

# **CITY OF TACOMA LEGISLATIVE POLICY STATEMENT**

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## LEGISLATIVE PHILOSOPHY

Tacoma is a first class, charter city endowed by the State Constitution and laws, and by its citizens, with the authority to raise revenue and provide the services and facilities necessary to carry out the vision and policies established by the City Council.

In its relationship with the State and Federal governments, the City always:

- Seeks the broadest authority for our citizens and the City Council to make decisions locally.
- Believes it has broad authority to raise revenue unless specifically prohibited by the State.
- Seeks options in both revenue-raising and in approaches to providing services to minimize reliance on State shared revenue so our citizens and the City Council can determine for themselves the best way to meet their needs.
- Seeks new efficiencies and partnerships that can enhance service delivery and reduce costs.
- Expects the State and Federal governments to fund the services they mandate the City provide.
- Seeks opportunities to help other area local governments achieve success in order to further improve the community.

It is within this philosophy that the attached State and Federal legislative policies are adopted.

# **ADMINISTRATION**

## **Charter**

The citizens of Tacoma adopted a home rule charter in 1953. The Charter is regularly reviewed and has been amended by vote of the people many times. Within the framework of Federal and State law, the City should be free to exercise its authority in taxation and service delivery.

The City opposes legislation that infringes upon its autonomy, including its rights over water, power, telecommunications, and rail services.

## **Collective bargaining**

The City supports legislation that recognizes compensation and employee benefits as a proper subject for bargaining while maintaining public employers' prerogatives in managing their own operations.

The City also supports excluding essential management personnel, confidential employees and supervisory personnel from collective bargaining.

Legislation should not interfere with the City's ability to decide, with its unions, wages, hours and other conditions of employment.

## **Court consolidation**

The consolidation of municipal and district courts into one court of limited jurisdiction has been considered by the Legislature.

The City opposes a forced consolidation of its municipal court into the district court system. The municipal court, operating independently of district, is more accessible and responsive to citizens, more cost effective and efficient and dispenses justice constitutionally and appropriately. The City supports the local option of cities to maintain independent municipal courts.

## **Equal Employment Opportunity**

The City is committed to programs designed to mitigate historical patterns of discrimination and prejudice against minorities and women.

The City believes that government should provide leadership in eliminating and preventing discrimination and, therefore, supports relevant programs designed to accomplish this goal.

## **Health care benefits**

The high cost of health care is an important fiscal concern to the City, both as an employer and because a substantial number of our citizens have no health care coverage.

The presumptive disease law should be reviewed. The City opposes any attempts to expand the existing law to other diseases, conditions or employee groups.

The City supports legislation that encourages development of alternative medical plans for delivery of health care.

The voters of the City support universal access to health care. The City will continue to review this issue as implementing regulations or further legislation is developed.

## **Health department**

The Legislature has tasked counties with primary responsibility for public health. The City and Pierce County have adopted an interlocal agreement that continues the long-standing joint city-county health department model while placing greater financial and governance control with the County.

Voter initiatives substantially reduced State funding to local health departments, while at the same time the departments were faced with significant population growth and increased demands for services as well as being tasked with preparing for the local response to potential national and international health crisis. The Legislature has made a very limited contribution to replace some of the revenue lost to local health agencies. The City believes the State has an ongoing responsibility to provide financial assistance to local health departments.

The City opposes unilateral decisions by either the State or the County that would alter the operation or governance of the health department.

It is in the best interests of all levels of government that unauthorized use of prescription drugs be restricted and that such drugs are disposed of properly. The City supports prescription drug take-back and/or safe disposal programs.

### **Liability on negligence and nuisances**

The City supports a State constitutional amendment to reinstitute the cap on non-economic tort damages as it was pursuant to the 1986 Tort Reform Act.

Where fault is attributable to every party that caused a claimant's damage, including the claimant, then judgment is entered against each defendant in an amount proportionate to that party's share of the claimant's total damage. An exception is made that where the claimant was not at fault; the defendants against whom judgment is entered shall be jointly and severally liable.

The City supports elimination of this exception. Defendants should be subject to payment of only their proportionate share of the claimant's total damages, whether or not the claimant is at fault.

The City supports legislation that will provide the ability for the City to recover litigation costs and expenses incurred to defend sidewalk liability claims where the abutting property owner knew or should have known that their sidewalk is unfit or unsafe, as well as legislation that limits the City's liability to its proportionate share of fault only.

The City has the authority to abate a public nuisance and to declare buildings to be unfit for human habitation. Within this authority, the City is allowed to recover the costs of abating the nuisance, or demolishing an unfit building. The lien authority for nuisances allows the City to file a lien on the property, with up to \$2,000.00 of the recorded lien amount to be of equal rank with state, county and municipal taxes. The unfit building statute authorizes the City to recover its demolition costs via the City tax rolls, and the City's entire lien is of equal rank with state, county and municipal taxes.

This authority does not allow for adequate cost recovery. The cost of abating a public nuisance frequently exceeds \$2,000.00 (and with only \$2,000.00 is equal rank as taxes, the remaining amount is often uncollectible). Additionally, if an unfit property goes into tax foreclosure and the County obtains "tax title" to the property, the City's lien is erased and the City does not recover anything from a future sale, despite the language in the unfit building statute that such assessments shall be equal to taxes.

The City supports legislation that provides for the entire amount of the City's nuisance lien to be of equal rank to taxes. Further, the City supports legislation that would clarify the responsibility of a County to adequately apportion recovery of a City's costs incurred in demolishing an unfit building after the County sells a property when tax title was obtained in a tax foreclosure action.

### **Pension investment management & portability**

The State Investment Board manages the assets of the various State operated pension systems. Tacoma, Seattle and Spokane operate their own pension systems for other than public safety employees and manage their own assets.

The Legislature has considered requiring the city-operated pension systems to be managed by the State Investment Board.

The City is open to discussion with the State concerning the eventual inclusion of the City pension system under the investment management of the State Investment Board. The City opposes being required to do so.

Because public employees frequently move between State and local agencies during their careers, the Legislature authorized portability between the pension systems of the cities of Tacoma, Seattle and Spokane and the various state pension systems.

The City supports portability of pensions as long as each participating entity is responsible for its individual costs.

### **Public records & open meetings**

The City respects the right of the public to have access to public records and documents.

The City believes its ability to recover the costs of searching for, gathering and reviewing requested records is also in the public's interest. The City supports development of a process to allow it to charge reasonable costs.

The City tries to balance the legitimate right of the public to many public records with the rights of its employees to protect specific personal information from disclosure. The City supports legislation that will provide broader exemptions of personal identifying information from public disclosure.

Records that are not considered confidential or that do not relate to an investigation or on-going labor negotiations will be released as required to the public upon request.

Municipal utilities face direct competition from private sector companies that currently can use public records statutes to gather strategic business intelligence to give them a significant unfair advantage in a competitive environment. The City supports legislation to protect financial or commercial information furnished to, or developed by, the utility as part of a proposal, bid, or negotiation for services provided by the utility.

The City supports legislation to allow public agencies to maintain the confidentiality of certain records where there is a reasonable potential that such information could provide aid to persons intent on sabotaging vital public services.

Whenever the City conducts an investigation, whether through its police force or other branches, it will not publicly disclose the identities of those who file complaints nor other information that it considers vital to the investigation unless required to do so by law.

The City opposes requiring the recording of executive sessions or other restrictions on legitimate uses of executive sessions.

# **ECONOMIC & COMMUNITY DEVELOPMENT**

## **Annexation**

The City believes that annexation laws should encourage the logical development and expansion of the City to provide for a healthy and growing local economy and efficient services. The law should also prohibit unincorporated islands adjacent to City limits.

The City supports legislation that will further modify state annexation laws to reduce the administrative process of annexation, and further encourage and incentivize annexation of existing unincorporated islands.

## **Arts**

The permanence and stability of Pierce County's cultural institutions are essential to our community's well-being. The arts have achieved acceptance as a sign of social and economic vitality in the region.

The City, through the Tacoma Arts Commission, supports use of the General Fund, grants, and dedicated tax sources such as hotel/motel tax (when available) as well as maintaining State appropriations for arts capital project funding.

Public art adds to the vitality of communities. The City supports programs such as 1 Percent for the Arts that assist with acquisition of art.

Arts education is important in encouraging and developing artistic talents as well as creating appreciation for the arts in young people. The City believes arts education is an appropriate use of state and local school funding.

## **Beltway planting**

The quality of landscaping and beltway planting along freeways, highways, local roads and non-motorized pathways improves the overall aesthetic appearance of cities for visitors, guests, motorists and citizens, as well as reducing greenhouse gases and contaminated storm water runoff, and assisting with the implementation of community safety programs by ensuring that landscaping schemes follow CPTED principles. (Crime Prevention through Environmental Design). Use of native plants and trees reduces maintenance costs for planted areas.

The City supports increased funding and stepped up implementation schedule for such landscaping in beltway plantings for all state highways. The City supports legislation that would require beltway planting in state construction.

### **Business relocation impacts**

While businesses have the right to close and relocate their operations, these decisions can have impacts to the neighborhood left behind. Some of Tacoma's older neighborhoods have suffered from business relocation decisions that have deprived large populations of essential services such as grocery stores and banks.

The impact of these relocations is compounded greatly when the departing business uses lease or sale agreements to prevent a potential competitor from using the abandoned business site. The effect of this policy is to deny a neighborhood the services of the departing business, and also to make it harder for a willing competitor to replace it while at the same time blighting the neighborhood with closed buildings.

The City supports legislation that will limit the ability of a business to restrict the use of abandoned buildings beyond one year from the date of closure of the business.

### **Community Development Block Grant**

The Community Development Block Grant, or CDBG, program provides annual predictable levels of funding directly to cities and allows local autonomy and flexibility to address communities' unique neighborhood revitalization needs. The primary purpose of the CDBG program is the development of viable urban communities by providing decent housing, a suitable living environment, and expanding economic opportunities principally for persons of low and moderate income. Beginning in 1974, the CDBG program is one of the longest continuously run programs at the U.S Department of Housing and Urban Development (HUD) and has leveraged nearly \$400 billion in other resources for community development. CDBG is the most effective form of federal assistance currently available to local governments.

The City supports continuing the direct, flexible approach of the CDBG at funding levels that are sufficient to make lasting impacts on neighborhoods in need of revitalization.

### **Fair share**

The concept of "fair share" is one where all of the communities in the state accept a measure of responsibility for hosting state and federal facilities that may be less desirable. One way of doing this is to assure that a community will only

host facilities housing a number commensurate with the number of persons that community places into the State correctional and civil commitment systems. The concept includes assuring that neighborhoods within a city do not bear an unfair measure of responsibility for hosting these facilities.

The “fair share” concept also relates to where persons treated in state correctional and civil commitment facilities are released when they are not in a community based facility. Prisoners, for example, are to be released to the county in which they entered the corrections system.

The Legislature has directed State agencies to follow a “fair share” policy as far as practicable. Evidence of the use of this policy to date has shown it can work in directing to their home communities persons who might previously have been released in Pierce County.

The City strongly supports “fair share” in regard to persons with criminal histories. The problems caused in our community by the State not utilizing the “fair share” approach until recently did not occur over night and will not be corrected immediately. It is reasonable that the State will review and adjust the policy in time as it gains experience. The City expects the State to involve local government in any such reviews.

The City supports including persons released from civil commitment under programs operated by the State as subject to the “fair share” policy.

The City will oppose location of additional state correctional facilities in Pierce or south King Counties unless there is clear evidence through the use of the “fair share” policy Pierce County is putting more persons into these systems than it can house upon their release from correctional facilities.

### **Foss Waterway redevelopment**

The Foss Waterway is approximately three and one half miles of continuous shoreline adjacent to Commencement Bay and the Central Business District. The City purchased 26.8 acres of land along the Waterway in the 1990’s and has spent millions of dollars cleaning the property and adjacent waters for redevelopment. The State and Federal governments have frequently been partners with the City in this project.

A design and development plan and an environmental master plan for redevelopment of the public parcels have been adopted.

The City expects to utilize a variety of available mechanisms to achieve redevelopment. These may include a public development authority, public-private

partnerships, direct state capital budget requests, recreation and open space grants, and general obligation bonds.

The City may need to utilize other tools to achieve its desired result. These additional tools, such as tax incentives and tax increment financing, will require legislative and/or legal action or statewide voter approval.

The City supports legislative and legal efforts to secure all appropriate mechanisms to achieve redevelopment of Foss Waterway.

## **Gambling**

The citizens of Tacoma have voted to ban non-tribal gambling in the city.

## **Growth management**

The City has long placed a strong emphasis on planning to better achieve goals to protect and preserve community character and urban design, improve quality of life, and minimize impacts on the environment and climate change. This is demonstrated by the City's adoption of award-winning mixed use center and transit-oriented development plans and use of sub-area planning that embody these goals.

The City is the appropriate level of government to define allowable land uses and other land development standards within its boundaries and can best determine a local growth strategy. Local governments can more readily react to local land use needs and trends. Some issues cross jurisdictional boundaries. Regional cooperation and coordination are appropriate for resolving these issues.

The City continues to support the Growth Management Act and believes its premise of State requirements and local determination are the appropriate response to manage growth in a coordinated and consistent manner. The City opposes amendments to GMA which weaken its mandates or undermine its ability to control sprawl.

The City believes GMA needs clarification by the Legislature concerning consistency. This includes, but is not limited to, the role of special districts. The City supports legislation that will require special districts to plan and perform activities that affect growth, development, land use, infrastructure, and services in compliance with local plans and regulations. Clarification and strengthening of consistency requirements for the provision of utilities and services by special districts, quasi-public and private providers is needed.

Local governments must maintain final decision authority on local zoning, land use, and planning. Specifically, the City opposes any effort by either

the Legislature or Congress to preempt local land use or taxation authority pertaining to telecommunications infrastructure.

The City continues to support the concept that cities are the preferred places for urban growth. The county governmental structure is not equipped to serve urbanized areas and their attendant needs over the long term. The City supports adoption of incentives to encourage annexation and incorporation of heavily developed unincorporated areas in Pierce County. The City also supports policies to discourage low density sprawl in unincorporated areas.

The Puget Sound Regional Council has adopted Vision 2040, the regional growth strategy for the central Puget Sound area. The City supports the ability of the region to establish its own growth and transportation planning goals. State and Federal grant programs should favor projects and plans which are consistent with the adopted regional plan.

The City supports the ability to appeal local plans and development regulations of adjacent jurisdictions to the Growth Management Hearings Board if there are inconsistencies and conflicts with the City's plans and regulations.

The City supports amendments to vesting rights to clarify that the right to develop occurs when a complete application is submitted.

Impact fees on private development were authorized by GMA to provide funds for off-site improvements for schools, transportation, parks and fire protection. The City supports impact fee authority for all off-site improvements that are required by new developments. Impact fees are not the only way for growth to pay for its costs to the community and will not by themselves provide sufficient revenue for the City to meet the infrastructure needs of expected growth. The City supports new revenue options related to development that can better cover the costs of growth related new or improved infrastructure.

The City supports the recommendations of the Land Use/Climate Change Advisory Committee which facilitate local government planning for climate change and providing additional infrastructure funding to accomplish those recommendations.

The City supports the transfer of development rights as another method of protecting agricultural and timber lands, wetlands and other critical areas while providing further incentives for development in urban areas.

## **Historic preservation**

The historic preservation goal of the City is to conserve, protect, rehabilitate and reuse commercial and residential properties, including neighborhoods of special historic, architectural, aesthetic and cultural value to the community. On the basis of principles of urban conservation and design, the City intends to pursue policies that maintain Tacoma's physical character, architectural presence and diversity and traditional patterns of stability and growth.

In furtherance of this goal, the City supports legislation that will continue special valuation tax incentives for the rehabilitation of historic properties and grant programs to assist preservation of historic properties.

## **Housing**

The City strongly supports legislation that will create a more effective partnership between Federal, State and local governments in addressing the needs of low-income households.

The City supports increased funding for the Housing Trust Fund/Housing Assistance Program as a source of revenue for local governments.

The City also supports legislation which will seek continued capital funding for affordable housing. A variety of proposals have come forward in recent years for creative financing of affordable housing. The City has supported these efforts and believes that State and local resources and creative tax strategies are the best methods of providing more funding for affordable housing.

The City supports the use of real estate excise tax revenues (REET) for low-income housing; the use of impact fees for preservation and replacement of low-income housing; affordable housing in each district (including downtown) throughout the City; fair housing provisions; and enhanced tenant relocation provisions when affordable housing is renovated or replaced.

Taxation of property devoted to low-income housing and mobile home parks should be permitted at current use instead of highest and best use. The City supports funding to enable tenants, nonprofit organizations, housing authorities and local governments to purchase at-risk Section 8 projects being converted to market rate rents. The City values group homes for persons covered by federal, State and local protected classes as a vital part of our neighborhoods and greater community. Racial and ethnic diversity in housing throughout the City is encouraged through principles to affirmatively further fair housing.

Properties owned and leased by nonprofits to provide permanent housing for the homeless should receive property tax exemptions. Current law only applies to shelters and transitional housing. A sales tax exemption and property tax deferral for improvements made by nonprofits to upgrade substandard housing is also needed.

Numerous affordable dwelling units are currently unavailable to potential owners or non-profit housing organizations because they have been closed under various drug elimination programs and dangerous building code enforcement actions. Rehabilitation of this housing should be encouraged through forgiveness or reduction of liens placed against the property.

The City supports the community mobilization programs such as Tacoma CARES, the Hilltop Action Coalition, and Safe Streets which assist local neighborhood revitalization and code enforcement activities.

The Tacoma Housing Authority has successfully rebuilt the City's historic Salishan community.

The City believes there is an appropriate role for State funding assistance. The City also supports collaboration between the State and Federal governments and the Tacoma Housing Authority for like projects around the city.

The State should encourage appropriately designed construction and rehabilitation of affordable residential housing for low to moderate income families and individuals through financial and/or tax incentives to private developers.

The City supports programs that would facilitate home ownership by low- and moderate-income families and would provide a variety of affordable homes. These programs may include urban homestead programs, land trusts and tax increment financing tools as well as other options.

The Legislature has also considered proposals to override local zoning authority and force reductions in community construction standards packaged as affordable housing programs. The City opposes such efforts as both inappropriate and misdirected.

Tacoma has recently experienced one of the highest foreclosure rates in the State. The City will look for ways to provide assistance to homeowners facing foreclosure and guard against abuse. The City supports changes to the foreclosure process to reduce the likelihood of houses being abandoned for several years which reduces value of surrounding

properties and increases blight. The City supports first time homebuyer programs, especially in challenged neighborhoods.

Encouraging new downtown and mixed use center housing helps the City implement its Growth Management Act requirements to increase density and provide for affordable housing. The City has played a leadership role in the area, introducing successful property tax deferral legislation for multi-family housing that is now available to most cities in the state. The City has also introduced and supported legislation updating urban renewal statutes, providing tax increment financing and other approaches.

The City continues to support these and other development tools that encourage growth in urban centers.

The Legislature has mandated that the City must allow new manufactured houses to be located in any residential zone. The legislation does allow the City to require manufactured homes to meet any design guidelines that apply to conventional construction and to meet certain other foundation requirements.

The legislation should also allow the City to require manufactured homes placed on vacant lots to be of similar size and style to surrounding homes.

## **Library**

The City believes that it is a State responsibility to ensure an adequate level and an equitable distribution of library services, using methods that take into account the varying needs and fiscal capabilities of local government.

The Tacoma Public Library will enter into reciprocal borrowing agreements with other jurisdictions only if such an agreement can be shown to be clearly of benefit to the Tacoma Public Library and would cause no hardship to the Library.

In particular, the City will oppose any attempt to make mandatory such reciprocity, unless there is an agreed-upon, appropriate level of compensation. Reciprocal borrowing which causes a hardship or is unfunded is simply a tax shift from the "lender" jurisdiction to the "borrower" jurisdiction.

In Washington, public libraries are totally supported by local government. The City supports legislation to achieve a better balance in the intergovernmental funding of public libraries.

The City supports legislation that provides supplemental funding to libraries throughout the state. The City supports the exemption of libraries from the State sales tax on the purchase of materials to be loaned to the public; this amounts to a shift of local tax dollars directly to the State.

## **Neighborhood improvement**

Neighborhood residential and commercial areas must be prevented from deteriorating.

The City supports programs that may be developed to assist local governments in improvement of neighborhood residential and commercial area rehabilitation, through tax incentives, grants, loans and other programs.

The City supports additional incentives for revitalization of designated Community Empowerment Zones (i.e. Federal Enterprise Communities). For example, Housing Trust Fund and public works grants and loans should be targeted to the zones. State incentives should complement incentives offered by the Federal government.

## **Parks, recreation & urban forestry**

The City of Tacoma, together with the Metropolitan Park District, is in need of state assistance to improve, maintain and expand its local park system and the open space areas of the City. Increased urban density means the need to acquire greenbelts, open space and additional park land will become increasingly important.

The state can provide assistance in the form of direct aid in acquiring park and open space land through such programs as the Washington Wildlife and Recreation Program (WWRP). The City supports full funding of these programs as well as providing expanded local tax and fee authority to permit the acquisition and maintenance of park facilities and acquisition and conservation of open space.

The Metropolitan Park District is a separate government, with its own taxing authority and its own elected governing board. While the City has provided financial assistance to the MPD in the past, it is increasingly difficult to do so and is not appropriate as a long-term funding mechanism. The City and District have entered into agreements in which the City contracts with the District for specific services and have arranged for the transfer of most City-owned park properties to the District.

The City is strongly committed to working collaboratively with the MPD to investigate alternate funding mechanisms and authority to ensure that Tacoma's parks are attractive and well maintained.

Tree planting programs have been shown to improve urban life through enhancements to air quality, shade, habitat and aesthetics. The City has established a goal to increase its total tree canopy to 30 percent.

The City supports legislation that encourages and provides funding assistance for urban forestry programs.

### **Permit fees**

The City has created an enterprise fund for the collection of building and land use permit fees with the intent of moving toward full cost recovery of expenses associated with the permitting and inspection function rather than drawing on the City's General Fund. A recent report by the State Auditor found that there was significant variation among local governments in how they determined fees for building and land use permit applications. The report recommended that the Legislature address this issue.

The City supports changes to permit fee legislation as recommended by the Auditor. Specifically, the City supports an expanded definition of the activities that can be included as an allowable expense in establishing reasonable fees. Such activities as pre-application meetings, providing information to the public, reporting, monitoring and answering inquiries should be included in the definition of allowable activities. The City also supports clarification that all direct and indirect expenses are allowable and can be recovered in whole or in part as permit fees. This includes labor, equipment, supplies, vehicles, training and internal support services. The City also seeks the authority to establish a reserve account of "working capital" to be incorporated into the fee as a reasonable expense to provide more predictable funding. The City supports a threshold of at least 10 percent and flexibility in how surplus reserves can be used to offset reduced revenues when permit activity fluctuates.

### **Pre K & K-12 Education**

Education has long been recognized as a key to successful community and economic development. The focus of this attention historically has largely been on skills training and higher education programs. City leaders are increasingly recognizing that their attention to education must begin early in a child's life.

Poverty, family instability, school failure, and childhood illiteracy contribute to serious problems such as crime and chronic unemployment in adolescence and adulthood. This, in turn, directly impacts the City's ability to provide public safety and social service programs and can work against the economic development initiatives of both the City and private sector. Successful intervention in these trouble areas during childhood- when services are less expensive and shorter term- can break this cycle and reduce the need for more expensive services such as incarceration and treatment for serious mental illness and chronic substance abuse.

The City supports funding for programs that sustain and empower families in achieving socioeconomic wellbeing. Domestic violence and other instances of family crisis can be reduced if children are instructed in communication, financial planning, parenting, and conflict resolution skills. The City supports legislation to require such instruction in public schools.

Not all of the needs of children in pre K through grade 12 can be met exclusively by public schools or other government entities. There is certainly a role for social service agencies, increased parental involvement, and private schools in addressing these community needs.

City leaders can be catalysts in connecting these stakeholders. The State should encourage and support this activity through grants and the waiver of rules which may hinder community engagement in the schools.

The City supports legislation for Innovation Schools whose goals are to increase student achievement in high poverty schools that allow flexibility for staffing, and shared incentives for school staff communities whose students meet achievement goals.

The Supreme Court in *McCleary v. State* has determined that current funding for public schools does not meet the constitutional requirement that it is “the paramount duty” of the State to make “ample provision” for the education of all children. It is estimated that a minimum of \$4 billion in new on-going funding will be required to meet the requirements of the court decision.

Successful public schools are vital to the social and economic wellbeing of our citizens and the City as a whole, so the City supports implementing this decision as rapidly as practicable. The preferable approach would also mitigate the burden on school districts to use their local levies as they were intended- to enhance and expand programs which address the specific needs of local communities.

### **Property valuation**

An unfortunate result of current State policies on the determination of value of real property is the disinvestment in older buildings. This policy has significant societal cost as disinvestment leads to deterioration and blight. Older urban areas are faced with often large stocks of older commercial and residential buildings whose maintenance is costly. Owners, especially absentee owners, allow buildings to deteriorate through benign neglect. These unsightly and uninhabitable structures have higher than average costs to local government for public safety and code enforcement activities.

The City supports legislation which would use property valuation to encourage rehabilitation and which would make deferred maintenance less advantageous.

### **Stadia & convention centers**

Stadia and convention centers are very expensive to construct and require a significant level of maintenance and renovation to remain viable in a highly competitive environment. The City believes it is appropriate for the State to have a significant role in development of capital facilities for tourism and recreation activities. The investment in such facilities results in millions of dollars in direct and indirect spending which creates jobs and results in significant tax revenue to the State.

### **Tax incentives**

In concert with its need to have a flexible menu of revenue opportunities, the Legislature should provide local governments with as much flexibility as possible in crafting tax incentives to meet specific local economic development needs.

While some statewide economic development incentives have been very beneficial in attracting new investment and jobs, their value and impact vary significantly in different communities.

The ability to reduce or provide exemptions for sales taxes, for example, may be far more important to border communities than to cities in the Puget Sound area. Conversely, the impact of certain incentive programs, such as the high technology sales tax exemption, may be much more serious in specific cities.

The State has a history of creating designated areas in communities through competitive programs or by legislation. Empowerment zones, enterprise zones, renewal communities, international financial services zones, and most recently innovation zones are examples. The pattern is for the program to be created and then attractive cash grants or special tax rates are provided for one or two years. Subsequent legislative sessions reduce or eliminate the funding and what may have been a promising program ends, often before it has had a chance to make a difference.

The City supports a better approach to this series of short lived programs that would allow cities to craft their own incentive programs using city revenue streams to incentivize new development, develop new value capture tools, or otherwise facilitate major redevelopment.

The City also supports legislation that provides economic development opportunities beyond enterprise community boundaries. This legislation includes, but is not limited to: the multi-family housing tax incentive, tax

increment financing, the Main Street Act (a series of small tax incentives for neighborhood business districts), community facility financing, capital funding assistance for public facility improvements, and innovative approaches to property tax assessment that reduces the current incentive to allow property to remain blighted.

## **Tourism**

Tourism is one of Washington's major industries, yet the State devotes less funding for tourism development than any other state. Film production, from which Tacoma has benefited in the past, is an important part of tourism development.

The City supports State funding for tourism at a level comparable to other states our size.

## **Two-year colleges**

Tacoma is blessed with several quality higher education programs that provide the first two years of post-secondary education. Within the city, both Bates Technical College and Tacoma Community College provide a wide breadth of academic and vocational training to thousands of students each year. Clover Park Technical College and Pierce College provide service to thousands more.

Financial support for each of these institutions is a state responsibility; the City has nevertheless worked with them in the past and has an interest in making sure they are able to carry out their responsibilities. The City supports the operating and capital facility needs of these institutions.

## **University of Washington Tacoma**

Development of the UW Tacoma campus meets many community and state needs including those of providing a broad range of education opportunities, complimentary programs to those of existing private, community and technical college offerings, training and retraining opportunities for local employers, and increased accessibility to higher education, including legal education.

The City supports full development of the University of Washington Tacoma curricular and capital programs, including establishment of a law school. In recent years, appropriations for the campus have increasingly lagged behind the original development plan. It is important to the success of the campus that work not be halted on its development during any biennial budget cycle.

## **Washington State History Museum**

The Washington State Historical Society's Washington State History Museum at Union Station is the crown jewel of State-owned cultural facilities and represents a major element in redevelopment of both downtown Tacoma and Foss Waterway. The City was a major partner in development of the Museum.

The Museum location adjacent to the University of Washington Tacoma and Thea Foss Waterway provides several natural opportunities to enhance its ability to tell the story of Washington's dramatic history.

## **ENVIRONMENT**

### **Air & water pollution**

Air and water quality in the City of Tacoma have improved significantly over the past two decades. This is not an accident but the result of the City's strong support for and enthusiastic adoption of high standards when it comes to cleaning and protecting the environment.

A coordinated national environmental quality policy is vital to our nation. Without such a policy, no city can accomplish the most basic goals of protecting the health, welfare, and safety of its citizens. The Clean Water Act, Paris Climate Agreement, and Clean Power Plan are landmark federal actions that have supported the City of Tacoma to advance local initiatives that ensure clean water and clean air for our citizens.

Given the City's commitment to the environment and its actions to cleanup a century of pollution from our waters, the recent increase in trains carrying crude oil and proposals to further increase such shipments and shipments of coal as well raise serious concern. Many of the tanker cars used for oil transport do not meet modern safety standards. There are also issues of crossing safety, crowding of other uses off of the mainline in favor of the more lucrative shipment of crude oil, and the ability of public safety agencies to respond to emergencies.

The City's support of Urban Waters, a partnership of the City, Port and University of Washington Tacoma providing original research on key issues on the health of the Puget Sound, is another example of the City's commitment to protecting the environment.

The City supports the work of the Puget Sound Clean Air Agency and its efforts to bring further improvement to the air quality of the region.

The City supports continued efforts by the State and Federal governments to provide financial assistance for programs which address emissions from wood smoke and transportation sources.

Puget Sound Partnership develops recommendations to integrate the work of local, state and federal governments, the private sector and citizens to protect and restore Puget Sound. This comprehensive, ecosystem approach is the best way to address the varied needs of the sound, which is one of the nation's most valuable waterways. The City supports the work of the Puget Sound Partnership.

The City supports continued investment in federal programs that ensure a national environmental quality policy that improves the environment, protects it from further degradation and ensures that the needs of the present are met without compromising the ability of future generations to meet their needs.

The City supports restrictions on use of rail through the City for increased crude oil and coal transport unless accompanied by appropriate levels of funding for training and equipment for local public safety agencies, improved crossing safety in both urban and rural areas, and assurances of access to the mainline for other commodities and commuter rail.

## **Environmental Action Plan**

In 2016 the City Council adopted the Environmental Action Plan. The result of many months of effort by stakeholders and City staff, the plan brings together many environmental goals adopted by the City in a variety of documents and policies over the years and establishes priorities, sets out measurable progress and makes annual reports to the community on progress. Some of these goals will require action at the State and Federal levels by legislative bodies and regulatory agencies.

The City will participate, and lead where appropriate, in efforts to meet the following goals of the EAP: support efforts at the state and local level to incentivize energy conservation in rental properties; work with regional partners to increase costs effective energy efficiency standards in the State Energy Code; Participate actively to revise the State Building Code to incorporate performance that targets net-zero energy by 2030; Advocate at the state and national levels for policies and programs that provide incentives for Tacoma residents to use more fuel-efficient and alternative-fuel vehicles; Advocate for strong Sound Transit and Pierce Transit policies and funding, including South Corridor projects and Pierce Transit bus rapid transit on Route 1; Support and advocate for strong product stewardship policies at the state and national levels, minimizing environmental impacts of product and packaging throughout all lifecycle

stages, especially manufacturing; Continue to collaboratively seek federal and state funding for reducing wood smoke pollution.

### **Model Toxics Control Act (MTCA)**

The Model Toxics Control Act (MTCA) is a state version of the federal Superfund law (CERCLA). It was adopted by a vote of the people in 1988. It is designed to provide a process for clean-up of contaminated sites. MTCA is funded primarily by a tax on oil production. The revenue is divided into state and local accounts.

The City supports the goals of MTCA but encourages the Department of Ecology to demonstrate flexibility in working with local government on clean-ups.

The City opposes any efforts by DOE or the Legislature to use local MTCA funds for anything other than local purposes.

When oil prices escalate, the MTCA tax generates significantly more revenue. As long as local clean-up projects are fully funded, the City supports funding other local environmental projects and prevention efforts with MTCA funds during such periods. These new uses must be determined by DOE in consultation with local government and other interests.

### **State Environmental Policy Act (SEPA)**

The citizens of Washington have long regarded environmental protection as a priority. Their adoption of SEPA and the Shorelines Management Act by popular vote is evidence of this commitment.

The City supports the goals of these laws and of the Growth Management Act.

There are inconsistencies and overlaps between these statutes and, like all major policies they need periodic review to ensure that the goals are being met and that the regulatory process has not grown too cumbersome.

The City supports continued efforts by the State to increase predictability of the environmental permitting process. It is the City's goal that such predictability should strengthen economic development opportunities.

### **Sustainability**

The City is proud of its initiatives to create a clean, safe, attractive community, reduce its carbon footprint, perform as a careful steward of the natural resources it controls, and best leverage the financial contributions of its tax and rate payers,

to meet these goals. The City also believes sustainability requires use of best available science in shaping regulations and clear cost and benefit analysis.

The City supports legislation at the State and Federal levels that will assist in the furtherance of these goals.

Specifically, this includes efforts to establish caps on carbon output through one or more methods (for example: cap and trade, carbon taxes, regulatory control) and which result in reductions of carbon output over time; and programs that encourage expansion of recycling, other conservation programs, and improvements to product stewardship. The City also supports legislation which promotes transit oriented development, incentives for clean technology and green jobs, urban forestry and investment in renewable energy.

The City supports legislation that provides green building incentives, and which facilitate production of local, ecologically sound food production and distribution.

The City supports legislation that encourages use of clean fuels, including electric vehicles and their charging infrastructure.

## **Wetlands**

Many wetlands perform an invaluable role of flood control, water filtration, wildlife habitat and important aesthetic functions.

A variety of City, State and Federal laws and regulations require the identification and protection of wetlands. The myriad of laws and regulations often lead to confusion and frustration by citizens. This issue is one which needs carefully established State guidelines paired with significant local autonomy. Coupled with this loss of ability of local government to set its own standards is the need for new tools to allow preservation of important wetlands.

The City supports legislation that provides for uniformity in how wetlands are classified and regulated. This uniformity must, however, address differences between urban and rural areas.

The real estate excise tax (REET) should be modified to allow this revenue to be used for the purchase of wetlands and other critical areas by local governments.

A comprehensive program allowing for the transfer of development rights could serve as another method of protecting valuable wetlands as well as other critical areas, while encouraging development in urban areas. The

City supports these and other appropriate new revenue sources and tools to assist in the preservation of wetlands and other critical areas.

The City also supports the concept of mitigation banking. Of particular value in urbanized areas, mitigation banking generates credits for the enhancement or expansion of recognized wetland banks that can be used to fill or otherwise utilize other sensitive areas. This approach is consistent with the goal of no net loss of wetlands while allowing development that might otherwise not be permitted.

## **HUMAN RIGHTS & AT-RISK POPULATIONS**

### **Accessibility**

The passage of the Americans with Disabilities Act of 1990 places additional obligations on local governments to implement non-discriminatory policies and practices.

The City supports legislation that both mandates and funds enforcement of requirements that provide accessibility for the disabled.

### **Children & families**

City governments in Washington are finding it increasingly difficult to respond to the growing needs of children and families within the limited resources available. Local educational, social service and health care systems struggle to provide basic services to an increasing number of children and families who are poor, abused, and seriously ill or drug-involved and are often without health insurance.

The City supports legislation that increases state funding for programs providing services and support for children and families. Specifically, the City supports legislation that sustains and empowers families in achieving socioeconomic wellbeing.

Domestic violence and other instances of family crisis can be reduced if children are instructed in communication, financial planning, parenting, and conflict resolution skills. The City supports legislation to require such instruction in public schools.

The City supports programs to provide prenatal and infant care, promote family stability, provide childcare resources, reduce the incidence of child abuse and neglect, and address drug and alcohol abuse.

## **Chronic inebriates**

The City, working with the community and the State Liquor and Cannabis Board, has utilized alcohol impact areas (AIA) as an important tool in reducing chronic public inebriation.

The City will oppose any efforts to weaken or restrict the authority of the Liquor and Cannabis Board as regards AIAs. The authority of the Liquor and Cannabis Board and local government must be preserved to identify and prohibit alcohol products which contribute to chronic inebriation and increase the costs of local public safety and health care agencies.

A second component of the City's effort to address chronic inebriates was the establishment of a sobering center. This facility provides warm and secure sleeping facilities as well as access to programs to help break the cycle of alcoholism.

The City has partnered with non-profit agencies to fund the sobering center. The City supports legislation providing new revenue opportunities to maintain this and other important human services.

## **Deaf services**

The deaf and hearing-impaired constitute a large population in the City of Tacoma. Efforts to contact and maintain contacts with this community are very difficult. The present state program that uses a tax on phone services to fund the purchase of TDD phone connection devices for the hearing-impaired has and will continue to enhance the ability of this group to contact the larger community. There is a need to have, at the local level, trained personnel to assist the hearing-impaired with problem-identification and solutions.

The City supports legislation that would provide funds for deaf service centers. Services would be provided from existing locations, such as the Tacoma Area Coalition of Individuals with Disabilities Center, and would not require additional local funds.

## **Discrimination & hate crimes**

Hate crimes and discriminatory attitudes are injurious to community well-being. The City embraces diversity in the areas of housing, employment, and public accommodation in all neighborhoods and works to increase opportunities for all in these areas. The City includes sexual orientation as a protected class in hate crime and anti-discrimination legislation.

The City supports similar action at all levels of government.

## **Family wage**

Adequate wages and benefits in the local workforce reduce the need for social service and criminal justice expenditures. The City, via voter initiative and action of the City Council, has begun to phase-in an increase in the minimum wage for most employers to \$12 an hour and a requirement for most employers to offer sick and safe leave for fulltime employees. Tacoma and many other cities have taken these actions because of the failure of the State and Federal government to address the issues.

The City supports increased funding and opportunities for worker training including on-going funding for local employment and training consortia. Interest from the Unemployment Trust Fund is an appropriate funding source for such programs.

Washington voters have endorsed the need to keep the State minimum wage tied to the cost of living. The City supports this approach.

The City opposes any State or Federal proposal to prohibit or restrict its authority to locally regulate conditions of employment for wages, benefits or prohibitions against discrimination and other standards which may reflect community values.

The Federal government has failed to address immigration reform. This inaction has resulted in continued uncertainty for undocumented workers in Tacoma and across the nation, increased the burden on local law enforcement, and resulted in some cities and states taking unilateral actions.

The City supports comprehensive immigration reform that includes protection of human and civil rights of both citizens and non-citizens, support for city and state governments that are paying for the current broken system, use of new technology to match foreign workers with jobs that are going unfilled, reducing the obstacles to citizenship for the estimated 10 million undocumented workers in the country; and increasing border security where needed.

## **Financial assistance programs**

Cutbacks to financial assistance programs during the recession led to significant hardship to many individuals and families and impacted local service providers funded by the City. The State needs to restore funding for financial assistance programs to pre-recession levels. Families should retain eligibility for as long as possible.

The City supports programs for transition to employment and self-sufficiency. Programs such as job training, remedial education, child care,

transportation and medical services should receive even more support to help TANF (Temporary Assistance to Needy Families) recipients make the transition to work as quickly and as smoothly as possible. In implementing Work First programs, the State needs to ensure that its changes do not create greater demand for local government support of emergency shelter, emergency services, employment and training, and child care programs to assist families who are no longer receiving benefits. State funding should be provided to offset any impacts on local services. In addition, local communities should be active in the design and delivery of services.

Severe reductions in funding for the Disability Lifeline program will have a direct impact on homelessness, hunger, street crimes and other social concern for local governments throughout the state. Cutting or underfunding this program represents a significant transfer of State responsibility to local government and local social service providers.

The City supports this program as a top priority of State government regardless of the revenue picture because the costs of the alternatives are far greater.

To maintain or increase State funding for financial assistance programs leading to self-sufficiency may require the State to review expenditure caps. The State should also consider tax credits to businesses that hire recipients of financial assistance and identify and revise policies that represent potential barriers to work.

## **Homeless**

The effects of mental illness and/or substance abuse disorder and domestic violence often present themselves in an ever-increasing and disproportionately large percentage of homeless persons who gravitate to the streets and services in downtown Tacoma. There are also those among the City's homeless population who are there for because of economic reasons, structural issues within the criminal justice and foster care systems, and even a few who choose that way of life.

The City funds more than 500 beds for men, women and families. It has opened a youth shelter, extended shelter hours, and is preparing to open a drop-in center for youth and young adults. The City has implemented the Housing First program which provides low-barrier supportive housing to those persons who choose to leave the streets. The City is working with the faith community to supplement services, with non-profit agencies to provide secure housing for domestic violence victims, and in partnership with the Tacoma Housing Authority to develop additional comprehensive services. The City has used a portion of its mental health-chemical dependency tax authority to fund this program. Other vital

funding for these programs come from document recording fees shared by the State and from City General Fund appropriations.

The City supports legislation to assure continued funding for the continuum of programs for the homeless.

The City supports an increase in state funding for a full continuum of subsidized and supportive housing. This includes, but is not necessarily limited to: emergency shelters, domestic violence housing programs, and transitional housing as well as legislation that provides funding for acquisition, rehabilitation, construction and capacity building for local entities serving the homeless. At the Federal level, HUD should permit the broadest possible use of funds designated for local government to support programs aimed at providing shelter for the homeless as other housing programs, including health care and mental health services.

The City supports removal of the sunset on document recording fee surcharges earmarked for homelessness programs and an overall increase in the fee surcharge to better sustain these programs and will explore options to assure more of this revenue flows to the City.

## **Human rights**

The City believes that each human being should be treated with respect and equity: the access to opportunities necessary to satisfy their essential needs, advance their well-being and achieve their full potential.

The City supports policies at the State and Federal level that will achieve this goal while holding itself and its partners accountable for measurable improvements and outcomes.

Domestic violence and sexual assault prevention programs are in increasing demand. Shelters of all types need additional funds for the maintenance of current structures and the construction of new facilities to meet demand. Coordinated response networks need help in tracking offenders and assisting battered families to stop the violence and offer aid to victims.

For the children of these families, the City supports the strengthening of laws to allow little or no contact time with abusive parents.

The City supports changes in the law so that domestic violence and hate crime cases can be prosecuted when the State has witnesses to the act, but the primary victim will not testify for fear of retribution from the offender or the community.

## **Medical cannabis & recreational marijuana**

In 1998 Washington voters adopted Initiative 692 which permitted doctors to authorize limited amounts of cannabis as a treatment for persons suffering from certain terminal or debilitating conditions. More recently, voters approved Initiative 502 which legalized the purchase and private use of marijuana and established a process for commercial grow operations and retail sales outlets. The medical cannabis law was not amended by the later initiative. In 2015, the Legislature clarified and amended the two initiatives so that medical and recreational cannabis is available in licensed stores or from locally based cooperatives of small groups of users. The legislation also authorized local governments to determine if they want to have cannabis sales in their communities and shares some of the revenue the State collects on these sales with cooperating cities and counties. Initiative 502 also highlighted other issues that need attention such as access to banking services for retail operations.

The City also supports legislation or regulatory changes to allow retail marijuana businesses to have access to banking services.

The City also supports reclassification of cannabis from a Schedule 1 to a Schedule 2 drug to allow medical cannabis to be prescribed like other drugs and sold in licensed pharmacies.

## **Seniors**

Individuals aged 60 years and older are a growing percentage of our population. Many are frail and vulnerable. They are in need of a variety of services to assist them to live independently in the community. These services include: senior information and assistance and case management to assist with economic security, employment and training, home maintenance, home repair services, respite care, day health care, health care, mental health, legal assistance, transportation, housing, and elder abuse services. There is also a need for senior activity centers and meal programs to increase socialization, education and enhance good health. These services are important because they are cost effective and important to a senior citizen's ability to live in the community. In addition, a support system is provided to decrease isolation and loneliness, one of the primary causes of a senior's loss of independence.

The City supports legislation that will fund and increase services to bolster independence, including revision of regulations and policies that exclude older workers from access to the work force. In addition, all federal and state funded programs for seniors should be supported and continued.

# REVENUE, BUDGET & FINANCE

## Capital facilities revenue

Capital facilities in cities include the grand, such as convention centers and stadia, and the unseen such as sewers and water lines. Streets, bridges, fire stations, parks and office buildings are also important parts of municipal infrastructure.

Financing these important facilities has become increasingly difficult for local government. Initiatives and legislative actions have reduced capital revenues. New growth pays for only a portion of the new infrastructure it demands, and does not provide a means to maintain or replace older infrastructure. Without new revenue sources the City will not be able to repair its infrastructure or meet the obligations of expected population growth.

Most utility infrastructure is paid through rates. Impact fees and the real estate excise tax are among the limited revenue options cities have to pay for non-utility capital facilities. The City has dedicated other revenues, such as fees for street vacations, to the purchase of open space and transportation improvements. The only other major revenue source for infrastructure is voter approved bonds or levies paid by property taxes.

The City has repeatedly introduced infrastructure funding legislation itself as well with other cities and the Association of Washington Cities, the business community, other levels of local government, and other interests to advance funding ideas for local government infrastructure.

The city supports the following revenue and policy options:

- Reforming the Public Works Trust Fund by restoring its revenue sources, streamlining its processes, and allowing the Trust Fund Board to expand uses for its loan program and make other modernizations.
- Establishing Community Facilities Financing. This tool, used in many other states, is similar to a local improvement district. It can be used to provide funding for infrastructure needed for economic development projects through voluntary property tax assessments.
- Fix street utility authorization. The concept of paying for residential streets and arterials as a utility and charging citizens and businesses a fee based on their use of the transportation infrastructure is not new. The current law was found unconstitutional some years ago but an appropriate fix has been developed and this option should be restored to local governments that choose to use it.

- Strengthening tax increment financing, and/or adopting other value capture tools to more closely follow the model used in most states while retaining protections so that such tools are not used to move existing jobs and tax base from one community to another.
- Eliminating the variations in allowed uses for the two local option real estate excise taxes (REET); Allowing REET to be used for purchase of wetlands and other critical area lands; Authorizing a new local option REET or a credit against the state share of the tax in lieu of impact fees.
- Establishment of an infrastructure bank model as long as it offers both loan and grant programs for a variety of needs and does not slow the already lengthy approval process.
- Establishment of a viable funding mechanism to ensure LID success in low income mixed use centers in the City.

### **Finance & accounting**

The City supports legislation that make it easier, and less costly, for the City to perform its accounting and financial procedures.

The City supports legislation that increases the variety and flexibility of financing mechanisms.

The City supports efforts to eliminate archaic statutory requirements for certifications, redundant reviews, and similar mandates that merely add costs and delays to the City's business processes.

### **General fund revenue**

It is an increasing challenge for the City to provide basic services within the limits of existing local revenue sources. It has also become more difficult for the State to continue its historic role of providing shared revenue to local government. The combination of these challenges requires the exploration of changes in the relationship between the State and cities. These changes may include greater levels of fiscal home rule including removal of restrictions on local revenues, an end to all state shared revenue, restructuring of the distribution of State and local taxes, establishment of new taxing authority, or other ideas or some combination of ideas.

The City supports fiscal home rule and will work with the State and other stakeholders to develop more sustainable funding to allow both levels of government to carry out their distinct service responsibilities.

Under fiscal home rule, the City's support includes, but is not limited to, the following policies:

- The City has broad authority to raise revenue.
- Increased flexibility in all specific State-authorized taxes. This includes removing rate caps, non-supplant language, and restrictions on how revenue is spent.
- Provide incentives to local governments to consider consolidation of services.
- Provide a fix so that voter approved permanent EMS levies are not subject to the tax rate impacts of the 1 percent cap on property tax revenue.
- Critically examine State tax exemptions that reduce revenue to both State and local government.

Local and state tax revenues have been impacted by the growth of internet sales. These sales reduce sales tax collections but can also impact business and property tax revenue as local retail stores struggle to compete with untaxed online sales. The City supported Washington's adoption of destination based sales tax distribution as part of a national effort to secure Congressional action to authorize the taxation of interstate online sales. Many major retailers- both brick and mortar and online- have embraced this concept.

The City supports Congressional approval of the Main Street Fairness legislation. The City supports continued State mitigation from the change to destination based sales tax distribution for negatively impacted cities for a reasonable period of time.

The City is committed to making its tax collection and regulatory processes as simple to understand and comply with as possible. The City intends to complete its work with other cities to develop an online web-based portal to simplify tax calculation and payment for businesses.

The City supports collaboration with the State to make securing business and regulatory licenses as simple a process as possible. The City is willing to work with stakeholders concerning license fees and requirements, and collection of needed regulatory data. The City will oppose legislation authorizing State determination of local tax regulation or mandating State

collection of local taxes. The City will oppose any effort to capture or divert its revenue to other governments.

### **Local transportation revenue**

Motor vehicle fuel taxes provide a dedicated revenue source for State transportation needs. Property taxes provide a dedicated revenue source for county transportation needs. Cities are the only general purpose governments in Washington that have not had a dedicated transportation revenue source since the Legislature re-enacted Initiative 695, capping vehicle license fees at \$30.

Meanwhile, the population in urban areas in Washington has exploded over the last 15 years and total miles driven have increased dramatically, particularly in the central Puget Sound area.

The City supported the \$16 billion, Connecting Washington transportation package adopted by the Legislature in 2015. Revenue from this program will complete the SR-167 highway from Puyallup to Tacoma, improve I-5 near Joint Base Lewis-McChord, and begin the process of extending I-5 HOV lanes south through Tacoma from the current termination at S. 38<sup>th</sup> St. Earlier funding packages will continue, finishing the current I-5/SR-16 HOV project.

The need for additional local transportation funding options is critical. Without new revenue sources the City will not be able to meet the infrastructure needs of the population growth expected over the next several years. Projects such as rebuilding of the Puyallup Avenue Bridge are not feasible within existing revenue sources available to the City or without more robust State grant programs.

The Legislature has approved a promising transportation funding tool for local government. The City has implemented its Transportation Benefit District (TBD) authority which provides for a mix of revenue sources and significant local flexibility.

The TBD option does not eliminate the need for other new and realistic local transportation funding options that can be enacted to meet specific local needs.

The City supports adoption of constitutional fixes to street utility legislation.

The City also supports full funding of the Transportation Improvement Board and FAST corridor freight mobility projects.

The City also supports changes to State and Federal grant programs to incentivize local governments to engage in mobility master planning and adoption of ordinances encouraging construction of complete streets (streets which support multiple transportation modes).

## **Tax-exempt municipal bonds**

Tax-exempt municipal bonds help finance infrastructure that touches the daily lives of every American citizen – roads, schools, water systems, wastewater systems, and more. Three-quarters of all infrastructure investments made in the United States are financed by state and local governments through tax-exempt municipal bonds. Congress and the Administration have proposed capping, limiting, eliminating or replacing tax-exempt bonds. The Federal government needs to be investing more in the nation’s infrastructure, not making it harder for local government to do so.

The City strongly opposes proposals to cap, limit, eliminate or replace tax-exempt municipal bonds.

## **Unfunded mandates & other State & Federal budget impacts**

Mandates from the Federal and State governments are rarely accompanied with adequate new revenues or taxing authority, but instead force the City to reduce funding levels for other services.

Other budget decisions made by Congress and the Legislature can have a significant effect on local government.

For example, reduction in funding of Community Development Block Grants and other funds used to meet social needs causes a direct increase in the number of recipients of those programs seeking revenue from City government and local agencies. Reduced housing assistance causes increases in homelessness that local governments must address. Failure to adequately fund corrections programs fills local jails and can result in the release of dangerous felons to City streets. Reduced staffing at state mental institutions leads directly to increases in the number of uncared-for persons in the community. Reduced funding for education at the pre-school, K-12, 2-year, 4-year, and graduate program level reduces economic opportunity for local citizens.

Congress passed legislation prohibiting unfunded mandates and the voters of Washington have twice approved restrictions on the ability of the state to impose unfunded mandates.

The City opposes efforts by Congress and the Legislature to balance budgets by shifting responsibilities to cities.

# **PUBLIC SAFETY**

## **Administrative warrants**

For several years, fire departments in Washington conducted inspections of buildings to identify and correct fire and safety code violations that might result in increased risk of injury or death to occupants and firefighters.

The Washington Supreme Court ruled in *McGrady v. Seattle* that the Legislature has never specifically authorized judges to issue administrative search warrants to allow fire departments to conduct these inspections. The result of this ruling has been the loss of a significant tool used in protection of our communities.

The City supports legislation that clearly grants to judges the authority to allow local fire departments to use administrative search warrants for the purpose of conducting routine fire and life safety code inspections.

## **Cost recovery for services**

The City provides certain public safety services to special purpose districts without collecting fees from those districts.

Some of these services are highly specialized and are necessary only because of the existence of the special purpose district. All City taxpayers support the cost of development and maintenance of these specialized services yet receive no direct benefit from them.

The City supports legislation that would require special purpose districts to bear their fair share of such costs.

## **Domestic violence**

Crime statistics indicate that more than half of reported violent crime is domestic violence. The City has made addressing this issue a top priority.

The City has devoted financial resources to combating domestic violence, has been at the vanguard in terms of amending its laws to toughen penalties, and has pioneered cooperative relationships with other governments to address the issue.

Frequently, victims of domestic violence have no place to go to seek refuge from the abuser. Local shelters do an outstanding job, but are frequently full. In some cases, the abusing partner has tracked the victim to the shelter and thereby reduced the effectiveness of the security.

The City believes the state can help local governments make a difference in addressing domestic violence through changes in the Victim/Witness Assistance Program.

The Victim/Witness Assistance Program is administered by the Department of Labor and Industries. Specifically, the City supports use of program funds to pay for shelter and, when necessary, relocation for the victim and his or her children. The City also supports use of fines assessed to convicted abusers to be allocated to the program for use in paying for shelter and/or relocation costs for victims and children.

### **Fire codes**

Municipalities such as Tacoma contain older buildings that do not have needed fire safety features such as fire sprinklers and fire alarms.

In the past, legislation has been introduced to exempt these buildings from any local ordinance requiring retrofit of the fire and life safety features.

The City strongly supports local autonomy for the development and implementation of standalone ordinances. The City rejects the concept of the Fire Code as the maximum requirement allowed to local governments.

### **Firearms & other weapons**

Violence in our communities threatens the very fabric of society. Violence attendant to youth gang activities, domestic abuse, or other causes is aggravated by the easy access our society gives to firearms. The constitutional right to bear arms, as is the case of all constitutional rights, does not come without responsibility or the ability of society to reasonably regulate that right.

The State of Washington has precluded local governments from adopting regulations which restrict the sale or possession of firearms. Yet it is local government that most frequently must deal with the costs and consequences of the rapid increase in the number of firearms in our communities.

The City supports legislation to allow local governments, at their option, to restrict the access of persons carrying firearms in government buildings where judicial or quasi-judicial proceedings are held as well as schools, parks, and other public areas.

Trigger locks are effective, low cost devices which have proven to reduce the incidence of accidental shootings.

The City supports legislation requiring that trigger lock mechanisms be sold with all firearms sold in Washington, or that local governments be

permitted to mandate the sale of trigger lock mechanisms with all firearms sold within their jurisdictions.

The City has a long-standing policy to destroy forfeited and unclaimed firearms and lead the effort to change state law that required auction of all such weapons.

The City strongly supports the local option for law enforcement agencies to destroy forfeited and unclaimed firearms.

The City has banned the sale of martial arts weapons and certain kinds of knives which were being made easily available to children in neighborhood stores.

The City opposes any attempt to restrict its ability to regulate martial arts weapons and certain knives.

### **Fireworks**

It is the current policy of the City of Tacoma to prohibit the sale and discharge of common fireworks inside the city.

The fireworks industry has repeatedly attempted to preempt the ability of local government to adopt fireworks regulations. This effort included restricting the ability of the City to regulate the importation of fireworks through the port.

As Tacoma is the primary port of entry for fireworks in Washington, and because the quantity of fireworks imported is significant, the ability of the City to place reasonable regulations on such imports is necessary to the safety of the citizens of Tacoma.

The City opposes legislation that restricts either its ability to determine whether common fireworks will be sold or its ability to regulate the importation of fireworks through the port.

In addition, because the City finds that illegal fireworks significantly contribute to the fire problem within Washington, the City believes the state should consider the limitation of imports that are subsequently sold contrary to state law.

The City also supports changes in state law regarding the burdensome and costly consequences to local and state government agencies that seize fireworks for violations of various laws. The storage and retention rules placed on government for seized fireworks are such that its extremely high cost prevents agencies whose duty it is to protect the public from carrying out their responsibilities.

## **Hazardous materials**

Municipalities and fire districts are first responders to hazardous materials releases. It is important to be capable of reducing environmental damage if there is this type of incident. The City is required to provide special training, equipment and medical records on all employees who respond to these incidents.

Hazardous material generators and transporters should offset the cost of this service. They could be charged a per-ton fee to provide funds for municipalities and fire districts to offset costs of training, equipment, personnel and medical service for our employees.

## **Juvenile justice**

The City is precluded by law from enacting tougher penalties for juvenile crime and from addressing the issue of parental accountability.

While the City does not have the responsibility for operating juvenile court, and the juvenile and adult detention centers, the City does bear its own burden from the increases in juvenile crime because much of the crime committed by juveniles occurs in the City, whether or not the juvenile actually resides here.

The City's role in juvenile justice is in support of programs which preclude the need for juveniles to enter the system and/or reduce their chances of recidivism. To this end, the City provides funding and supports additional resources focused on efforts to target gangs and divert youth from gang activity. The City also believes youth activity centers, after school sports in middle schools, and other programs provide positive environments for youth and reduce the overall cost of the juvenile justice system. The City believes collaboration between the State, schools, local government, and community organizations are required to advance these preventative programs.

The City supports restoration of both the rights and accountability of parents for the actions of their children.

Acknowledging that in some circumstances children run away from home to escape abusive situations, the City also supports restoring the offenses of running away and truancy and providing protective facilities where required.

The City vigorously opposes any effort to make cities financially responsible for juvenile justice prosecution or detention. The City supports providing counties with adequate revenues to fulfill their juvenile justice responsibilities.

## **Traffic enforcement cameras**

Traffic safety has been a priority of the citizens of Tacoma for many years. The City has developed a comprehensive program to address excess speed, violation of traffic control signals, and other traffic safety issues. This approach uses traditional traffic enforcement officers, traffic enforcement cameras, electronic speed notification signs, and traffic calming techniques. The City has established a separate fund within its operating budget to easily track the costs of traffic enforcement and the revenue generated by tickets.

The Legislature has authorized local government to use traffic enforcement cameras in limited situations, including red light enforcement at certain intersections and speed control in school zones. In addition, Tacoma has been given temporary authorization to use a speed control camera in one non-school area. The overall result of this program has been a reduction in traffic fatalities and injury accidents.

Traffic enforcement cameras have proven to be a success in reducing instances of speeding and violation of traffic signals.

The City supports the use of traffic enforcement cameras and believes their use should be expanded beyond the limitations currently imposed by the Legislature.

## **Trauma care**

The Legislature adopted fees on automobile titles and certain traffic infractions in an attempt to raise funds to compensate hospitals for a portion of the costs of trauma care. Left unaddressed is how local communities are expected to meet their share of the costs of uncompensated trauma care.

The plan for statewide trauma centers also adds to the present training and certification requirements for firefighter/paramedics and increases the amount and type of equipment that need to be carried on trauma units. Again, no funding has been provided to the City to meet these additional requirements.

The City strongly supports the concept of designated trauma centers strategically located throughout the state.

The additional costs resulting from this concept must not be borne by local government but rather by state government. The City also supports financing at a region-wide level or on a reimbursement basis.

# TRANSPORTATION & PUBLIC WORKS

## **Alternative construction methods**

The Legislature has authorized a number of cities, counties, and state agencies to utilize alternative construction processes. The design/build, design/bid/build and other alternative construction process can be a cost effective tool for large and/or complex projects required by local government.

This authority is scheduled to sunset unless renewed by the Legislature. The City supports renewal of this authority, preferably on a permanent basis.

## **Dangerous buildings**

The City has the authority to lien properties to recover its cost of demolishing unfit structures. The City cannot recover the administrative costs it incurs if the property owner demolishes the structure. Recovery of costs is justified because the legal process of abating unfit structures and associated costs are the results of unreasonable problems created by property owners and all costs of abatement should not be considered a part of normal government business.

The City supports legislation that will allow a City to lien property to recover its administrative costs in the determination that a structure is unfit for human habitation or other use.

Such a lien only would be allowed after the full legal process, including exhaustion of any rights to appeal. While the City can place a lien on the property for demolition costs, the City cannot foreclose on its lien.

The City supports legislation to allow local government to foreclose on liens and gain control of the property. Current law should also be amended to give the City clear authority to use properties acquired in this manner for low income housing.

Dangerous buildings are also a drain on public resources and are often a blight which reduces surrounding property values.

The City supports legislation that addresses these concerns by allowing local government to enter into voluntary agreements with property owners for low interest loans that allow such blighted properties to be restored.

## **Ferry service**

The State is contemplating additional passenger ferry service in Puget Sound.

The City supports state planning and funding of ferry service from Tacoma to other Puget Sound cities and outlying areas.

### **Mini-maxi building codes**

Cities have authority under Washington law to establish their own building and fire codes. The State building and fire code, established by the Building Code Council, serves as a minimum code level.

Tacoma and most other large cities have adopted their own codes which often exceed the requirements of the minimum State code. These changes reflect differing community standards and circumstances.

The Legislature has frequently considered legislation that would establish the State minimum building code as the maximum allowed, stripping cities of the ability to define their own community standards. Attempts have also been made to require the state Building Code Council to approve local codes that exceed the state minimum.

The City opposes any effort to eliminate the ability of local elected officials to determine the standards for community health and safety and turn such authority over the Legislature or an appointed State board.

### **Regional transportation**

An improved transportation system, including an expandable and regional rail component, is important for continued economic development and to provide for the efficient movement of people and goods throughout the central Puget Sound area. Freight mobility projects can include improvements to State highways, but often improvements are also needed just off the State system, on local arterial streets. High-speed ground transportation is an important component of this system that can also ameliorate the need for new airport facilities. Addressing the needs will require new revenue.

The City supports the four-county central Puget Sound area accepting additional responsibility for its own unique transportation needs. Many of the projects required in this region are so expensive they would each easily consume most of the new revenue provided by any statewide revenue package.

The City supports regional transportation funding legislation that includes the four-county area of central Puget Sound, that provides for a seat at the table for cities in the planning and project selection process, that provides for realistic and varied tax options, that maintains an appropriate level of

state support in all of the projects, and that fast tracks projects where right-of- way, permits, and other funding is already in place.

The City opposes allowing any one part of the region to proceed with “regional” funding on its own.

Transportation problems in the Puget Sound region all stem from a shortage of funding. The agencies that provide much of the funding and operation of major components of the transportation infrastructure in the region were created by local citizens in response to local and regional needs. The agencies communicate regularly and work well together.

The City opposes directives from the Legislature for changes to governance of local transit agencies, Sound Transit, the Puget Sound Regional Council, and ports.

The City believes the core HOV system in the Puget Sound area is a state funding responsibility. Funding for the remaining unbuilt Tacoma portion of this system should be maintained.

Completion of SR-167 from Puyallup to Tacoma has been identified by the Legislature as part of the “Puget Sound Gateway Project” that includes completion of SR-509 in the SeaTac area, including direct freeway access to SeaTac Airport from the south for the first time. The City believes completion of this project is a top priority. Tolling on these highways and on associated portions of I-5 may be included as part of this project.

The City supports the Puget Sound Gateway Project, including the use of tolling if it is determined to be necessary.

Building a three-county multi-modal, high-capacity regional transportation system is a complex, expensive and long process. The City believes Sound Transit has done a fair job in meeting the mission voters in the three counties have twice authorized. There are bound to be setbacks in the process. Some of the difficulties Sound Transit has encountered were foreseeable and avoidable, but others were not.

The City continues to support the Sound Move project and Sound Transit. The City will oppose efforts by the Legislature to second guess or otherwise change either the Sound Move plan or Sound Transit.

Passenger rail service through Tacoma will increase and is an important part of the regional transportation system both for the Puget Sound area as well as the I-5 corridor from British Columbia to Oregon. The City supports State and Federal funding for the providers of this service for track and crossing improvements where it will intersect high volume City arterial streets.

The Federal government assesses a Harbor Maintenance Tax on all imports arriving at US ports, including the Port of Tacoma. This revenue is primarily used to pay for dredging of river ports, canals, and harbors susceptible to the need for maintenance dredging. The natural deep water ports on Puget Sound receive little benefit from this tax yet increasingly compete with cargo imported to untaxed Canadian ports that is trucked into the US.

The City supports recent reform of the Harbor Maintenance Tax to allow Puget Sound ports that do not require maintenance dredging to recover a portion of the tax for use for other harbor improvements or to reimburse shippers for the fee in certain circumstances.

### **Regional transportation facilities**

Major transportation facilities such as new airports, ferry landings, bridges, and interjurisdictional highways are usually extremely difficult to site but are nevertheless necessary for the continued mobility and economic vitality of the region.

The metropolitan planning organization (MPO), the Puget Sound Regional Council, is an appropriate forum for regional policy decisions and data collection but because of its close connection to local government, is not the appropriate agency to make decisions related to siting of major transportation facilities.

The Growth Management Act also makes demands on local government for siting of essential public facilities but has not adequately addressed how conflicts are to be resolved.

The City supports creation of a state level forum of some type to make these decisions so long as the forum provides for local government involvement in the process and does not duplicate the policy and data collection role of MPOs.

### **Regulatory reform**

The City supports the concept of regulatory reform and encourages Congress and the Legislature to engage in an on-going process to examine Federal and State regulations for duplication and conflict.

### **Right of way**

State and local governments are stewards of the public's rights-of-way. Rights-of-way are public property of substantial economic value and of critical importance to local communities and their residents. The public has a right to fair compensation for occupancy and use of its property by private companies. Absent adequate oversight by the City, telecommunications providers' and other

private interests' use of rights-of-way has significant potential to impact adversely the safe and efficient use of City streets, sidewalks, and other public infrastructure. The City must retain the right to manage and control this infrastructure and to establish rules and regulations related to private service providers' entry into, compensation for use of, and behavior in the public rights-of-way. To do otherwise is to have the taxpaying public subsidize the operations of these private businesses. This principle should also apply when private interests are required to relocate facilities to accommodate street or sidewalk construction or other public works. Local governments, utilities, and telecommunications companies have negotiated an approach to support joint trench agreements over the past few years to share costs and to minimize the adverse impact on the rights-of-way.

The City opposes any attempt to reduce or otherwise limit its control of public rights of way or to be fairly compensated for their use by private interests.

### **Tacoma-Eastern Railroad**

The City acquired the former Chehalis-Western Railroad right of way, track, rolling stock and other facilities and equipment.

The track is in poor condition and is in need of rehabilitation to permit efficient freight service, which will create an income stream to allow further track improvement.

The City supports continued funding of appropriate state rail rehabilitation and assistance accounts to permit this project to receive an adequate share of those resources.

### **Traffic congestion & safety**

Traffic congestion on arterials and freeways in Tacoma is increasing rapidly.

This issue is of concern to the City because our citizens and visitors are injured in accidents and City public safety resources are frequently pressed into service on I-5. Further, the efficient movement of goods and services is impacted from the congestion of normal operation of the freeway, and particularly when one or more accidents slow traffic even more. Safety is also related to maintenance and repair of important transportation infrastructure, particularly bridges such as the Puyallup Avenue Bridge.

Reconfiguration of I-5 through Tacoma to add HOV lanes is underway and will assist this problem. The current project ends at S. 38<sup>th</sup> Street. Initial funding for planning or design work beyond that point has been provided in the 2015 Connecting Washington revenue package. Work to add HOV capacity, whether

through new construction or conversion of existing lanes, is vital along the entire length of I-5 in Pierce County, particularly in the vicinity of Joint Base Lewis-McChord.

The City supports legislation which prioritizes improvement of the movement of passengers and freight along I-5.

### **Transportation planning**

The Growth Management Act acknowledges the strong link between land use and transportation.

The City supports legislation that would provide additional funding and technical assistance for local transportation planning for the following areas: multimodal transportation systems with an emphasis on nonmotorized uses, mobility, and complete streets; coordination of transportation and land use planning with higher priorities given to regionally designated centers; adequate transportation services and facilities identified through neighborhood planning processes; and mitigation of traffic impacts on neighborhoods generated by State facilities of regional significance such as the Tacoma Narrows Bridge.

### **Transportation system utilities**

Cities face increasing financial demands on limited general fund resources and are finding it impossible to adequately fund street maintenance and infrastructure improvements. A recent estimate by the Public Works Department indicated that Tacoma's unfunded infrastructure needs may be in excess of \$700 million

The State has a dedicated revenue source in the gas tax for State transportation needs. Counties have a dedicated revenue source in the road levy for unincorporated area transportation projects. Cities are where the majority of the population lives and the majority of all jobs are located; yet do not have a dedicated revenue source for transportation. New tools are needed.

The City supports legislation that would allow the City Council to create a street utility as a method to establish equitable, street user-fees. The utility should be funded by assessing trip generation fees based on the number of vehicular trips generated from each parcel of property within the city limits or another mechanism that assess fees based on use of streets.

# UTILITIES

## Utility rates & taxation

The ability of publicly owned utility systems to provide necessary utility services at the lowest cost consistent with available resource supply, prudent operating practices, and with appropriate consideration for the environment is the City's philosophy in operation of all of its utilities.

The City opposes legislation that would impose or mandate price/rate forms or structures.

The City opposes legislation that would in any way limit, tax, or otherwise impose operational or economic sanctions against the implementation and operation of municipal telecommunications services.

The City opposes legislation that would prohibit or limit the ability of the City to tax its own publicly owned utility systems. The City will not oppose legislation that provides tax relief for our operations or our customers.

The City opposes legislation that would impair a City's ability to receive a reasonable rate of return by means of a tax, from its municipal electric utility's operational revenues, irrespective of whether such revenues are derived from customers located within or outside of the City.

The City supports programs that assist meeting energy costs for individuals who qualify on the basis of need, including state financial assistance if provided through existing State taxes or revenue. Any State assistance program should recognize and credit existing utility programs that provide such assistance. Consequently, the City opposes legislation that would impose any new taxes on utility customers without acknowledging and crediting existing utility assistance for low-income customers.

The City supports efforts to adopt a State Constitutional Amendment to reinstitute the cap on non-economic tort damages as it was pursuant to the 1986 Tort Reform Act.

The City supports continuation of Federal tax exemptions on bonds issued by public utilities to finance the acquisition or development of municipal energy and water facilities, contract capacity, and resources.

The City supports legislation that would encourage the City or its electric customers to use renewables. However, the City opposes legislation that would require the City or its electric customers to subsidize or fund the substitution of petroleum or natural gas for electricity.

The City supports legislation that creates a uniform, "level-playing field" based property/in-lieu of tax on generating facilities owned by electric utilities and independent power producers. Currently four different and distinct approaches are applied to public utility districts, municipal owned generation facilities built before March 17, 1955, and those built after 1955.

Any legislation that seeks to accomplish the deregulation of electric utilities in the State of Washington that includes a public purpose tax must recognize and credit the existing local public purpose programs and expenditures of electric utilities.

The City will oppose any public purposes tax that ignores existing local programs and requires the creation of a state-wide centralized program that manages and disburses funds rather than allowing for local control.

The City opposes any new state taxes or connection fees on utility customers in order to fund state programs that could be more equitably funded through general tax revenues or state debt financing.

### **Utility service**

The City has witnessed the failures associated with electricity industry restructuring. The California experiment negatively impacted utilities and their customers in the Pacific Northwest. The citizens of Tacoma have chosen to own and operate an electric utility and this represents the highest form of retail customer choice. Based on the evidence to date, the City cannot support electric restructuring elements that raise costs, remove consumer protections, erode local control and public purposes support. The City intends to participate actively in any efforts to further deregulate electric service in order to protect its customers.

The City opposes legislation (unrelated to the Growth Management Act) that would restrict or limit the service areas of publicly owned utility systems or the ability to provide service to consumers located in those areas.

The City supports continuation of the current utility lien law for commercial accounts.

The City also supports new legislation that would grant municipal utility information sharing and to establish a lien to ensure payment of municipal utilities at closing of property sales.

The City supports legislation that grants utilities the ability to use unclaimed customer credit balances for assisting low-income customers.

The City opposes legislation that would restrict the Department of Public Utilities telecommunications options.

The City opposes legislation that would restrict or prevent its municipal utility operations from providing expanded products and services.

The City supports legislation that will enable a government-agency to market a computer data base such as Geographic Information System (GIS) data, and derivative products from the database such as quarter section maps drawn on a plotter, for the purpose of offsetting the investment needed to build such a data base. Such legislation would make a clear distinction between what is a "public record" under the Public Disclosure Act and what is a valuable data base that could potentially be used by private businesses for their own gain.

In the energy marketplace of today, the commodities of natural gas and electricity are inextricably mixed, therefore, the City supports the concept that any legislation that contemplates the deregulation of the retail electricity utility industry should similarly also address the retail gas utility industry.

The City supports legislation that would result in assistance to local municipalities in developing, upgrading and maintaining their infrastructure needs, with the understanding the projects will be fairly apportioned to the whole state and all municipalities.

Consumer owned utilities will face direct competition from private sector companies that currently can use the freedom of information statutes to gather strategic business intelligence to give them a significant unfair advantage in a competitive environment; therefore, the City supports legislation to protect financial or commercial information furnished to, or developed by, the utility as part of a proposal, bid, or negotiation for services provided by the utility.

The City supports legislation that would limit the City's exposure to liability for strictly governmental or utility actions.

The City supports legislation that would provide State authorization for local government programs relating to minority and women's business enterprises in the supply contracting areas similar to that relating to construction contracts.

The City supports legislation to amend the Public Disclosure Law exemptions, to allow public agencies to maintain the confidentiality of certain documents where there is a reasonable potential that such information could provide aid to persons intent on sabotaging vital public services. The City supports legislation that protects proprietary information for government entities providing retail and/or wholesale competitive services.

## **Solid Waste**

### **Landfill liability**

In 1991, the City signed a consent decree in Federal Court that governs operations of the City's sanitary landfill and actions the City must take to assure cleanup. By definition, the consent decree means there can be no permanent loss to nearby property owners resulting from contamination emanating from the landfill because the landfill presents no current danger to human health and the environment and once the conditions of the decree are met, all contaminants will be contained on site.

Under federal law (CERCLA), no one is allowed to challenge an approved consent decree unless the remediation has been fully completed. Liability legislation does not contain a specific exclusion from strict liability for landfills.

Under state common law, the operation of municipal solid waste landfills is not an "ultra-hazardous" activity. As such, cities are not strictly liable for any loss suffered as a proximate result of their operation.

The City supports legislation to specifically exempt landfills from strict liability if they are operating under Federal Court orders or some other objective measurement of proper operation.

### **Recycling**

The City recognizes that the management of solid waste has become a critical problem due to increasing volumes, limited disposal capacity and the costs and environmental concerns associated with siting new disposal facilities. A long-range solution to this problem will require cooperative and innovative efforts by State and local governments and the private sector. The volume of solid waste and the cost of its management could be significantly reduced by effective recycling and waste reduction programs.

The City supports legislation that would increase recycling, including the development of markets for recycled materials. The City also supports waste reduction legislation that would reduce or eliminate the use of non-recyclable material including electronic waste and new requirements on packaging that reduces the volume and toxicity of non-recyclable materials. This legislation should include either statewide requirements, or effective local option authority. State efforts to assist and fund recycling and waste reduction at the local level should recognize the traditional role of municipal governments and allow local decision making and flexibility to address solid waste management and recycling needs.

## **Surfacewater (stormwater)**

The City has been a leader in the control and clean-up of stormwater for many years. The City's nine watersheds are served by 500 miles of pipe and 22,000 catch basins as well as many retention and detention ponds and pump stations. The City also constructed the Urban Waters facility where city scientists work with staff from the University of Washington Tacoma and the Puget Sound Partnership on issues relating to preventing pollution from reaching the sound.

The City is a Phase 1 jurisdiction under the National Pollutant Discharge Elimination System permit program. This permit establishes requirements the City must meet concerning the discharge of stormwater into Puget Sound. It falls to the City to carry out the requirements of this permit through source control and other regulatory means that are imposed on public and private development.

Legislation to assist local government meet their permit obligations under the NPDES program has been considered by the Legislature. The City supports this legislation and believes a fee on those substances that contribute to the pollution of surfacewater is the appropriate funding mechanism for this program. In providing assistance to local government to carry out this program, the State should recognize that no single approach will work everywhere. As long as the goal to clean stormwater and reduce pollutants is met, then local governments should be allowed flexibility.

The City also believes Model Toxics Control Account (MTCA) funds are an appropriate source for assisting with stormwater control and cleanup projects in those years when the local account has fully funded eligible Brownfield clean-up projects and has surplus funds because of increases in the price of crude oil.

The Legislature has seen fit to delay implementation of permit requirements for Phase 2 cities and counties, while Phase 1 jurisdictions must move forward to implement new permit requirements. This has the effect of making the cost of redevelopment in Tacoma more expensive than in other cities, which makes it very difficult for the City to meet other State goals concerning infill development in urban areas and increasing residential density.

The City supports grant programs to assist with stormwater requirements be directed first to Phase 1 jurisdictions, as well as innovative projects that deal with stormwater in a basin wide approach, and other utility-based projects that can relieve individual property owners of site specific permit requirements.

## Telecommunications

Since the passage of the Federal Telecommunications Act of 1996 (“Telecom Act”), the City has welcomed the promise of increased services and competition in this traditionally non-competitive industry. However, with the entrance of telephone companies (“telcos”) into the cable television market, some via Internet Protocol-based video services (“IPTV”), a new regulatory challenge is beginning to emerge wherein the telcos assert they are not subject to the franchise requirements of the federal Cable Act based on their use of IPTV technology to deliver video content. It is the City’s position that the Cable Act definitions of “cable service” and “cable system” are technology neutral with respect to the transmission protocol used to deliver video content, and that telcos offering IPTV are therefore required to enter into cable franchise agreements with the City.

The City has significant interests relating to emerging changes in the regulatory environment and the rapid pace of technological change. More specifically, the City’s interests are grounded in the City’s legal responsibility for activities in, and the use of the City’s rights-of-way. These interests include the responsibility for safe and efficient pedestrian and vehicular transport, as well as the ability to properly manage, maintain and control other public infrastructure located in the rights-of-way (e.g. water, sewer, etc.). Thus, the City’s ability to manage and control use of the rights-of-way by telecommunications providers is essential to ensuring a level playing field for all who want to do business in our City and need access to the rights-of-way.

The promise of increased competition in the telecommunications industry must not lead to the sacrifice of legitimate management and control of public property or the ability of local government to impose taxes, manage the rights-of-way, receive rights-of-way compensation, and treat all like providers in a fair and non-discriminatory manner under the law.

New telecommunications technologies provide exciting new business opportunities and services to citizens. The law should not play favorites among technologies by exempting some from taxation or franchise requirements. Such exemptions create unfair competition and may cause revenue losses to local government -- municipal revenues that are essential to support vital public services enjoyed by all local residents and businesses. Voice over Internet Protocol (“VoIP”) and IPTV are two examples of services that should be treated just like their equivalents, traditional cable and telephone services.

Taxation of telecommunications industries is a legitimate exercise of government, though this taxation should not work to discourage new technologies or services. In response to uncertainty about how to tax cellular services, for example, the federal, State and local governments have worked together to develop a model of procedures and definitions for taxation of cellular telephones. Given the wireless industry’s tremendous and continuous growth, it cannot seriously be argued that taxation of wireless has had any negative impact on the cellular

industry. Similar to when we addressed cellular phones as a new technology, the City is open to working with the federal and State governments and with other cities to ensure uniform definitions and applications of taxes to new technologies relating to telecommunications.

The Telecom Act prohibits local governments from taxing direct broadcast satellite (“DBS”) services. State taxation of this service is allowed. The City supports State taxation on DBS services. The revenue from such a tax should be shared with local government.

The City opposes any effort by the federal or State government to preempt local land use, zoning, or rights-of-way regulation of telecommunications facilities. Rights-of-way disputes between telecommunications companies and local governments should be resolved in local jurisdictions, not by the FCC or state PUCs. The federal and State governments should avoid adopting broad policy statements or decisions that implicate other matters of local interest, such as cable television public, educational or governmental (“PEG”) access facilities and support, without first having full and complete dialogue with the local jurisdiction.

The City has found it desirable to build a telecommunications infrastructure to serve one or more of its utilities and other governmental functions, and to ensure a competitive marketplace for video, voice and data services for Tacoma citizens and businesses.

The City opposes any legislation that attempts to restrict or prevent the construction or operation of such a municipally-owned system.

## **Wastewater**

### **Alternative treatment techniques**

Modification of the statutory definition of All Known Available and Reasonable Treatment (AKART) to allow consideration of modified discharge limits, alternative treatment technologies and cost benefit analyses would stimulate innovation and reduce costs.

The City supports such legislation would offer the possibility for communities to benefit from innovative technologies rather than locking communities into old technologies at unnecessarily higher costs.

### **Biosolids**

It is desirable to have the Department of Ecology (DOE) take a strong role in biosolids permitting to better provide assurance to citizens that regulations regarding biosolids recycling are adequate for their safety and well-being and the

actual applications are being done correctly. The DOE biosolids program requires adequate funding so that it can ensure consistency in permitting and utilization.

The City supports the beneficial use of biosolids is sound policy for a sustainable environment. The City is committed to producing and distributing excellent quality biosolids products in a manner consistent with the National Biosolids Partnership Code of Good Practice. The City is also committed to proactively identifying and meeting the needs of our customers and community.

Tacoma currently maintains about 60 biosolid application sites averaging 20 acres in size. Doing an environmental checklist and processing a Declaration of Non-Significance for each site takes time and money while accomplishing little. The City is required to follow all EPA, DOE and local regulations which under EPA 40 CFR part 503 are fully protective of human health and the environment.

The City supports adding biosolids application to land as a categorically exempt action in the State Environmental Policy Act (SEPA).