



## Distribution of Surplus

Governance Section: Governance

Revision Date: 12/5/2025

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### Purpose

To establish the methodology of how the Pool would distribute net position (e.g. surplus or excess capital) to Members when such a distribution is not connected to dissolution.

### Authority

1. Interlocal Agreement, Section 13 Funding (“Member contributions and assessments established by Board”)
2. Interlocal Agreement, Section 14c Withdrawal of a Member (“Upon withdrawal, a Member shall have no further obligations to the Pool, nor shall it be entitled to any portion of the Pool’s assets or equity.”)
3. Interlocal Agreement, Section 15a Termination of a Member (“Until the effective date of termination, the terminated Member shall have the benefits and burdens of participation in the Pool”)
4. Interlocal Agreement, Section 16b Dissolution (Upon termination or wind-up, the assets of the Pool shall be liquidated. Following the payment of all claims and expenses, each Member shall be entitled to a percentage share of the liquidation fund in that percentage which the total contribution payments by each Member bears to the total contribution payments by all remaining Members made over the life of the Pool.”)
5. Bylaws, Section 18 (“The Executive Committee shall make recommendations to the Board with respect to the annual budget, assessment of Member allocations and contributions, distributions of surplus to Members, the purchase, lease, sale, and disposal of real property, and all other matters that may come before the Board.”)
6. Governance Policy: Assessment Allocation Policy
7. Governance Policy: Capital Funding Philosophy Governance Policy

### Definitions

**Pool** – The Washington State Transit Insurance Pool, a joint self-insurance program formed by Interlocal Agreement pursuant to RCW 48.62 and 39.34 and governed to conform with WAC 200-100.

**Associate Member** – A local governmental public transit entity which had limited access to the Pool’s services and did not participate in the Pools joint self-insurance program. Associate Membership ended in 2008, with Associate Members needing to decide if they wanted to join the Pool in 2009 (or thereafter) as evidenced by such entity’s execution of the Pool’s Interlocal Agreement.

**Member** – A local governmental public transit entity which participates in the Pool’s joint self-insurance program as evidenced by such entity’s execution of the Pool’s Interlocal Agreement.

**Assessment** – Board approved assessments which are administered in accordance with the Assessment Allocation Policy or as otherwise directed by the Board.

**Contribution** – Member assessments recorded as revenue during WSTIP’s closed fiscal years. The contribution amount includes the Prior Period Assessment Audit (PPAA) amounts in the year WSTIP recognized the revenue as opposed to when payments related to the PPAA were made. Not included in the definition of contribution are payments made by a member of any other kind that are not for the express purpose of paying an assessment. Examples include bonds or stand-alone insurance products specific to the Member (that aren’t collected with the annual assessment), deductibles for claims, for training or loss prevention services or projects.

### Triggering Event

As noted in the Capital Funding Philosophy Policy under Hold Capital: “The Board will not consider the return of capital to the membership until the net position is above the risk capital target range.” While that policy may change, this Distribution of Surplus Policy doesn’t define the circumstances which might result in the decision to have a distribution of surplus; rather, it provides the methodology for an approved distribution.

**Eligibility for a Distribution of Surplus**

All Members are eligible for distribution of surplus if they have not withdrawn from the Pool or passed the effective date of termination, as defined in WSTIP's governance policy documents, prior to the Board approved distribution date. The distribution date is decided by the Board in its sole and absolute discretion. Below are four examples which describe how a Member (or former Member) might not be eligible for a distribution of surplus.

[How Withdrawal of a Member affects a Distribution of Surplus \(Note: These examples are for illustrative purposes only and may not always be applicable to facts of a particular situation.\)](#)

*Important background for the next two examples from 2014 Interlocal Agreement (ILA) Section 14a: "A Member may withdraw from the Pool only at the end of a fiscal year by providing at least six month's written notice thereof." 2014 ILA Section 14c: "Upon withdrawal, a Member shall have no further obligations to the Pool, nor shall it be entitled to any portion of the Pool's assets or equity."*

**Example 1:** By June 30, 20X6, Member A provides timely notice of their intent to withdraw from the Pool at the of the 20X6 fiscal year (see ILA Section 14a), which is December 31, 20X6 (the "effective withdrawal date"). At its 20X6 September meeting, the Board approves a distribution of surplus with a December 1, 20X6 distribution date. In this example, though intent to withdraw is given, Member A is a Member on December 1, 20X6 (the distribution date, not the Board approval date) and therefore eligible for the distribution of surplus.

**Example 2:** Same facts and circumstances as Example 1, except the Board approved distribution date is January 2, 20X7. In this example, Member A is a member on the date the Board approved the distribution but with an effective withdrawal date of December 31, 20X6. As such, Member A will not be eligible for a distribution of surplus on the distribution date. Based on this example, the portion that would have otherwise been distributed to Member A will remain with the Pool, there will be no recalculation of the distribution of surplus.

[How Termination of a Member affects a Distribution of Surplus](#)

*Important background for the next two examples comes from 2014 ILA Section 15a: "A Member may be terminated only by the affirmative vote of at least three-fourths of all representatives or alternates. The effective date of termination shall be six months following notice of the termination vote. Until the effective date of termination, the terminated Member shall have the benefits and burdens of participation in the Pool."*

**Example 3:** At its Friday March 26, 20X8 meeting, the Board approves the termination of Member B's membership (see ILA Section 15). Member B does not attend the meeting and therefore notice of the termination vote from the Board President is provided to Member B on Monday March 29, 20X8. The effective date of the termination will be 6 months from March 29, 20X8 which is September 29, 20X8.

At its 20X6 June meeting, the Board approves of a distribution of surplus with an August 1, 20X8 distribution date. In this example, Member B is a Member on August 1, 20X8 (the distribution date, not the Board approval date) and therefore eligible for the distribution of surplus.

**Example 4:** Same facts and circumstances as Example 3, except the Board approved distribution date is October 1, 20X8. In this example, Member B is a member on the date the Board approved the distribution but with an effective date of termination of September 29, 20X8. As such, Member B will not be eligible for a distribution of surplus. Based on this example, the portion that would have otherwise been distributed to Member B will remain with the Pool, there will be no recalculation of the distribution of surplus.

**Eligibility for a Distribution of Surplus (Continued)**

Should a withdrawn or terminated Member rejoin the Pool, only the total contribution payments in fiscal years after they rejoined the Pool will be considered for a distribution not connected to dissolution.

**Determination of Methodology for Distribution of Surplus**

Considering how long this policy might be in place before being utilized, it seems reasonable to incorporate options discussed for a return of capital. The review considered a Members loss history as a limiting factor in a distribution of surplus. Through discussion, it was noted a Member's assessment, which is experience rated, already includes increased contributions due to a Member's loss history. As a result, a Members total contribution payment over time would be reflective of a consequence of loss and a Members total contribution payment should be used as part of the calculation for a distribution.

The review also considered whether to include contributions paid for shared risk coverages (risk rated coverage) like General Liability coverage and contributions for non-risk rated coverage like Director and Officers Errors and Omission or to have some limiting component. Through discussion, it was noted amounts paid for non-risk rated coverage would be difficult to exclude (particularly back to 1989) and that these amounts if included would be de minimus as a component of a Members total contribution payment. As a result, the proposed framework would be a Members total contribution payment.

The 1988 and 2003 ILA both had a termination article with a Distribution of Assets paragraph which read:

“Upon termination, assets of the Pool shall be distributed to terminating member Transit Systems proportionate to their equity account and premium payments made during the last thirty-six (36) months of the Pool. The Board shall distribute the assets to terminating member Transit Systems within six (6) months after the distribution of the last pending claim or loss covered by the pool”

The 2004 and 2014 ILA modified the 1998 and 2003 approach with this section:

Section 16. Dissolution.

- a. The Pool and this agreement may be terminated by the written consent of three-fourths of the governing boards of the Members. Upon termination and wind-up, the Pool and this agreement shall continue in effect for the purpose of the winding-up the business and affairs of the Pool, including disposing of all claims, the collection of additional assessments, and the distribution of assets.
- b. Upon termination or wind-up, the assets of the Pool shall be liquidated. Following the payment of all claims and expenses, each Member shall be entitled to a percentage share of the liquidation fund in that percentage which the total contribution payments by each Member bears to the total contribution payments by all remaining Members made over the life of the Pool.
- c. Any and all disputes concerning the entitlement to or amount of any refund of excess payments or the distribution of assets shall be resolved by arbitration pursuant to the rules for commercial arbitration of the American Arbitration Association. All Members may participate in the arbitration and shall be bound by the arbitrator's decision.

It is observed Pool forebearers didn't expressly include a Member's loss history in a liquidation scenario and, while we may not know why they didn't, it seemed reasonable to not include a Member's loss history in a distribution not connected to dissolution.

**Methodology for Distribution of Surplus**

This policy utilizes the existing liquidation framework from the 2014 ILA Section 16 which notes a liquidation (or in this case a distribution) be “in that percentage which the total contribution payments by each Member bears to the total contribution payments by all remaining Members made over the life of the Pool.”

As an existing practice, the Pool records Member contributions in relation to WSTIP’s fiscal year.

The allocation percentage **numerator** includes Member contributions and excludes contributions an agency made when they were an Associate Member.

The allocation percentage **denominator** includes all Member contributions and excludes contributions an agency made when they were an Associate Member. The denominator also excludes contributions of any Member who has withdrawn (is past their “effective withdrawal date”) and contributions any Member who has been terminated (is past their “effective date of termination”). This denominator is what ILA 16b refers to as “the total contribution payments by all remaining Members made over the life of the Pool.”

Member Contributions	=	Members Allocation %
Total contribution payments by all remaining Members made over the life of the Pool		

The ratio is then multiplied by the amount of Board approved distribution of surplus.

See Addendum 1, which is an example of ILA 16b in action.

**Minimum for Distribution of Surplus**

In the case of a distribution of surplus not connected to dissolution, the Board approved distribution of surplus shall result in a minimum distribution that is the greater of \$1,000 or \$100 for each year a Member made contributions to the Pool.

**Amendment**

The Board may amend this policy.

**Repealer and Policy History**

This policy repeals any prior policy or practice by the Pool on this topic. New Policy in 2025.

Attest:

Approved as to form:

DocuSigned by:  
*Joseph Macdonald*  
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Joseph Macdonald, President

Signed by:  
*Shonda Shipman*  
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Miranda Nash, Secretary

Shonda Shipman Finance Director

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*Richard L. Hughes*  
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Richard L. Hughes, General Counsel

Hypothetical example used to demonstrate what we think Interlocal Agreement Section 16b has as the process to distribute funds should the pool end operations.

Twin Transit left the Pool in 2020, with a Member contribution in 2021 for coverage received in 2020 & 2021.  
Per ILA Section 14c Twin Tranist is not entitled to any portion of the Pool's assets or equity.

The contribution amounts shown below are the actual Member contributions based on WSTIP revenue recognized and/or realized in the fiscal years presented.  
Actual Member contributions are being used to help illustrate the process.

Join Sort	Member	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
1989-A	Ben Franklin	223,873	229,251	273,084	301,893	341,851	368,242	368,242	237,932	359,250	349,257	303,908	369,134	327,036	320,354
1989-B	Clallam	102,746	113,739	118,066	124,735	116,193	111,792	111,792	51,669	66,328	90,587	86,257	93,495	124,873	121,479
1989-C	Community	246,294	277,428	290,341	307,377	456,510	545,913	545,913	500,246	738,200	970,282	908,393	861,027	901,891	1,118,283
1989-D	Grays Harbor	132,458	133,033	158,890	177,318	180,426	180,770	180,770	91,060	126,823	127,158	146,334	183,793	187,242	196,392
1989-E	Intercity	187,826	196,408	216,309	275,904	316,654	652,051	352,051	280,655	291,848	374,731	383,411	390,804	415,260	415,853
1989-F	Jefferson	39,879	41,376	44,511	53,293	57,811	53,721	53,721	20,803	38,122	37,397	39,717	60,486	86,538	61,437
1989-G	Kitsap	238,014	246,293	256,686	274,443	322,711	311,384	311,384	340,630	352,436	507,218	525,714	465,027	464,635	465,252
1989-H	Pacific	33,116	37,160	48,159	50,508	63,364	67,738	67,738	34,224	31,869	43,303	27,414	19,081	27,816	29,049
1990-A	Link	-	-	8,750	45,743	162,888	174,340	174,340	163,363	191,727	199,425	199,794	117,519	138,063	171,749
1992-A	Island	-	-	-	-	95,985	102,819	102,819	102,353	116,963	153,892	156,448	179,032	201,224	182,298
1993-A	Mason	-	-	-	-	-	4,742	4,742	3,897	4,783	4,800	7,109	7,629	6,368	30,457
1993-B	Skagit	-	-	-	-	-	52,364	52,364	110,114	135,456	164,750	169,628	127,660	145,403	160,956
1995-A	Whatcom	-	-	-	-	-	-	-	131,279	163,707	187,837	178,858	192,811	196,356	275,652
1997-A	Grant	-	-	-	-	-	-	-	-	2,377	4,800	4,800	38,600	137,719	71,825
2002-A	Twin	-	-	-	-	-	-	-	-	-	-	-	-	-	23,555
2003-A	Pullman	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2004-A	Spokane	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2004-B	Valley	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2005-A	Columbia	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2005-B	RiverCities	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2005-C	Everett	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2005-D	Yakima	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2007-A	Asotin	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2009-A	Pierce	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2011-A	C-Tran	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2021-A	Central	-	-	-	-	-	-	-	-	-	-	-	-	-	-
		1,204,206	1,274,688	1,414,796	1,611,214	2,114,393	2,625,876	2,325,876	2,068,225	2,619,889	3,215,437	3,137,785	3,106,099	3,360,422	3,644,591

All values on this page have been validated between WSTIP revenues and/or Member Assessment source documents, they are materially correct as best we can determine

Matthew Branson  
Matthew Branson (Nov 10, 2025 07:16:30 PST)

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WSTIP Board Relations

The contribution amounts shown below are the actual Member contributions based on WSTIP revenue recognized and/or realized in the fiscal years presented.  
Actual Member contributions are being used to help illustrate the process.

Join Sort	Member	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
1989-A	Ben Franklin	598,316	626,251	616,446	604,380	626,988	686,905	1,011,038	1,074,912	962,680	941,817	916,424	901,953	866,222	962,402
1989-B	Clallam	210,535	241,637	193,634	185,185	198,475	214,115	230,550	219,204	224,282	236,063	244,832	285,239	322,922	327,406
1989-C	Community	1,557,891	1,862,511	1,991,174	2,054,542	1,838,803	1,817,681	1,898,866	1,872,148	1,844,843	1,585,573	1,559,882	1,715,509	1,827,325	1,993,270
1989-D	Grays Harbor	224,683	224,699	238,864	161,933	178,873	185,556	205,843	197,828	189,482	204,696	219,985	205,440	194,250	226,910
1989-E	Intercity	464,508	489,575	513,100	525,854	585,163	674,408	721,610	783,502	815,663	819,078	889,778	963,248	1,068,911	1,065,351
1989-F	Jefferson	74,870	102,750	92,269	85,738	95,899	84,798	89,105	91,284	85,954	84,722	80,451	92,900	105,140	118,565
1989-G	Kitsap	501,006	636,829	733,551	653,305	667,356	724,747	656,182	632,126	597,402	640,532	628,840	634,280	716,155	786,618
1989-H	Pacific	44,840	51,286	53,619	50,599	48,885	48,623	49,448	50,374	52,708	57,382	58,296	61,131	65,371	64,766
1990-A	Link	240,753	227,533	203,754	181,020	218,950	232,273	251,446	279,222	251,536	238,771	253,828	276,644	316,193	333,986
1992-A	Island	222,295	209,038	209,719	187,404	216,496	284,627	330,245	345,745	388,490	385,520	412,875	439,521	330,740	347,957
1993-A	Mason	83,034	110,778	115,312	130,445	127,623	125,412	120,694	150,458	158,544	159,671	182,545	174,283	188,697	194,978
1993-B	Skagit	120,281	111,811	129,533	110,878	168,684	209,159	234,939	231,033	227,063	240,095	291,082	346,964	373,351	346,396
1995-A	Whatcom	366,140	388,484	347,346	328,001	389,622	443,527	363,211	424,711	384,436	358,625	404,344	448,913	476,490	525,750
1997-A	Grant	74,307	80,406	76,085	42,871	108,856	150,611	130,317	133,420	134,228	100,974	122,027	131,120	170,510	154,160
2002-A	Twin	56,494	60,657	58,020	50,569	44,412	45,185	48,001	49,509	48,772	57,757	38,599	51,077	60,821	56,711
2003-A	Pullman	42,414	51,214	51,497	56,352	37,324	38,608	38,407	47,101	51,447	51,773	49,049	56,735	68,784	60,737
2004-A	Spokane	-	287,947	708,758	736,508	714,445	999,412	924,315	998,399	955,957	999,869	1,199,055	1,126,258	1,242,322	1,312,727
2004-B	Valley	-	7,687	83,771	54,184	55,523	78,786	79,562	59,246	68,799	98,210	98,672	97,164	103,751	109,456
2005-A	Columbia	-	-	20,714	21,917	22,601	26,482	35,334	38,886	45,722	45,936	41,566	40,440	40,081	39,904
2005-B	RiverCities	-	-	28,558	27,050	25,574	25,149	25,766	27,802	28,733	44,483	52,977	72,877	77,161	91,858
2005-C	Everett	-	-	137,959	205,122	199,717	220,440	281,733	285,443	283,815	271,935	251,885	237,286	271,457	288,918
2005-D	Yakima	-	-	39,028	109,325	123,051	146,909	187,987	219,433	178,938	205,248	226,188	193,004	225,262	194,362
2007-A	Asotin	-	-	-	-	10,000	20,000	26,305	30,517	34,620	39,531	36,039	32,107	40,259	45,099
2009-A	Pierce	-	-	-	-	-	-	380,850	1,972,379	2,187,998	2,064,973	2,232,821	2,258,683	2,230,950	2,291,678
2011-A	C-Tran	-	-	-	-	-	-	-	-	697,359	729,571	733,325	727,416	861,923	924,168
2021-A	Central	-	-	-	-	-	-	-	-	-	-	-	-	-	-
		4,882,367	5,771,092	6,642,711	6,563,182	6,703,319	7,483,413	8,321,754	10,214,682	10,899,471	10,662,805	11,225,365	11,570,191	12,245,048	12,864,133

All values on this page have been validated between WSTIP revenues and/or Member Assessment source documents, they are materially correct as best we can determine

Matthew Branson  
Matthew Branson (Nov 16, 2025 07:16:30 PST)

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Anna Broadhead  
WSTIP Board Relations

Hypothetical amount left over following the payment of all claims and expenses, the "liquidation fund"  20,000,000.00

The contribution amounts shown below are the actual Member contributions based on WSTIP revenue recognized and/or realized in the fiscal years presented. Actual Member contributions are being used to help illustrate the process.

Join Sort	Member	2017	2018	2019	2020	2021	2022	2023	2024	Total	Prorata	Dissolution Amount
1989-A	Ben Franklin	1,152,258	1,051,574	1,149,517	945,824	934,466	989,978	1,107,003	1,291,806	24,392,467	8.22%	1,643,417.33
1989-B	Clallam	347,942	355,909	333,585	332,480	346,261	355,070	397,741	447,079	7,683,897	2.59%	517,694.65
1989-C	Community	2,169,829	2,351,843	2,629,202	2,201,926	2,293,003	2,437,982	2,766,719	2,940,698	53,879,317	18.15%	3,630,063.44
1989-D	Grays Harbor	268,343	284,262	311,545	257,688	272,191	348,005	416,750	485,479	7,705,771	2.60%	519,168.38
1989-E	Intercity	1,188,907	1,095,836	1,207,114	1,083,445	1,292,991	1,413,122	1,723,249	2,002,203	26,136,381	8.80%	1,760,911.72
1989-F	Jefferson	122,536	131,621	139,775	117,368	137,774	158,991	167,025	182,623	3,130,971	1.05%	210,945.92
1989-G	Kitsap	866,291	903,307	1,066,950	979,056	991,962	1,192,286	1,328,217	1,545,794	23,164,619	7.80%	1,560,692.31
1989-H	Pacific	72,084	72,503	78,794	68,809	73,489	79,413	106,928	150,627	2,040,514	0.69%	137,477.50
1990-A	Link	389,017	414,460	462,682	490,685	594,857	594,037	678,553	852,810	9,730,711	3.28%	655,596.63
1992-A	Island	422,615	429,435	469,321	300,105	325,188	375,805	425,799	473,431	8,926,204	3.01%	601,393.80
1993-A	Mason	238,034	238,506	235,477	183,363	197,900	250,681	281,161	339,384	4,061,507	1.37%	273,639.86
1993-B	Skagit	413,039	429,744	450,197	361,025	357,119	437,871	484,346	590,748	7,784,053	2.62%	524,442.53
1995-A	Whatcom	595,841	566,067	627,138	609,549	616,696	704,753	837,912	961,064	12,495,120	4.21%	841,845.79
1997-A	Grant	177,023	244,100	245,541	112,591	105,940	135,310	144,857	170,063	3,205,438	1.08%	215,963.07
2002-A	Twin	53,805	51,177	67,858	74,967	2,867					0.00%	
2003-A	Pullman	70,240	89,879	88,373	81,827	92,894	81,819	85,190	99,839	1,391,503	0.47%	93,751.08
2004-A	Spokane	1,580,144	1,637,690	1,802,708	1,842,753	1,842,472	2,098,351	2,437,577	3,044,695	28,492,362	9.60%	1,919,643.48
2004-B	Valley	103,985	121,007	121,435	95,152	115,966	148,258	167,586	171,573	2,039,773	0.69%	137,427.61
2005-A	Columbia	39,101	43,650	43,710	32,253	36,687	44,817	45,052	57,086	761,939	0.26%	51,334.82
2005-B	RiverCities	105,770	78,780	85,033	84,983	106,418	116,468	119,871	132,884	1,358,195	0.46%	91,506.99
2005-C	Everett	335,727	336,030	349,719	263,793	307,577	325,027	368,434	413,145	5,635,162	1.90%	379,663.22
2005-D	Yakima	199,601	234,988	256,473	181,255	186,344	197,640	225,441	273,382	3,803,859	1.28%	256,281.05
2007-A	Asotin	53,982	50,623	51,108	49,993	64,499	63,772	69,614	78,585	796,653	0.27%	53,673.67
2009-A	Pierce	2,453,030	3,076,732	3,699,299	3,512,310	3,553,613	3,423,412	3,994,016	4,198,757	43,531,501	14.66%	2,932,890.00
2011-A	C-Tran	1,159,699	1,135,281	1,147,439	1,122,258	1,195,583	1,248,810	1,312,440	1,504,184	14,499,456	4.88%	976,885.90
2021-A	Central	-	-	-	37,128	38,948	39,098	42,636	45,373	203,183	0.07%	13,689.25
		14,578,843	15,425,004	17,119,993	15,422,586	16,083,704	17,260,776	19,734,117	22,453,312	296,850,555	100.00%	20,000,000.00

\* Includes rounding adjustment

All values on this page have been validated between WSTIP revenues and/or Member Assessment source documents, they are materially correct as best we can determine

Matthew Branson

Matthew Branson (Nov 10, 2025 07:16:30 PST)

Matthew Branson  
WSTIP Executive Director

Tracey Christianson

Tracey Christianson (Nov 10, 2025 11:16:17 PST)

Tracey Christianson  
WSTIP Executive Director (Retired)

Anna Broadhead

Anna Broadhead (Nov 10, 2025 07:52:59 PST)

Anna Broadhead  
WSTIP Board Relations