

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

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WSAC Legislative Conference

Please join us for the Washington State Association of Counties 2001 Legislative Conference November 14 - 16 at the WestCoast Silverdale Hotel in Kitsap County. The hotel is located on the water's edge of Dyes Inlet on Puget Sound and offers 150 guest rooms with water views and private balconies.

The conference includes the election of officers, adoption of the Association's annual budget and adoption of the legislative package as proposed by the Legislative Steering Committee. In addition to presentations on

major legislative issues including water policy and transportation, the conference will feature a dialogue on county-state relations, facilitated by Barry Mitzman, former host of KCTS-TV's "Serious Money." A breakfast workshop by organizational development specialist Mickey Fearn will help elected officials meet the challenges they face in increasingly complex times, and a workshop on emergency preparedness and response has been scheduled. Though not yet confirmed, we also are expecting Governor Locke to attend.

Wednesday's agenda includes meetings of

Scholarship Donations are Coming In!!

Auction items for the Washington Counties Scholarship Fund Auction are starting to reach the desks of anxious WSAC staff. The auction will be held at the Fall 2001 Legislative Conference, November 15th. The Thursday evening banquet and auction will be held at the lovely Kiana Lodge, a six-acre waterfront retreat on Puget Sound. The evening should be fun-packed with inviting delicacies to tempt the palate and great opportunities to purchase **great** items for a **great** cause. Just to whet your appetite here are some of the items that have been donated:

- > "Get-away-package" for 2 at the beautiful Port Angeles waterfront Red Lion.
- > "Sports Lovers Paradise" Pheasant

hunting, golf and lunch for two surrounded by the glorious fields of Garfield County.

> "One of a kind watercolor" a watercolor of the *Penn Cove Mourning* by the famous award-winning artist, Perry Scott Windfin.

A "standing ovation" for those of you who have generously donated auction items and completed and sent in your donation forms. **Please send your donations to WSAC by October 29.** Donation forms and additional information on the scholarship fund can be accessed on WSAC's web-site www.wacounties.org or contact the WSAC staff and we would be happy to fax you information.

State Talk of I-695 Backfill Cut Increases County Budget Uncertainty

This week the Governor and other state budget writers continued to talk about the possible elimination of the 2003 I-695 backfill. While the state is facing a serious budget problem, the elimination of the backfill would violate nearly all of the principles enunciated in the letter the Office of Financial Management sent to State Agencies (see related article

on state budget, page 4). The funds support a core public function – public safety. Eliminating the funds does not eliminate the program but merely shifts the burden to another level of government. It does not ensure that the remaining services can be funded at an acceptable level of service.

In July, the state sent a payment to counties for

WSAC Legislative Conference

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the Board of Directors and Joint WACO/WSAC Board of Directors, and the

State Talk of I-695 Backfill Cut Increases County Budget Uncertainty

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the 2002 budget year. Any proposed budget cut would reduce or eliminate funding for the 2003 budget year. Like the state, county budget writers are facing a slowing economy and the cumulative impact of a number of ballot meas-

Legislative Steering Committee. The Urban County Caucus and Rural Issues Subcommittee will meet on Thursday afternoon.

Thursday evening will feature the Scholarship Fund Auction &

Dinner. Every two years the Association holds an auction to help realize the educational dreams of the children of county employees. Not only do the proceeds go for a good cause, but also it is one of the premiere social events in

ures. Some counties have already exhausted reserves built through years of fiscal discipline. Many others will use significant portions of their remaining reserves in the 2002 budget.

This puts county budget writers in a terrible dilemma. One school of thought would argue for cutting budgets now to avoid deeper cuts next year. The downside of this approach is that it concedes that the Legislature will cut backfill funding. Another school of thought is

that counties should assume that the state would only impose the 15% cut the Governor is assuming in other major spending areas. The downside of this approach is that the cuts will need to be much deeper in the 2003 county budget.

No matter what approach your county adopts, it is important that counties clearly communicate with their local media about the importance of I-695 backfill funding in balancing their 2002 budgets.

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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Western District Meeting Fun and Informative

Clark County Commissioner Betty Sue Morris was elected President of the WSAC Western District last week in Pacific County. Outgoing Western District President and Jefferson County Commissioner Glen Huntingford opened the Thursday and Friday District Meeting by leading those assembled in an *a capella* singing of the Star Spangled Banner!

In addition to Commissioner Morris' elevation to the Presidency of the Western District, Commissioner Darcie Nielsen of San Juan County was elected Vice-President and Kitsap County Commissioner Jan Angel is the new Secretary-Treasurer. The three officers of each district, along with an at-large representative, sit on the WSAC Board of Directors.

Bill Lehning, Cowlitz County was elected Western District at-large representative to the WSAC Board of Directors. Jon Kaino of Pacific County and Dan Titterness of Jefferson County are the new Board alternates.

Major General Frank Scoggins filled in for Tim Lowenberg, the State Adjutant

General and head of the Washington National Guard, with a presentation on the September 11 attacks and the national defenses for homeland protection and readiness in this state. Secretary of Health Mary Selecky spoke of the key public health role in protecting ourselves and responding to terrorism, and Dennis Braddock, Secretary of DSHS, spoke of his desire for closer partnership between DSHS and counties.

In other business, a resolution was adopted supporting the counties challenging the state's requirement that counties pay half the benefits for Superior Court judges. The annual Crab Feed Thursday night was praised as "the best ever." Thanks to Pacific County Commissioners for their help in organizing that event and an excellent reception the night before at the Lewis and Clark Interpretive Center on Cape Disappointment.

Synopses of other key presentations from the Eastern and Western District meetings will appear in future issues of *The Courthouse Journal*.

Trustee Position Open on WACO Board

Any WACO members from Spokane, Clark, Kitsap, Yakima, Thurston, Whatcom and Benton Counties are eligible to apply for the position 2 trustee opening on the WACO Board of Trustees. The trustee would represent counties with populations of

125,000 - 500,000. The position 2 representative, Spokane County Clerk Tom Fallquist, was elected as WACO Secretary-Treasurer at the WACO Conference this month, and the new trustee chosen by the Board will serve until next fall when

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Trustee Position Open on Board

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election for a two-year term will take

place. If interested in serving on the WACO Board, send a letter of intent and a resume to the WACO office and we will forward it on to the officers and members of the WACO Board. **The**

deadline is November 5. The Board will be appointing a new trustee during the November 14 Board meeting, in Silverdale.

WSAC Nominations for Building Code Council Sought

The Governor's Office has notified WSAC that the Eastern Washington county seat on the State Building Code Council is open for nominations. Eastern Washington counties currently are represented by Yakima County Commis-

sioner Jim Lewis, who also serves as Chair of the State Building Code Council. The Council adopts and amends the State Building Code, including the Energy Code.

Please let Paul Parker at WSAC

know by November 2 if you are interested in being nominated by the WSAC Board for this gubernatorial appointment.

Farmers File Takings Claim Against Feds for Cutting Irrigation Water to Protect Fish

The *Seattle Times* has reported that Klamath Basin farmers filed a new lawsuit against the federal government this week, claiming a shut-off of irrigation water to protect endangered fish amounted to a seizure of private property worth \$1 billion. Only days ago another lawsuit that tried to force the government to turn the water back on was dropped. Farmers also pulled out of federal mediation that has been searching for long-term solutions to the basin's water problems.

The lawsuit was filed in the U.S. Court of Federal Claims in Washington, D.C., against the federal government by

irrigation districts and farmers served by the Klamath Project irrigation system, which was built in 1907 and is operated by the U.S. Bureau of Reclamation. The lawsuit says that shutting off water to 200,000 acres of the Klamath Project last April amounted to a violation of the Fifth Amendment of the Constitution, which requires the government to pay compensation for seizing property, and the Klamath Compact, which regulates irrigation water in the upper Klamath Basin.

The shut-off came after the Bureau of Reclamation decided that a drought left too little water to serve farmers after

the Endangered Species Act needs were met for endangered suckers in Upper Klamath Lake and threatened Coho salmon in the Klamath River. "We have the water rights. We weren't allowed to use them. So they took our private property away," said Mike Byrne, a Tulelake, California, farmer who is among the plaintiffs in the case.

The Washington, D.C., property-rights law firm of Marzulla & Marzulla is handling the case. The firm won a claim against the federal government in May when a Court of Federal Claims judge ruled that farmers denied water to help fish under the Endangered Species Act were protected under the Fifth Amendment. The amount the government owes the farmers has not been determined.

Stanton is Alternate For Emergency Management Council

Douglas County Commissioner Ken Stanton is WSAC's alternate on the state Emergency Management Council (EMC) and will represent counties when WSAC's regular representative is unable to attend EMC meetings.

Governor Gary Locke last month

appointed Thurston County Commissioner Diane Oberquell to represent counties on the state EMC. He chose Oberquell from among three nominees submitted by WSAC. The other two nominees were Stanton and Yakima Commissioner Ron Gamache. The

WSAC Board of Directors at its regular meeting October 10 named Stanton as the alternate.

The EMC advises the governor on various emergency management matters, including issues related to natural disasters and terrorism.

U.S. Senate Refuses to Extend Internet Tax Moratorium

On October 18, the U.S. Senate refused to approve a two year extension of the Internet tax moratorium. Earlier in the week, the House approved a measure extending the moratorium for three years. Opponents of the extension cited the tax loss to state and local governments. It is not clear whether a compromise to permit an extension can be reached before the extension expires on

October 31.

Eliminating the moratorium does not in itself solve the problem of collecting taxes on Internet sales. A Supreme Court ruling prohibits states from taxing interstate commerce without specific authority from the Congress. The Court said it was permissible for states to collect the tax where there was a "nexus" or physical presence of the vendor in the

state. Following the Dot.com bust, on line retailing has shifted to bricks and mortar retailers. This includes retailers like Eddie Bauer who have a presence in most states.

Washington State has a ban on Internet taxes, enacted by the Legislature, that doesn't expire until July, 2002.

WSAC Board Recommends Budget at Long Beach

The Board of Directors met in Long Beach preceding the Western District meeting last week and reviewed the proposed 2002 WSAC budget and dues schedule. They unanimously passed a motion to recommend it to the full membership at the annual meeting in Silverdale. A copy of the budget will be mailed to all members in the next week.

The Board also discussed the best strategy for relief of unfunded mandates as directed by resolution 2001-03, a

resolution of the Washington State Association of Counties to protect Public Health and Safety. This resolution was passed by the membership at the summer convention in Yakima this summer. The Board reviewed some legal analysis from one of our prosecuting attorneys and decided to have two counties prepare a review of several unfunded mandates in detail to use as a model for other counties to follow. They will report back to the Board during the Fall Legis-

lative Conference, November 14, in Silverdale.

The Board also decided to have a retreat to discuss the association mission, goals and objectives the day before the Eastern District spring meeting in April, at Sun Mountain Lodge.

The Board also appointed Douglas County Commissioner Ken Stanton as the alternate member to the state Emergency Management Council.

NACo President Gonzales Appoints Steering Committee Members

NACo President Javier Gonzales has announced the 2001-2002 Steering Committee members from the state of Washington. The following members have been appointed: Ted Anderson, Skagit County, Public Lands; Tim Botkin, Kitsap County, Environment, Energy and Land Use; Leo Bowman, Benton County, Transportation; Ken Dahlstedt, Skagit County, Agriculture and Rural Affairs; Dewey Desler,

Whatcom County Deputy Executive; Health Sub-Committee Vice Chair; Ross Dunfee, Benton County Engineer, Transportation; Pat Libbey, Thurston County Health Director, Health Sub-Committee Vice Chair; Phyllis Mann, Kitsap County Emergency Management Director, Justice and Public Safety; Sue Miller, Franklin County, Agriculture and Rural Affairs; Don Munks, Skagit County, Environment, Energy and Land

Use; Jim Rabideau, former Franklin County Prosecuting Attorney representing WACO, Justice and Public Safety; Gary Rowe, Jefferson County Public Works Director, Transportation; Kirke Sievers, Snohomish County, Finance and Intergovernmental Affairs Sub-Committee Chair; Dave Somers, Snohomish County, Environment, Energy and Land Use; John Trent, Pierce County Public Works Director, Transportation.

Members of WSAC or WACO who are interested in serving on NACo steering committees should contact Bill Vogler in WSAC or Debbie Wilke in WACO.

Ecology Releases New Stormwater Manual

The Department of Ecology, with assistance from local governments, industries, environmental organizations and tribes, has published the Stormwater Management Manual for Western Washington to assist in stormwater management and water pollution prevention. The manual offers tools and choices, from low-tech to high-tech, to manage stormwater runoff at industries, construction sites and in urban areas.

Stormwater runoff becomes a problem when rain and snow sweep dirt, bacteria, chemicals and other contaminants into streams, lakes, estuaries and underground water and make the waters unhealthy for drinking, swimming, boating

and fish habitat. The use of the manual is triggered through required ordinances and rules established by local governments and permits issued by local, state and federal agencies. The manual will be used by hazardous-waste treatment facilities, storage or disposal operations, transportation facilities, some manufacturers and other businesses.

Major urban areas—including Seattle, Tacoma, and Clark, King, Pierce and Snohomish counties—and the state Department of Transportation will use the manual to make sure the roads and areas in their jurisdiction do not cause water pollution. Approximately 90 other communities in the state will use the manual

in the next couple of years as they implement Phase II of the federal Clean Water Act stormwater program.

“King County was very involved with putting the manual together because we see it as a blueprint of choices and tools for efficiently managing stormwater,” said King County Executive Ron Sims. “The new manual reflects new and better ways to prevent and reduce stormwater pollution problems, while providing developers and regulators with a more complete toolbox to achieve this goal.”

Ecology expects to publish a similar manual for Eastern Washington in December 2002.

Some Enchanted Evening

For those of you who would like to own a videotape of the entertainment from the Annual WACO Banquet honoring Fred Saeger's retirement, we

are ordering extra copies. Even if you weren't there, you won't want to miss the shenanigans. There are treasurers dancing, clerks prancing, auditors sashaying and much more that will make you laugh until your sides hurt. We are offering this one-of-a-kind video for \$15.00, which will cover cost, as well as provide \$5.00 to the Washington Coun-

ties Scholarship Fund. It is well worth the cost to see men in dresses and wigs doing a choreographed dance (well sort of), including a certain elected state official. Negatives of the still photos are also for sale. . . Please contact the WACO office by November 1 if you would like to own a piece of WACO history.

State Budget Cut Targets Get More Specific

On October 16, the Office of Financial Management (OFM) released preliminary budget reduction targets to major agencies funded by the state general fund. Citing the potential for a deficit of as much as \$1 billion, Director Marty Brown asked large agencies to identify cuts of 15 percent in their 2003 general fund budgets. If all of these cuts were imposed, \$588 million would be saved. The cut targets include:

- DSHS \$474 million
- DOH 10 million
- Corrections 79 million
- Ecology 7 million
- Fish and Wildlife 8 million
- CTED 11 million

These reduction targets are focused on 2003, because cuts in many large

state programs require changes in laws or budget provisos. The OFM instructions did ask agencies to take whatever immediate measures they can to reduce spending. This includes delaying the start of newly authorized programs, leaving positions vacant, deferring equipment purchases, etc.

Brown's instructions to agencies suggested that they analyze their operations and identify core functions and responsibilities. They were also asked to focus on preserving safety net programs for the most vulnerable populations and preserving the state's quality of life. Finally they were also asked to make sure that the programs that survive the cuts are operated at acceptable levels of quality. At this point the state is looking to eliminate entire programs.

At the WSAC Western District meeting, DSHS Secretary Dennis Braddock stressed the significance of the reductions and asked WSAC to appoint a small group of county officials to provide feedback to the department on budget reduction options. Secretary Braddock said that he hoped to focus on saving those services needed by the most vulnerable groups of the population. He also noted that program quality must be preserved to avoid the human and liability costs of poor service delivery.

OFM is working with the higher education institutions and smaller agencies to identify reductions in their budgets as well.

The first round of reduction proposals are due to OFM no later than November 15. The revised revenue forecast will be released on November 20. As always, the I-695 backfill is on the list of potential reductions.

NMFS Audit Not a Good Report

The federal effort to recover Northwest salmon has been hurt by the "inconsistent, unresponsive and unnecessarily arrogant and confrontational" conduct of National Marine Fisheries Service officials, according to a draft audit by the U.S. Commerce Department's Office of Inspector General completed in August 2000 but never publicly released. Okanogan County obtained copies of the draft audit and released it to the public in late September.

The 14-page draft report titled "Leadership Lacking in Northwest Salmon Recovery Effort," involved interviews with more than 34 government,

tribal and industry officials. More than 80 percent of these officials said that the fisheries service had "failed" in collaborative efforts, with the harshest criticism coming from state agencies and tribal organizations.

The draft report was never finalized, according to federal officials. It lists the following findings, but no recommendations:

- NMFS needs to improve communications.
- NMFS must improve collaborative relations with other agencies and organizations.
- NMFS needs to increase the timeli-

ness of studies and drafts.

Okanogan County officials sought release of the draft and final documents through the Freedom of Information Act. That effort failed, but they were able to obtain leaked copies of the documents. "We think that it is obvious that there is an obvious attempt to cover up this information," Okanogan County Commissioner Craig Vejraska was reported to say. "I think a great deal of the criticism is valid," said Brian Gorman, a spokesman for the fisheries service in Seattle said to the *Seattle Times*. "I think that every government agency — when it goes through a period of rapid growth as we did when we started making listings in earnest — finds itself with some staff not doing a perfect job."

Legislative Forums on Crime Laboratory Services

The Washington State Patrol (WSP) Crime Laboratory will be the subject of five legislative forums around the state this month when surrounding county prosecutors, sheriffs and police chiefs meet with their local legislators. The WSP Crime Laboratory will prepare three items: 1) a 20-minute power-point presentation on what is now being done in the labs; 2) a handout of cold hit DNA cases solved in the local area; and 3) copies of the expanded services plan endorsed by the Washington Association of Prosecuting Attorneys (WAPA), the

Washington Association of Sheriffs and Police Chiefs (WASPC), the Washington Coalition of Crime Victim Advocates (WCCVA), and the Forensics Investigation Council (FIC). Local law enforcement officials will start the meetings and answer questions.

What can you do between now and the forum in your area? Call any local legislators and encourage them to attend. Attend yourself, and help to communicate the criminal justice system's need for forensic services during investigations.

Here are the dates and locations of the forums:

October 22, 2001 from 1:30 to 2:30 pm, in the Board Room at Columbia Basin College, 2600 North 20th Avenue, Pasco, Washington

October 23, 2001 from 3:30 to 4:30 pm, at the Clark County Regional Emergency Services Agency - 710 West 13th Street, Vancouver, Washington.

October 24, 2001 from 10:00 to 11:00 am, in the Kinard Room at the Snohomish County Courthouse - 3000

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Legislative Forums on Crime Laboratory Services

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Rockefeller Avenue, Everett, Washing-

ton.

October 25, 2001 from 9:00 to 10:00 am, at the Criminal Justice Training Commission Auditorium - 19010 1st Avenue South, Seattle, Washington.

October 26, 2001 from 10:00 to 11:00 am, in the Board of County Commissioner's hearing room at the Public Works Building - 1026 West Broadway Avenue, Spokane, Washington.

Health Insurance Portability & Accountability Act (HIPAA) Presentations at Both Eastern and Western District Meetings

DSHS and DOH combined to provide commissioners with an introductory session on HIPAA at both the Eastern and Western District Meetings. In brief, HIPAA will require all health care plans, providers and clearing houses to take certain measures to come into compliance with the federal law. At present only two parts of the law are approaching their implementation date. The first will be what is known as "transactions" which will require a common billing system for all transactions involving health care information, which will include standardized data sets. The second is known as "security" which will require common measures to protect individuals' health care information from disclosure. Other provisions will take effect several years out and information presented on them as it becomes clearer. They include security, national identifiers, enforcement, and digital signature.

County Officials may immediately ask, "what does this have to do with me? I'm not a health care provider." Well, the

definition of "health care plan, provider or clearinghouse" is quite broad and such services and benefits as most social services certainly mental health, chemical dependency, and developmental disabilities; public health; jail health; the area agencies on aging, and the provision of employee health benefits, are all areas where counties will be impacted. What is not so clear is exactly what we will have to do, how much will it cost, and when it needs to be done. It is equally unclear for the state. It should also be noted that this is a federal mandate and no funds have been allocated by the federal government to the states, local government or the private sector, all of whom will be heavily impacted by the cost of implementing HIPAA requirements.

The presentations were done by Tom Bristow, DSHS Local Government Liaison, 360-902-7552; Leah Hole-Curry, DSHS HIPAA Legal Officer, 360-664-6054; Vickie Hohner, HIPAA Project Manager, DOH, 360-236-4211; and Jim Stevenson, HIPAA Public Infor-

mation Officer, 360-902-7604. If there are questions, do not hesitate to contact any of the above. These sessions at the district meetings are just the first of what will be taking place over the next several years. Both your human services affiliate, the Association of County Human Services, and the public health affiliate, the Washington State Association of Local Public Officials, have also had initial presentations. In addition, many of your staff have attended or will attend one or another of the HIPAA Orientation Sessions held October 11 in Yakima, October 19 in Olympia, and a new one added to be held November 9 in Spokane, at the Spokane Regional Health District Building, W. 1101 College Avenue, from 8:30 - 4:30. An additional session may be added later in the Seattle area. It will be announced in the Journal. You can also visit the HIPAA website for information at <http://maa.dshs.wa.gov/dshshipaa>.

Commissioners Learn About Hazard Mitigation

Representatives of the Federal Emergency Management Agency (FEMA) and the state Emergency Management Division (EMD) teamed up at the recent WSAC district meetings to present information about hazard mitigation, including how counties can participate in a current federal grant program.

As part of the hour-long session the presenters distributed several helpful documents, including the "Earthquake Hazard Mitigation Handbook for Public Facilities," the Flood Hazard Mitigation Handbook for Public Facilities," a community outreach toolkit CD with hazard loss reduction strategies, a floodplain administrator's guide, and examples of floodplain management regulations that exceed national flood insurance requirements. These publications offer practical ideas for various types of mitigation measures. They could be particularly

helpful for county engineers and planners.

Commissioners or county staff may request additional copies of these materials from Jane Vukonich at jane.vukonich@fema.gov or 425-487-4691. Vukonich represented FEMA at the Western District meeting in Long Beach last week. Her colleague, Doak Mahlik, made the Eastern District presentation last month in East Wenatchee.

State Emergency Management Director Glen Woodbury attended both meetings and explained how his agency, organized as part of the state Military Department, coordinates with FEMA and with local emergency management programs. Among other things, the EMD administers the federal Hazard Mitigation Grant Program.

Woodbury described hazard mitigation as a sustained action taken to reduce

or eliminate the long-term risk to people and property from natural hazards. The intent of the federal grant program, he said, is to reduce the risk of future damage, hardship, loss, or suffering caused by major disasters.

Woodbury said successful applications will propose projects that independently reduce a community's vulnerability to a hazard and the potential for damage in a disaster. For example, under a previous mitigation grant program related to flood disasters in northeast Washington, Ferry County received a grant to relocate buildings out of the floodway at the Ferry County Fairgrounds. Commissioners at the Eastern District meeting described this project as a huge success.

Funding for the current grant program is based on a percentage of the to-

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Commissioners Learn About Hazard Mitigation

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tal loss attributable to the Nisqually earthquake, and currently is estimated to be about \$20 million. The grants are available for local governments, state agencies, tribes, special purpose districts and certain registered non-profit organizations that provide government-like services and facilities. Although funding for this grant program is in response

to the Nisqually earthquake, the mitigation grants are available statewide to address all types of natural hazards, including floods and wildfires.

The first round of grants will focus on funding specific projects; a second round of grants will address planning processes. The application deadline for the first round is October 31, but this application period remains open only to the approximately 20 counties that have already submitted "letters of intent." Applicant workshops have been held

across the state and individual technical assistance still is available from the state Emergency Management Division.

The second application cycle is expected to begin in early 2002, according to state Emergency Management staff. For further information about the grants contact Marty Best, the state Hazard Mitigation officer, at 360-596-3253, or EMD Director Glen Woodbury at 253-512-7001.

United States Forest Service (USFS) offers Resource Advisory Committee (RAC) Training

The Forest Service has scheduled meetings for County Commissioners and the Designated Federal Official of the Resource Advisory Committees. For west-siders a meeting is scheduled for Wednesday, October 24, from 10 a. m. to 2 p. m. at the Olympic National Forest Headquarters, 1835 Black Lake Blvd, Olympia. East-siders should attend on Thursday, October 25 from 10 a. m. to 2 p. m. at the Wenatchee National Forest Headquarters, 215 Melody Lane, Wenatchee.

The objective for the meetings is to

provide orientation and seek input on issues associated with Title II and RACs. Agenda items will include:

- FACA Training (Federal Advisory Committee Act)
- Decision making proves for Title II projects
- Roles and Responsibilities of the RAC
- Charter, and Operating Guidelines for RACs
- NEPA, NHPA, ESA Requirements

- Project submittal process, form and timeline for 2002 field season
- Agenda for the first official RAC meeting
- Logistics for RAC meetings

During the lunch hour, County Commissioners should plan a lunch meeting with their RAC/Designated Federal Official.

PLEASE MARK YOUR CALENDARS FOR THIS IMPORTANT DATE.

Felons and Voting

Wednesday morning, Mason County Clerk Pat Swartos and King County Records Manager Bob Bruce along with Tom McBride, Executive Director of the Washington Association of Prosecuting Attorneys, participated in a work group brought together by Senator Rosa Franklin. The purpose

of the meeting was to examine current laws regarding the restoration of voting rights to convicted felons who have been discharged by the court. Senator Franklin wanted to determine exactly how well current law works and if changes to the process should be made. Interest groups ranging from the Department of Corrections to the ACLU participated in the discussion. The question at hand was how best to notify felons that they

are eligible to have their rights restored or those who may have had their rights restored but may not be aware that the process has occurred. No particular resolve was brought to the table. However, representatives of the stakeholders made commitments to improving the processes of their organizations under current law, as it relates to this subject.

News Articles

Sims offers trimmed-down budget plan

Seattle PI - 10/16/01 by Mike Lewis

Proposal includes cuts in popular programs, 2 property tax increases

Facing declining revenues and rising expenses, King County Executive Ron Sims yesterday proposed a 2002 county budget stripped of some popular programs and financed, in part, by a temporary tax to help fight terrorism. Buses and many building projects were spared

in the \$2.9 billion proposal, which is designed to make up for a projected \$41 million deficit -- a shortfall that could worsen as the recession deepens and sales tax revenues fall. Major cuts proposed by Sims include \$10.5 million from criminal justice programs, including the Sheriff's Office, court security and the court system itself; \$6.3 million from public health and human services; \$1.7 million from local arts programs; and \$1.7 million from parks. Sims also proposed two property tax increases: A 1.89 percent boost to cover inflation and a 1.2 percent increase for just one year that would raise \$3.2 million to pay for

increased "domestic security" costs, including the pay of 170 county workers who are military reservists who could be called to active duty. County officials said the tax increases would add less than \$29 to the cost of the median-priced home in King County, with less than \$8 for the special fund.

In a speech to public officials, Sims unveiled his budget while invoking his family, the Great Depression and the terrorist attacks Sept. 11 to conjure images of people putting aside differences to work through tough times. But like

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News Articles

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sidewalk chalk art in a Seattle winter, Sims' rosy picture started to wash away almost as soon it was done. Though Sims said he and Sheriff Dave Reichert had agreed on a \$2 million reduction for the Sheriff's Office, a spokesman for Reichert late yesterday said the compromise no longer works. "(The compromise) was before Sept. 11," said John Urquhart, a Sheriff's Office spokesman. In light of new expenses for anti-terrorist security measures, the department now considers a \$1 million cut to be more reasonable, he said.

It's also unclear whether Sims can win County Council approval for his tax proposal, which would require a two-thirds majority on the 13-member council. County Council members, handed the two-inch-thick budget late in the morning, hadn't yet fully analyzed it. "The reality of this year's budget challenge is that for too long, the county's expenses have outpaced our revenues," said Councilman Rob McKenna, R-Bellevue. "In times of seeming unending prosperity, the county appeared fine. The reality has now set in -- this year's economic slowdown only exacerbates an already difficult situation." The County Council will review Sims' proposal, make amendments and vote on it late next month.

Sims also has proposed eliminating the District Court in Aukene and reassigning its three judges there to other courts. In all, he wants to trim 31 staff positions from the county's lower court. The judges strongly oppose the move. While Sims and the council work through budget cuts, which include the net elimination of 30 county jobs, spending will actually increase by about \$200 million. The increase will cover added costs for employee benefits and an expanded bus program paid for by a sales tax increase approved by voters last year. The bulk of the budget, \$2.4 billion, is money the county gets from the federal and state governments and bond sales, among other sources, and reserved for programs and services it must provide, such as wastewater treatment and public health. Metro Transit has the same status. Because only a small part of the county's total budget, about \$500 million, can easily be cut, the trims to close the projected deficit are necessarily deeper. For health and human services, it means the county will ask suburban

cities and non-profit agencies to cover more of the programs the county now helps pay for. For example, under Sims' proposal, social services agencies such as the Rainier Vista Boys and Girls Club won't receive the \$43,000 the county gave to them last year; the Eastside Legal Assistance program in Bellevue will lose \$24,000. And Kent's Youth and Family Services housing outreach project will have to find \$40,000 elsewhere if it doesn't want to reduce services. Some of the deepest cuts would be in the form of a \$1.2 million reduction to the child-care program. The cuts would eliminate services for 256 people who now use the program to help pay for child care. They are targeted at people who live in cities to protect those who live in the county's service-poor unincorporated areas.

Sims also would trim seven attorneys from the County Prosecutor's Office and prompt the Sheriff's Office to reassign deputies who now work on special details targeting gangs and vice back to regular street patrol. County Councilman Larry Phillips, D-Seattle, said he hopes the difficult budget cuts will prompt the council's Republican majority to be more willing to raise revenues, particularly in light of the possible passage of tax-cutting Initiative 747, which will be on the general election ballot Nov. 6. "The cuts we make this year cannot be viewed as one-time cuts," Phillips said. "Because of many of my colleagues' repeated unwillingness to even consider the revenue side of the county budget, we are forced to reduce core services provided by county government. "They like to talk about cutting taxes, but they don't like cutting services," Phillips said. "Well, that moment has now arrived."

P-I reporter Mike Lewis can be reached at 206-448-8027 or mikelewis@seattlepi.com

District Court judges handed a sentence: Cut costs

Seattle PI - 10/15/01 by Mike Lewis
15% budget reduction follows charge of waste

It was early spring when the King County Superior Court judges started feeling the pressure. The county's highest court, typically sacrosanct when it comes to budget cuts, was in the crosshairs as county revenues slipped. So a handful of court judges and administra-

tors pulled an unusual move: They offered information on their lower-court brethren, directing county staff to potential waste in District Courts in an effort to preserve their own budgets. The county bit.

When County Executive Ron Sims unveils his 2002 budget proposal today, the county's 10 District Courts face the deepest cuts in their history -- nearly \$3 million, or 15 percent. Sims reportedly will propose closing one court and eliminating 31 staff positions. By contrast, Superior Courts face a proposed 4.7 percent cut. Moreover, the lower courts face new scrutiny of their unusually high use of pro tems, or temporary judges, to replace regular jurists who are busy elsewhere. County payroll records indicate that King County's District Courts use temps far in excess of state guidelines -- nearly twice as much as comparable courts in other counties, even though their caseloads are falling. The courts handle misdemeanor crimes, traffic violations and small civil claims. District Court Judge David Steiner, who presides over the 26 judges, 295 staffers and \$21 million annual budget of the court system, said Sims is simply on a fiscal witch hunt, and that some bureaucrats deliberately are misinterpreting court data to make his highly efficient courts look bad. "It's very painful to me at this point to have District Court portrayed as a bad actor in the criminal justice system," Steiner said. "It's not true." Sims declined to discuss details of his budget proposal before today's speech, but said, "I believe that our proposal for the court is fair and reasonable, and I am prepared to defend it vigorously."

He'll have to. Judicial opposition will make the issue another flashpoint in a county budget with no shortage of them. King County will spend about \$2.2 billion next year, about \$41 million less than it says it needs to maintain services at current levels. Sims proposes deep cuts in a budget which next goes to the County Council for amendments. Acutely aware that he's got a better shot fighting cuts at the council level, Steiner already is lobbying. And Sims, who knows court representatives have been talking to Republican council members who traditionally are sympathetic, worries that the issue could turn into a nasty partisan fight. "It will be a watershed issue," Sims said. "I feel strongly about this." No County Council Republicans

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News Articles

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would comment on the reported cuts or potential political fight, saying they want to wait and see Sims' full proposal.

Double pay The coming battle over court funding actually started months ago, when Sims' staff started the annual budget process by scouting for spending cuts. They soon were pointed to the lower courts by a judge -- county staffers declined to say which one -- who said the courts were wasting money. One place the budget cutters should look, the judge said, was the District Court's use of pro tem -- or temporary -- judges to replace jurists who are sick, on vacation or leave, attending judicial conferences or simply overworked. Lawyers in private practice who sit as pro tems are paid a daily rate equal to one day's pay for the judge they're replacing. Retired judges who work pro tem are paid slightly less. The bottom line, however, is that the county pays double for a day's work -- the regular judge still gets paid and so does the pro tem. Under state guidelines, each judge can be replaced by a pro tem 37 days per year. Judges can call in a temp for additional days if they preside over inquests, do administrative duties, are removed from a case because of a legal challenge or if their workload is too high. For any other reason, the judge's pay is supposed to be docked.

Payroll records show that King County District Court judges averaged 54 pro tem days in 2000, with the five judges sitting in Seattle leading the pack, averaging 68 days. Judges working in Shoreline averaged 57 days, and those in Bellevue were absent 55 days. Their pro tems cost the county more than \$508,000 last year. By comparison, court administrators in Pierce and Snohomish counties say their judges don't exceed the state limit. "We don't ever go over in Snohomish County," said Karen Wick, that county's court administrator. And only one King County District Court judge has been docked for going over the limit during the past two years. All other judges who worked a full year received their full \$109,267 salary. Steiner disputes the county's figures on pro tem use. "We've asked the executive's office to see their numbers, and they've refused," he said in a recent interview. He points to his own records, which show a system average of 45 pro tem days per judge -- numbers that can

be easily accounted for when excused sick leave, administrative duties, seminars and Superior Court fill-in time are added in. Judges self-report their reasons for needing a pro tem. "If the executive is saying we don't use pro tems fairly, it is misuse of the data," Steiner said. District Court judges, he added, fill in for overworked higher court judges -- so much so that the Superior Court would have to hire five additional full-time judges next year if they were not available. That, he said, makes pro tem days climb because lower court calendars are not flexible enough to move judges up without calling in backups.

Superior Court records don't show how many replacement judges were called up from District Court last year, but do show the higher court jurists averaged 36 pro tem days. Steiner acknowledged that District Court caseloads have been falling, and conceded that without the higher court work, his courts might be "over-judged." "If we did not do the Superior Court work, we should lose a judge," he said. "If we didn't do the Superior Court work, I don't think we'd have any argument."

Needs questioned The District Court caseload has dropped steadily while its jurisdiction has narrowed in recent years. There were 209,616 cases filed in District Court in 2000, 15 percent fewer than in 1994. The drop is attributed, in part, to a decline in crime rates and to the steady incorporation of cities that established their own municipal courts, which handle the same kinds of cases. The county has a three-judge District Court in Federal Way, for example, but that city two years ago established its own courts to handle minor criminal cases. "Do we need the Federal Way court any more?" County Council Chairman and Federal Way Republican Pete von Reichbauer asked. "We'll have to take a close look."

But Federal Way isn't the only court being examined. Sims may also propose elimination of the Aukeen District Court, which covers a region that includes Enumclaw, Kent and Auburn. Each of those cities has its own municipal court. Aukeen Judge Richard Bathum said he's heard rumors that some in Sim's office consider the District Courts to be top-heavy, but said he has not heard that Sims wants to eliminate his court. "That would surprise me," he said. "We're extremely busy here." Steiner said he finds it frustrating that no

one credits judges for helping cause the decline in caseloads, and said he resents what he called a smear campaign against the lower courts. "If we are successful at this -- and we are -- then people should say 'good job,'" he said. The same Superior Court judges who pointed county budget-cutters toward the District Courts also complained that those courts are overstaffed. King County records show the District Court does have one supervisor for every six staff members, compared to a 1-12 ratio in Snohomish County and 1-15 in Pierce County.

To counter Sims' expected budget cut plan, Steiner has offered his own \$1.4 million cut, mostly from staff, saying his court is willing to do its part in tough times. But he said any deeper slicing would gut the courts, which brought in \$3 million more from fines last year than expected. County Councilman Larry Phillips, D-Seattle, will be the Democrats' point man on the budget in coming weeks. He said he, too, thinks District Court needs to be trimmed but he said the fight could turn nasty. It's always tough to take on the courts, he said, because politicians can be squeamish about cutting courts and law enforcement, fearing that they might be criticized as "soft on crime." But this year's budget is worse than any in memory, he added. And sacred cows will be gored. "I would be very surprised, given our financial straights, if we don't take a significant cut out of District Court," Phillips said. "We are in a world of hurt right now."

By the numbers Proposed District Court budget cuts:

- \$3 million, or 15 percent
- Salary of a District Court judge: \$109,267 a year
- Number of days per year judges may use "pro tem," or substitute, judges: 37
 - Number averaged: 54

Mike Lewis can be reached at 206-448-8027 or mikelewis@seattlepi.com

Coming Events

October 18-19

CRABoard Meeting, CRAB Office, Olympia

October 25-26

Washington State Assn of Local Public Health Officials, Local Boards of Health Leadership Workshop ("Emerging Public Health Issues"), SeaTac, Radisson Hotel

November 12-15

Washington Association of Sheriffs and Police Chiefs Annual Fall Conference, Doubletree Hotel, Pasco

November 13-14

Cost Allocation Training, Sponsored by **Washington Assn of Prosecuting Attorneys Support Enforcement Project**, Doubletree Hotel, Spokane City Center

November 14

WSAC/WACO joint Board meeting, Silverdale Hotel on the Bay, Silverdale

November 14

WCIF Board Meeting, in conjunction with WSAC Fall Legislative Conference, 10 am - 12 pm

November 14-16

WSAC Fall Legislative Conference, Silverdale Hotel on the Bay, Silverdale

November 14-16

ACHS Meeting, Port Orchard, Givens Center

December 13-14

Washington Association of Prosecuting Attorneys' Annual Winter Meeting, Crowne Plaza, Seattle

2002 Meetings

January 16-18, 2002

ACHS Meeting, Olympia

January 29-31, 2002

Legislative Rally & Tri-Association Legislative Reception, Olympia

February 7, 2002

WSALPHO Meeting, Olympia

March 20-22, 2002

ACHS Meeting, Tacoma, Pierce County

April 11-12, 2002

WSAC Western District Meeting, Rosario Resort, *San Juan Islands*, San Juan County

April 25-26, 2002

WSAC Eastern District Meeting, Sun Mountain Lodge, Winthrop

May 15-17, 2002

ACHS Meeting, Spokane

June 17, 2002

WSALPHO Meeting, Bellevue (Connected to WSAC Summer Convention)

June 18-21, 2002

WSAC Summer Convention, Bellevue

July 17-19, 2002

ACHS Meeting, San Juan County (or location in Northwest WA)

September 12, 2002

WSALPHO Meeting, Spokane

September 18-20, 2002

ACHS Meeting, Leavenworth

November 20-22, 2002

ACHS Meeting, Seattle

December 5, 2002

WSALPHO Meeting, SeaTac

Employment Opportunities

WASHINGTON ASSOCIATION OF COUNTY OFFICIALS DEPUTY DIRECTOR: The Washington Association of County Officials (WACO) is seeking a Deputy Director. WACO is a private non-profit association of county officials of thirty-nine counties. This full time position is in Olympia, WA, and assists the Executive Director in planning, directing, coordinating and administering association and staff activities under the policies established by the WACO Board of Trustees; represents WACO before the Legislature; and meets with state agencies, other associa-

tions and county officials to coordinate activities relating to county operations; as well as plans and develops programs, budgets, etc.

Requirements: A comprehensive knowledge and experience in county government; knowledge of laws, court decisions, and opinions governing county government operations; and possess excellent oral, written, and organizational skills.

Desired Qualifications: Extensive experience working with and knowledge of WA State laws and regulations relating to property tax appraisal and assessment; tax levies, exemptions and taxing districts; appeals; tax collection and distribution as it applies to counties; and, development and presentation of related

training programs. Completed applications with a resume and a cover letter are due in the WACO office by 10/31/01 at 5:00 p.m. Applications are available by calling WACO at (360) 753-7319, at 206 Tenth Avenue SE, Olympia, WA 98501-1311, or khouts@wacounties.org.

LEWIS COUNTY RISK MANAGER, Salary Range: \$3,456.58 - \$4,125.67 per month. Closing: October 19, 2001 at 5 pm. This position reports to the General Administration Department Director and is responsible for planning, organizing, and coordinating the operation and administration of Lewis County's risk management, safety, and loss control programs. Key responsibilities

include self-insurance, insurance procurement proposals, workers compensation program, loss prevention and control, lease and contract review, and processing of claims. BA plus two years related experience in the area of risk management or equivalent combination of education and/or experience that provide the necessary knowledge and skills to accomplish the essential functions is required. Certification or program completion in the risk management profession is preferred. A complete job description and application packet available at www.co.lewis.wa.us or from Lewis County General Administration Department, 360 NW North Street, Chehalis, WA 98532, telephone (360) 740-

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EMPLOYMENT OPPORTUNITIES

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1408. Lewis County is an Equal Opportunity Employer.

DIRECTOR OF PUBLIC WORKS - Clallam County on the beautiful Olympic Peninsula of Washington invites candidates who are experienced in public works and who possess strong administrative, communication and leadership skills to serve as Director. Accountable for the proper operation, maintenance, repair and construction of the County's roads and bridges; storm drainage; other services such as road vacations, land acquisitions, right-of-way determinations, maintenance and preservation of the County's records related to Road facilities; GIS, ER&R, solid waste, Clallam Bay/Sekiu Sewer, flood control, emergency management, trails programs. Requires BS degree in civil or related engineering field preferred, with previous related Public Works experience sufficient to demonstrate thorough administrative competency and extensive knowledge of modern engineering principles and practices as applied to municipal public works design, construction, maintenance and operations, or any combination of education and experience to demonstrate competency. Professional Engineer's License from the State of Washington preferred but not required. Salary: \$5466.79 to 6644.93 per month plus excellent benefit package. Resumes in lieu of applications *not* accepted. Application packages available on-line at www.clallam.net/local, by emailing us at personnel@co.clallam.wa.us or by calling our Jobs Line at (360) 417-2528. Clallam County Department of Personnel & Risk Management, 223 E. 4th St., Port Angeles, WA 98362. Closes 11/09/2001. EOE.

PIERCE COUNTY/PUBLIC WORKS & UTILITIES DEPARTMENT - CIVIL ENGINEER 2, Program Development Division (Job #2399). \$51,500 - \$65,977 Annually. Position closes: November 2, 2001. Advanced work in civil engineering responsible for duties associated with the transportation impact fee development and administration, capital programming, cost estimating and project scoping, preparing engineering related reports and documentation as required for

state, federal, and local authorities and as related to transportation issues and projects. Requires three years experience directly related to the position **AND** either a four-year degree in with major course work in civil engineering or closely related field OR, substituting for the degree, registration as an EIT in WA. Union membership required. Pierce Co. Personnel Dept., www.co.pierce.wa.us/jobs Or (253)798-7480 or TDD (253) 798-3965. EOE

PIERCE COUNTY /HUMAN SERVICES DEPARTMENT - PROGRAM COORDINATOR 2, Federal Programs (Job #2407). \$26.27 - \$33.76/hr, Closes: November 2, 2001. This is professional work for the Mental Health Unit of Pierce County Human Services. An employee in this classification is responsible for ensuring that the Regional Support Network (RSN) and all providers in the RSN are meeting the privacy and transaction format requirements of the Health Insurance Portability and accountability Act (HIPAA). Work involves the interpretation of complex Federal Regulations, the creation and administration of detailed Project Plans for the RSN and it's providers ensuring compliance with the regulations. A masters degree in Psychology, Social Work, Business Administration or a related field; and five years experience in mental health administration at county or state level. Two years experience in administration of a statewide Behavioral Health Medicaid Program preferred. Additional education and/or experience may substitute for the recruiting requirements. Pierce Co. Personnel Dept., www.co.pierce.wa.us/jobs or (253) 798-7480 or TDD (253) 798-3965. EOE

CLARK COUNTY - BENEFITS MANAGER Clark County, one of the fastest growing and best managed counties in WA, seeks a Benefits Manager to develop and manage the County's benefits programs with an emphasis on insurance benefits, deferred compensation retirement programs and HRIS. Serves as staff specialist and manager for FMLA and ADA compliance, ensures proper administration systems and procedures are in place, and provides counsel and advice to employees and managers regarding benefits and related matters. Bachelor's degree and four to six years professional-level human resources experience with a focus in man-

aging the employee benefits function for a large organization is required. This is a dynamic environment; experience in evaluating, recommending and implementing significant benefit changes is required. Employment application and letter of interest are required; detailed position information and applications available at www.co.clark.wa.us and from Clark County HR, 1013 Franklin Street, Vancouver, WA. (360)397-6018; TDD (360)397-6032. EOE.

SPOKANE COUNTY—ELECTIONS MANAGER \$3,336—\$4,502 per month plus excellent benefits. Manages the activities and personnel of the Elections Division of the County Auditor's Department. Open until filled. For complete description and application materials, please contact Human Resources at (509) 477-5750 or email gnewnham@spokanecounty.org; EOE.