SCA Public Issues Committee (PIC)  
Minutes  
February 8, 2012 – 7:00 P.M.  
Renton City Hall  
1055 S. Grady Way - Renton, WA 98057  
(Small Cities Subcommittee Meeting – 6:00 PM)

1. Welcome and Roll Call  
Councilmember Mia Gregerson, Chair, called the meeting to order at 7:00 p.m. 25 cities were represented (Attachment 1 to these minutes).

2. Introduction of Guests and New Members  
Guests included Dave Williams, Association of Washington Cities; Diane Carlson, King County Executive’s Office. New PIC members included Andy Rheame, Bothell Councilmember; Bob Edgar, Burien Councilmember; Chris Roberts, Shoreline Councilmember; Tom Vance, Sammamish Councilmember.

3. Approval of minutes of January 11, 2012 meeting  
Dave Hill moved, seconded by Ross Loudenback, to approve the January 11, 2012 meeting minutes. The motion passed unanimously.

4. Executive Director’s Report  
Deanna Dawson, SCA Executive Director, reported on the February 1, 2012 SCA Networking Dinner and appreciated the rescheduling coordination of King County Executive Dow Constantine and Embassy Suites due to the January snow and inclement weather. She announced that the SCA Newly Elected Workshop has been rescheduled for the afternoon of March 30 at Puget Sound Regional Council (PSRC). This workshop will include presentations from Ann Macfarlane of Jurassic Parliament as well as SCA staff and will complement the PSRC and Sound Transit workshop scheduled for the morning of March 30 at PSRC. More information to follow.

ED Dawson addressed some PIC agenda revisions and thanked members for their flexibility. If members would prefer to reference PIC meeting materials on an electronic device during the meeting, please let SCA staff know so that we may prepare the necessary number of meeting material packets. As mentioned at the January PIC meeting, the meeting packets were prepared on white paper. If any member has feedback, please feel free to contact SCA staff.

ED Dawson noted a couple of changes to the agenda, including an update on regional law safety and justice, as well as an update on the legislative session from AWC. She also noted that two presenters would be different than those in the agenda.

ED Dawson commented that the 2012 SCA Board of Directors’ Retreat held in January was productive and many good ideas were discussed.
5. Chair’s Report
Mia Gregerson, PIC Chair, agreed that the 2012 SCA Board of Directors’ Retreat was beneficial. She gave a recap on the SCA Board of Directors’ meeting that followed the retreat where the Board Officers, who make the Executive Committee of the Board, were elected. The 2012 President, Vice President, Treasurer, and Member-at-large are Denis Law, Bob Sternoff, Don Gerend, and Jamie Perry, respectively. Mia provided an overview of some of the issues discussed and commented that the PIC Operations and Procedures Subcommittee will address some of them.

Hank Margeson, PIC Vice-chair, added that seats at the table have been reserved for speakers and reminded members to turn table tents vertically if one wishes to ask a question or comment on an issue.

6. Regional Transit Committee (RTC) – Metro Alternative Services Five Year Implementation Plan – (2012-6)
Bob Sternoff, member of the SCA-RTC Caucus, provided an update on the Metro Alternative Services Five Year Implementation Plan. As part of the adoption of the Strategic Plan and Service Guidelines, an Alternative Services Plan is required, by Ordinance, to be submitted to the King County Council by June 15, 2012. This plan will affect many of our member cities. The plan will address how Metro will use alternative services to preserve transportation options in areas where the only fixed route bus service does not meet the performance threshold outlined in Metro’s service guidelines. This may also identify where Metro will extend alternative service - products to communities where these products would improve mobility and cost less than fixed route bus service.

On January 24, 16 people attended a stakeholder meeting in Fall City to weigh in on Metro’s proposed process for working with communities to implement alternative service delivery. The SCA-RTC Caucus transmitted a letter, on January 27, to Metro requesting a written description of Metro’s plan for stakeholder involvement prior to the February RTC meeting. It is important that this plan indicate the timing and explanation of the best practices review, anticipated stakeholder meetings and other outreach to stakeholders, and how stakeholder input will be incorporated into the plan. The RTC caucus has expressed that they are looking for strong stakeholder participation and to reflect “out of the box” thinking about alternative services. There is also a strong desire to provide sustainable alternative services that will not shift the cost to the riders in suburban areas. The goal is to continue serving all areas that currently have transportation service, but possibly in alternative ways, i.e. DART, Access, etc. Metro will be hosting two additional stakeholder meetings: the first at the Kent Senior Center on February 29 from 10 a.m. to 12 p.m. and the second in March in either Woodinville. Meeting times and location for the Woodinville meeting will be forthcoming.

Bob Sternoff, member of the School Siting Task Force, provided an update on the work of the School Siting Task Force concerning property outside the Urban Growth Area (UGA) purchase or acquired by School Districts. Last year, when the Growth Management Planning Council (GMPC) was reviewing the proposed Countywide Planning Policies (CPP) for recommendation to the King County Council, the GMPC did not recommend the language that would prohibit a tight line sewer to extend beyond the urban growth boundary line. In order to address this issue, the King
County Executive and GMPC have established a task force with members from affected cities, school districts, environmental entities, and parent teacher associations. There is also a Technical Advisory Committee and Framing Group to assist the work of the School Siting Task Force. The goal is to make a recommendation to the King County Executive by March 29, 2012.


John Partridge, RLSJ Vice-chair, provided an overview of the committee and asked for feedback on issues at this meeting and throughout the year. He noted that his serving as Vice Chair would enable SCA to be more involved in setting the agenda at RLSJ. John touched on issues coming before the committee, including funding for regional law and justice projects, the growing expense of incarceration, how mental health issues affect courts and police officers, veterans courts, how cities use warrants, budget cuts, and medical marijuana/cannabis. He passed around handouts from a recent RLSJ meeting regarding legislative priorities on law and justice, including a memo from ED Dawson regarding the 2012 Law & Justice Legislative Priorities for SCA Cities, and the Washington Association of Sheriffs and Police Chiefs 2012 Legislative Agenda. He urged members to contact him with information for future meetings. He noted that at the next RLSJ meeting, they would be presenting innovative criminal justice programs in cities, and that Kent Councilmember Dana Ralph would be giving a presentation on an innovative grant funded program that Kent is working on.

Councilmember Partridge next turned to a presentation on the Governor’s petition seeking to reclassify medical marijuana/cannabis as a Schedule II drug. He noted the challenges that cities were facing due to the fact that while Washington State voters had legalized medical marijuana in 1998, marijuana remained illegal under federal law. John provided handouts to the members, including a petition from Governor Gregoire concerning the reclassification for medical marijuana/cannabis, and a letter signed by several local mayors (including 4 SCA member city mayors) supporting the Governor’s petition. (The handouts are Attachment 2 to these minutes.) He noted that all the cities in King County were struggling with how to deal with the current Washington law from both a public safety, and a zoning and regulation standpoint.

Tola Marts of Issaquah noted that Issaquah had been dealing with this issue, and discussed the public hearings that had been held on their zoning ordinance. Chris Roberts of Shoreline noted that Shoreline had also been dealing with issues relating to medical marijuana. Jamie Perry of Kent noted the challenges to cities from a prosecution standpoint under the current system.

Councilmember Partridge noted that this issue was on the agenda to see if there was interest in learning more about the Governor’s proposal. The members of the PIC asked that this matter come back before the PIC for a full presentation at next month’s meeting. They also indicated an interest in possibly taking a position in support of the petition.

Amy Ockerlander moved, seconded by Tola Marts, to bring back the issue at the March PIC meeting for consideration of SCA taking a position in support of the Governor’s petition to reclassify medical marijuana/cannabis from a Schedule I to a Schedule II controlled substance. The motion passed unanimously.

Hank Margeson asked that members discuss this with their councils and be ready to continue discussion at the March 7 PIC meeting.
Deanna Dawson offered to provide members with more information for City Councils to review and discuss.

Dave Williams, Director of State and Federal Relations for AWC, reported on the 2012 Legislative Session and focused on issues that directly affect the suburban cities in King County. The State Government is currently in session debating how it will address the necessary budget cuts for this budget biennium. It is still unclear which departments and/or programs will be included in the budget cuts. AWC is asking that funding to cities not be eliminated, and that any cuts not be permanent. Members stressed their concerns about state cuts to city funding, as well as their concerns about unfunded mandates. He also touched on a bill that would allow counties to assess a utility tax, and a proposal to require city councils to be elected by ward/district. Members expressed their concerns over these proposals.

Jeanne Burbidge, SCA-TPB Caucus Chair, provided an update on the Puget Sound Regional Council (PSRC) Transportation Policy Board (TPB) outcome of the Connecting Washington Task Force. Governor Gregoire convened a 31 member Task Force with the purpose of creating a ten-year strategy to maintain and improve the state’s transportation system. The demands on our transportation system are growing; however, the state is losing the purchasing power needed to maintain and improve the system due to declining fuel tax, elimination of the Motor Vehicle Excise Tax cut revenue by $750 million/year, and sales tax plummeting during the recession. The Task Force estimated the amount needed to fully address the objectives is approximately $50 billion and recommended an investment of $21 billion in state funding during the next ten years to preserve the transportation system and make strategic investments in the corridors that hold the key to job creation and economic growth. The Task Force recommended that the Legislature expand funding options that can be enacted at the local level to support the transportation system and that the State begin planning now for a transition to more sustainable funding sources for transportation.

The three King County subarea transportation boards, Eastside Transportation Partnership (ETP), South County Area Transportation Board (SCATBd), and Seashore Transportation Forum (SeaShore), held a joint meeting on February 3 to discuss 2012 legislative priorities. There are multiple bills circulating both chambers that are a variation of the Governor’s Proposal. King County will be reaching out to cities and the three Subarea Boards to determine if there is support for a particular bill or list of funding mechanisms.

Pete Lewis, member of the REPC representing Valley Communications, provided an update on the REPC preferred alternative for 911 voice communication in King County. The current system is no longer being supported, serviced, or repaired by Motorola. The REPC is currently leaning towards contracting with Motorola for its next system. Mayor Lewis indicated that the next step is to start the approval process on the governance model.

Rich Zwicker, member of the SCA-EDDB Caucus, provided an update on the work of the EDBB on the Regional Economic Strategy. The current Regional Economic Strategy was created in 2005. A
new strategy is under development it will be made up of three reports: Talent Report, Economy Report, and Strategy Report. The Talent Report used scoring system to identify high priority occupations in clusters. The nine talent clusters include Management, Business and Finance, Computers and Mathematics, Engineering and Architecture, Physical and Life Sciences, Health Practitioners, Installation and Repair, Production, and Transportation-related. It was clear that education is a key component of increasing talent base in the Puget Sound. At the Technical Advisory Committee to the EDDB there was an extended discussion of higher education and a recognition that a singular path will not address all our needs. The next update from the SCA-EDDB Caucus will be on the Economy Report.

12. Reports
Small Cities Subcommittee: City of Renton Shop Local Campaign
Barre Seibert, Small Cities Subcommittee Chair, reported that Suzanne Dale Estey, Economic Development Director for Renton, provide a presentation on the City of Renton Shop Local Campaign to help cities bring value to local businesses. Barre also encouraged cities of all sizes to attend the Small Cities Subcommittee meetings, as the topics often benefit large and small cities. A possible topic for the next meeting of the Small Cities Subcommittee is how social media can benefit cities.

2012 PIC Schedule of Work
Monica Whitman, SCA Senior Policy Analyst, introduced the 2012 PIC Schedule of Work and explained that this visual representation of the 2012 calendar year of topics is meant to give members an idea of what issues may come forward to the PIC. She added that the PIC would need direction from the SCA caucuses on which items will require SCA to take a policy position. It is a working document where issues could move from informational to potential future action item to action item. Monica provided an overview of the committees that she staffs and some important issues that will be discussed this year. SCA staff will continue to work closely with King County and PSRC staff to ensure that individual Board/Committee meetings and the 2012 PIC schedule is compatible. Monica encouraged members to share this document with their cities and provide and feedback. Doreen Booth, SCA Policy Analyst, also provided an overview of the committees that she staffs and went over some important issues that will be discussed in the coming months. (The 2012 PIC Schedule of Work will be attached to the e-mail of the February 8 PIC minutes as a separate document.)

13. Other
For the good of the order
1. Jim Haggerton announced that there is a Global to Local Health Seminar conducted by PATH and Swedish Medical Center on February 29, 2012. He encouraged members to attend. http://www.cvent.com/events/global-to-local-health-seminar/event-summary-f64ead749aad472b9e6e06938e54b639.aspx or call (206) 302-4519 to register.
2. Pete Lewis thanked SCA staff for the PIC work plan.

Upcoming Meetings
1. SCA Public Issues Committee meeting, Wednesday, March 7, 2012 – 7:00 p.m.
2. SCA Networking Dinner, Wednesday, April 4, 2012 – 5:30 p.m.

14. The meeting adjourned at 9:00 p.m.
### Committee Acronyms

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<tr>
<th>Acronym</th>
<th>Description</th>
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<td>BOH</td>
<td>Board of Health</td>
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<td>RTC</td>
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<td>Committee to End Homelessness in King County</td>
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2012 Roll Call – Public Issues Committee Meeting February 8, 2012

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Electeds present are highlighted in gray. Cities represented are bolded.
MEMO

TO: Councilmember John Partridge  
Vice Chair, Regional Law Safety and Justice Committee

FROM: Deanna Dawson  
Executive Director, Suburban Cities Association (SCA)

RE: 2012 Law & Justice Legislative Priorities for SCA Cities

DATE: January 17, 2011

As we have discussed, the Regional Law Safety and Justice Committee will be discussing 2012 legislative agendas relating to law & justice at its upcoming January meeting. Through Councilmember Asher, we have extended an invitation to the Washington Association of Sheriff's and Police Chiefs (WASPC) to attend the meeting and present on its priorities. We also reached out to SCA member cities. This memo summarizes the responses we have received to date.

The cities of Bothell and Shoreline responded that their 2012 legislative agendas do not contain any public safety items. As we have discussed, many of the SCA cities have expressed that the budgetary issues are dominating their legislative agendas this year.

The City of Kirkland forwarded us their legislative agenda, which is attached to this memo. That agenda includes an item opposing “any further shifting of costs or services from the State or County to cities.” This presumably includes opposition to HB 2134, which would require cities and counties to pay 50% of the cost to send officers to the Criminal Justice Training Commission’s Basic Law Enforcement Academy beginning July 1, 2012. The cost per enrolled officer will be $7,537, and the state estimates it will cost cities $1.6 million per year. WASC is asking that any increased charges be temporary, not permanent as currently written in the bill. A copy of HB 2134 is attached.

The City of Kirkland also has a “support” agenda. The City supports these items with the caveat that the City “generally supports the policy principles of the items below, however, formal City support is contingent upon reviewing and approving the specific language of any legislative proposal drafted to advance a particular item.” That agenda is also attached to this memo. It includes support for several items on the WASPC legislative agenda, including:

- Security Alarm System and Vacation Watch Program Information Exempted from Public Disclosure/ HB 1234/ HB 5244. *(These bills would exempt information*
The bill does not allow cities to preclude the siting of collective gardens, which would be restricted to no more than one per dwelling or commercial building unit. Nonprofit Patient Cooperatives (NPCs) would be allowed to have more members than gardens would, with a limit of 24 ounces of usable cannabis per member (up to 144 ounces), and 15 plants per member (up to 90 plants). They would be prohibited from advertising to the general public and from locating within 500 feet of a community center, child care center, or school. A city could opt to increase or decrease distance requirements.

The proposed bill allows cities to impose zoning requirements, licensing requirements, permitting requirements, health and safety requirements, taxes, fees, or other conditions on NPCs and collective gardens. However, such requirements may not preclude the possibility of siting collective gardens. The bill does not go as far as many cities would like in terms of establishing more explicit requirements for collective gardens, and many cities are also concerned about the inability to prohibit collective gardens. Senator Kohl-Welles has been very open to the concerns raised by cities; however, in drafting this bill she has felt the need to focus on ensuring patient access to cannabis.

Protecting Sport Shooting Ranges
HB 1508 was heard in the House Judiciary Committee this week. It provides protections to sport shooting ranges against noise complaints. Cities expressed concerns with the bill because it regresses the regulations of sport shooting ranges back to the time of the range’s construction or initial operation, which could be in the early part of the last century. We will offer amendment language to address this issue. County representatives testified in opposition to the bill, expressing concerns that the bill would effectively eliminate local regulatory control over ranges.

Omnibus DUI legislation
HB 2443 addresses a number of issues related to impaired driving. The bill’s prime sponsor, Rep. Roger Goodman (D-Kirkland), worked on this legislation with a variety of stakeholders during the interim. The bill is scheduled for a hearing on Wednesday, January 18, at 8 am in the House Judiciary Committee. The bill’s provisions include:

- Allowing cities to establish DUI courts.
- Allowing a judge to order reimbursement of emergency response expenses to local jurisdictions upon conviction, and raising the amount that could be charged from $1,000 to $5,000.
- Establishing equivalency standards for time in jail in lieu of electronic home monitoring.
- Including chemicals inhaled or ingested in the definition of impaired driving.
- Allowing the State Patrol to collect fees from ignition interlock companies to fund their ignition interlock program.
Local Government Objections to Liquor Licenses
HB 2179 requires the Liquor Control Board to send new liquor license applications and renewals to the city council, instead of to the city's chief executive officer. It also specifies that the city council, or a council designee, may submit written objections to the license. This bill places more authority for liquor license objections with city councils.

AWC is currently seeking feedback on two additional bills. The first, HB 2302, increases the penalties for driving under the influence with a child under 16 in the vehicle. The second, HB 2273, specifies who pays the fees when a vehicle is impounded by law enforcement for evidentiary purposes.

I hope that this information is helpful to you. If I can provide you with any additional information or analysis, please do not hesitate to contact me.
WASPC 2012 LEGISLATIVE AGENDA
Adopted by the Membership November 2011

WASPC AGENDA ITEMS

- Security Alarm System and Vacation Watch Program Information Exempted from Public Disclosure/ HB 1234/HB 5244 (WASPC 2011 Agenda Item)
- Supplemental Budget 2012/WASPC Operating Budget and Preservation of the Washington Auto Theft Prevention Authority
- DNA Collection upon Arrest for all Felonies
- Extending Statute of Limitations for Trafficking in Stolen Property from 3 to 6 yrs
- BLEA funding: Assure State supported funding and oppose HB 2134 50% local share

WASPC PRIORITY ITEMS

- Gang Omnibus Legislation/Mandatory Health Care Reporting to Law Enforcement/HB 1126 (Attorney General)
- Code Enforcement Officers and Assault in the 3rd Degree/HB 1047 (Washington Association of Code Enforcement)
- Credit Card/ATM Skimming (Bellevue PD)
- Issuance of Driver’s Licenses and Identicards/Proof of Citizenship—HB 1577/SB 5407
- Warrant Extradition Fund (Mark Ericks, US Marshall)
- Public Records Act Improvements
  - HB 1044 Office of Open Records
  - HB 1299/SB 5089 Conferences for Disputes
  - HB 1139/SB5062 Notice to Agency of Error Dispute
  - HB 1300/SB 5088 Recovering Costs of Production
  - SB 5099 Enjoining Inmate Request (pretrial)
  - SB 5007 Criminal Justice employee voter registration exemption
  - SB 5022 Statute of limitations under RCW 42.56.560 (PRA action must be filed w/in one year of specified actions)

WASPC SUPPORT ITEMS

- Amend RCW 16.08.040 to remove law enforcement strict liability regarding K9s (Pierce County Sheriff) (support)
- Washington State Criminal Records Privacy Act/Bainbridge Case—RCW 10.97 Clarifications (Pierce Co., Legal Advisors) (support)
- Increased Vehicle Prowl Penalties—SB 5154 (Everett PD) (support)
- Amend RCW 70.48.071 regarding local government adoption of jail standards to reflect current practice and clean up out-of-date references (Pierce County Sheriff/WSSA) (support)
- Unlawful Transit Conduct Regarding Animals, Skateboarding etc. (WSP) (support)

Attachment 2b Continued to the February 8, 2012 PIC Minutes
WASPC 2012 Legislative Agenda
Page 2 of 2

- Clarifying non-conviction information disseminated by WSP in Background checks (WSP) (support)
- Increased Flag Size for Commercial Vehicles (WSP) (support)
- Remodel/Construction of Academy Dorm (CJTC) (support)
- Bail Reform: 5% court imposed bail required (WAPA) (support)
  - Increase seriousness level of vehicular homicide (WAPA) (support)
  - Enact legislation to preclude requirement on prosecutors to copy child pornography for defense/retain defense ability to inspect originals (WAPA) (support)

2011 LEGISLATION OF INTEREST

- HB 1001 Pro Se Defendants questioning witnesses (support)
- SB 1020 continuing 50 percent good time for certain nonviolent offenders (oppose)
- HB 1323 delayed sentencing for offenders with a standard range under one year (oppose)
- HB 2118/SB 5955 Concerning the medical use of cannabis (nonprofit cooperatives) (oppose)
- SB 1230/SB 5155 Public safety authorities (neutral)
- HB 1464 Cash bail (no position)
- HB 1194 regarding bail schedules (no position)
- HB 1550 Legalization of cannabis (oppose)
- HB 1123 Modifying provisions relating to the sentencing or imposition of conditions for certain prostitution and sex crimes—SOAP zones (support)
- HB 1773 Tribal Criminal retrocession (no position)
- HB 1321 Park rangers as general authority peace officers (oppose)
- HB 1689 Making jail booking photos public post charging (neutral)
- HB 1370/SB 5234 Drug take back program (support)
- HB 1444/SB 5353 LEOFF benefits of a surviving spouse (support)
- HB 1166 Alcohol poisoning deaths, immunity for reporting if under 21 (no position)
- HB 1507 Pharmacy robberies (support)
- LEOFF Benefits—pending in special session (no positions/concerns)
  - HB 2068 (delayed payments LEOFF 2) (concerns)
  - HB 2071 (delayed contractual payments LEOFF benefits improvement account) (concerns)
  - HB 2097 (merging LEOFF 1 and 2 Systems) (no position)
- SB 5957 Cannabis-Rescheduling to II (support)
- SB 5270 Law enforcement inquests (oppose)
- SB 5866 Reducing sentences to generate correctional cost savings/program investments (oppose)
- SB 5048 Criminal intelligence act (oppose)
- SB 5056 Bail task force recommendations (no position)
- SB 5102 LE notice to adult family homes regarding sex offenders (concerns)
- SB 5101 Scheduling synthetic cannabinoids (support)
- SB 5114 Competency evaluations in jails/reducing use of state hospitals (oppose)
- SB 5188/SB 5301 Red Light camera regulation (support original/oppose substitute)
- SB 5249 DFW officers into WSP (oppose)
- SB 5634 limiting access to DSHS information on firearms background checks (oppose)
- SB 5671 hospital and ER personnel reporting to local LE—drug overdoses (support)
- SB 5332/HB 1448 Tribal Civil retrocession (no position)
- SB 5851 Model traffic ordinance abolition (no position)
November 30, 2011

Michele Leonhart, Administrator
Drug Enforcement Administration
Attn: Administrator
8701 Morrissette Drive
Springfield, VA  22152

Subject:  Rulemaking petition to reclassify cannabis for medical use from a Schedule I controlled substance to a Schedule II

Dear Administrator Leonhart:

Pursuant to Section 1308.43 of Title 21 of the Code of Federal Regulations (CFR), we hereby petition to initiate proceedings for the issuance of an amendment of a rule or regulation pursuant to Section 201 of the Controlled Substances Act (CSA). Specifically, we petition for the reclassification of medical cannabis (also known as marijuana) from Schedule I to Schedule II of the CSA.

Attached hereto and constituting a part of this petition are the following as required by the CSA and the CFR:

Exhibit A – The proposed rule.  We seek the amendment of an existing rule, so pursuant to 21 C.F.R. §1308.43(6), we have included the existing rule together with a reference to the section in the CFR where it appears, along with our proposed amendment for your consideration.

Exhibit B – A statement of the grounds upon which we rely for the issuance of an amendment of the rule.  As required, the grounds we rely on include a reasonably concise statement of the facts, including a summary of relevant medical or scientific evidence in the form of an eight factor analysis that the CSA specifies a petitioner must address (21 U.S.C. §811(c)).  The Secretary of the United States Department of Health and Human Services (HHS) through the Food and Drug Administration (FDA) will consider these factors in a report to you for purposes of informing your final decision.  The factors include:  (1) actual and potential for abuse; (2) pharmacology; (3) other current scientific knowledge; (4) history and current pattern of abuse; (5) scope, duration and significance of abuse; (6) public health risk; (7) psychic or physiological dependence liability; and (8) whether it is an immediate precursor of a controlled substance.
Michele Leonhart, Administrator  
Drug Enforcement Administration  
November 30, 2011  
Page 2

The attached statement of grounds about the scientific and medical record, considering these eight factors, supports recognition of the accepted medical use of cannabis in the United States. Accordingly, we request you to open rulemaking to reschedule cannabis for medical purposes under the CSA from a Schedule I to a Schedule II controlled substance.

**Background:**

We are concerned that patients with serious medical conditions who could benefit from medical use of cannabis do not have a safe and consistent source of the drug. As you know, sixteen states and the District of Columbia have decriminalized cannabis for limited medical purposes. Each of these jurisdictions is struggling with managing safe access to medical cannabis for patients with serious medical conditions. Our work with the federal agencies has not resolved the matter. Federal enforcement policies acknowledge the “compassionate use” for seriously ill patients, but the policies do not provide means for safe access of medical cannabis for patients in need.

The divergence in state and federal law creates a situation where there is no regulated and safe system to supply legitimate patients who may need medical cannabis. State and local governments cannot adopt a regulatory framework to ensure a safe supply is available for – and limited to – legitimate medical use without putting their employees at risk of violating federal law. As some states seek to increase regulation, United States Attorneys have warned that the federal government would prosecute “vigorously against individuals and organizations that participate in unlawful manufacturing and distribution activity involving marijuana, even if such activities are permitted under state law.” Yet in the absence of state or local regulatory systems, there exists widespread confusion and proliferation of unregulated activities.

More to the point, it is clear that the long-standing classification of medical use of cannabis in the United States as an illegal Schedule I substance is fundamentally wrong and should be changed. The federal government could quickly solve the issue if it reclassified cannabis for medical use from a Schedule I drug to a Schedule II drug. Most recently the DEA, as noted in your letter dated June 21, 2011 (published July 8, 2011 in the Federal Register), denied a 2002 petition to initiate proceedings to reschedule marijuana based on an outdated 2006 HHS/FDA scientific review. With respect to marijuana, the 2006 HHS/FDA review found: (1) the medical substance has a high potential for abuse; (2) has no currently accepted medical use in treatment in the United States; and (3) lacks accepted safety for use under medical supervision.

Upon review of the enclosed petition, we believe you will find that the mounting evidence refutes the 2006 review and shows that: (1) cannabis for medical purposes has a relatively low potential for abuse, especially in comparison with other Schedule II drugs; (2) the medical community has concluded that cannabis has accepted medical use in treatment in the United States; and (3) cannabis has accepted safety for use under medical supervision and pharmacy based access. It is now the DEA’s responsibility to make appropriate decisions and update the scheduling of drugs based on the changing scientific evidence and the opinion of the medical community. We submit that evidence herein.
Michele Leonhart, Administrator  
Drug Enforcement Administration  
November 30, 2011  
Page 3  

The American medical community supports rescheduling, and there are safe pharmacy-based methods to dispense medical cannabis:

The medical community supports rescheduling medical cannabis. In 2009, the American Medical Association (AMA) reversed its earlier position that supported Schedule I classification of cannabis. The AMA now supports investigation and clinical research of cannabis for medicinal use, and urged the federal government to reassess the Schedule I classification. The American College of Physicians recently expressed similar support. A great many other groups also support rescheduling.

The National Academy of Sciences, Institute of Medicine perhaps states it best: “Marijuana is not, to be sure, a completely benign substance. It is a powerful drug that affects the body and mind in a variety of ways. However, except for the damage caused by smoking [which this petition clearly describes non-smoking methods for medical use], its adverse effects resemble those of many approved medications.” [Italics added]

Categorizing medical cannabis as a Schedule II drug would also allow pharmacy dispensing. It requires federal changes to allow pharmacy dispensing and regulated manufacturing and distribution, otherwise pharmacies and pharmacists put their DEA license numbers at risk. There are acceptable methods to safely prescribe and dispense medical cannabis. A pharmacy based method is an existing and effective model that could provide safe and reliable access for patients in need, just like it provides for other controlled substances. The well regulated pharmacy system is perfectly suited to providing controlled access to drugs for legitimate medical use.

Recent scientific development like affordable DNA analysis also supports the pharmacy model. With modern DNA analysis, it is easy to obtain an accurate characterization of the plant’s beneficial compound. At the pharmacy level, with current technology readily available today, a compounding pharmacist could easily and inexpensively quantify the levels of cannabinoids, and then use the appropriate cannabis blend to create a customized medication for an individual patient. Compounding is now increasingly offered by community pharmacies. Moreover, studies have shown that pharmacists providing compounding reported increased quality of pharmaceuticals and improved collaboration between the patient, physician, and pharmacist. This paradigm would allow safe access to a medicine with proven efficacy and acceptable safety, in a manner that does not endanger the patient and allows for reasonable governmental oversight. It is important to note that medical cannabis can be vaporized, not smoked. Additionally cannabis can be ingested orally, or applied topically in a liniment. These issues are fully addressed in Exhibit B.

Conclusion:

A public rulemaking process would allow all interested parties to contribute their comments and expertise, and provide a full record for decision. These interested parties include patients and medical professionals and the sixteen states and the District of Columbia, or nearly one-third of the nation’s population, that have decriminalized limited possession and use of cannabis for serious medical conditions, and at least ten other states are considering similar measures.

Attachment 2c Continued to the February 8, 2012 PIC Minutes
While not required by the law, we urge you to hold public hearings on these issues even before making your decision on whether to initiate formal rulemaking proceedings. You will find that physicians and scientists, mayors and county executives, sheriffs and prosecutors, and the majority of Americans based on reliable national polling, believe rescheduling medical cannabis for serious illnesses is appropriate.

Medical cannabis does have a potential for abuse, but far less so than other Schedule II substances like opiates. There are well researched accepted medical uses; there are ways to safely administer the drug; and, there are effective non-smoking methods like vaporization, oral ingestion or topical application. The exhaustive medical and scientific report attached as Exhibit B, incorporating the necessary eight factors, shows rescheduling cannabis for medical purposes is appropriate.

Current federal rules preclude the adoption of reasonable and workable frameworks for providing access to patients while maintaining the ability of law enforcement agencies to address non-medical/illegal distribution and use of cannabis. The situation has become untenable for our states and others. The solution lies with the federal government. We urge the DEA to initiate rulemaking proceedings to reclassify medical cannabis as a Schedule II drug so qualifying patients who follow state law may obtain the medication they need through the traditional and safe method of physician prescribing and pharmacy dispensing.

Thank you for your consideration.

Sincerely,

[Signature]
Lincoln D. Chafee  
Governor of Rhode Island

[Signature]
Christine O. Gregoire  
Governor of Washington

Enclosures:

Exhibit A – Proposed Rule
Exhibit B – Statement of Grounds

cc:  The Honorable Eric Holder, U.S. Attorney General
     The Honorable Kathleen Sebelius, Secretary, U.S. Department of Health and Human Services
     The Honorable Margaret Hamburg, M.D., FDA Commissioner

Attachment 2c Continued to the February 8, 2012 PIC Minutes
Michele Leonhart, Administrator  
Drug Enforcement Administration  
November 30, 2011  
Page 5  

Please send all notices regarding this petition to:  

Jason T. McGill, Executive Policy Advisor, Health Care  
Governor’s Executive Policy Office  
PO Box 43113  
Olympia, WA 98504-3113  

Jason.McGill@gov.wa.gov  
Phone: (360) 902-0448  
Fax: (360) 586-8380  

Attachment 2d to the February 8, 2012 PIC Minutes
January 26, 2012

Michele Leonhart, Administrator
Attn: Administrator
8701 Morrissette Drive
Springfield, VA 22152

Subject: Rulemaking petition to reclassify cannabis for medical use from a Schedule I controlled substance to a Schedule II

Dear Administrator Leonhart:

We write in support of the petition that Governor Gregoire and Governor Chafee recently submitted to initiate rulemaking proceedings for the reclassification of medical cannabis (also known as marijuana) from Schedule I to Schedule II of the CSA.

As Mayors responsible for upholding the laws of our community, state and federal government, we need resolution regarding the legality of medical cannabis. We are caught in the middle of the desire expressed by the residents of our state to see cannabis available for medical use and the federal government’s absolute inflexibility in regards to the medical benefits of cannabis. It is an untenable situation for our communities and has cost our cities significant time and resources to address.

We sympathize with patients suffering from serious medical conditions who could benefit from medical use of cannabis and do not have a safe and consistent source of the drug. The divergence in state and federal law creates a situation where there is no regulated and safe system to supply legitimate patients who may need medical cannabis. The federal government could quickly solve the issue if it reclassified cannabis for medical use from a Schedule I drug to a Schedule II drug, which we believe the petition provides substantiated peer-reviewed scientific evidence to support.

The solution lies with the federal government. We urge the DEA to immediately initiate rulemaking proceedings to reclassify medical cannabis as a Schedule II drug so qualifying patients who follow state law may obtain the medication they need through the traditional and safe method of physician prescribing and pharmacy dispensing.

This letter reflects the support of those cities who have signed and not all cities within the State of Washington. Thank you for your consideration.

Sincerely,

Lisa Walters
Mayor, City of Battle Ground

Craig George
Mayor, City of Dayton

Margaret Harto
Mayor, City of Covington

Dave Earling
Mayor, City of Edmonds

Ava Frisinger
Mayor, City of Issaquah

Carrie Lacher
Mayor, Town of Friday Harbor

Attachment 2d Continued to the February 8, 2012 PIC Minutes
Suzette Cooke  
Mayor, City of Kent

Dorothy Slagle  
Mayor, City of Kettle Falls

Joe Marine  
Mayor, City of Mukilteo

John Johnson  
Mayor, City of Pullman

Marilyn Strickland  
Mayor, City of Tacoma

John Marchione  
Mayor, City of Redmond

Mike Anderson  
Mayor, City of Sedro-Woolley

Pete Kmet  
Mayor, City of Tumwater

cc: The Honorable Eric Holder, U.S. Attorney General  
The Honorable Kathleen Sebelius, Secretary, U.S. Department of Health and Human Services  
The Honorable Margaret Hamburg, M.D., FDA Commissioner