

Courthouse Journal

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Washington State Association of Counties
Washington Association of County Officials

December 1, 2000
Issue No. 31

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I-722 Injunction Issued

Thursday, November 30, Thurston County Superior Court Judge Christine Pomeroy granted an injunction barring implementation of Initiative 722 for the named parties. The order applies to the Department of Revenue (DOR), King County, Kitsap County, Whitman County and Pierce County. The hearing on the substantive arguments has been scheduled for February 23, 2001.

On Monday, November 27, Judge McPhee was supposed to hear the request for injunction on implementation of Initiative 722. The hearing was rescheduled for Thursday morning before Judge Pomeroy. This was the date on which Tim Eyman and Permanent Offense were scheduled to have a hearing on whether they would be allowed to join the lawsuit and to have their "Motion for Change of Judge" considered. Their request was granted earlier this week without any hearing.

Since last week's *Courthouse Journal*, several additional jurisdictions indicated a desire to join in the legal challenge. Pierce County Executive Doug Sutherland (newly elected Commissioner of Public Lands) announced that Pierce County was going to request to be allowed to participate in the challenge of I-722. So has the City of Richland. Earlier this week, the City of Spokane filed suit against the Spokane County Assessor. It is our understanding that Spokane County is going to try to follow the lead of King and Kitsap whereby both parties stipulated that the case be transferred to Thurston County and consolidated with the other challengers. Wednesday, Whitman County requested to join the suit as well.

At the court hearing in Thurston County, all the various parties were represented by their attorneys. At this stage, there are so many people involved; it is almost necessary to have a program to keep track of who is representing

whom. The long and short of it is that we have several cities, four counties, various special districts, nonprofits, and individual taxpayers challenging Initiative 722 and asking for implementation to be delayed. The Attorney General's Office is defending I-722 and Tim Eyman and Permanent Offense are also parties defending the Initiative. It appears that the position of the Attorney General is that they do not have any strong objections to an injunction on the refund provision and the valuation limit provisions as long as the hearing on the merits of the case is scheduled in the near future. They argued that the levy limit (106% reduction to 102%) should not be delayed. Eyman's position is that a stay on the refund is ok, but no stay is necessary on the rest and that government officials should immediately implement I-722, because it is going to be upheld by the courts as being constitutional and local government must quit dragging their feet. Obviously, those challenging I-722 feel they have a very good case that it has several constitutional flaws, and they don't want to see any further revenue losses. The county assessors/treasurers do not want to have to expend the funds to begin the implementation of I-722 refunds and value changes and then have to spend additional funds to reverse what work had been done to implement I-722 if it is declared unconstitutional.

WACO has asked DOR to issue an order to direct all assessors to delay implementation of I-722 to avoid non-uniform application statewide. Additional counties are also considering joining the lawsuit.

CORRECTION

The November 21, 2000 *Courthouse Journal* listed a WSAC Legislative Steering Committee meeting on March 23, 2001. There is no Steering Committee meeting on that day.

Hague Announces NACo Steering Committee Appointments

Jane Hague, NACo President and King County Councilmember has announced the following names of county officials from Washington who have been appointed to NACo Steering Committees:

Ted Anderson, Skagit Co Commissioner
Public Lands Vice Chair

Joan Frey, Klickitat Co Commissioner
Public Lands Sub-Committee Vice Chair

Leo Bowman, Benton Co Commissioner
Transportation Member

Kent Cash, Cowlitz Co Engineer
Transportation Member

Robert Imhof, Whatcom Co Council-
member, Transportation Member

Gary Rowe, Jefferson Co Director of
Public Service, Transportation Member

John Trent, Pierce Co Public Works Di-
rector, Transportation Member

Joyce Dennison, Lincoln Co Clerk,
Justice & Public Safety Member

Phyllis Mann, Kitsap Co Director of
Emergency Management, Justice & Pub-
lic Safety Member

Diane Oberquell, Thurston Co Commis-
sioner, Justice & Public Safety Member

C.J. Rabideau, former Franklin Co
Prosecutor, Justice & Public Safety
Member

Dewey Desler, Whatcom Co, Deputy
County Administrator, Health Sub-

Committee Vice Chair
Patrick Libbey, Director, Thurston Co
Public Health, Health Sub-Committee
Vice Chair

Greg Kipp, Director, King Co Dev &
Environmental Svcs., Environment, En-
ergy & Land Use Sub-Committee Vice
Chair

Dave Somers, Snohomish Co Council-
member, Environment, Energy & Land
Use Member

Larry Lengyel, Executive Director Spo-
kane Area Workforce Development
Council, Labor & Employment Member

Monte Monteith, Clark Co Surveyor,
Telecommunications & Technology
Member

Charles Saddler, Administrator Jefferson
County, Telecommunications & Tech-
nology Member

Kirke Sievers, Snohomish Co Council-
member, Taxation & Finance Sub-
Committee Chair

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.

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The Blue Ribbon Commission on Transportation Adopts Recommendations

The Blue Ribbon Commission on Transportation (BRCT) adopted recommendations November 29 that identify variety of solutions for addressing the state's transportation crisis. Governor Gary Locke accepted the commission's recommendations at a news conference concluding a two-day meeting in Seattle. The commission identified an estimated \$150 billion need over the next 20 years, of which only \$55 billion is currently funded, leaving a shortfall of \$95 billion. The commission recommends raising an estimated \$54 billion by 2020. The state could resolve the remaining \$40-\$50 billion in costs by implementing aggressive efficiency measures and new approaches to reducing traffic, including telecommuting, smart growth land use development and transportation demand management. The recommendations center around the following critical elements:

-Establishing benchmarks and performance standards with a method to measure

progress;

-Increasing accountability and implementing aggressive efficiencies by shifting the Washington State Department of Transportation to the Governor and changing the Transportation Commission's role to one that is advisory to the Governor. In addition, the Transportation Commission will take on the new role of overseeing benchmark and performance standards.

-Investing in the basics to keep the statewide transportation system functioning well. A statewide revenue package estimated to raise \$7.7 billion over a six-year period is proposed to assist the state, counties and cities. This package consist of a 6 cent gas tax proposal plus a sales tax on gas at the wholesale level that equates to another 6 cent gas tax.

-Empowering regions to raise additional revenue in order to solve problems spe-

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cific to that region. A variety of local option tax or fee measures would be available to regions such as an additional vehicle license fee increase to \$50.

-Adopting an early action legislative package that identifies specific steps to take in the next six years to fight gridlock and rebuild public confidence that

transportation problems are being addressed.

The Commission is still in the process of preparing a final report that will be delivered to the Governor and the Legislature by the end of December. This will complete the Commission's work. The Governor and the Legislature are expected to consider the Commission's recommendations during the 2001

Legislative session.

The Commission's recommendations will be posted on the Internet at www.brct.wa.gov. For additional questions, please contact Jackie White, staff at the WSAC office

Department of Ecology Adopts Shoreline Rules

The state Department of Ecology adopted new rules on shoreline management on November 29. The new rules are in response to the 1995 legislation that directed the Department of Ecology to revise shoreline master program guidelines. The legislation also required counties and cities to amend their shoreline master programs consistent with the revised guideline, within two years.

The Department made several changes from the draft rule but none that had significant meaning for counties. The National Marine Fisheries Service

(NMFS) and the US Fish and Wildlife Service has agreed that any master program that complies with path B will automatically get an exception under the Endangered Species Act.

At the WSAC Legislative Conference a resolution to the legislature was passed to approve adequate funding for amending local shoreline master programs, increase the applicable statutory time limitation for amending local shoreline master programs and provide optional exemptions for counties that have adopted a shoreline master program, have adopted a comprehensive land use

plan and have 75 percent or more of the land base in preservation, natural resource use and/or open space.

The Building Industry Association and others are expected to file a legal challenge to the adoption of the new rule on the basis that the Department has overstepped its authority.

A copy of the Department's press release is attached. More information on the rule and a copy of the 191 paged document can be found at www.ecy.wa.gov.

Department of Ecology Buys Water to Help Fish Survive

The state's first effort to purchase water to restore stream flows is showing promise as part of an effort to help recover dwindling populations of salmon.

This fall, the state Department of Ecology signed transactions totaling \$420,000 to return 1,730 gallons of water per minute to the Methow and Walla Walla rivers. The money is part of a \$1 million appropriation approved by the legislature and Gov. Gary Locke in 1999 to purchase and lease water rights to put water back into streams where water flows are too low for fish runs.

"Buying water for fish is a key part of managing water in the 21st century,"

said Tom Fitzsimmons, director of Ecology. "These purchases and leases prove that water has a price tag attached to it, even for fish.

"By placing a dollar value on water, we can quickly break through much of the gridlock that is stifling the movement of water in our state. All we need is a willing buyer and a willing seller," Fitzsimmons said.

The largest purchase of water was in the Walla Walla basin. Ecology bought nearly 1,540 gallons of water per minute from a Walla Walla farmer for \$405,000. The water is currently being used to irrigate 225 acres of wheat and alfalfa seed crop. This irrigation water

will now stay in the Walla Walla River to provide more water for fish.

The water purchase in the Walla Walla basin also includes a conservation easement that will permanently protect the streamside habitat from development along nearly three miles of the river. This protection should improve water quality, make the soil and stream bank more stable, increase water storage and conservation opportunities, and improve the habitat for fish and wildlife.

With about half of the \$1 million appropriation remaining, Ecology hopes to make additional water purchases by next July in areas where stream flows are low and fish need more water. In addition, Fitzsimmons said he is optimistic that the 2001 Legislature will provide funding to buy more water for fish.

Congress Passes Two New Laws Pertinent to Public Health

In the closing days of Congress, both Senate and House passed the "Public Health Threats and Emergencies Act of 2000". This measure includes first-ever authorization of new federal funding designated explicitly for the assessment and building of core public health ca-

pacities. The National Association of County and City Health Officials (NACCHO) consulted in the bill's development and worked hard to draw Congressional attention to the gaps in the nation's public health infrastructure. The Act (formerly known as S. 2731 and

H.R. 4964) was incorporated into a large measure called "The Public Health Improvement Act of 2000" (H.R.2498).

The Public Health Improvement Act of 2000 has three components. The first concerns public health capacity-

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building, with an emphasis on public health agencies' abilities to detect and respond effectively to public health threats. The bill requires the Department of Health and Human Services, in cooperation with state and local public health agencies, to define these capacities. It provides for grants to states, political subdivisions of state, or consortia of states or political subdivisions to conduct needs assessments to evaluate the extent to which they have core public health capacities. For states or localities that complete a needs assessment, it establishes a program of competitive grants to be used to fill unmet needs.

The bill also explicitly addresses the problems of increases in drug resistant disease. The measure provides for grants to states, political subdivisions, tribal entities or other public or private nonprofit entities to increase their capacity to detect, monitor and combat this.

Bioterrorism preparedness is the third focus of the bill. It also provides for grants or cooperative agreements with States, political subdivisions of States, consortia of States or political subdivision, hospitals, clinics, or primary care facilities to increase their capacity to detect, diagnose and respond to acts of bioterrorism. Training, communication and coordination of medical care are among the activities that may be funded.

The next challenge is to gain meaningful funding for these programs in FY 2002 and to integrate them with ongoing programs now funded on an emergency basis, including the Health Alert Network (HAN) and bioterrorism preparedness.

Congress also has passed and the President has signed the Children's Health Act of 2000. The new law addresses a large constellation of child and adolescent health issues. The bill estab-

lishes or reauthorizes over 20 programs, most of which are linked to specific disease entities and which include a mix of funding for research, service delivery, and population-based interventions. The bill includes new programs of grants and cooperative agreements to states to address newborn and infant hearing screening and intervention, health and safety in child care facilities, childhood obesity, and children's oral health. It adds asthma prevention activities to the Preventive Health Services block grant program. Other programs created or reauthorized are administered by the Substance Abuse and Mental Health Services Administration and include violence prevention, emergency response, substance abuse prevention and treatment, fetal alcohol syndrome and suicide prevention.

Summaries of these bills can be found through the NACCHO web site: www.nacho.org.

December County Calendar

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|----|--|----|--|
| 1 | Property taxes not paid to county treasurer by this date are subject to an additional penalty of 8% on the total amount of the tax delinquent. RCW 84.56.020 | | qualifies as eligible historic property, the review board shall certify this fact, in writing, to the county assessor within 10 days. The county assessor shall record these certificates with the county auditor. RCW 84.26.050, .060 |
| 1 | County assessors to begin preliminary work for assessing property. RCW 84.40.040 | 31 | |
| 4 | Alternate date for budget hearing. County legislative authority may meet for purpose of holding a budget hearing. RCW 36.40.071 | | By this date, every special purpose district shall file a statement with the auditor of each county in which it lies including the following information: name of special purpose district; location; statutes under which it operates; name, address, telephone number and remaining term of office of each member of its governing authority; and the functions that the district is presently performing. RCW 36.96.090(1) Note: This information shall be forwarded by the county auditor to the State Auditor by January 31. RCW 36.96.090(2) |
| 12 | Election date for irrigation district directors. RCW 87.03.080 | | |
| 25 | Christmas Day - Legal Holiday. RCW 1.16.050 | | |
| 31 | The county prosecuting attorney shall make an annual report to the Governor. RCW 36.27.020 (12) | 31 | On or before this date, the Department of Revenue sets stumpage values for January through June (of coming year). RCW 84.33.09 |
| 31 | The county prosecuting attorney shall report to the State Liquor Control Board all state liquor law prosecutions during the calendar year. RCW 36.27.020(13) | 31 | By this date, the county treasurer shall designate one or more financial institutions in the state that are qualified public depositaries as set forth by the public deposit protection commission as depositaries for public funds. RCW 36.48.010 |
| 31 | Last day to apply for January 1 (coming year) open space classification on qualifying properties. RCW 84.34.030 | | |
| 31 | By this date, applications for classification as eligible historic property shall be approved or denied by the local review board. If the property | | |

News in Brief

Vehicle Renewal Internet Payment Option

The Department of Licensing (DOL) in conjunction with the county auditors and sub-agents have been working to implement the "Vehicle Renewal Internet Payment Option" (IPO). The IPO, when completed, will allow for securing vehicle license tabs via the internet using a credit card for payment. The IPO project members met on November 27 to update all interested parties on the project status. To date, the project is on schedule and thus far within the estimated budget. The expected implementation date is May 29, 2001. At this

time, DOL will be absorbing the credit card charge back costs.

Final Election Results

Attached to this week's Courthouse Journal are the final election results for the county races that appeared on the November 7 ballot. For any statewide or legislative races please refer to <http://www.vote.wa.gov/>.

Farewell to Gelman

A farewell party for Pierce County Assessor-Treasurer **Barbara Gelman** has been planned for Tuesday, December 19, at the County Public Services Building, in Tacoma, at 10:30 a.m. Barbara has served in the position for the past eight years. Prior to being elected assessor-treasurer, Barbara served on the Pierce

County Council for eight years. She ran for her old position on the Council again this year, but lost her bid for the office in the September primary.

Whiting Retires

A dinner has been planned to celebrate the retirement of **Don Whiting**, Assistant Secretary of State, on Wednesday evening, December 22. The dinner will begin at 6:00 p.m. at the Indian Summer Golf and Country Club, in Olympia. The cost is \$40 per person, which includes dinner and a gift for Don. Please RSVP by December 15 to Tracy Guerin, 9044 Blomberg St SW, Olympia, WA 98512. Don is retiring after 32 years with the Secretary of State's office.

Employment Opportunities

ASSOCIATE PLANNER/ ENFORCEMENT-Island County Planning Department has a full time opening. Duties include but not limited to: land use enforcement activity, investigating citizen complaints, evaluating enforcement cases and pursuing legal remedies, special long range planning projects and occasional permitting activity. Perform field investigations, prepare professional reports, develop and maintain records for code enforcement, represent the department during appeals. Bachelor's degree with major course work in planning, geography or other environmental science plus two years of experience in county planning or related field preferred. Employee in this position will have broad discretion and is expected to represent the department in a professional manner with focus on customer service. Closes 12/15/00 - Island County application required. Call 360-679-7372 from So. Whidbey 360-321-5111 ext. 7254 from Camano 360-629-4522 ext. 7254. EOE

PROGRAMMER/ ANALYST - Island County Central Services has a full time

position. Duties include but not limited to: perform complex systems programming, analyzing, designing, developing, modifying and maintaining software. BA degree or equivalent in computer science, business administration or related field and a minimum of three years professional programming experience or combo of training and experience that would provide the required knowledge, skills and abilities. Strong experience with Visual Basic 3.0 and above (specifically 3.0) and MS SQL Server 6.5 is required. Additional experience with MS Access 2.0 and above, C/C++, VB Script, Excel, Microsoft Word, HTML, ASP and Java is a plus. Closes 12/6/00 - Island County application required. Call 360-679-679-7372 from So. Whidbey 360-321-5111 ext. 7254 from Camano 360-629-4522 ext. 7254. EOE

EXECUTIVE DIRECTOR - The Transportation Improvement Board (TIB) is seeking qualified candidates for an Executive Director to the Board. The Washington State Legislature created the TIB in 1988 to fund local agency transportation

projects that improve the movement of people and goods. Candidates should have a BS and a MS or equivalent experience in a related field and ten years of experience in executive level policy development and managing professional personnel. Highly desirable qualifications include experience in working with the State Legislature, experience managing transportation activities within the State of Washington, an understanding of the state's fiscal and business climate, and a working knowledge of state statutes and administrative codes. Salary is \$90-99K per year DOQ, plus an excellent benefit package. Contact Rich Struna at (360) 705-7589 for information. Closes 12/22/00. EOE

ADMINISTRATOR

The Okanogan County Health District is seeking applications with resumes for the Administrator position. The Administrator functions as an executive director in carrying out the general policies of the Board of Health to provide core public health functions for the Health District in meeting the public health needs of the residents of

the county in areas of assessment, support services, environmental health, community/family health, health promotion and communicable disease prevention and response. Requires a bachelor's degree in public health administration or related field plus three years of increasingly responsible public health management experience. A master's degree in public health administration or related field is preferred. The salary starts at \$49,067.04 per year. For more information and job description contact Lori Albert at (509) 422-7156. E-mail: lalbert@co.okanogan.wa.us.

COMMUNITY HEALTH & WELLNESS SERVICES MANAGER, (Public Health, Nurse - Manager) Whatcom

County, Bellingham, WA, is seeking a master's prepared nurse for the division manager position in the Community Health & Wellness Services Division of the Health & Human Services Department. This position is responsible for planning, organizing, staffing, directing and controlling the efforts of staff, and other work and community groups to ac-

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comply with the work, mission, goals and vision of the department and the County in the assessment and delivery of a variety of nursing, social work, nutrition and medical services to individuals, families, groups and communities. Requires a bachelor's degree in nursing, including study in public health nursing AND a master's degree in nursing, public health or an allied health field AND 5 years of progressively responsible public health nursing experience in a health department INCLUDING 3 years of supervisory experience, OR equivalent. Hiring range: \$53,844-\$67,644

annually, (eff. 1/1/01), DOQ. The application period for this position closes 1/15/01. For required application 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 or call the jobline at (360) 738-4550. Equal Opportunity Employer.

Whitman County's Public Works Department is accepting applications for a full-time Assistant County Planner. This professional position involves re-

search and planning to provide recommendations for short-range development in the County. Responsibilities include assisting in the administration of land use regulations such as conditional use permits, variances, rezones, site plan review and the enforcement of zoning codes. Assistance to long-range planning efforts may be needed. Work will require an understanding of the codes, and consistency with past interpretations and County policy. Also required is contact with the Board of Adjustment, Planning Commission, public and other agencies. Work will require attendance at evening meetings.

Minimum Qualifications: Bachelor's degree in Planning or related field; relevant work experience or internship experience, or substituting, on a month for month basis, any combination of experience, education or training which would provide the level of knowledge and skill required. Possession of, or ability to obtain, a valid Washington State Driver's License Starting Salary Range: \$2,290 - \$2,502 per month plus benefits DOQ. Closing Date: December 22, 2000 at 5:00 p.m. Applications available at 402 N. Main St., Colfax, or by calling (509) 397-6200. AA/EOE