



Agenda
City Council Workshop Meeting
Tuesday, September 26, 2023
Richland City Hall ~ Council Chambers
625 Swift Boulevard

City Council Workshop - 6:00 p.m.

Agenda Items:

1. Neighborhood Traffic Safety Program and Speed Limit Policy Update
 - Pete Rogalsky, Public Works Director
2. Discussion of 2024 Legislative Priorities
 - Joe Schiessl, Deputy City Manager
3. 2024 Budget Presentation
 - Brandon Allen, Finance Director

Adjournment

This meeting will be broadcast live on [CityView Channel 192](#) on the City's website and on the [City's YouTube Channel](#).

Richland City Hall is ADA accessible. Requests for sign interpreters, audio equipment, and/or other special services must be received 48 hours prior to the meeting by calling the City Clerk's Office at 509-942-7389.



COUNCIL WORKSHOP COVERSHEET

Council Date: 9/26/2023

Department: Public Works

Core Focus Area 2 - Manage & Maintain Infrastructure & Facilities

Subject:

Neighborhood Traffic Safety Program and Speed Limit Policy Update

Summary:

City staff and Council have received significant input from residents over the past year regarding traffic speeds throughout the City. In general the City has taken a multi-faceted approach to these concerns. The several types of response to these concerns can be categorized into three areas: 1) Education; 2) Enforcement; and 3) Engineering. The two primary City Departments who participate in responses are the Police Department and the Public Works Department.

In recent months both City departments have done work to address this issue. The Police Department has reactivated a traffic enforcement unit. The Public Works Department has researched approaches to engineering interventions for speed management. Staff from both departments will present their efforts and perspective with Council. Staff will seek Council response to proposed new approaches.

Attachments:

1. Richland Final Traffic Calming Policy v6
2. Neighborhood Traffic Safety Program Proposal



Neighborhood Traffic Safety (NTS) Program

The City of Richland's Neighborhood Traffic Safety (NTS) program aims to control traffic speeds, reduce cut-through traffic, and mitigate transportation safety issues in existing residential neighborhoods. The NTS program accomplishes this goal by installing traffic calming devices and other safety countermeasures at selected locations based on a quantitative evaluation and available project funding. The NTS program is intended to serve existing residential local and collector streets. Guidelines and standard drawings will be maintained to aid in the selection and development of appropriate neighborhood traffic safety projects. The NTS program is part of the City's Vision Zero program and consists of five key elements: 1) Education, 2) Enforcement, 3) Engineering, 4) Emergency Services, and 5) Equity, to achieve success.

The NTS program follows this process:

Step 1: Initial Request

Typically requests for the NTS program are generated from residents; however, in some cases project requests may be generated by City staff from either Public Works or the Police Department. After Public Works receives an NTS request, City staff will follow up with the requester to confirm the location and observed concerns. An initial potential project area will be defined. Staff will provide the requestor with information on the NTS program and the required process for a proposal to be considered. To be considered valid, a request must complete the program request form and be signed by residents occupying three properties in the affected area. Please note the following general requirements of the program:

- Only residential city streets functionally classified as Local, Minor Collector, or Major Collector are eligible.
- Roadway segments must be at least 600 feet long and predominantly straight to be eligible. Cul-de-sac streets are not eligible.
- Engineering Best Practices will be followed.
- Vertical deflection traffic calming devices such as speed humps, speed tables, or speed cushions will not be allowed on street grades greater than 8%.
- Priority Emergency Response routes and transit routes might require use of speed cushions vs. speed humps. Speed cushions are modified speed humps with gaps allowing easier passage of larger width vehicles while still providing a traffic calming benefit.

An initial potential project area will be defined. The city staff reserve the right to use engineering judgement to reduce or expand the scope of the anticipated project area from the requestor's original intent.

Step 2: Education and Enforcement

This step is intended to increase neighborhood awareness of local safety issues (e.g., speeding). In many cases, drivers in the neighborhood could use a reminder to change their driving behavior.

- Include an article in a homeowner association (HOA) and/or distribute a city provided education packet to residents in the potential project area to remind residents about the importance of obeying speed limits. This step is highly encouraged.
- Contact the Police Department at 509-628-0333 to request placement of a speed trailer (speed feedback sign) in the neighborhood. Depending on the location and driver population, this device may change driver behavior for an indefinite time period. Volunteers willing to help the Police Department are always appreciated; please call 509-628-0333 if interested in volunteering in this program.

Step 3: Accepting Requests into the NTS Program

Applications can be submitted to the NTS program anytime throughout the year. Proposed projects meeting the basic eligibility requirements of Step 1 and enforcement components of step 2 by the cutoff date of June 30th will continue to the next step in the NTS program cycle for that year. Subsequent applications will be considered in the next project cycle. The City will follow the project cycle generally as shown below:

- Applications Accepted: Year-round with June 30th cutoff for scoring during the current design cycle.
- Data Collection (Step 4): August 1st to October 31st
- Scoring (Step 5): November 1st to November 30th
- Inform Requester of Scoring Results: December 1st to December 30th
- Evaluation for Recommended Treatments (Step 6): December 1st to January 31st
- Neighborhood Consultation & Balloting (Steps 7-8): December 1st to April 30th
- Budgeting (Step 9): May 1st to July 31st
- Design & Construction Schedule: To be determined.

Step 4: Data Collection

After the window for accepting applications, City staff will arrange to collect traffic count and speed data identifying the most appropriate locations to collect high quality. This will generally entail review of aerial photography and Google Street View data to identify proper count locations that won't be impacted by nearby driveways, intersections, or other potential constraints. A field visit will be made to confirm and identify the locations for a data collection. The police department may also be utilized to collect data with inconspicuous radar detection devices. The research above will also yield other important data about presence of sidewalks, curb and gutter as well as schools or parks for scoring purposes. Finally, the city will review 5-year crash data for the project scoring. The City may re-use speed and volume data for up to three years. Note that all projects must meet the eligibility requirements as noted in Step 1.

Step 5: Scoring and Project Advancement

Scoring Evaluation

The City considers five criteria to assign a severity score to a location (street segment) with NTS request with a maximum total points of 10:

- a) Majority Speed: The speed at or below which 85 percent of all vehicles are observed to travel under free-flowing conditions past a monitored point, measured in the higher direction. **Maximum 3 points.**
- b) Volume: The average daily traffic total of both directions. **Maximum 2 points.**
- c) Pedestrian attractor location: One point is given for streets fronting parks, schools, or designated school crossings. **Maximum 1 point.**
- d) Sidewalk: Half a point is given to streets that do not have sidewalks on one side of the street, and 1 point is given to streets that do not have sidewalks on both sides of the street. **Maximum 1 point.** Note: Planned Unit Developments that intentionally omit sidewalks, in opposition to prevailing design standards of the time will not be eligible to receive these points.
- e) Collisions: A five-year reported collision history is reviewed for a period ending December 31st of the prior cycle year. Crashes involving serious injuries and fatalities may receive additional points based upon engineering judgement. **Maximum 3 points.**

Once the data is available, City staff will calculate the severity score (the total number of points in the table). Depending on roadway functional classification, each criterion is scored as shown in Tables 1 through 4 below. All proposed projects will be ranked together based upon their severity scores. A severity score less than 1.5 points will eliminate the proposal from the program. Rough estimates of project scope and costs will be developed and a cutoff point for projects will be determined that will

allow staff to further develop projects likely to be funded within the allotted program budget¹. Projects meeting the cutoff as described above shall advance to the next step. If a request does not meet the cutoff for further development, City staff will inform the requester about the study results and the next possible steps. These steps could involve continued education and enforcement and/or resubmittal in the following year.

Table 1 - Scoring for Local & Minor Collector Residential Streets

Point Scale	85th Percentile Speed	Average Daily Traffic (ADT)		Location is near a School or Park	Presence of Sidewalk	5-Year Collision History
		Local Street	Minor Collector			
0.0	0 - 25	0 - 700	0 - 1250	No	Both Sides	0
0.5	26 - 27	-	1250 - 1500	-	One Side Only	1
1.0	28 - 29	700 - 1000	1500 - 1750	Yes	No Sidewalk	2
1.5	30 - 31	-	1750 - 2000	-	-	3
2.0	32 - 33	1000+	2000+	-	-	4
2.5	34 - 35	-	-	-	-	5
3.0	36+	-	-	-	-	6+

Table 2 - Scoring for Major Collector Residential Streets (25 mph & 30 mph)

Point Scale	85th Percentile Speed		Average Daily Traffic (ADT)	Location is near a School or Park	Presence of Sidewalk	5-Year Collision History
	Posted = 25	Posted = 30				
0.0	0 - 25	0 - 30	0 - 2000	No	Both Sides	0
0.5	26 - 27	31 - 32	2000 - 4000	-	One Side Only	1
1.0	28 - 29	33 - 34	4000 - 6000	Yes	No Sidewalk	2
1.5	30 - 31	35 - 36	6000 - 8000	-	-	3
2.0	32 - 33	37 - 38	8000+	-	-	4
2.5	34 - 35	39 - 40	-	-	-	5
3.0	36+	41+	-	-	-	6+

Step 6: Development of Recommended Treatments for Selected Projects

For project requests selected for further refinement, City staff will evaluate alternatives for the project location based on Best Practices and the City's the Public Works Standards, and the Traffic Calming Device Toolbox (Appendix A) to assess potential treatments. City staff will select recommended treatments for consideration based on the nature of the problem and local constraints. Preference will be given to speed humps and traffic circles but will also consider secondary or alternative treatments listed in the toolbox, or possibly other identified safety counter measures on an as-needed basis. City Staff will meet with the Fire and Emergency Services Department at this step to discuss the project location and recommended treatments. Staff will work to amend project proposals as necessary based upon the input received.

Step 7: Neighborhood Consultation

City staff will schedule a neighborhood meeting to educate residents about the various neighborhood traffic safety treatments and discuss the recommended treatments by staff. Discussion may spur changes to the initial proposal and the intent will be to determine a final project proposal that is most likely to meet City of Richland criteria and achieve neighborhood consensus. In addition to residents, staff from the School District, Police, and Fire and Departments may also be invited. The overall cost of the proposed project may result in project delay, changes to scope or project removal if no suitable alternative is available.

If a project's 5-year Collision History Score is at least 2.5 points or higher, staff may develop a proposal without resident input and the balloting process may be bypassed.

¹ One to three projects over the identified budget amount will likely advance to allow for a project to drop out, allow for budget fine tuning, and even allow for a project to slide above another if the remaining budget allows for a lower-ranked but lower-cost project to be submitted within budget.

Step 8: Conduct Balloting

After the neighborhood meeting, the City will conduct balloting to gauge neighborhood support for the final project proposal. The City will send ballots to all properties that take direct access to the streets within 600 feet (measured along street centerlines) of the proposed project location. Only one ballot will be issued per housing unit address. At least 50% of ballots must be returned to be considered and a two-thirds majority of returned ballots is necessary to carry the project forward for final approval. Notice may be sent to properties where the proposed devices would be located along their sole access route as determined by the Public Works Director to inform them of proposed changes.

If the ballot measure fails, a three-year waiting period is required to restart the process for that particular Neighborhood Traffic Safety proposal and location.

Step 9: Project Development, Budgeting and Program Selection

For all recommended projects that have made it through the balloting process successfully, City staff will develop cost estimates for budgeting purposes. Then City staff will rank them by severity score and cumulative budget. A threshold line will be drawn at the proposed budget level for the next fiscal year and projects will be selected to fit within that budget. In some instances, the final project may exceed the proposed budget estimate such that another smaller project that fits the budget proposal slides into its place. City staff will then prepare a budget request to be submitted to City Council.

Removal Process and Criteria (see Appendix B)

Traffic calming devices may be *removed* when all of the following criteria are met:

- 1) A City-prepared or approved petition signed by owners or residents representing 10 or more lots within the affected area must be submitted to the City. The affected area includes properties abutting streets within 600 feet of the existing device location, measured along street centerlines, and properties for which the existing devices are located along their sole access route as determined by the Public Works Director.
- 2) Property owners and residents within the affected area shall be sent a City prepared or approved ballot by first class mail. At least 50% of ballots must be returned with a two-thirds majority voting affirmatively, concurring with the removal of devices. This ballot is advisory to City staff.
- 3) An adequate review period (minimum of 12 months from installation) has passed, and subsequent engineering analysis has been performed to determine the traffic characteristics along the route and the impacts on the City's street system.

Residents who have any questions regarding the NTS program may call the Public Works Department at (509) 942-7500.

Appendix A: Traffic Calming Device Toolbox

	Traffic Calming Device*	Application to Existing or New Streets	Speed Reduction	Loss Of On Street Parking	Bus Route & Emergency Vehicle Impacts
Primary Devices	Speed Humps	Existing & New	Yes	Possible	Yes
	Traffic Circles	Existing & New	Yes	Possible	Yes
Secondary Devices	Speed Cushions	Existing & New	Yes	Yes	Possible
	Radar Speed Signs	Existing	Possible	No	No
Alternate Devices	Speed Table	Existing & New	Yes	Yes	Yes
	Choker (mid-block or intersection curb extensions)	New	Yes	Yes	Yes
	Median Island	New	Possible	Yes	No
	Chicane	New	Yes	Yes	Possible

* Stop signs are not to be considered as a Traffic Calming Device. Per the Manual on Uniform Traffic Control Devices (MUTCD) Section 2B.04 Right-of-Way at Intersections, it is stated that "YIELD or STOP signs should not be used for speed control".

** Site specific engineering analysis may result in proposals for pedestrian and bicycle safety treatments in addition to traffic calming devices or as primary elements of a neighborhood safety treatment.

Appendix B: City of Richland Neighborhood Traffic Safety (NTS) Program
Petition for Removal of Traffic Calming Devices

Commented [RP1]: I suggest editing this document to function as our application form for the program.

Date: _____

Roadway Segment: (On street, from street – to street) _____

Nature of Request _____

	Name	Street Address	Phone Number	Email	Signature
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					

*Minimum of 10 different addresses required.

Contact Person's Information

Name: _____ Phone Number: _____

Address: _____ Email: _____

Please send to: Attn. Transportation & Development Manager, City of Richland, 625 Swift Blvd, Richland , WA 99352



Neighborhood Traffic Safety Program

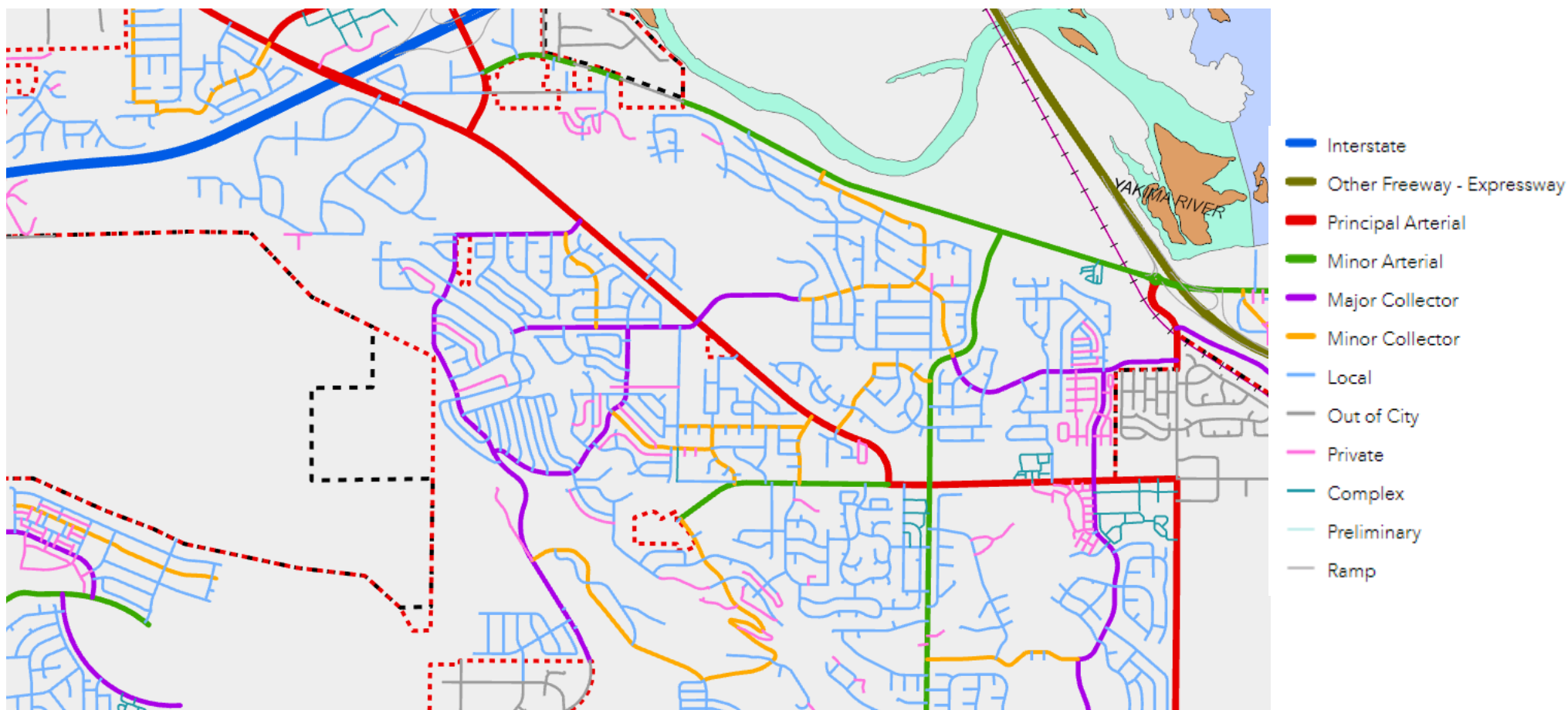
City Council

September 26, 2023

Speed Management Tools

- Education
- Enforcement
 - Traffic Unit
 - Automated Enforcement Options
- Engineering

Street Classification



Neighborhood Traffic Calming Program History

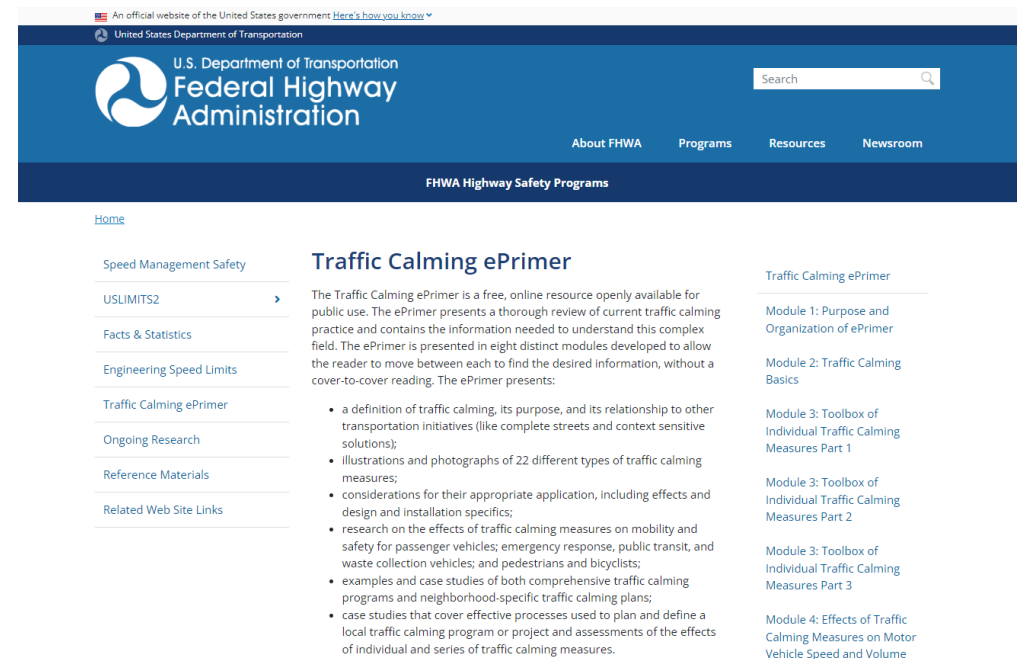
- Requests / complaints received for many years
 - Evaluated in light of other system priorities / needs
 - Pavement Preservation
 - Safety needs as indicated by crash history
 - Complete Streets improvement projects
 - Congestion mitigation projects
- Resolution No. 28-11
 - Establishes extremely high bar to deploy traffic speed mitigation improvements
 - No budgetary capacity to make improvements
 - No projects implemented with specific goal of speed mitigation

Program History

- Traffic Engineering Approach to speed
 - Industry developing a more intentional goal to reduce traffic speeds as a means to reducing injuries and fatalities
- Claybell Park / Broadmoor Street issue
 - Park design / use leads to undesirable conditions on Broadmoor Street
 - Validated concerns leads staff and Council to revisit approach to neighborhood traffic safety / speed mitigation
- Staff seeks best in class program examples with consultant help

Resources

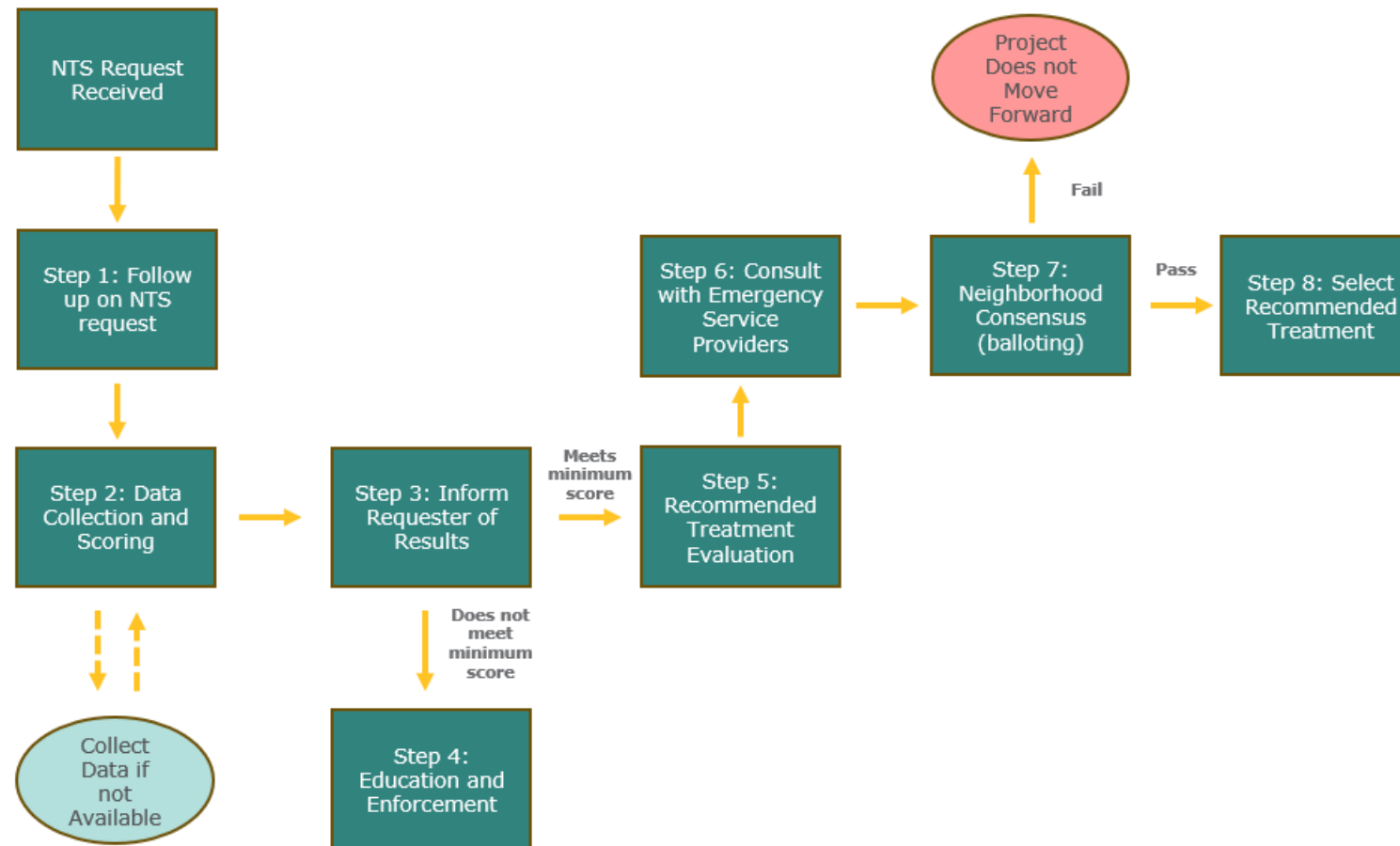
- Federal Highway Administration Traffic Calming ePrimer
 - <https://highways.dot.gov/safety/speed-management/traffic-calming-eprimer#eprimer>
- ITE Guidance
- NACTO Guidance
- Best in class city programs
 - Federal Way



Program Proposal

- Funded through enhanced Citywide Safety and Security Enhancements
 - Existing CIP program with proposed increase in funding
- Annual application and project development process

Program Flowchart



Evaluation Criteria

Table 1 - Scoring for Local & Minor Collector Residential Streets

Point Scale	85th Percentile Speed	Average Daily Traffic (ADT)		Location is near a School or Park	Presence of Sidewalk	5-Year Collision History
		Local Street	Minor Collector			
0.0	0 - 25	0 - 700	0 - 1250	No	Both Sides	0
0.5	26 - 27	-	1250 - 1500	-	One Side Only	1
1.0	28 - 29	700 - 1000	1500 - 1750	Yes	No Sidewalk	2
1.5	30 - 31	-	1750 - 2000	-	-	3
2.0	32 - 33	1000+	2000+	-	-	4
2.5	34 - 35	-	-	-	-	5
3.0	36+	-	-	-	-	6+

Table 2 - Scoring for Major Collector Residential Streets (25 mph & 30 mph)

Point Scale	85th Percentile Speed		Average Daily Traffic (ADT)	Location is near a School or Park	Presence of Sidewalk	5-Year Collision History
	Posted = 25	Posted = 30				
0.0	0 - 25	0 - 30	0 - 2000	No	Both Sides	0
0.5	26 - 27	31 - 32	2000 - 4000	-	One Side Only	1
1.0	28 - 29	33 - 34	4000 - 6000	Yes	No S	2
1.5	30 - 31	35 - 36	6000 - 8000	-	-	3
2.0	32 - 33	37 - 38	8000+	-	-	4
2.5	34 - 35	39 - 40	-	-	-	5
3.0	36+	41+	-	-	-	6+

Sample Devices

- Speed hump



- Speed cushion



Sample Devices

- Traffic circle



- Choker, curb extensions



Sample Devices

- Radar Sign



- RRFB



Path Forward

- Council consideration of Resolution Adopting Program
- Council adoption of 2024 budget
- Program Implementation
 - Public Outreach
 - Application cycle closes April 30 (for first year)



COUNCIL WORKSHOP COVERSHEET

Council Date: 9/26/2023

Department: City Manager

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Discussion of 2024 Legislative Priorities

Summary:

The City's 2024 state and federal legislative agenda is an opportunity to coordinate with other units of government to affect the law and to obtain needed resources for the benefit of Richland residents. Richland's agenda will be implemented by direct engagement with elected officials and through contracted lobbyists. The City is inviting Richland's state and federal elected representatives to the October 24, 2023 Council workshop to join the Richland City Council in discussing the City's 2024 legislative priorities. Tonight's discussion is an opportunity to prepare for the upcoming meeting.

The City belongs to two trade groups who provide broad advocacy on behalf of their members. Draft 2024 legislative documents for the Association of Washington Cities (AWC) and Washington Cities Insurance Authority (WCIA) are attached for reference. These materials will be augmented by staff who will provide industry and Richland-specific ideas for Council consideration, including but not limited to the following issues/topics: juvenile access to an attorney, pursuit law fix, public safety recruitment and retention, SR-240/Aaron Drive funding, SR-240/CCB vicinity pedestrian overpass, PTSD occupational disease, Washington CARES fund, law enforcement and dispatch recruiting, EMS & general health care system coordination, wildland fire mitigation and response, lithium-ion battery safety and training, volunteer firefighter incentives, Corps of Engineers Yakima Delta Habitat Restoration Project, and Washington Targeted Urban Area RCW amendment.

Attachments:

1. Draft 2024 Association of Washington Cities (AWC) Legislative Priorities
2. Draft 2024 Washington Cities Insurance Authority (WCIA) Legislative Statement

Published on Sep 15, 2023

AWC's 2024 Legislative agenda taking shape

Contact: [Candice Bock](#)

After a months-long process of deliberation and input from cities, September is time of year when AWC's 2024 legislative agenda is finalized. Last week the [Legislative Priorities Committee](#) wrapped up its work developing priority recommendations. The recommendations will be considered and finalized by the AWC Board of Directors at its meeting this week. The Committee has recommended four priorities, listed below, along with a variety of other *significant* and *support* items. We will share the final adopted 2024 legislative agenda in *CityVoice* on September 27.

Four recommended priorities

1. **Public safety – Officer recruitment and retention**

- a. Additional funding tools and resources to support officer recruitment and retention, including but not limited to updating the Public Safety Sales Tax to allow an option to implement by councilmanic authority and providing greater flexibility on use of the funds.
- b. Expanded access to mandated training, especially for the Basic Law Enforcement Academy (BLEA), including more regional academies to get new officers on the street faster and to support recruitment and retention.

2. **Infrastructure investment**

- a. Continued state investment in local infrastructure (traditional and broadband), particularly for operations and maintenance.
- b. Expanded funding options for state and local transportation, particularly for preservation and maintenance.
- c. Climate Commitment Act funding for city priorities that support carbon reduction and climate resiliency.

3. Behavioral health

- a. Greater access to the entire continuum of behavioral health services and substance use disorder (SUD) treatment for adults and juveniles, including crisis treatment, inpatient, intensive outpatient, and ongoing behavioral and mental health treatment and SUD treatment. This includes, but is not limited to, support to improve workforce and staffing issues at community treatment centers, and additional state funding for establishment and expansion of treatment facilities.

4. Property tax cap

- a. Revise the property tax cap to tie it to inflation, up to 3%, and population growth factors, so that local elected officials can adjust the local property tax rate to better serve their communities. The current 1% cap has created a structural deficit in the city revenue and expenditure model, resulting in a reliance on regressive revenues and artificially restricting the use of property taxes to fund community needs.

In addition to the recommendations on priorities, the Committee recommended the following significant issues and support issues for 2024:

Significant issues

- **Drug possession and fentanyl crisis**
 - Direct funding to help offset cities' costs for implementing the new Blake/drug possession law including funding for staffing, law enforcement assisted diversion, co-responder teams, therapeutic courts, and diversion programs.
 - Technical fixes to address implementation issues related to SB 5536 (2023) that have been identified.
- **Affordable housing**
 - Expand REET authority for state and locals (HB 1628) to fund affordable housing.
 - Develop an approach to transit-oriented development density increases that addresses affordable housing needs, reflects existing and future community transportation modes, maintains consistency

with local community development needs, and promotes complete communities with walkability and multimodal access to services.

- Remove barriers to condominium development and ownership.
- **Police officer recruitment and retention**
 - Pursue changes to eligibility requirements to allow those in DACA status to serve as police officers.
 - Support changes that allow for part-time positions to be covered in the LEOFF 2 pension system.
- **Land use**
 - Allow cities time to implement recently adopted planning and zoning changes consistent with comprehensive plan update process. Provide adequate time, technical and financial support for land use and planning requirements.
- **Public safety – auto theft and property crime**
 - Further expand crimes eligible for pursuit to include auto theft and some property crimes.
 - Support additional tools to address auto theft and property crime including additional investment in auto-theft prevention and enforcement programs and regional property crimes task forces and prosecution.
- **Public Records Act**
 - Explore ways to reduce the impact of abusive public records requests and litigation.
- **Culverts**
 - Support that State funding be provided for repairing and replacing fish-blocking locally owned culverts as a part of the State's overall resolution to the culvert injunction.
- **Water rights**
 - Work with the state to ensure that municipal water needs can be sustainably managed to meet present and future demand.

- **Liability**
 - Protect against liability expansion and new policies that would drive additional claims and litigation increasing costs especially in the area of law enforcement and public safety, and human resources.
- **Producer responsibility for packaging**
 - Support proposals to establish a product stewardship framework for packaging.
- **Revenue options**
 - Support efforts to review and revise both state and local tax structures such that they rely less on regressive revenue options. Changes to the state tax structure should not negatively impact cities' revenue authority and should allow cities revenue flexibility to address their community's needs.
- **Climate**
 - Seek direct Climate Commitment Act funding for city efforts/programs related to reducing or responding to the impact of climate change.

Support issues

- **Net ecological gain**
 - Support efforts to make progress on incorporating ecological improvement over time into environmental regulations rather than no net loss, while also defending against legal exposure and unfunded mandates.
- **Body worn cameras and dash cameras**
 - Support local efforts to implement use of body cameras and dash cameras as a tool to increase transparency during law enforcement interactions with members of the public. Explore updates to the Public Records Act to further protect privacy and reduce the costs associated with use of camera technology.

- **Childcare**
 - Support policies that expand access to affordable, quality childcare in Washington.
 - Support policies that expand access to preschool including universal Pre-K.
- **State infrastructure bank**
 - Support the creation of a state-sponsored financing cooperative option that focuses on low interest (less than market rate) public infrastructure financing.
- **Audits**
 - Support further dialogue in identifying solutions to the delays cities experience with the state-required annual financial statement auditing processes conducted by the State Auditor's Office.
- **Housing Trust Fund**
 - Increase Housing Trust Fund (HTF) grants for cities and towns, especially for projects in small and medium sized jurisdictions in rural parts of the state.
- **Elections**
 - Support policies that preserve local control and input regarding how local elections are administered.

Once the Board has adopted a final 2024 agenda, AWC will provide a summary of the agenda and fact sheets with more details on the priority items. Watch for that coming out in October.



Legislative Talking points for WCIA Members

Who is WCIA

Over 80% of all public entities use self-insurance risk pools for coverage of their liability risks. Risk pools in Washington State are all public entities themselves who use pooled public funds to provide coverage to their members. Risk pools are non-profits who work with their members to share and prevent risks that occur in communities. Washington Cities Insurance Authority (WCIA) is a risk pool made up of municipal entities across Washington State with over 165 members and exemplifies inter-governmental cooperation to contain costs for taxpayers.

The Current state of liability and the impacts to communities

The civil litigation environment is bad and getting worse for public entities in the State of Washington. Multimillion-dollar verdicts, also known as nuclear verdicts, were not common against public entities and were often awarded against large for profit private corporations. Over the last several years public entities have now been hit with nuclear verdicts. By way of example: The Washington State Supreme court decided that a verdict against the State for \$98.5 million was appropriate for the wrongful death of two children; A Spokane Jury Awarded over \$19 million to a deputy for a Defamation claim against the elected Sheriff; A Thurston County Jury awarded \$5.5 million against a transit agency for a minor vehicle accident involving two cars. All of these verdicts are funded utilizing taxpayer dollars. Additionally, the erosion of defenses and immunities once afforded to public entities have meant claims once dismissed are now costing millions of dollars. A court decision that further eroded the recreational immunity statute resulted in a county paying \$10 million on a claim that a few short years ago would have been dismissed outright.

Risk pools are shouldering millions of dollars of exposure that are being passed down to their members in terms of additional assessments. The additional costs mean that our community is diverting money from (Member should insert what they would divert from) to fund WCIA's assessment. Our pool relies on partnering with traditional insurance to provide further coverage above their self-funded \$4 million per loss. Those traditional insurance carriers are either refusing to write any coverage or doing so at significant costs. The future outlook is that our communities will have less coverage and will need to redirect money to cover losses rather than providing valuable services, programs and much needed maintenance (Member should insert what would happen to their community if they had to fund a multimillion dollar verdict). Even now cities are consulting bankruptcy attorneys on tort claims due to the potential for verdicts over current coverage.





Solutions

Cities need Legislators to oppose any efforts to expand tort law liability and/or the remedies available under tort law. If expansions are approved by the legislature, then the State should consider creating a fund to cover those costs. Cities and their risk pools cannot be expected to shoulder the staggering costs imposed by legislative changes. At a minimum that State should provide a reinsurance fund that risk pools and individual entities could utilize.

Tort reform for all public entities needs to be addressed and the balance restored between protecting harmed individuals with reasonable verdicts and appropriate defenses. Tort reform could include: caps on the amount of damages that can be collected against public entities (which is law in 33 States); reinstituting immunities that have been eroded by the courts and amending the law on joint and several liability which incentivizes claims against public entities as deep pockets. WCIA would be happy to work with legislators to address this looming crisis and find solutions for cities to remain solvent and provide the services their communities need and desire.



COUNCIL WORKSHOP COVERSHEET

Council Date: 9/26/2023

Department: Finance

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

2024 Budget Presentation

Summary:

Per RCW 35.33, the 2024 Preliminary Budget is to be presented by the first business day in October. City staff has completed work on the preliminary budget and will present the overall budget as well as notable and significant departmental projects to the Council. Subsequent to the council workshop, the 2024 Preliminary Budget will be available to the public on the City's website on Monday, October 2, 2023.

Attachments: