

the Courthouse Journal

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Washington Association of County Officials
Washington State Association of Counties

November 4, 2004
Issue No. 26

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Unofficial Election Returns Brings Change for Many County Officials

The unofficial results of the General Election will put many new faces into county offices. WSAC had 75 positions on this year's ballot and WACO had five positions to fill unexpired terms. It appears that there will be at least 28 new WSAC members elected after all county auditors certify the election returns by November 17.

When the elections began with filing in July, 14 WSAC members decided not to run for re-election and eight members lost their primary election. An additional six members appear to have lost in the general election. In addition, two WSAC members are running for statewide office, King County Councilmember Rob McKenna (R) for Attorney General and Clark County Commissioner Craig Pridemore (D) for State Senate in the 49th District. Both are leading in the unofficial results. This could result in a 40% turnover in WSAC members.

Jefferson County Commissioner Glen Huntingford, and newly elected WSAC Secretary Treasurer is unfortunately one of those trailing in the returns. If the results hold up there will be a vacancy in the office of Secretary-Treasurer. The Bylaws require that "if a vacancy occurs more than sixty days in advance of a regular general membership meeting, the Board (of Directors) shall appoint a successor to serve until the next regular general membership meeting, at which

meeting an election will be held."

In addition five WACO members were on the ballot running for unexpired terms. Also, Island County Auditor Suzanne Sinclair (R) was running for U.S. Representative in the 2nd District against Rep. Rick Larson (D) a former Snohomish County Councilmember. She was trailing Larson in the unofficial returns. And King County Sheriff Dave Reichert (R) is defeating talk show host Dave Ross (D) for U.S. Representative in the 8th District.

Finally, there were two WACO members running for county commissioner, Kittitas County Auditor David Bowen who appears to be leading at this time and Spokane County Treasurer Linda Wolverton who is trailing former state legislator Todd Mielke.

For a complete listing of the unofficial county election returns see the attached file.

County Ballot Measures Passing in Several Counties

Four out of the eight counties with tax measures on the ballot appear to be passing at this time. Yakima County is passing a 0.3% local option sales tax for criminal justice purposes. It joins Spokane and Walla Walla as one of three counties using this new authority which was a Tri-Association legislative priority in 2003. Kittitas County failed in their bid to pass

a similar measure.

Whatcom County passed a 0.1% local option sales tax increase for jails. Jefferson County passed a 0.1% sales tax increase for E-911 and

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

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

WACO STAFF

Phone (360) 753-7319 / Fax (360) 664-2812

Debbie Wilke, Executive Director
Michelle Hagen, Deputy Director
Christina Bridston, Programs Coordinator
Brenda Bamford, Financial Operations Mgr
Kathie Houts, Administrative Assistant

WSAC STAFF

Phone (360) 753-1886 / Fax (360) 753-2842

Bill Vogler, Executive Director
Paul Parker, Assistant Executive Director
Maureen Morris, Deputy Director
Sophia Byrd, Policy Director
Law & Justice, Emergency Management
Jean Wessman, Policy Director
Human Services, Juvenile Justice, Housing
Scott Merriman, Policy Director
Transportation, Land Use
Vicki Kirkpatrick, Policy Director
Public Health & WSALPHO Administrator
Tom King, Associate
Research & Telecommunications
Jim Potts, Coordinator, Housing Outreach
Tom Robinson, Coordinator, Timber
Trina Bannister, Finance Manager
Ginni Peppert, Events Planner / Adm Asst
Barbara Warden, Acting Asst / Adm Asst
Tom Jensen, Technology Project Staff

CPO PROGRAM

Julie Kaufman,
Certified Public Official Coordinator

Lewis County passed a sales tax increase for public transportation. Clark County failed a public transit sales tax increase.

Ferry County attempted to get voter approval for a 50 cent property tax increase for criminal justice. Pacific County failed in a similar effort in the September primary. These are the only two counties who have tried to pass this authority, which would have allowed an excess property levy for up to six years for criminal justice purposes. It was a WACO priority piece of legislation in 2004.

In King County the council placed an advisory issue on the ballot concerning a locally funded transportation plan for the Regional Transportation Improvement Plan (RTID) designed to relieve traffic congestion and increase safety on road and transit projects in the county. Nearly 57% of the voters supported funding for the RTID with an excise tax on the value of motor vehicles being the first choice followed by increasing the gas tax or sales tax.

Two other non-tax county measures passed. King County voters agreed to reduce the size of the King County Metropolitan Council from 13 to 9 members. Redistricting will need to be completed in time for the 2005 election. And Mason County passed an advisory ballot to eliminate polling places and only vote by mail in all future elections.

NOTE: Legislative Committee schedules and agendas can be found at <http://www.leg.wa.gov/wsladm/calendar.cfm>

Budget, Finance and Taxes

Board of Tax Appeals Amends WAC 456-09 and 456-10

The Washington State Board of Tax Appeals is considering amending Chapters 456-09 and 456-10 WAC (Washington Administrative Code) concerning the rules of practice and procedure before the Board. The Preproposal Statement of Inquiry (CR 101) was filed with the Office of the Code Reviser on October 14, 2004. The CR 101 may be viewed from their website at:
bta@bta.state.wa.us.

If you would like to be involved in the process or have comments about the new rules, forward suggestions to their website or you may contact Jeanette Nelson at jnelson@bta.state.wa.us. Or write to Anne N. Solwick, Executive Director, Board of Tax Appeals, Post Office Box 40915, Olympia, Washington, 98504-0915.

New Air Quality Rules Proposed for Power Plants and for Puget Sound, Spokane Areas

Three different rulemaking efforts are underway to revise air quality regulations for power plants statewide and for air quality plans in the Central Puget Sound and Spokane areas. The rulemaking to focus on carbon dioxide mitigation at new electric power plants that fall below the Energy Facility Site Evaluation Council (EFSEC) threshold (350MWH) will create a new chapter in the Washington Administrative Code, Ch. 173-407 WAC. For details, click on <http://www.ecy.wa.gov/laws-rules/activity/wac173407.html>

The other two rulemaking efforts address the air quality regulations submitted by local air pollution control agencies to the Department of Ecology for inclusion in Washington's state implementation plan (SIP). The SIP is a collection of air pollution regulations, programs and plans to ensure that state air quality meets the National Ambient Air Quality Standards established by the federal Environmental Protection Agency. Notices of those proposed rules can be found at:

Including New and Revised Puget Sound Clean Air Agency Regulations in the State Implementation Plan <http://slc.leg.wa.gov/wsr/2004/20/04-20-095.htm>

Proposed State Implementation Plan Revision: Spokane Carbon Monoxide Maintenance Plan and Redesignation Request <http://slc.leg.wa.gov/wsr/2004/20/04-20-096.htm>

Ecology Introducing Stormwater Manual for Eastern Washington

Guidance for managing storm water, tailored for Eastern Washington's arid climate, will be introduced at several workshops scheduled throughout the region. The manual was prepared cooperatively by Eastern Washington cities and counties, the state departments of Ecology and Transportation, private engineering consultants and representatives of the building industry.

The "Stormwater Management Manual for Eastern Washington" is a companion document to the "Model Municipal Stormwater Program" document published just over a year ago. The two documents provide tools for managing stormwater discharges to protect water quality. The manual recognizes there are fundamental differences, such as soils and climate, between the east and west sides of the state.

Core elements of stormwater management and an overview of the document will be outlined during workshops scheduled for Nov. 9 in Spokane, Nov. 16 in Kennewick and Dec. 7 in Ellensburg. More workshops will be scheduled next year.

The Stormwater Management Manual for Eastern Washington is available online at <http://www.ecy.wa.gov/biblio/0410076.html>

Free computer discs (CDs) will be available for workshop participants and at Ecology's regional offices in Spokane and Yakima.

Workshop schedule:

- 8:30 to 11 a.m., Nov. 9, Mukogawa Fort Wright Institute, 4000 W. Randolph Rd, Spokane.

- 9 to 11:30 a.m., Nov. 16, Benton County PUD auditorium, 2721 W. 10th Ave., Kennewick.
- 1 to 3:30 p.m., Dec. 7, Hal Holmes Center, 201 N. Ruby St., Ellensburg.

For more information on the manual, model program or the upcoming workshops, contact Karen Dinicola at (360) 407-6550 or kdin461@ecy.wa.gov.

IAC Seeks Input on SB 6242 Implementation

The InterAgency Committee on Outdoor Recreation (IAC) is having a staff presentation and public comment on SB 6242 at its November 19 meeting in Olympia at approximately 9:30 a.m. in Room 175 A&B of the NRB. SB 6242 is the legislation authored last year by Senator Parlette requiring an examination of state agency land acquisition and disposal practices. It is generating discussion within budget discussions as well as policy review at the agency level.

This meeting is a good opportunity to share with the IAC county concerns about state agency land acquisition practices and priorities.

Ecology's Water Quality Assessment Available for Public Review

The second review of the 2002/2004 Water Quality Assessment is now available. You should be able to access the data on website at <http://www.ecy.wa.gov/programs/wq/303d/2002/2002-index.html>

The Department of Ecology is holding general workshops designed to provide general information about Washington's Water Quality Assessment but will not be able to

Environment, Land Use and Resources (continued)

answer questions about every specific listing at the workshops. If you cannot attend a workshop or have comments or questions about specific listings contact Ken Koch by email or call him at 360-407-6782.

- November 12, 2004
Lacey 10:00am - 12:00pm
Ecology Headquarters Auditorium
300 Desmond Drive, Lacey
- November 17, 2004
Yakima 6:30pm - 8:30pm Yakima
Convention Center
10 North 8th Street, Yakima
- November 18, 2004
Spokane 6:30pm - 8:30pm
Spokane Falls Community College
Student Union Bldg. Conference
Room W. 3410 Fort George Wright
Drive

Ecology also will be holding informational workshops on the Underground Injection Control Rule during this same time period. The purpose of these workshops is to discuss the draft proposal with individuals or governing agencies who may be affected by these rules before the process of formal rule adoption begins. For more information, see

<http://www.ecy.wa.gov/programs/wq/grndwtr/uic/index.html>

If you have questions on this please contact Mary Shaleen-Hansen by email or call her at 360-407-6143.

- November 9, 2004
Tacoma 1:00 – 3:00 p.m.
Tacoma Waste Water Treatment
Plant
2201 Portland Ave, Bldg A
Transmission Room

- November 16, 2004
Vancouver 1:00 – 3:00
Vancouver Water Resource
Educational Center
4600 SE Columbia Way
- November 17, 2004
Yakima 2:00 – 4:00
Yakima Convention Center
10 North 8th St.
- November 18, 2004
Spokane 2:30 – 4:30
Spokane Falls Community College
W. 3410 Ft. George Wright Dr.
Student Union Bldg , Lounge AB

Association News

Commissioner Steve Tharinger Begins Treatment

(Submitted by the Board of Clallam County Commissioners- November 4, 2004)

County employees and county residents have inquired recently about County Commissioner Steve Tharinger's periodic absences for Board meetings and activities during the past two weeks. The Board of Commissioners is sending county employees this brief notice concerning Commissioner Tharinger.

Steve has been feeling increasingly tired and depleted of energy over the past few weeks. Last week, after several tests, he learned that he has

stage 4 lymphoma. He made the decision to start chemotherapy treatment immediately.

Steve and Yvonne are being very realistic about the situation. They know this is a challenge that many others have faced. And, they know that the more people know about this reality, the less scary it is. They are studying cancer and facing this challenge together.

During treatment, Steve intends to continue studying briefing papers, budget documents, and reading mail and email. The Commissioners' office staff and Commissioners Doherty and Chapman will continue

to keep Steve informed of the board's calendar, activities and on-going County business. County Administrator Dan Engelbertson will seek Commissioner Tharinger's opinion on any major decision issues coming before the Board when Steve cannot be in attendance.

Steve and Yvonne wish to thank all those who have learned of Steve's illness and have wished him well with his treatment and recovery.

*For further information contact:
Dan Engelbertson
County Administrator
360.417.2233
dengelbertson@co.clallam.wa.us*

Boards and Commissions

Jail Industries Board Seeks WSAC Member

The Washington State Jail Industries Board of Directors will have a vacant position created by the upcoming retirement of Commissioner Bill Lehning. A Board position is reserved for a county commissioner or county council member selected by WSAC for a three year term. This appointment will be effective from January 2005 – December 2007.

The Jail Industries Board was established by the Legislature in 1993 to help establish a state-wide jail industries program designed to promote offender rehabilitation through meaningful work experience and reduce the costs of incarceration. The 1993 legislation laid out a number of duties for the Board aimed at balancing the interest of business and labor groups with the need to get more offenders working at the local level. Other duties include encouraging jail industries data collection and linkages between work and education. Board work is conducted at four meetings per year held at various locations around the state.

The new WSAC member will join a diverse group representing local government interests appointed by the Sheriffs and Police Chiefs, Corrections and Jail associations, County Clerks, the Prosecuting Attorneys, and the Association of Cities. Other Board members appointed by the Governor represent business, labor, crime victims and state agencies with interests in criminal justice, employment, and economic development.

Membership on the Board represents a challenging opportunity for a commissioner or council

member to shape the future of offender work all across Washington. The Board will be encouraging the growth of enterprises owned and operated by local jurisdictions and seeking to broaden the dialogue about the appropriate uses of offender labor. The Board needs strong leadership from WSAC in order to maximize its contribution to corrections and county government.

For more information about the Jail Industries Board, please call Jill Will, Executive Director, at 360-486-2432 or jwill@cjtc.state.wa.us. Address an email or letter of interest in serving to Bill Vogler at WSAC. The WSAC Board will select a new representative in November.

WSAC Seeks New Representatives for Shorelines Hearings Board

One of the six seats on the Shoreline Hearings Board is designated, by statute, for a county representative. WSAC is looking for commissioners, councilmembers and county staff interested in representing counties on the Board due to the departure of the current WSAC representative, San Juan County Commissioner Darcie Nielsen, at the end of the year.

WSAC, by board adopted policy, submits a list of county representatives to the Shorelines Hearings Board for appointment on cases. First preference goes to currently sitting commissioners and councilmembers, second preference for current staff supported by their county for this responsibility, and third preference for former county officials whom the Board wishes to keep available to serve.

The WSAC Board will designate new county representatives to the

Shorelines Hearings Board at its November 19, 2004 meeting. Please submit a letter of interest to Paul Parker, WSAC Assistant Executive Director, by November 5, 2004.

New Members Needed for County Road Administration Board

As current commissioners leave office, two vacancies will exist on the County Road Administration Board (CRAB) after January 1, 2005. CRAB, a state agency that oversees county road operations, is managed by a board that consists entirely of county elected officials and county engineers.

One position will be available for a commissioner or councilmember from a county with a population over 125,000 and another for a county commissioner from a county with a population from 12,500 to 125,000.

The WSAC Board will appoint the new CRAB Board members at its November 19, 2004 meeting. Please submit a letter of interest to Bill Vogler, WSAC Executive Director, by November 5, 2004.

Open Position for Criminal Justice and Training Commission

The Governor still has not appointed a new member to the Criminal Justice Training Commission (CJTC). Thurston County Coroner Judy Arnold's six-year term expired on June 30, and two of WACO's recommendations have been turned down to date. If any local government elected official is interested in the appointment, please contact WACO or WSAC and we will get a nomination form to you. The Commission develops and

Boards and Commissions (continued)

implements training standards and programs designed to upgrade criminal justice personnel. It also establishes standards relating to physical, mental and moral fitness for recruiting criminal justice personnel. Any local government elected official is eligible. There are four meetings yearly.

Good Things

NACo's 2005 Acts of Caring program to include cash prizes for the Legacy and Youth Service Awards

For the first time, NACo's 2005 Acts of Caring Awards will present cash awards to the volunteer programs that win the Legacy Award for Excellence and Innovation and the Youth Service Award. The winner of the Legacy Award will receive \$1,500; the Youth Service Award winner will receive \$1,000.

The Acts of Caring Awards recognize the top county volunteer programs in the country. The programs are honored for their community service and the legacy they provide for the future. This is the sixth year for this unique awards program.

In 2005, the awards will be presented during National County Government Week, April 10 - 16 in a ceremony on Capitol Hill. All winning programs will receive etched glass awards and recognition from NACo and members of Congress.

Up to 18 programs will be recognized and deemed examples of outstanding Acts of Caring. Based on county size, as many as three programs will be recognized in each of the following six categories: Community Improvement; Criminal Justice/Emergency Management; Elderly Services; Health Services/Social Services; Libraries; and Programs for Children & Youth. The types of programs that can be included in Community Improvement are arts & culture, historic preservation, environmental programs, services to help animals, civic education and recreation and parks.

Awards will be presented in each of three population categories to ensure that large and small communities and urban, suburban, and rural areas all receive the recognition they deserve.

The Legacy Award is presented to the program that most fully embodies the spirit of volunteerism by addressing a unique need. This award is given to the top program in the contest because it sets itself apart by providing unparalleled service in its community. It is selected from the entire field of Acts of Caring applicants.

The Youth Service Award is presented to the program that best identifies a critical need in the youth community and addresses it, in part, by engaging young people in service.

An "act of caring" is a community service provided by a county-sponsored volunteer program that enhances or preserves the quality of life. Winners will be selected by an independent panel of judges. Any county government that is a member of NACo with an active program that meets the contest criteria is eligible to participate. A county program that won an Acts of Caring Award in the past two years is not eligible in 2004.

The deadline for entries is Friday, January 21, 2005. Entries should be sent to NACo at 440 First St., NW, Washington, DC 20001. An award application is available online. Go to the NACo Web site—www.naco.org—and click on Awards.

The Acts of Caring is part of Counties Serve America, a NACo long-term project carried out in partnership with Nationwide Retirement Solutions. The project's goal is to raise public understanding

and awareness about county government.

(For more information, contact Tom Goodman, NACo's public affairs director, at 202-942-422 or tgoodman@naco.org.)

Long-Time Human Services Advocate and Council Woman Passes Away

It is with great sadness that WSAC reports the death of former Snohomish County Council Woman, Elizabeth "Liz" McLaughlin on October 30, 2004. Liz served as a council member for three terms and as chair of the council twice. She was first elected in 1986 to represent Council District 2, which includes Everett and Mukilteo. The daughter of Swedish immigrants, Liz was raised in Monroe followed by living in Everett for nearly 55 years. Throughout her life, she worked to make her community a better place as both a civic and political leader.

Liz was particularly known for her human services work, including her commitment to children, the elderly, individuals with developmental disabilities and/or mental illness, the homeless and others who did not wield political clout. Among her

many accomplishments was her help in creating the Public Housing Trust Fund and the Dispute Resolution Center in Everett.

When she retired in December 1995, she was given a grand send-off, complete with a tribute from Sen. Patty Murray, D-Wash., that was entered in the Congressional Record of the 104th Congress. She served on numerous boards, committees and commissions including the boards of Providence General Medical Center, the Everett Community College Foundation and the NorthSound Mental Health Administration. At the time of her death, she was in her second term as a commissioner on the Washington State Gambling Commission and had just wrapped chairing the capital campaign for Everett's Imagine Children's Museum. She was preceded in death by her husband, Don, and son, Kevin. She is survived by her son, Casey (Lisa) of Snohomish, three

grandchildren, her brother and sister and numerous nephews and nieces.

A memorial gathering will be held on Saturday, November 6, at 1 p.m. at First Congregational United Church of Christ, 2624 Rockefeller Avenue, Everett.

The family requests that those wishing to make memorial contributions consider the Imagine Children's Museum, Everett Community College Foundation or the Providence Hospice of Snohomish County.

WSAC remembers her long service on the Legislative Steering Committee and the WSAC Board of Directors. Above all, we celebrate her life as a model for her community, a generous spirit, and warm heart big as the ocean.

Calendar of Events

<i>Meeting</i>	<i>Location</i>	<i>Date</i>	<i>Information</i>
Calendar of Events online – www.wacounties.org For your convenience training and workshops are bolded .			
<u>NOVEMBER 2004</u>			
EMC Task Force	WA Counties Bldg, Olympia	TBD	(360) 753-1886
VETERANS DAY	WA Counties Bldg CLOSED	November 11	(360) 753-1886
WA Association of Sheriffs and Police Chiefs Fall Conference	Shilo Inn, Ocean Shores	Nov. 15 – 18	(360) 486-2380
Association of County Human Services	Spokane County	Nov. 17 - 19	(360) 753-1886
WA Counties Insurance Pool – WCIP Planning	Red Lion at Columbia Center, Kennewick	November 18	(360) 586-0466
WA Counties Insurance Fund – WCIF 2005 Budget	Red Lion at Columbia Center, Kennewick	November 18	(360) 586-0466
WSAC Board of Directors	Wyndham Hotel, SeaTac Airport	November 19	(360) 753-1886
THANKSGIVING HOLIDAY	WA Counties Bldg CLOSED	Nov. 25 and 26	(360) 753-1886
<u>DECEMBER 2004</u>			
Washington STATE	Election results – Last day for SOS to certify.	December 2	http://www.vote.wa.gov/calendar/
WSAC Legislative Steering Committee	WA Counties Bldg, Olympia	December 3	(360) 753-1886
Newly Elected Officials Training	Phoenix Inn, Olympia	December 7 – 9	(360) 753-1886
EMC Task Force	WA Counties Bldg, Olympia	December 9	(360) 753-1886
WA Association of Prosecuting Attorneys Winter Meeting & Banquet	Crowne Plaza Hotel, Seattle	December 9-10	(360) 753-2175
Washington STATE	Resolutions – Last day to file for 2/8/05 special election.	December 23	http://www.vote.wa.gov/calendar/
Washington STATE	Initiatives – Last day to file signatures for Legislature.	December 2	http://www.vote.wa.gov/calendar/
CHRISTMAS HOLIDAY	WA Counties Bldg CLOSED	December 25	(360) 753-1886
NEW YEARS HOLIDAY	WA Counties Bldg CLOSED	December 31	(360) 753-1886
<u>JANUARY 2005</u>			
Washington STATE	59th Legislative Session Begins	January 10	http://www.leg.wa.gov/wsladm/calendar.cfm
WSAC Rural Issues Sub-committee	WA Counties Bldg, Olympia	January 13	(360) 753-1886
Urban County Caucus	Mercato Ristorante', Olympia	January 13	(360) 753-1886

Calendar of Events (continued)

WSAC Legislative Steering Committee	WA Counties Bldg, Olympia	January 14	(360) 753-1886
WSAC Rural Issues Sub-committee	WA Counties Bldg, Olympia	January 27	(360) 753-1886
Urban County Caucus	Mercato Ristorante', Olympia	January 27	(360) 753-1886
WSAC Legislative Steering Committee	WA Counties Bldg, Olympia	January 28	(360) 753-1886

* Info and registration on all Certified Public Official (CPO) Training - <http://www.wacounties.org/CPO/Course%20Calendar.htm>

** A special Tuition-Free Course offered by the National Mass Fatalities Institute in partnership with the Clark County Medical Examiner's Office

Attachments

2005 LEGISLATIVE PACKAGE

Washington Association of County Officials

*Adopted by the WACO Membership at the WACO/WSAC Annual Conference in Spokane, Washington
on Thursday, October 7, 2004*

>> TAXATION <<

1. RECOMMENDATION: Support legislation to improve that portion of the destroyed property exemption scheduled to sunset at the end of 2004.

Explanation: Current law allowing for an abatement of current year's property taxes for property destroyed as a result of a natural disaster will sunset at the end of 2004. WACO would like to continue this relief and include any property involuntarily destroyed. This legislation would retain important relief for affected taxpayers and remove abuses in current law which allows relief for voluntarily destroyed property.

2. RECOMMENDATION: Support legislative review of property tax exemptions at least once every six years (similar priority adopted by WACO in 2002 and 2004 Legislative Sessions).

Explanation: A periodic review of property tax exemptions promotes fairness and equity. Currently, property tax exemptions equal twice the revenues collected, and exceed the state biennial operating budget. The fiscal impact would be positive. Should exemptions expire due to invalidity or ineffectiveness, the tax levy rates would decrease.

3. RECOMMENDATION: Clarify and streamline county treasurers' administrative statutes.

Explanation: This legislation includes seven issues: 1) clarifies that the shipping date on mail or parcels delivered by a private third party delivery service works the same as the postmark date by the United States Postal Service; 2) makes clear that treasurers choose accounts into which entities deposit monies; 3) amends abandoned intangible property section to clarify that excess proceeds from foreclosure sales are not subject to the state's unclaimed property process and if the owner of records does not claim those proceeds they revert to the county current expense fund after three years; 4) changes interest rate calculations and dates for voluntary deposits by individuals or developers; 5) transfers to the Department of Revenue the responsibility for processing the transfer of water rights separate from the real property; 6) requires all taxes to be paid before processing a boundary line adjustment, with exceptions, as well as clarifies the last date a business or individual can record a lien against a real property parcel in foreclosure and still have the right to request funds to satisfy their recorded lien from excess proceeds; and 7) prohibits refunds on payments made in error by a third party payee (mortgage companies or tax services), requiring the third party payee to recover its money from whomever benefited from the mistake.

4. RECOMMENDATION: Requiring a \$5 fee on all Real Estate Excise Tax (REET) transactions.

Explanation: Currently, county treasurers can collect \$2 on nontaxable REET transactions. This fee would be increased to \$10. Five dollars of the fee would be collected and deposited into a special fund to be used solely for the purposes of developing, implementing and maintaining electronic technology for processing REET. In addition, a new \$5 fee would be added to taxable transactions. Fees would be distributed under the same formula as the Centennial Document Preservation and Modernization Account (RCW 36.22.170) in the county auditor's office, with one-half equally to all counties and one-half based on a population formula. Proceeds would be equally divided and distributed back to each county monthly, so that small counties would advance at the same pace as their larger counterparts.

Attachments (continued)

>> ELECTIONS <<

1. RECOMMENDATION: Increase the amount of time between the Primary and the General election and move associated timelines, such as candidate filing week.

Explanation: By moving the Primary to an earlier date (to be determined, but at least two weeks prior to current date), county auditors would have more time to prepare ballot materials after the Primary and before the General election. This would address possible recounts or court challenges that delay ballot printing, as well as improve the ability to comply with new Federal guidelines and to ensure enough time to mail ballots to members of the military and overseas voters.

>> GENERAL GOVERNMENT <<

1. RECOMMENDATION: Add language to statute to clarify that the term "chief financial officer" applies to charter counties only.

Explanation: In the 1995 Legislative Session, legislation was passed to "clean up" several State Auditor statutes. The resulting language is ambiguous and an amendment is necessary to clarify that "chief financial officer" refers only to the office in a charter county that is responsible for performing the same duties as the county auditor in a non-charter county.

2. RECOMMENDATION: Increase the surcharge for the preservation of historical documents from \$2 to \$5.

Explanation: The current \$2 surcharge added to the recorded document fee for historical document preservation is not adequate for the multitude of county records needing preservation by imaging technology or other preservation and access systems. The proposal would increase the O & M fee to \$5.

3. RECOMMENDATION: Remove the state forensic pathology fellowship program from joint oversight of the University of Washington and the Forensic Investigations Council and allow the Council to administer a state forensic pathology program to better provide delivery of forensic pathology services to the counties of the state.

Explanation: Many counties do not have forensic pathology services available to them and to meet that need, the forensic fellowship program was established. The position has been difficult to fill in recent years and has been vacant most of the time. Most fellows leave to accept permanent employment when it is offered. The Forensic Investigations Council is made up primarily of local officials whose studies have determined a state forensic pathologist would better meet the need for forensic services and would better utilize the resources provided by the death investigations account, for which the Council has oversight. The Council is charged with the improvement of the death investigations system in the State.

>>LAW & JUSTICE<<

1. RECOMMENDATION: Clarify that the husband-wife privilege does not include "acts directly witnessed by husband or wife."

Explanation: Current law often acts as a sword against the evidence of a criminal act rather than as a shield for the institution of marriage. Spouses are prevented from testifying to crimes committed in their presence by an offender to whom they happen to be married. The current statutorily created husband-wife privilege in RCW 5.60 does not differentiate between "communications" made between a husband and wife and "acts directly witnessed" by a husband or wife. This proposal would draw a distinction between those two situations. This proposal retains the husband-wife privilege, but vests the privilege in the witness spouse. This proposal does not allow government to force a witness-spouse to testify against their offending-spouse, but would allow the witness-spouse to make that decision.

Attachments (continued)

In recent years, Washington has had several homicide cases where spouses committed the crimes jointly and one spouse decided to testify about the deaths. That evidence was not allowed to be admitted against both spouses. This proposal leaves "communication" absolutely privileged but would allow a witness-spouse to testify to what they saw if they chose to, and thus allow testimony to be admitted to the court or jury. Additionally, if both spouses were acting in a criminal conspiracy, and probable cause is found by the court, evidence would be admissible.

2. RECOMMENDATION: Request funding in the 2005-2007 State Budget to cover increased local costs mandated by the State's changes to the Special Sex Offender Sentencing Option.

Explanation: In 2004, the State of Washington changed the law to mandate annual sentence review hearings on sex offenders sentenced under the Special Sex Offender Sentencing Alternative (SSOSA). This will increase prosecutor, defense and court costs at the county level. The changes also increase the amount of local jail time that can be imposed under a SSOSA. These are prisoners diverted from the state prison system. The Legislature committed to funding these costs last year, but delayed inserting them into the state budget because of the delayed effective date of the new law. The law takes effect on July 1, 2005.

3. RECOMMENDATION: Urge the legislature to have the Department of Social and Health Services (DSHS) provide mental health services to inmates of county jails

Explanation: Failures in the state mental health system have resulted in the current crisis and the lack of inpatient and residential beds for persons with mental illness. Lack of appropriate treatment forces the intervention of law enforcement and the incarceration of the mentally ill. Cities and counties are forced to provide housing and expensive medications until the patient is stabilized and can be released and the cycle begins all over again.

4. RECOMMENDATION: Create a funding mechanism for a statewide law enforcement mobilization plan.

Explanation: During times of emergency, local law enforcement agencies are called upon to share resources. The World Trade Organization (WTO) riots in Seattle a few years ago are an excellent example. Most local governments recouped only ten cents for every dollar they expended for personnel, equipment and overtime to assist the city of Seattle. Firefighters have such a fund which allows jurisdictions to deploy personnel to assist in other jurisdictions when necessary without jeopardizing the operating budgets of their own jurisdictions.

>> COURTS <<

1. RECOMMENDATION: Modify RCW 2.08.050 so that official seals may be embossed, inked or printed to allow for the certification of electronically transmitted documents.

Explanation: The current statute for certification of documents is so antiquated that it refers to "wafer or wax." The amendment will provide a means to transmit certified documents electronically and accommodate new technology.

2. RECOMMENDATION: Modify RCW 5.52.040 and 5.52.050 to broaden the allowance for telegraphic transmission of documents to the courts to include other forms of electronic transmission (e.g. fax, e-mail, bank transfers).

Explanation: This proposal will allow the use of today's technology and provide efficiencies while reducing the costs of doing business. The current statute only provides for use of the telegraph.

Attachments (continued)

3. **RECOMMENDATION:** Support legislation to secure increased state funding for criminal indigent defense and raise the issue of balance with the resources available to prosecutors and clerks.

Explanation: There are efforts from several fronts including counties, the Tri-Association and the Courts this coming legislative session to urge the legislature to provide monetary support to cities and counties for criminal indigent defense. Any increased support of defense will necessarily have an impact on the resources of prosecutors and clerks.

Dated: Tuesday, November 2, 2004