Foster Garvey

Public Finance & Municipal Law

A century of service: proudly serving state and local governments.

Since the 1920s, state and local governmental agencies have turned to us when faced with a wide range of challenges. Whether you're a city, county, port district, housing authority, or school district, we're here to provide practical, clear and creative legal guidance aimed at helping your communities grow and thrive.

We have maintained a nationally recognized bond counsel practice for more than 75 years and are well-known by issuers, underwriters, rating agencies and bond issuers, including being consistently ranked among the nation's elite firms in Best Law Firms® and as "Top Bond Counsel – Competitive" by Thomson Reuters. We are also recognized as a Band 1 firm by Chambers USA for Public Finance in Washington state.

Our attorneys regularly serve as bond counsel to more than 450 government agencies - in Washington, Oregon, Alaska, Idaho and Montana. We are active participants in both the National Association of Bond Lawyers and the American College of Bond Counsel.

In addition to public finance, we offer a full range of services to general governmental clients on matters ranging from tax levy issues, ballot measures, public records, open public meetings, capital facilities development (including public works bidding, construction, real estate, land use and environmental law), insurance coverage, litigation and administrative proceedings, and labor and employment.

Teaming up with counties, cities and towns, port districts, public utility districts, housing authorities, school districts, public hospital districts, water and sewer districts, irrigation and reclamation districts, fire protection districts, and other municipal and quasi-municipal corporations, we advise on a number of areas, including:

Construction

We have an extensive history of working with government agencies on construction and design issues. Our experience ranges from the preparation of simple construction contracts and foreclosure of liens to the litigation and arbitration of multi-million dollar claims. We are familiar with all types of construction projects, having participated in the resolution of construction disputes involving public administration buildings, multifamily and single-family residences, schools, hospitals, assisted living facilities, wastewater treatment systems, industrial facilities, power plants, high-rise office towers, warehouses, roads, bridges and docks. Learn more about our Construction practice

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Contracts and Procurement of Goods and Services

Our attorneys develop and defend procurement programs for Washington municipal governments. We have particular experience in public bidding requirements, payment and performance bonds, prevailing wage rules, and other rules and regulations unique to public construction contracting.

Eminent Domain & Inverse Condemnation

Our team has represented municipal clients in acquisition projects, such as arterial street development and expansion, utility (including pipeline) corridor development, golf courses, transit stations and rail corridors, convention centers, preservation of affordable housing, and municipal purchase and condemnation of private utility systems. We have both prosecuted and defended inverse condemnation cases, including actions relating to property taking through regulation or failure to issue land use permits, as well as noise and odor complaints. Learn more about our Eminent Domain & Inverse Condemnation practice.

Fire & Public Safety

We regularly work on financings of public safety facilities, counsel fire districts and general purpose governments on issues relating to labor and employment, and assist with regional fire services and emergency response governance structures, ballot measures and related issues.

Labor & Employment

Our attorneys have extensive experience representing municipalities and government agencies, many with union-represented workers. We currently provide services as labor and employment counsel for numerous housing authorities, cities, public hospital districts, fire protection districts, water/sewer districts and other governmental units. Learn more about our Labor & Employment practice.

Public-Private Partnerships

We've been instrumental in pulling together some of the most complex projects in the Pacific Northwest region through successful partnerships between public and private sector interests. Our team is experienced in structuring and negotiating public-private financing arrangements, bringing together a breadth of experience including our public finance, construction, real estate, land use and environmental practices. Where necessary, our litigation team has successfully defended major public and public-private projects. We have repeatedly been successful in obtaining regulatory approvals for major regional facilities and in defeating challenges before administrative tribunals and in the courts.

Public Hospitals

We have extensive experience assisting our region's public hospital districts, with a broad range of services from public finance for capital facilities to drafting portions of the Association of Washington Public

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Hospital Districts' legal manual. Our team is experienced in the law specific to operating a public hospital district and we routinely advise clients in areas such as public meetings and public records, conflicts of interest, and tax levies and voter approval.

Public Power & Utilities

We represent several publicly-owned electric utilities across the Pacific Northwest to secure public financing for the generation, transmission and distribution of public power throughout the region. Our clients include public utility districts and electricity generators throughout Washington, Oregon and Alaska. We also provide advice to general-purpose governmental entities on encouraging the development of emerging renewable technologies, distributed generation and energy efficiency. Our attorneys regularly counsel our municipal clients on establishing municipal utilities, developing rate ordinances, acquiring rights-of way, and siting and permitting treatment facilities. We also bring our clients considerable resources in environmental, land use and construction law to provide efficient representation for each matter.

Public Records & Open Government

We have direct experience working with the public records and disclosure obligations of nearly every type of public entity, including cities, counties, school districts, public utility districts, port districts, public hospital districts and housing authorities. Our team frequently assists clients with drafting or responding to public records requests, updating entities' policies and procedures, providing training to help assure an entity's compliance with current legal requirements, defending public records request responses and providing litigation support for private parties interested in protecting confidential or proprietary information from disclosure. Learn more about our Public Records & Open Government experience.

School Districts

Our firm has served as general counsel, special counsel and bond counsel to school districts for more than 70 years. We offer a full range of legal services to assist school districts on matters involving school finance (including bonds, levies and state funding), capital facilities development (including construction, real estate, land use and environmental law), insurance coverage, litigation and administrative proceedings, labor and employment, and election and open government laws. Currently, we serve as bond counsel for more than 130 school districts. Learn more about our School Districts work.

Senior & Affordable Housing

We're a leader in affordable housing finance in Washington state and have been recognized as a preeminent bond counsel firm for Washington housing authority bond issues. Our knowledgeable team is aware that the development of affordable housing often requires assembling and coordinating an array of financing sources, and has assisted developers in leveraging resources including tax-exempt bonds, low-

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income housing tax credits ("LIHTCs"), conventional bank loans, loans and grants from public funders, HUD funding, loans of HOME funds, Community Development Block Grant funding, Washington State Housing Trust Fund loans, and RAD project-based voucher funds, among other sources. Our team represents approximately 20 housing authorities and several other Washington and Oregon-based organizations that are devoted to low- and moderate-income housing, including public development authorities and 501(c)(3) organizations. Members of our team also serve as counsel in the areas of real estate, construction, labor and employment, prevailing wage, public bidding and land use/hazardous waste law for Oregon and Washington state housing authorities and other developers of low- and moderate-income housing projects.

Solid Waste Management

Our attorneys have extensive experience assisting our municipal clients in the environmental, land use and procurement aspects of their solid waste management systems. We are well versed in handling a wide range of issues, from regulatory compliance and enforcement to the negotiation and litigation of long-term solid water contracts. Our extensive involvement in municipal waste matters, solid waste disposal strategies and local improvement districts for transportation financing enables the delivery of practical solutions that not only meet clients' needs but also contribute significantly to the advancement of waste reduction, recycling and disposal techniques to safeguard the environment and public health.

Transportation & Infrastructure

We represent some of the largest public transportation systems in the Pacific Northwest region in connection with financing the infrastructure necessary to keep our region moving. We have served as bond counsel on the financings of billions of dollars of transit and transportation improvements for our general governmental clients, including the State of Washington, cities, towns and counties, and assisted dozens of transportation benefit districts and other special purpose districts in financings for airport, bus, light rail, streetcar and other transit services. We have extensive experience in eminent domain and condemnation for major transit improvements. Learn more about our Eminent Domain & Inverse Condemnation practice.

Tribal Finance

We have a long history of representing Native American and Alaska Native peoples and organizations. Our team advises Tribes in financing administrative buildings, museums, assisted living facilities, casinos, convention centers, restaurants and hotels. We have represented Pacific Northwest Native American Tribes as bond counsel since 1965 in connection with their financing needs. We have also represented various lenders in connection with the lending activities in Indian Country and have assisted various Tribes in their efforts to develop the legal structure necessary to facilitate real estate secured lending on fee simple and trust property located on their reservations.

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Water, Wastewater and Stormwater Management

We understand the importance of water in the Pacific Northwest. From the dry east side of Washington state, where irrigation is paramount to the wet west side where stormwater management and control are key, we actively work with our public clients on establishing and expanding water, wastewater and stormwater utilities; financing utility infrastructure; developing systems of rates, fees and charges, developing utility infrastructure (including acquiring rights-of way, siting and permitting of major treatment facilities and distribution systems). In addition to our public finance experience, we offer to clients our considerable resources in environmental, land use and construction law.

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