

ORIGINAL

RESOLUTION 2009-5

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SUNNYSIDE, WASHINGTON, APPROVING
LEGISLATIVE PRIORITIES 2009**

WHEREAS, the City Council of the City of Sunnyside, City of Grandview and City of Prosser share common interests within the larger community of South Central Washington; and

WHEREAS, such communities desire to inform its legislators of their common needs, interests and priorities in advance of the state legislative session commencing in 2009; and

WHEREAS, as a city among other cities in the State of Washington, the City of Sunnyside shares needs, concerns, interests and priorities for legislative action with all cities in the state; and

WHEREAS, the City of Sunnyside, as a separate municipal corporation, has a responsibility to address concerns, interests and needs of its citizens; and

WHEREAS, the City Council of the City of Sunnyside recognizes and appreciates that it operates in partnership with other communities, both local and statewide, as well as other agencies and municipal corporations within the City of Sunnyside, including but not limited to, the Port of Sunnyside, Sunnyside School District No. 201, the Sunnyside Community Hospital, and other agencies serving and promoting the general health, safety and welfare; and

WHEREAS, the City Council of the City of Sunnyside finds and determines that the Legislative Priorities for 2009 attached hereto should be communicated to the State Legislature and appropriate persons and agencies to promote legislation addressing the concerns, needs, interests and priorities described, local, regional and statewide; and

WHEREAS, the City Council further finds and determines that authorizing Council Members and others to speak, write and testify in support of such legislative priorities will promote the enactment of legislation addressing such priorities; and

WHEREAS, the City Council finds and determines that the actions taken in conformity with the preamble above, and as listed below, will promote the general health, safety and welfare.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, as follows:

Section 1. That the Legislative Priorities for 2009 as set forth in Exhibit "A" attached hereto and incorporated herein by this reference are hereby approved.

Section 2. That the City Manager is hereby authorized to communicate and disseminate such Legislative Priorities to state legislators representing citizens of the City of Sunnyside and the State of Washington and other appropriate persons, governments and agencies.

Section 3. That the Mayor and each member of the City Council, together with officers and employees of the City of Sunnyside as authorized by the City Manager, are authorized to testify, speak, write and communicate in support of such Legislative Priorities.

Section 4. That elected officials and authorized officers of the Cities of Grandview and Prosser are likewise authorized and encouraged to testify, speak, write and communicate in support of such Legislative Priorities.

Section 5. That the executive administrative officers and their authorized officers and employees, and board members of Sunnyside School District No. 201, the Port of Sunnyside, and Sunnyside Community Hospital, together with any other municipal corporation or community service agency as authorized by the Mayor, are likewise authorized and encouraged to testify, speak, write and communicate in support of such Legislative Priorities.

Section 6. This Resolution shall be effective upon passage, approval and signatures hereon in accordance with law.

PASSED this 12th day of January, 2009.



PABLO GARCIA, MAYOR

ATTEST:



DEBORAH A. ESTRADA, CITY CLERK

APPROVED AS TO FORM:



MARK A. KUNKLER, CITY ATTORNEY

LEGISLATIVE PRIORITIES 2009

CITY OF SUNNYSIDE

- **Gangs:**
 - Allow recent anti-gang legislation to be a minimum – authorizing cities to be more restrictive than State law, at our own risk.
 - Improve funding for anti-gang, anti-bullying programs in schools, alternative programs for gang involved youth, and youth at-risk programs.
 - Restrict the sale of marking devices that could potentially be used in graffiti to persons 18 or older.
 - Outlaw possession of marking devices with the intent to commit graffiti.
 - Require graffiti abatement (including continuously keeping designated and/or assigned areas clean) for people convicted of malicious mischief third degree – graffiti.

- **Funding for Infrastructure and Economic Development:**
 - Expand the Local Infrastructure Financing Tool (LIFT) program and make it a permanent way to designate an area for redevelopment and provide funding for necessary improvements. LIFT currently allows only selected local governments to take advantage of tax revenue generated by private investment in a Revenue Development Area (RDA) to make payments on bonds used to finance public infrastructure improvements. Incremental revenue increases in the RDA and revenue from other local public sources are used to match state money and must be used to repay the same bonds. The state revenue earned is distributed through a local sales and use tax that is credited against the state's sales and use tax.

 - Expand Public Works Trust Fund (PWTF) program to provide low-cost loans to public agencies needing funding for infrastructure.

 - Improve and make permanent funding for Community Economic Revitalization Board (CERB). CERB is a state and local partnership that funds publicly owned infrastructure projects necessary to attract and retain jobs in the targeted industry areas of manufacturing, food processing, assembly, warehousing, industrial distribution, advanced technology, research and development and recycling facilities.

 - Study and develop a comprehensive strategy to better manage the needs of Eastern Washington communities with regard to water quality and rights, with particular attention to Department of Ecology restrictions on the use of its Revolving Loan Fund. Both the City and Port of Sunnyside face tremendously expensive projects related to NPDES water discharge permits and need financial assistance to meet these new requirements.

- **Keep Public Records Requests Reasonable:**
 - Maintain the ability of a City to conduct attorney-client communications to prevent, defend and effect legal action in the public interest.

EXHIBIT "A"

- **Funding Prisoner Medical Care**
 - Create and fund a program to respond to prisoner medical care costs, with special emphasis on extraordinary medical care costs.
- **Reduce the burden on police agencies**
 - Revise failure to return leased or rented property to allow an owner to file a warrant directly with the court – no police report needed – and require a separate civil filing between the parties to return the property to accompany the warrant.
- **Funding for Local Government Operations:**
 - Do not enact any legislation that has a negative fiscal impact upon cities without providing funding to cover those added costs – no unfunded mandates.
 - Provide a permanent voter-approved local option to collect the 0.3% sales tax for criminal justice if:
 - The County opts to not seek 0.3% funding Countywide, or
 - If voters in the County elect to not impose 0.3% funding Countywide
 - Increase the City/County Assistance Account for low tax base cities and counties and establish a floor to prevent distributions to qualifying cities from dropping below a certain amount. We support legislation that would establish a permanent source of revenue that would replace the dollars lost to cities with the impact of I-695, as was promised by the legislature now approximately eight (8) years ago. The City is essentially subsidizing the County when it comes to police, fire, and ambulance services – as the County is fiscally incapable of providing an effective service level. At the same time our community has experienced a reduction in criminal justice funding from state-shared revenues.

CITIES OF GRANDVIEW, PROSSER, AND SUNNYSIDE 2009 STATE LEGISLATIVE AGENDA

ECONOMIC DEVELOPMENT

The cities support legislation that would make additional economic development tools and projects available to local governments.

- **Walter Clore Center Grant Request:** The cities support the Walter Clore Center's \$4.1 million request for construction funding. The Clore Center, which is a nonprofit organization supported by a large coalition of public agencies and private companies, will provide additional economic development to the region through tourism, public education, and direct and indirect job creation. It will take advantage of the region's rich agricultural and past and present.
- **LIFT Funding:** The cities support expansion to allow more than one city per county to benefit from the program and additional state funding for the LIFT Program. Each city faces economic development challenges and desires tools that can be tailored to their needs.

EXHIBIT "A"

- **Grandview Downtown Revitalization:** We support the efforts of the City of Grandview to secure \$2.2 million in state capital budget funds to support this project to stimulate private investment and create jobs.

RECREATION

The cities support legislation that provides for additional local, regional, and state recreation facilities and programs.

- **Recreation and Conservation Office (RCO) Grant Request:** The cities support funding for the top ranked RCO projects recommended in the Governor's budget. Prosser's \$1 million pool expansion and renovation project is currently second on the RCO list for funding. The project is desperately needed to keep the 50-year-old Prosser pool in operation. Completion of the project will benefit the residents of all three cities.

CITY REVENUE AUTHORITY

The cities oppose efforts to limit their revenue authority, support efforts to streamline revenue collections, and support efforts to provide cities with additional local government revenue options, such as a street utility.

TORT REFORM

The cities support efforts by the state to reduce liability costs which will add a greater degree of certainty to business and government budgets and improve the economic environment. Specifically, the cities support state legislation to amend state tort statutes to remove unreasonable municipal and private sector liabilities.

COMMUNITY SAFETY

The cities support bills that would make it easier for them to combat gang violence.

- **Graffiti:** Graffiti is a major problem facing our cities that is directly linked to gang activity. The cities support bills that would provide tougher penalties for those engaging in graffiti and bills that would make it more difficult for juveniles to acquire materials needed to engage in graffiti. The cities support bills that would restrict the sale of spray cans, wax and grease pencils, and certain markers to those who cannot provide a valid photo identification and are 18 years of age or older.

TRANSPORTATION

The cities support legislation that provides additional funding for local and regional transportation projects, including additional local funding options. All three cities are currently struggling to afford street maintenance and street expansion projects.

- **Maintain and Expand Public Works Trust Fund Funding:** The cities support continued funding for the Public Works Trust Fund and support expansion of the program.

WATER QUALITY AND QUANTITY

The cities support the protection and preservation of municipal water rights and drinking water sources, and affirmation of the needs of growing communities to have sufficient resources to efficiently serve expanding populations. In the area of planning for and implementation of water quality programs, the programs should consider the costs and benefits of implementation for individual communities.

EXHIBIT "A"

GENERAL GOVERNMENT

Public Disclosure: The cities oppose public disclosure legislation that would further burden cities with the labor intensive, expensive, and difficult task of expanding public disclosure further. The cities support a re-evaluation of public disclosure laws that take into account and restrict overly burdensome requests for information.

Taping of Executive Sessions: The cities oppose bills that would require the taping of executive sessions. Such legislation would limit the ability of cities to effectively function in handling items such as personnel issues, land acquisitions, and matters of litigation. One of the biggest concerns with this legislation is that tapes from an executive session could be discoverable during legal matters, stifling important conversation in the sessions themselves. Open conversations in the sessions are critically important in handling the day-to-day functions of local government.

Unfunded Mandates: The cities oppose additional requirements of cities imposed without the funding, or funding authority, to support them. When this occurs, cities must reduce services to handle the mandates, despite interest by their constituents in expanding services.

Retirement Contributions: The cities support a longer-term and more stable approach by the state to public employer retirement contributions. The cities are concerned by the significant fluctuations in retirement contributions required of cities from year-to-year.

Driving While License Suspended (3rd degree), Operating Without a License and Identification: These charges account for about 30% of our court docket. We are asking that the law be changed to classify these as traffic infractions. The judge would then impose a fine or dismiss if they obtained a license thus reducing city court costs, increasing city court revenue, and streamlining the process.

Fiscal Aid for Distressed Cities and Counties: Increases the City/County Assistance Account for low tax base cities and counties and establish a floor to prevent distributions to qualifying cities from dropping below a certain amount. We continue to support legislation that would establish a permanent source of revenue that would replace the dollars lost to cities with the impact of I-695, as was promised by the legislature now approximately eight (8) years ago.

Mitigate Medical Costs for Offenders:

- Remove the two-year sunset provision that clarifies the charging entity is responsible for offender medical costs.
- Pass legislation expanding how the extraordinary criminal justice account can be used for extraordinary offender medical costs.
- Support additional funding for offender medical costs.

Attorney-Client Privilege: We oppose any legislation that limits a public agency's attorney-client privilege to only communications related to an actual lawsuit, and only while the lawsuit is pending in court. This drastically narrows the privilege and restricts records that can be claimed as an attorney work product.

AWC 2009 Major Legislative Priorities

On November 21, 2008, the AWC Board adopted an ambitious legislative agenda for this upcoming session. The seven major legislative priorities that will be presented to the Legislature by AWC and city officials fall under these three key themes:

- Maintaining and developing quality infrastructure for • safety and development;
- Promoting city fiscal health and flexibility; and
- Providing for flexible general government operations.

The 2009 session will be like no other in the last 25 years given the projected \$5.1 billion state budget deficit. Success on the following issues will be difficult and only possible with significant direct city official assistance.

Maintain and Develop Quality Infrastructure for Safety and Development

It is in the state's interest to help cities develop and maintain a strong infrastructure system that promotes economic development and provides the state and cities needed revenues. In addition, as public works become more complex, cities need more management flexibility.

Major priority:

Infrastructure funding

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

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

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

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

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

Promote City Fiscal Health and Flexibility

Cities need broad discretion in using existing revenue sources to respond to local challenges. It's critical that cities and towns also have the authority to look for new and innovative strategies and resources.

EXHIBIT "A"

Major priority:

Fiscal health

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

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

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

Provide for Flexible General Government Operations

It's critical that cities have the flexibility and local decision-making authority to make the right decisions for their citizens. Cities must be able to develop service delivery tools in a way that's cost-effective, efficient and flexible—and free from unwarranted restraint.

Major priorities:

Oppose the requirement to tape executive sessions and any restrictions of attorney-client privilege or attorney work product

Cities will continue to oppose a requirement to tape all executive sessions and any attempt to restrict attorney-client privilege or attorney work product.

Annexation and city/county governance transition

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

Limiting liability for local government

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

Land use/gambling

AWC will defend cities' ability to fully ban gambling and seek legislation that provides cities the ability to zone and partially ban gambling facilities.

City flexibility package

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