

# Courthouse Journal

W W W . W A C O U N T I E S . O R G

Washington State Association of Counties  
Washington Association of County Officials

November 9, 2000  
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## Election returns continue high rate of turnover for WSAC officials

The General election saw eleven more WSAC members fail to win reelection bringing to 32 the number of new members who did not file for reelection or were defeated in the primary and the general elections. There were a total of 74 members up for reelection. This is a turnover rate of 43%, which is about average over the past several elections.

Those who appear from the unofficial returns to have lost their jobs include Jim Fuller, Asotin; Jim Lynch, Chelan; Carole Boardman, Clallam; Leslie Emerick, Douglas; Gary Kohler, Ferry; Russ Wigley, Lewis; Cindy Olsen, Mason; Judy Carter, Skamania; Ed McLarney,

Skamania; David Nelson Wahkiakum (appointed to replace Dick Marsyla after his death in May); and, Ron Ozment, Wahkiakum.

If you include Grays Harbor, which appointed Dan Wood in March, eight counties elected two new members. All new members will take office on January 1, 2001.

Also of interest, Kitsap County approved a charter review commission and Clark County also elected freeholders to create a new charter. Both charters must be submitted to the voters when completed.

Initiative 722 passed with a 56.8% yes vote. Also, I-745 failed with a 47% yes

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## WACO Election News

Without a doubt, the 2000 election has been a real nail biter. In Washington state there are somewhere between 650,00 and 700,000 mail ballots still left to count. With such a large number of mail ballots out, there are any number of races that may yet be too close to determine the winner. At this time, there is a possibility of a mandatory recount for the United States Senate race. The vote totals currently fall within the mandatory recount status, a separation of less than 4,000 votes. Statewide, the race for the position of the Secretary of State may also be too close to call. Currently, former Clark County Auditor Don Bonker (D) holds a slim lead over the current Thurston County Auditor Sam Reed (R). November 22 is the day that the counties certify the election results. The Secretary of State's Office certifies the state general election returns on December 7. Should a statewide recount or partial recount be called for it would probably occur on November 27.

Pierce County Prosecuting Attorney John Ladenburg (D) will be the new Pierce County Executive. Ladenburg ran for the county's top

executive position against Republican council member Jan Shabro. Pierce County council member, Ken Madsen (D), has won his bid against Dale Washam (R) for the Pierce County Assessor-Treasurer position.

Yakima County Prosecuting Attorney Jeff Sullivan appears to have lost his race for a seat on the Washington State Supreme Court. Sullivan's opponent Susan Owens, a district court judge from Clallam County, is leading the race by 6% points.

Whitman County Treasurer Bob Lothspeich (R) ran unopposed for an unexpired term and will not appear on the ballot for this position again until the 2002 election cycle. In Clark County it looks like County Assessor Ben Gassaway (D) may have lost his race to Republican House member Don Carlson for the 49<sup>th</sup> District State Senate race. Skagit County Treasurer Katie Jungquist (R) has won her bid for the unexpired term for the county treasurer position against John Ozuna (D).

Former Cowlitz County Prosecutor James Stonier who resigned his position earlier this

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## Election returns

(Continued from page 1)

vote. There will be a presentation at the Fall Legislative Conference in Pasco on the impacts of I-722. Marc Greenough, from Foster, Pepper & Shefelman and Jim Pharris, from the State Attorney General's Office will make a presenta-

tion on Friday November 17th.

Pierce County Councilmember Ken Madsen was elected Assessor/Treasurer and Jan Shabro, also a Pierce County Councilmember ran unsuccessfully for Executive against Pierce County Prosecutor John Ladenburg. In Whatcom County Councilmember Bob Imhoff was

defeated in his attempt to unseat incumbent State Representative Doug Erickson.

Finally, while voters were defeating I-745, King County voters were approving a 2/10th local option sales tax to help pay for the Metro bus system and other new transportation improvements.

## I-722 legal challenge anticipated

One of the questions asked by some of the county assessors was settled on Tuesday evening. Their concern was that the vote on Initiative 722 would be so close that they wouldn't know what the outcome would be until late November, giving almost no

time to implement its provisions. Obviously, it is clear that Initiative 722 has passed and will become law on December 7, 2000.

However, we anticipate that there will be legal challenges filed against I-722 almost immediately. The *Seattle Post Intelligencer* reported that the City of Seattle expects to file a challenge as early as today. So, by the time you receive this *Courthouse Journal*, legal actions may have already commenced. We are told that the legal challenge will include a request to block the implementation of I-722 until the court has an opportunity to rule on its constitutionality. The challenge may be filed in King County Superior Court against King County Assessor Scott Noble, or may be filed against Department of Revenue Director Fred Kiga in Thurston County Superior Court, or both. If an injunction is issued in one county, I anticipate there will be further actions to have it apply throughout the State of Washington.

Most of the levy recalculation of the 2000 tax collections to determine the base for the 2001 collection has been pretty

well discussed and a strong consensus has been reached among assessors. In other words, we know what needs to be done to implement new limits on levies. The bigger issue facing most of the assessors is the requirement to roll back all property values to the 1999 value--plus an adjustment not to exceed 2%. Some counties indicate they are in a position to roll back values for the 2001 collections, while other assessors find this to be nearly impossible—or, if they could do it, tax statements wouldn't go out until spring or early summer.

Whatever course of action an assessor chooses, the one recommendation we can make is don't "burn any bridges." Assessors may find themselves in the situation of having to return to where they were previously, based on whether or not an injunction is issued and/or the court challenge is successful. It would be a good idea to keep two sets of records.

When we get more details on the court challenge, we will provide that information to all county officials.

### The Courthouse Journal

The *Courthouse Journal* is published weekly by the Washington Association of County Officials (WACO) and the Washington State Association of Counties (WSAC).

We welcome your suggestions and contributions. The weekly deadline is noon Thursday.

Direct inquiries and correspondence to *The Courthouse Journal*, 206 Tenth Ave SE, Olympia, WA 98501-1131.

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## Initiative 722 workshops offered in Moses Lake and Burien

The Association of Washington Cities in cooperation with WSAC is sponsoring two workshops that will look at the impacts of I-722. The first one will be held November 30<sup>th</sup> at the Hallmark Inn, in Moses Lake. The second workshop is being held December 12<sup>th</sup> at the Criminal Justice Training Center, in Burien.

The agenda includes looking at the legislative outlook, major legal ramifications, impacts on future tax collections, approaches to budgetary practices and best practices and a practical strategy session.

A registration form is included in *The Courthouse Journal* and must be returned by November 27<sup>th</sup> for the meeting in Moses Lake and December 6<sup>th</sup> for the Burien session. The registration fee is \$45 and includes lunch and workshop materials.

If small counties need a scholarship to help defray the cost of the sessions, WSAC will pick up the costs of one person per county. Please apply only if you truly need the assistance. To request a scholarship, check the scholarship box in the payment sections of the registration form (it reads "Need small city scholar-

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## News Briefs

### Transportation Subcommittee to meet in Pasco

The Legislative Subcommittee on Transportation will meet during the WSAC Legislative Conference. Councilmember Gary Nelson of Snohomish County will chair the meeting, which will be held on Wednesday, November 15 at 9:00 am at the Doubletree Hotel Pasco.

We encourage everyone to attend to participate in developing the transportation legislative package. If you have any questions, please contact Jackie White, WSAC staff.

### Washington State Rural Development Council Needs County Member

Bob Hart from Skagit County has served as the counties representative on the Washington State Rural Development Council. Due to Bob's leaving office the counties need a new representative for the Council. At the present time the Council lacks representation from the northeastern part of the state and would like someone from that area but it could be a commissioner from other areas as well.

The board meets four times a year, the January meeting is held in Olympia and the other three meetings are held

other locations around the state. The meetings are generally two-day meetings that include mileage, meals, and lodging cost reimbursement.

Anyone who has an interest should write to Bill Vogler so he can take the names to the Board of Directors meeting in Pasco, November 15. The Board will narrow down the list to three candidates to be sent on to the Council's selection Committee.

### Vacancy on Noxious Weed Board

Due to Whitman County Commissioner Hollis Jamison leaving office at the end of the year there will be a vacancy on the State Noxious Weed Board. The Washington State Association of Counties appoints one voting member who shall be a member of a county legislative authority.

Any county commissioner who has an interest in serving on this board needs to let Bill Vogler know as soon as possible, as he would like to take this to the WSAC Board of Directors meeting in Pasco on November 15.

### Mason County Treasurer retiring after 38 years of county service

Mason County Treasurer Dorene Rae has announced that she will retire at the end of the year, after serving as treasurer since 1978. She started working in the

Mason County Treasurer's Office in 1962 and was appointed county treasurer on January 16, 1978.

Dorene will now have plenty of time to spend with her husband, Walt, and their eight grandchildren. Dorene will continue to stay busy with her numerous involvements in the community. She is currently the Chairman of the Daycare Preschool at Mt. Olive Lutheran Church in Shelton, and will serve in that position for another year.

We wish Dorene and her family all the best.

### Directory Updates

Each and every county office is reminded to send updated information to the WACO office for inclusion in the new 2001 Directory of County Officials.

New officials names, updated addresses, phone numbers, fax numbers, e-mail addresses, websites, etc. are included on each county page.

Please be sure **your** county's information is correct.

### Klickitat County Assessor appointed

Harold Vandenberg has been appointed as Klickitat County Assessor, effective October 31. He is taking over the unexpired term of Alan Shipp, who has taken a position with a private company. Vandenberg has been the chief appraiser for Skamania County for the last few years.

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# Training Opportunities

## Avoiding Employment Liability

November 29, in Olympia or November 30, Wenatchee  
For all county officials, department heads, and supervisors  
*Presented by WACO and the Washington Counties Risk Pool*

## Medicolegal Death Investigations Training

November 29-December 3 or Vancouver January 8-12, Port Angeles  
For county coroners, medical examiners, and law enforcement  
*Presented by the Washington Association Of Coroners and Medical Examiners, Forensic Investigations Council, and Criminal Justice Training Commission*

**NO REGISTRATION FEES!**

Call WACO @ (360)753-7319 for more information

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## Divided court rules that state law giving mobile home park tenants right of first refusal to purchase their park is unconstitutional taking

By a 6-3 margin, the Washington Supreme Court ruled today that Chapter 59.23 RCW, the Mobile Home Parks – Resident Ownership Act – violates the state constitutional provision prohibiting the taking of private property for public use. In doing so, the Court, in a groundbreaking opinion authored by Justice Faith Ireland, reversed the Court of Appeals and for the first time interpreted the state takings clause to be more protective of property rights than the Fifth Amendment to the U.S. Constitution.

The Court concludes that Chapter 59.23 RCW

*“takes from the [mobile home] park owner the right to freely dispose of his or her property and gives to tenants a right of first refusal to acquire the property by blocking the owner’s sale to the third party and substituting themselves as buyers. The result is that the Legislature has authorized the taking of private property from the owner for the tenants’ private use in violation of the first sentence of article I, section 16. (emphasis added)”*

The Court distinguishes between legislative action to further public use,

for which eminent domain is allowed, and that which furthers private use -- which is totally prohibited.

“This prohibition is not conditioned on payment of compensation,” states the Court. “Whether or not a tenant organization might ultimately pay the owner the same price he or she is to receive from a third party buyer is irrelevant.”

The Court also distinguishes between “public purpose” and “public use.”

There is a separate concurrence by Justice Sanders. Dissents were filed by Justices Johnson and Talmadge, joined by Justice Smith.

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## Washington state supreme court renders opinion on Tacoma Narrows bridge public private project

The Washington State Supreme Court rendered an opinion November 9, 2000 that states that the agreement between United Infrastructure Washington and the Washington Department of Transportation to construct a second bridge, collect tolls as the finance mechanism and to maintain both the existing bridge and the new bridge violates existing state law and is therefore unen-

forceable. The Peninsula Neighborhood Association (PNA) appealed the trial court decision last year that allowed to project to continue. The public/private initiative projects have been controversial since the Department selected the top six projects in 1995. The 1995 Legislature spent a considerable amount of time debating the merits of the 1993 law and how the Department implemented

the law. After the 1995 Legislature made substantial amendments to the 1993 Act only one project survived, the Tacoma Narrows Project. Since then the PNA has been actively seeking a court solution. A copy of the brief can be accessed by Internet address [www.courts.wa.gov/opinions](http://www.courts.wa.gov/opinions).

Please call Jackie White, WSAC staff for more information.

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## Vocational Rehabilitation Services now subject to Order of Selection

The Division of Vocational Rehabilitation (DVR), DSHS, has entered into Order of Selection effective November 7. Order of selection requires that DVR prioritize services to the most significantly disabled and occurs when the demand for services exceeds the available funding. It is a federal requirement and the state plan to proceed must be approved by the U.S. Department of Education’s Rehabilitation Services Administration, which provides 80% of the program costs.

Under order of selection, people who apply for services are ranked in one of three categories determined by functional loss in areas of mobility, self-care, work tolerance, communication, interpersonal skills and cognitive abilities. The categories are: 1) most significantly disabled with functional loss in at least four areas; 2) significantly disabled with functional problems in at least two areas;

and 3) otherwise eligible with a problem in less than two areas.

DVR is supposed to help every disabled person who wants help on a first-come, first-served basis including those persons with mental illness and/or developmental disabilities. But the Division is running out of money. The cost of providing help is growing and the number of people who want help is growing, but the budget isn’t growing equally as fast. Jeanne Munro, DVR Director, said there was an 8% increase in applications for services in the past year with no corresponding increase in available funds. DVR provides help in preparing for and finding jobs, including tuition, occupational therapy, counseling and school supplies. It helps those with mental illness, developmental disabilities, and brain injuries. It also helps retrain older people who need to find different jobs. But more than 1300 people are on a

waiting list for help, mainly in Spokane, Bremerton, and Vancouver. And more than 3000 others have been accepted into the program but are now waiting for actual services.

DVR serves about 26,000 clients total and expects about 5,000 applicants for individualized employment plans will be covered by the new ranking system for the current two-year budget period ending next June. Last year’s budget totaled \$45.2 million, an increase of less than one percent over the previous year, while the number of applicants increased four percent and the cost of services increased by nearly 12 percent.

Washington is not alone in having to implement order of selection. While it is the first time for us, 36 out of the 83 state agencies nationwide that help the blind and disabled needed to ration services.

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## Vocational Rehab

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Our county administrators for programs that serve persons with developmental disabilities and those with mental illness are quite concerned that our clients may not meet the test of severe enough disabilities to qualify for assistance. It would appear that state direc-

tives to provide employment services for the mentally ill who can benefit from these services and new high school graduates each year may run into conflict with the new requirements. DVR has indicated they don't know how long they might have to follow order of selection and it could be until the next biennium starts in July. A number of our

local service providers are also becoming concerned as well since they don't operate on much of a margin.

More information will be provided on order of selection as it is implemented and the effects become more clearly known.

## ACHS Bi-monthly Meeting

### Association of County Human Services to meet in Kennewick

ACHS will hold its bi-monthly meeting in Kennewick at the WestCoast (formerly Cavanaugh's) at Columbia Center Mall on Wednesday, November 15 through Friday, November 17. The meeting will be held the same time as the WSAC Fall Legislative Conference, which is across the river at the Pasco Doubletree.

The Mental Health Section will be held on Wednesday, November 15 beginning at 9:30 and scheduled to run until 4:00. Pat Terry, Acting Director, and Richard Onizuka, Mental Health Services Chief, will attend from the DSHS Mental Health Division (MHD) among others. A very important discussion regarding the allocation of beds at the state hospitals for the upcoming biennium will be initiated at this meeting so please try and attend. Other subjects to be discussed include an update on Healthy Options and their limited mental health coverage, the JLARC report, co-occurring disorders, the Division of Vocational Rehabilitation's order of selection implementation, the performance indicator project, a recruitment update, and budget update as necessary.

The Chemical Dependency (CD) Section will meet on Thursday, Novem-

ber 16 beginning at 9:00. The ACHS Business Meeting will interrupt the Section meeting from 11:00 - 12:00. The vote on the increase in the WSAC dues will occur at this Business Meeting along with the election of new officers for the coming year. Order of selection will be discussed as well as the cross-section crisis response issue

In the morning the CD Section will have updates from the prevention, Title XIX, SSI, detox pharmacy, co-occurring disorders, and Governor's Council on Substance Abuse work groups. WSAC staff, Jean Wessman will discuss election results and the outlook for the session. Cleve Thompson, Clark, will cover provider/Department of Health issues, and Betsy Bosch, Kitsap, will talk about CDDA. The CD legislative committee will hand out several documents that can assist in beginning the early educational efforts with local and state elected officials regarding the need for additional CD funding.

In the afternoon after a report on TANF from Skip Mynar, Kittitas, central office will cover the Title XIX set aside, youth case management, a DMIO update, DOC/DASA collaboration, DOH WACs on background checks, and an

introduction of new regional administrators. And finally a nominating committee for section co-chair needs to be appointed. Adjournment is scheduled for 4:30.

The Developmental Disabilities (DD) Section will meet on Friday, November 17 beginning at 9:00 and scheduled until 3:30. Discussions will continue regarding the work from both the Division of Developmental Disabilities (DDD) and the Stakeholders' Group on implementing choice and self-determination as well as other budgetary items that might arise during the upcoming session. These will include transition funding and the Division of Vocational Rehabilitation's (DVR) entry into Order of Selection and its impacts on both DD and Mental Health employment efforts. The specific agenda will be available at the meeting so I guess you will have to attend or risk missing something that is very important.

Dave Hopper's office right here in Kennewick has put together this meeting. If you have any questions, please call (509) 783-5282. There is a possibility of snow in the passes so say hello to winter and drive carefully.

Please join us in celebrating the retirement of

## Nora Mae Keifer Whitman County Commissioner

*Reception to be held Friday, December 8, 2-6 pm  
Hill Ray Plaza, 801 Vista Pointe Drive  
Colfax, Washington*

(Continued from page 1)

fall was elected to Superior Court judge. Sue Baur (D) ran for the prosecutor position when a special three day filing period was open following Stonier's resignation. Baur defeated her Democrat opponent in the primary and appeared

alone on the November ballot. She will assume her position upon certification of the general election.

Grays Harbor Chief Deputy Clerk Cheryl Brown (D) handily won her race for the position of county clerk. Brown ran against Republican Darleen Beatty.

It also appears that Senator Val Loveland (D) may have lost her re-election bid to Republican Mike Hewitt. Senator Loveland has represented the 16<sup>th</sup> District for the past 8 years. Prior to that Loveland held the position of Franklin County Treasurer.

## Coming Events

November 13-16

**WASPC** (Washington Association of Sheriffs and Police Chiefs) Annual Fall Conference, Cavanaugh's, Yakima.

November 14

**WCRP** (Washington Counties Risk Pool) Autumn Board Meeting, Doubletree Hotel Pasco.

November 15-17

**WSAC** (Washington State Association of Counties) Annual Legislative Conference, Doubletree Inn, Pasco. See [www.wacounties.org/wsac/legconf/](http://www.wacounties.org/wsac/legconf/) for more information.

November 15

**WSAC** Legislative Steering Committee Meeting, Doubletree Hotel Pasco.

November 15

**WCIF** (Washington Counties Insurance Fund) Board of Trustees meeting, in conjunction with WSAC Legislative Conference, 10:00-noon.

November 15-17

**ACHS** (Association of County Human Services) Meeting, Tri-Cities.

November 28

**Medicolegal Death Investigation**

**Training**, sponsored by the Forensic Investigations Council, the Washington Association of Coroners and Medical Examiners, and the Criminal Justice Training Commission, [www.wa.gov/cjt/regional.html](http://www.wa.gov/cjt/regional.html).

December 7-8

**WAPA** (Washington Association of Prosecuting Attorneys) Annual Winter Meeting, Summerfield Suites, Seattle.

December 12-14

**WSAC** (Washington State Association of Counties) New Member Seminar, Phoenix Inn & Suites, Olympia.

## Employment Opportunities

**BENTON COUNTY TREASURER'S OFFICE.** Chief Deputy Treasurer (\$4,085—\$5,122 per month, plus benefits). Senior Management Position. Plans, directs and oversees accounting, cash management, investments, and financial computer systems for Treasurer's Office and all junior taxing districts within County. Manages and directs office staff. Contact Personnel Resources Dept. 1766 Fowler, Ste. B, Richland, WA 99352 or (509) 786-5626 or 737-2777, FAX (509) 737-2778 or website [www.co.benton.wa.us](http://www.co.benton.wa.us). Closes 5:00 pm 12/09/00. AA/EOE.

**THURSTON COUNTY, RISK MANAGER,** Employee and Administrative Services. Closing date: November 24, 2000. Salary: \$3,868—\$5,157.

Supervises the Risk Management division of the department. Plans, directs, coordinates and provides advice on risk finance/insurance, claims management and risk control programs. Interfaces with department managers and elected officials in the process of designing ways to reduce exposure to loss, developing policies, procedures and processes for handling risk management functions, and

supervising worker's compensation. Works closely with the Prosecuting Attorney's Office. Requires Bachelor's Degree in business, public administration, or closely related field. Five years of risk management experience, including experience with insurance, claims and risk control, including two years of significant supervisory experience.

Submit resume and letter of interest in addition to Thurston County Application. Applications are available online at [www.co.thurston.wa.us/thurston](http://www.co.thurston.wa.us/thurston), at Info Desk, Building 1, Thurston County Courthouse, 2000 Lakeridge Drive SW, Olympia, WA 98502, or by calling (360) 754-3800 or TDD (360) 754-2933. Application must be submitted/postmarked by closing date.

**THURSTON COUNTY, HUMAN RESOURCES MANAGER,** Employee and Administrative Services. Closing date: November 24, 2000. Salary: \$3,980—\$5,307.

Supervises the Human Resources division of the department. Provides services to the County including classification and compensation plans, benefits programs,

performance management programs, development and interpretation of personnel policies and procedures, testing, recruitment and selection, and ensuring administration of Affirmative Action, Equal Employment Opportunity, Americans with Disability Act and other related laws and regulations. Requires Bachelor's Degree in business, psychology, public administration, or closely related field. Five years of Human Resource experience, including experience in benefits, compensation and classification, and recruitment and performance management, including two years of significant supervisory experience.

Submit resume and letter of interest in addition to Thurston County Application. Applications are available online at [www.co.thurston.wa.us/thurston](http://www.co.thurston.wa.us/thurston), at Info Desk, Building 1, Thurston County Courthouse, 2000 Lakeridge Drive SW, Olympia, WA 98502, or by calling (360) 754-3800 or TDD (360) 754-2933. Application must be submitted/postmarked by closing date.

**HEALTH AND HUMAN SERVICES DIRECTOR,** Whatcom County Health and

Human Services Department, Bellingham, WA, seeks an individual to direct the administration of the Health and Human Services Department.

This position is accountable for the efficient and effective performance of four divisions - Administration, Community Health & Wellness, Environmental Health, and Human Services which form the Department. This position requires a master's degree in public health or public health administration or a related field AND 6 years progressively responsible related experience including 3 years of management/supervisory experience, OR equivalent. Hiring range: \$65,196 - \$73,236/annually, DOQ.

The application period for this position closes December 4, 2000. For required application packet contact Whatcom County Human Resources, 311 Grand Avenue, Suite 107, Bellingham, WA, or call (360) 676-6802. For detailed job announcement visit our website at [www.co.whatcom.wa.us](http://www.co.whatcom.wa.us) or call the jobline at (360) 738-4550. Equal Opportunity Employer.