

the Courthouse Journal

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Washington Association of County Officials
Washington State Association of Counties

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Klickitat County Auditor Granted Summary Judgment in Superior Court Case

In 1995, the Legislature passed Engrossed House Bill 1889 (1995 Laws of Washington, Chapter 301). Two sections of that law, codified as RCW 36.40.030 and 36.40.040 relating to budget duties and accounting matters under the purview of the county auditor, were amended to read county auditor "or chief financial officer." When the position of chief financial officer was created in Klickitat County several years ago, many of the duties traditionally performed by the county auditor were transferred to the chief financial officer by the county legislative authority. County Auditor Diana Housden filed suit in the Klickitat County Superior Court and moved for summary judgment alleging that the Klickitat County Chief Financial Officer Dennis Chipman and the legislative authority had usurped the authority and duties of her office.

A year-long collaborative process between WACO and WSAC resulted in a legislative proposal last year that was not passed. In prior years, part of WACO's legislative package had been to amend the aforementioned statutes to reflect the *original intent* of the 1995 legislation specifying that "chief financial officer" refers to the chief financial officer in charter counties only.

This week, Judge C. James Lust, Yakima County Superior Court, ruled that the crux of the finding is this:

"The legislature shall establish a system of

county government, which shall be uniform throughout the state except as hereinafter provided. . .

The exception of course applies to home rule charter counties. The only logical interpretation of the subject statutes is to find that the term "county auditor" applies to non-home rule counties, such as Klickitat County and the term, "chief financial officer" applies to home rule counties, such as King County. To hold otherwise would indeed affect a system of county government "which shall be uniform throughout the state" and would be an abrogation of the Klickitat County Auditor's constitutional and statutory responsibilities. The Klickitat County Board of County Commissioners may certainly confer the title of Chief Financial Officer on Defendant Chipman, but it does not follow that he may thereby take on the responsibilities of a county auditor in non-home rule county."

"To the extent that Defendant Chipman has assumed the duties and responsibilities of the Klickitat County Auditor, summary judgment in favor of Plaintiff is granted. There may still be unresolved issues regarding which of the Auditor's statutory duties and responsibilities Defendant Chipman has assumed. If so, that issue may be brought on for hearing."

An Order for Summary Judgment will be entered in the Court that is consistent

The Courthouse Journal

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

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CPO PROGRAM

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with the findings in Judge Lust's letter opinion.

Governor's Economic Development Conference

Governor Locke is hosting his annual economic development conference on Wednesday, December 1, 2004 at the newly opened Greater Tacoma Convention and Trade Center.

Early registration is \$50. On-line registration is available at www.cted.wa.gov/edforum2004

Workshops include innovative companies, promoting Washington products, investing in infrastructure and promoting leadership.

More County Election News

Asotin County voters approved a ballot measure providing 2/10 of a cent for transit. Yes votes totaled 4,360, and no votes 4,042.

San Juan County Charter Effort Begins

San Juan County voters elected a Board of Freeholders earlier this month to begin developing a county charter proposal that would go to the voters in November 2005. Twenty-one Freeholders were elected, ten from District 1, seven from District 2, and four from District 3. They will work on a draft charter for most of the coming year.

Whatcom County is beginning a 10-year Charter Review process called for in its County Charter. A 15-member Charter Review Commission was elected this month.

New Officials Orientation Scheduled

WSAC has scheduled the annual New Officials Orientation for December 7-9, 2004 at the Phoenix Inn in Olympia. The orientation will help make the transition to the role of elected official more predictable and, hopefully, an enjoyable experience. It is designed to help the 28 new Commissioners and Councilmembers learn more about their new positions, the county government environment, and the resources available to them in Olympia and around the state.

If you have any questions regarding the orientation please contact Ginni at (360) 753-1886 or gpeppert@wacounties.org.

Scholarship Fund Grows!

The Washington State Sheriffs' Association (WSSA) voted Tuesday to contribute \$1000 to the Washington Counties Scholarship Fund. The business meeting took place at Ocean Shores in conjunction with the Washington Association of Sheriffs and Police Chiefs (WASPC) Fall Conference.

When added to the monies pledged at the WACO/WSAC Joint Conference in Spokane last month, the grand total for 2004 is nearly \$11,000.00! Annually, five scholarships in the amount of \$2500 each are awarded to children of county employees and officials. The Washington Counties Scholarship Fund is a joint endeavor of WACO and WSAC.

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

Budget, Finance and Taxes

San Juan County Adopts Budget with a Road Levy Shift

San Juan County will prepare a \$10,615,123 budget for the county current (general) fund. The budget includes \$350,000 in cuts and a \$400,000 levy shift. County Commissioners Rhea Miller and John Evans voted to approve the budget and Commissioner Darcie Nielsen voted against the budget.

County taxpayers pay a county current expense (general fund) levy and a road levy. In 2004 the road levy was 51 cents per thousand dollars of assessed value. One fourth of that amount - \$513,000 - was diverted to the sheriff's budget. The county can shift some of the levy capacity from roads to county current expense.

A shift is different than a diversion. When the levy is shifted from the road to the county current expense fund, it is collected through the current fund levy. When road funds are diverted, they are collected through the road fund levy and then transferred to another fund - such as the sheriff's budget.

Revenue Forecast Offers No Relief for State Budget Woes

This week, the state revenue forecast was updated for use by gubernatorial budget writers. The forecast for the remainder of 2003-05 was increased by \$70 million. The forecast for the upcoming 2005-07 biennium was decreased by \$54.2 million. This forecast reflects continuing concern about the impact of high oil prices. Recent sales tax collections have grown and individual counties will see this growth reflected in their own

collections. Despite this, the consensus forecast by the Governor's Council of Economic Advisors, composed largely of economists representing the region's business, predicted only \$71 million more for 2005-07 on a base of \$23 billion. That probably is well within the rounding error of the projection model. More information on the forecast will be posted at the Forecast Council website www.ofc.wa.gov

POG Advisory Process Wraps Up

The Governor's POG Advisory Committee held its final meeting on November 4. The process is now left to the Governor and his staff. Both potential new Governors have committed to continue POG in some form, so the process will be with us. Readers may remember that both counties and cities had representation on the Advisory Committee, along with business, non-profits and labor.

The last meeting started with an overview of the big picture. The state, like counties, faces a structural budget problem. Its revenues, even with a strong economy, will not keep up with the rising costs of health care, an aging population and young people in need to more postsecondary education to participate at a living wage rate in the work force. Traditionally, the state has been able to address part of its budget short falls by imposing unilateral changes in employee compensation. The state has now joined local government in bargaining for wages and benefits.

The projected shortfall between revenues and the estimated spending needed to maintain current services

is between \$1.2 and \$1.6 billion. Because half the state budget is committed to the basic education portion of K-12 and debt service, that necessary cuts will have to be absorbed by the rest of the budget. That includes human services, health care for the aged, poor and disabled, corrections, courts, higher education, pensions and natural resources. Advocates for spending increases will find that their existing funding is under threat. On the transportation front, high gas prices have lead to reductions in consumption and gas tax revenues.

Insurance Commissioner Seeks Support for Pooling Proposal

A proposal under development by the Insurance Commissioner could result in savings for most counties. The proposal would pool all costs for insured individual with costs in excess of \$25,000 per year. Once an individual's costs hit \$25,000 in a given year, 75% of costs would be paid by the new pool and 25% would be paid by the insurer. Participation in pool would be mandatory for all carriers regulated by the Insurance Commissioner. Self insured employers could participate on a voluntary basis. If a self insured employer opted in, they would have to stay in the pool for at least two years. The entire high cost pool would be insured by a single private carrier. Work by actuaries retained by the Office of the Insurance Commissioner (OIC) shows that small employers would save 8% on their rates, large employers would save 3% and individuals would save 2%. In addition to the rate savings above, the proposal would generate savings that could be used to

Budget, Finance and Taxes (continued)

subsidize the high risk pool and Basic Health Plan enrollment.

The proposal saves money by making the insurance of high cost individuals more efficient, by making it possible for more people to get insurance (thereby reducing the cost of uncompensated care), and reducing some of the costs now incurred in underwriting designed to avoid covering to individuals with a potential for significant medical costs.

Pension Credit Purchase for Activated Guard and Reserve Likely to Change

Current law permits PERS and LEOFF members who interrupt their employment to serve in the military to purchase credit for the period they serve in the military. To do so they must return to service with the employer. This meant that the service member or their family could not purchase the credit if they were killed or disabled while serving in the military. It now appears that

both the LEOFF 2 Board and the Select Committee on Pension Policy will recommend that the Legislature permit pension plan members to purchase the service credit even if they cannot return to work. We will follow this legislation during the session.

WSAC Position Available on Jail Industries Board

A position representing WSAC is open on the statewide Jail Industries Board (JIB), which helps coordinate inmate work programs in jails throughout the state. Cowlitz County Commissioner Bill Lehning has served in this position since 2001.

County commissioners and councilmembers who would like to seek the JIB position should email or fax a brief letter of interest to WSAC staff Sophia Byrd at sbyrd@wacounties.org or 360-753-2842, by Tuesday, November 9. The WSAC Board of Directors will appoint a new JIB representative at the November 19 board meeting.

Jail Industries Board members serve three-year terms. The JIB meets quarterly at sites throughout Washington state, and travel costs are reimbursed.

RCW chapter 36.110 establishes the statewide jail industries program to "promote inmate rehabilitation through meaningful work experience and reduce the costs of incarceration." Among other duties, the JIB helps local jurisdictions develop and coordinate jail industries technical information and program and safety standards.

County Jails Eligible For Pharmaceutical Discounts Through State Procurement Program

The state Department of General Administration may be able to assist county jails in reducing the cost of providing prescription drugs for inmates.

Under a bulk purchasing contract authorized through the state purchasing cooperative, jails can receive discounts on many prescription medications as well as on pharmaceutical distribution services. The distribution element is particularly important for jails that do not maintain in-house pharmacists.

For more information about joining the state purchasing cooperative and participating in this contract, contact state procurement officer Sheila Mott at 360-902-7438 or smott@ga.wa.gov.

Law School Hosts Meeting to Discuss Public Defense

Two distinguished panels will present their views and potential solutions to the current public defense problems in Washington state at the American Judicature Society's annual meeting 8:30 a.m. to noon, Friday, October 22, at the University of Washington Law School. The program is free and open to the public.

County officials may want to attend to learn more about what is expected to be a key issue in the 2005 legislative session. WSAC members identified indigent defense funding as a priority for the coming session.

The first half of the program will summarize the Washington State Bar Association's (WSBA) recent "Blue Ribbon Panel on Criminal Defense Report." Speakers are Seattle attorney Marc Bowman, who chaired the WSBA panel; Robert Boruchowitz of the King County Public Defender Association; Ken

Armstrong of the Seattle Times; and Edward Holm, Thurston County Prosecuting Attorney. The moderator is U.S. District Judge Robert Lasnik.

A second panel will discuss potential legislative solutions to the public defense problems. Speakers are Wayne Blair, chairman of the state Court Funding Task Force; Joanne Moore, director of the state Office of Public Defense; Jon Ostlund, Whatcom County Public Defender; and Justice Susan Owens of the Washington State Supreme Court. The moderator is David Ammons of TVW.

To ensure adequate materials are available, attendees are asked to RSVP to either Christine Bain at 206-382-1830 or Ann Gabu at 206-624-4900.

Environment, Land Use and Resources

The Ayes Have It...

By a three to one margin, San Juan County voters said yes on the Guesthouse Advisory ballot. The question was: Do you support local land use provisions for San Juan County that retain the right to allow one guest house (detached accessory dwelling unit) on any parcel with a single family residence, subject to restrictions on size, location, ownership, occupancy and proximity to the main house?

The question was placed on the

ballot, so the county commissioners could determine if residents were behind the county's court battle to allow detached accessory dwelling units on each rural residential lot.

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. The presentation is Friday, November 19, 9:30 a.m. in the Natural Resource Building, room 175 A and B. SB

6242 is the legislation authored last year by Senator Parlette requiring an examination of state agency land acquisition and disposal practices. Much discussion is being generated 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.

Transportation and Public Works

Transportation Commission Listens to Counties Needs

The Transportation Commission and the Department of Transportation have been updating the Washington Transportation Plan over the last several months. Both the Commission and the Department have been reaching out for input and direction. Up to this point, they have been doing a good job.

Yesterday, the Commission invited WSAC staff to present

funding needs and priorities. CRAB staff also presented their budget request. The Commission will be using this information to help shape their revenue enhancement request to the Legislature.

WSAC/AWC Developing a Transportation Funding Package

The WSAC and AWC staff, along with a handful of county and city lobbyists, have been meeting over the last month to develop a proposed

transportation funding package. The proposed package has been sent to county engineers for review and input. Once the package has been developed, it will be discussed at the Transportation Subcommittee and Legislative Steering Committee for their review and approval.

Association News

Roy Lumaco Passes Away

Roy Lumaco, long-time former Kittitas County Commissioner died November 6, 2004 in Cle Elum.

Lumaco served as a commissioner for 20 years, 1969 through 1988. Before that he was a city councilmember. He served as chair of the County Road Administration Board, represented WSAC on the State Forest Practices Board, was a member of the Urban Arterial Board and the WSAC Legislative Steering Committee. Roy was also active as an officer in the old WSAC Central District and served as the WSAC representative on the NACo - WIR District Board.

Funeral Services were held on November 7, in Cle Elum. The family suggests memorials of the donor's choice.

Sheriffs Meet at Ocean Shores

The Washington State Sheriffs' Association (WSSA) met this week at Ocean Shores as part of the 2004 Washington Association of Sheriffs and Police Chiefs (WASPC) Fall Conference. WSSA President, Stevens County Sheriff Craig Thayer, chaired the business meeting where over twenty counties were represented.

Retired Clallam County Sheriff Joe Hawe reported on the status of the school mapping project he is heading for WASPC and the need for equipment in some of the smaller jurisdictions. Information is available at www.waspc.org.

Cynthia Fajardo of the Pierce County Sheriff's Department made a presentation on behalf of the Washington State Search and Rescue Coordinators' Association. She reported on the resources available in the state and the continued need to train citizen volunteers, the impending loss of the MAST helicopter by the Department of Defense, and the need to integrate search and rescue into the State Mobilization Plan. She stressed the need for greater participation from all sheriffs' offices and the close exchange of information.

In 2003, search and rescue was involved in 607 missions and has been called on in 522 operations to date this year. Any questions should be addressed to www.wssarca.org.

Representatives from WA State Fish and Wildlife, WA State Parks and Recreation, and federal agencies were on hand to discuss cross-commissioning of officers. A proposal amending RCW 10.93,

powers of police officers and specially commissioned officers, will be discussed by the appropriate WSSA and WASPC committees. The general consensus of the sheriffs present was that officers should be commissioned on a case-by-case basis.

Spokane County Sheriff Mark Sterk, as legislative chair, reported that he, in conjunction with WASPC, is surveying the counties to determine the extent and cost of services that counties are providing, especially in the areas of county jails.

The "visiting sheriffs" program will be reinstated in January with the 2005 Legislative Session. The program supports sheriffs with lodging and per diem in Olympia so that they can all participate in lobbying efforts on behalf of the association. Mason County Sheriff Steve Whybark is developing the calendar of attendees.

The balance of the conference will be spent in joint meetings of sheriffs and police chiefs, adoption of the WASPC legislative package, and executive training on domestic violence model policies.

Association News (continued)



An Okanogan County Appraiser, doing physical inspection in his county, came back to his car to find this sheep improving the barnyard view.

At one time, under Washington State Law, migratory livestock was taxed as personal property. To avoid double taxation, WSACA (Washington State Association of County Assessors) met each year in June to determine in which county the livestock would be assessed. Because of this purpose, the Assessors June Meeting became known as the "sheep meeting". Do you think this guy took that a little too literally?

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.

Board of Natural Resources Member Election

WSAC is holding a meeting of the Timber Counties on Dec. 3, 2004 at 1:00 PM. The meeting will be held at the WSAC office in Olympia. The primary agenda item will be to elect a County Commissioner/Council Person to represent the counties with Forest Board Trust Lands on the Board of Natural Resources. This Position is currently held by Commissioner Glen Huntingford, Jefferson County. Commissioner Huntingford will be unable to continue in this role after January 1, 2005. The process for selecting the county member to this important board is in the hands of the Timber Counties. Each county with Forest Board Trust lands has one vote in the election of their representative. No confirmation by the Governor or Senate is required. The following counties are eligible to vote in this election: Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, King,

Kitsap, Kittitas, Klickitat, Lewis, Mason, Okanogan, Pacific, Pierce, Skagit, Skamania, Snohomish, Stevens, Thurston, Wahkiakum, and Whatcom. All Timber Counties are encouraged to participate in the meeting.

The other two items on the agenda include:

- Reauthorization of the "Secure Rural Schools and Community Self-determinations Act of 2000", P.L. 106-393
 - Consider increasing timber program assessment to Timber Counties to include WSAC funding for reauthorization activity
 - Potential USFS training at NFCSC Sparks NV conference
 - Oregon Title II & III/ CWPP on line program
- BNR Independent Review Committee

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 implements training standards and programs designed to upgrade criminal justice personnel. It also

Boards and Commissions

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.

Courthouse Ramblings

Spokane County Assessor Resigns

Duane Sommers announced his resignation effective Jan 3, 2005. Duane has been the Assessor for the past two years but his resignation

culminates nearly 40 years of public service. He has served at the County level in Whitman, Spokane, and Benton-Franklin Counties; state government with the State Health Department and the Department of Social and Health Service; and as the

Executive Director of the 10 county eastern Washington Health Systems Agency. He also served 12 years as an elected State Representative. Best of luck in your next adventure, we will all miss you, Duane.

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>			
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 24	(360) 753-1886
NEW YEARS HOLIDAY	WA Counties Bldg CLOSED	December 31	(360) 753-1886
<u>JANUARY 2005</u>			
Washington STATE	59 th 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
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
<u>FEBRUARY 2005</u>			
WSAC Legislative Rally Day	TBD, Olympia	February 10	(360) 753-1886
WSAC Legislative Steering Committee	WA Counties Bldg, Olympia	February 11	(360) 753-1886

Calendar of Events (continued)

DECEMBER County Calendar

- 1 Property taxes not paid to county treasurer by this date are subject to an additional penalty of 8% on the total amount of the tax delinquent. RCW 84.56.020

- 1 County assessors to begin preliminary work for assessing property. RCW 84.40.040

- 1 Alternate date for budget hearing. County legislative authority may meet for purpose of holding a budget hearing. RCW 36.40.071

- 9 Election date for irrigation district directors. RCW 87.03.080

- 25 Christmas Day Holiday. RCW 1.16.050

- 31 The county prosecuting attorney shall make an annual report to the Governor. RCW 36.27.020(12)

- 31 The county prosecuting attorney shall report to the State Liquor Control Board all state liquor law prosecutions during the calendar year. RCW 36.27.020(13)

- 31 Last day to apply for January 1 (coming year) open space classification on qualifying properties. RCW 84.34.030

- 31 By this date, applications for classification as eligible historic property shall be approved or denied by the local review board. If the property qualifies as eligible historic property, the review board shall certify this fact, in writing, to the county assessor within 10 days. The county assessor shall record these certificates with the county auditor. RCW 84.26.050, .060

- 31 By this date, every special purpose district shall file a statement with the auditor of each county in which it lies including the following information: name of special purpose district; location; statutes under which it operates; name, address, telephone number and remaining term of office of each member of its governing authority; and the functions that the district is presently performing. RCW 36.96.090(1)
NOTE: This information shall be forwarded by the county auditor to the State Auditor by January 31.
RCW 36.96.090(2)

- 31 By this date, the county treasurer shall designate one or more financial institutions in the state which are qualified public depositories as set forth by the public deposit protection commission as depositories for public funds. RCW 36.48.010