requirement to tape executive sessions and any restrictions of attorney-client privilege or attorney work product - AWC will continue to oppose a requirement to tape all executive sessions and any attempt to restrict attorney-client privilege or attorney work product.

Annexation and City/County Governance Transition - AWC will advocate for more annexation tools to facilitate annexations within urban growth areas and promote incentives to facilitate agreement among a city and county to jointly plan for and have consistent development regulations in unincorporated urban areas.

Limiting Liability for Local Government - AWC will continue to pursue reforms that limit joint liability for public entities; work to amend the law so that juries may be informed of seatbelt use; and support other entities that wish to advance legislation relating to establishing a willful and wanton level of misconduct for emergency workers.

Land Use/Gambling - AWC will defend cities' ability to fully ban gambling and seek legislation that provides cities the ability to zone and partially ban gambling facilities

City Flexibility Package - AWC will pursue proposals that support flexible and cost-effective options for cities to provide essential services.

OTHER PRIORITY ISSUES:

Jail Funding – AWC will advance legislation granting cities the ability to impose the 0.1% voter approved sales tax for correctional facilities. Counties, with the exception of King County, currently have this authority. Cities will also seek some influence on the counties imposition of the .1% sales tax.

Digital Goods – AWC will advance a broad application of sales and use taxes to transactions, regardless of the means of obtaining the good. AWC will also ensure any proposal advanced does not negatively impact the local B&O tax.

Brokered Natural Gas Tax – AWC will advance a legislative solution to the Court of Appeals decision that negatively impacted cities, by clarifying the allocation of the tax and the definition of use.

Public Health Funding – AWC will work with counties and others seeking additional public health funding and ensure there is no mandated city participation in public health funding.

LEOFF Plan 1 Medical Retiree Study by DRS - AWC will continue to work with Department of Retirement Systems, retirees and others on the educational effort concerning the LEOFF 1 retiree medical and long-term-care costs. We will follow up the current study outlining the problem with a 2009 interim effort to identify recommendations for solutions for cities, to the \$1.745 billion state-wide liability.

E 911 Funding – AWC will work to secure additional funding for E911 systems. We will ensure the tax base is comprehensive by amending the current statute to insure the tax is levied on all technologies.

Basic Law Enforcement Training Academy (BLEA) Funding – AWC will work to secure state funding for BLEA to ensure that cities have adequate capacity to train new police officers.

Medicaid Reimbursement Rates for Ambulance Service – AWC will advance legislation adopting ambulance reimbursement rates according to the Medicare Fee Schedule for all ambulance services. This “schedule” is more reflective of actual costs.

Technical Changes to the Interlocal Cooperation Act - AWC will advance a technical clean-up bill for the Interlocal Cooperation Act.

Mitigating Medical Costs for Offenders – AWC will continue to:

- Seek removal of the two-year sunset provision in section 66 of SSB 5930, which clarifies the charging entity is responsible for offender medical costs.
- Pursue state funding to assist local jurisdictions to pay for offender medical costs.
- Seek assistance with mental health costs to reduce impacts on the criminal justice system.

Gang Task Force Recommendations – AWC will:

- Continue support for graffiti removal and law enforcement suppression.
- Seek new funding for gang prevention and intervention activities.

Expanding Subject Matter Jurisdiction in Municipal Courts – AWC will:

- Continue to insist on a reasonable increase if property thresholds for must be raised for felony crimes, and seek funding to assist with this new caseload.
- Support the requirement that counties charge cases that meet the statutory definition of a felony within the threshold limits for which they are responsible, or compensate cities for assuming those cases.

Climate Change Issues – AWC will:

- Explore ways to engage cities in activities and commitments to reduce greenhouse gas emissions.
- Actively share information with cities on what others are doing and how they might most effectively address local opportunities to reduce emissions.
- Oppose legislation that mandates cities address this in their GMA plans and regulations and be open to legislation that helps cities continue to plan for compact, efficient and livable communities.

Puget Sound Partnership/Action Plan – AWC will support ideas that help protect and restore the Sound’s health and will emphasize the need to provide adequate and long-term funding to meet city obligations.

Best Available Science Help for Smaller Cities - AWC will pursue help for small cities either in getting the state to develop “models” that they can use to address “best available science” in their next update, or deferring the requirement to update in the smallest cities and towns that aren’t growing.

Housing Affordability – AWC will:

- Support legislation and/or budget ideas that address housing affordability through infrastructure funding and new fiscal incentives;
- Work with coalitions to identify and remove barriers to creating new affordable or workforce housing; and
- Oppose new mandates or pre-emptive zoning legislation; and
- Closely monitor and respond to proposed reductions in existing housing support programs for the low-income or disadvantaged.

ISSUES TO ENDORSE

Random Drug Testing for Police Officers – AWC will endorse legislation allowing cities to conduct random drug testing for individual police departments.

Annexation to a Fire Protection District – AWC will endorse legislation amending RCW 52.04.061 to allow a city with a population which exceeds 100,000 to annex to a fire protection district.

CBRNE (Chemical, Biological, Radiological, Nuclear & Explosive) Funding - AWC will support the Fire Chiefs’ objective of obtaining funding for the nine regional hazardous materials response teams.

Address Operational Issues Related to the Public Records Act (PRA) - AWC will support other local government groups to find innovative alternatives for managing public records.

Exempting Personal Information of Citizens Who Use Public Agency Services – AWC will support the Public Records Exemption Committee’s legislative recommendations to clarify that lists of citizens, particularly personal information about children who sign up for recreation events or other public programs, will not be disclosable.

Elimination of Election Dates - AWC will support reasonable proposals to eliminate election dates.

Federal Emergency Management Funding/Communications Interoperability - AWC will continue to seek state and federal funding to meet interoperability standards.

Assault by Vehicle - AWC will support Seattle as it works to amend current law to allow a local option for criminalizing “assault by vehicle.”

Washington Traffic Safety Commission Study on First Time DUI Offenders and Public Safety Options - AWC will oppose the “get out of jail free” proposal that would allow any first time DUI offender to qualify for a deferred sentence, and support development of standards for assessments that might lead to a first time offender qualifying for a deferral under certain circumstances.

Increasing Collection Options for Traffic Infractions - AWC will support increased ability, as a local option, to collect unpaid traffic infractions and support a study that would review the impacts of the *Redmond v Moore* decision that invalidated DWLS3rd suspensions.

Allowing Jails to “Medically Assist” Inmates when delivering Prescription Drugs - AWC will support a change in state law that allows jail personnel to assist inmates when they administer prescribed medication, and support distinguishing between large and small facilities for regulatory purposes.

Public Defense Funding, Standards - AWC will support efforts to clarify that the state’s unfunded mandates statute also applies to court rules that increase costs to local governments, and support additional funding for public defense. This may be one source of state funding to assist with the additional caseloads of raising the felony threshold.

Regulating Association Health Plans - AWC will continue to support expansion of health care to more Washingtonians, while expressing a need to be able to continue meeting health mandates for LEOFF 1 members and retirees, and continuing quality coverage at reduced rates through the Benefit Trust.

Local-option Authority for Police to Address Prostitution by Targeting the “customers” who Patronize Prostitutes - AWC will endorse this proposal by the city of Kent.

Modifying Assault in the Second Degree to Address Look-a-Like Firearms Against Police Officers (Federal Way): AWC will endorse this proposal by the city of Federal Way, seeking a technical change in state law to allow a second-degree assault charge (*which is prosecuted as a more serious Class B felony, vs. third-degree assault charges that are prosecuted as Class C felonies*) to be filed in cases where look-alike weapons are displayed in a dangerous or potentially deadly manner toward a police officer.

Outdoor Burning in Cities and Towns under 5,000 in Population – AWC will:

- Work with cities and DOE to help small cities develop programs that allow them to dispose of residential yard waste by means other than burning.
- Continue to work with Legislators to evaluate how best small cities should deal with residential yard waste issues.