

the Courthouse Journal

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Washington Association of County Officials
Washington State Association of Counties

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Hats Off to Our County Auditors!

We would like to acknowledge all of the county auditors and elections officials in this state for the excellent and very professional way in which they conducted the new state Primary and the General Election this year. Washington State's elections have always been above reproach and without major problems, but this year with the gubernatorial race the closest in the history of the United States (with a 42 vote difference after one recount), the pressure has been intense

and the long hours and "stress of the press" would have taken its toll on most of us. However, our county election officials have risen to the challenge of each long day since November 2 and are now facing a hand recount of ballots.

Congratulations and best of luck to these dedicated professionals! We're behind you all the way!

County Clerks Report to the Legislature

(The following is an excerpt from *The Report to the Washington State Legislature on the Fiscal Impact of SB 5990* that was forwarded to the Legislature on behalf of WSACC President Betty Gould, Thurston County Clerk, and the Washington State Association of County Clerks (WSACC)). The report was prepared by Joel McAllister, Finance and Information Services Manager, King County Clerk's Office and is available in its entirety by calling WACO.)

"Engrossed Substitute Senate Bill 5990 was passed by the Washington State Legislature during the 2003 regular session, and became law on October 1, 2003. Section 20 of the bill added a new section to RCW 36.23, and reads in part: "The Washington Association of County Officials shall report on the amounts of legal financial obligations collected by the

county clerks to the appropriate committees of the legislature no later than December 1, 2004, and annually thereafter." Following is the first such annual report.

"2003 and 2004 are both transition years for collection of Legal Financial Obligations (LFOs) in the State of Washington. Starting in mid-2003, the Washington Department of Corrections (DOC) began closing cases which that agency would no longer be required to supervise, and transferring collection responsibility to county clerks. In October 2003, county clerks became vested in many of the collection tools that had previously been reserved to DOC.

"In total, LFO collections have increased since ESSB 5990 became law, however, the makeup of collections has changed somewhat during the transition

period. State revenues have increased and cost recoupment to counties has increased. The increase in cost recoupment to the counties is attributable to the fact that the clerks' collection recoupment is included

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

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within these figures, but DOC's cost of supervision, previously borne by defendants, is not.

"There is considerable variation among the counties in the amount and makeup of LFO collections. This is attributable to differences in demographics between counties, differing cultures existing on the bench among different counties, and varying success rates with LFO collection programs.

"The county clerks have and will continue to maintain a tight, cohesive group who exchange successful ideas and best practices, which will continue to enhance LFO collection throughout Washington State for years to come.

"Overall, the changes implemented by ESSB 5990 reduced the State's financial commitment to support LFO collections, yet yielded an increase in total collections including an increase in State revenue from collections. Continued State funding to support local collection efforts is vital. Without that funding the State and counties will see dramatically decreased revenues and crime victims will have little chance of receiving the restitution moneys owed to them.

"The clerks continue to struggle with a number of issues which, if resolved favorably, would enhance LFO collection considerably.

- Continued State funding of the collections programs at the same or higher rate is essential, as a successful collection effort requires both regular notification of the obligation due, as well as the ability to follow up on non-complying obligors.
- Presently, funding to support the clerks' collection effort is through the State Public Safety

and Education Account (PSEA), and because revenue to that account is down, clerks have not received their entire appropriation for this effort. This funding must be stabilized.

- Access to Employment Security Department (ESD) data, on-line and real-time, would facilitate the intent of a number of clerks to provide their bench with any accessible employment information on defendants prior to sentencing. This access is allowed by State law (Substitute Senate Bill 5168, Chapter 121, Laws of 2004), but clerks have been unsuccessful in attempts to implement access.
- Access to the Division of Childrens' Services (DCS), "new hire" database would further enhance the ability of clerks to identify the current earnings potential of defendants.
- Expanded access to the Department of Licensing (DOL) database would provide additional residential address and date of birth information to clerks to support collections.
- Expanded access to DOC's Felony Offender Registration System (FORS) database would enable clerks to have expanded access to defendant address information, as well as to have accurate dates of release from total confinement, so that jurisdiction on monetary judgments could be extended in a timely fashion."

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

County Clerks Lose 50 Years' Experience

2005 will be a new beginning for two county clerks who together have amassed over 50 years of experience and have given uncountable hours and days of service to their association and the citizens of their counties. The Washington State Association of County Clerks (WSACC) cannot easily fill the vacancies the departure of Jefferson County Clerk Marianne Walters and Cowlitz County Clerk Teri Nielsen will create.

Marianne Walters was elected 24 years ago after her first 7 years in the courthouse. Since then, she has served on nearly every committee in her association and served Jefferson County as court commissioner as well. Marianne herself is bewildered at how in what seems like overnight, she has gone from rookie to veteran clerk. In her own words, "the world does not have enough volunteers." So after six months of doing nothing and transforming herself into a "domestic goddess," Marianne plans on volunteering in her church, school, and local historical society. Marianne has requested that she be able to retire with no fanfare or bright lights, but if you need a tireless, dedicated volunteer, we know where to find her.

Teri Nielsen has announced that she will be stepping down as Cowlitz County Clerk as of December 31. She has accepted a new position as a Superior Court Business Analyst at the Administrative Office of the Courts (AOC) in Olympia. In her new position she will be working with a team in developing business requirements for improvements to the statewide computer systems that the courts use. Teri is looking forward to helping develop tools that are useful to clerks' offices across the

state. She has been county clerk 6 years of the 20 she has been employed with Cowlitz County. She, husband Rob and her son Nathan will continue to live in Cowlitz County and Teri will commute. We all wish Teri much success in her new endeavor!

Changing Times in Olympia

Although a final decision on the new Governor is probably weeks away, Governor-elect Dino Rossi and Christine Gregoire are working on transition to the Governor's office. Both groups will be operating out of transition space in the General Administration Building on the Capitol Campus.

Former State Representative James Vander Stoep is heading up Governor-elect Rossi's transition office. He has named a transition team that includes Jim Troyer of the Senate Republican Caucus for legislative development, former State Senator Dan McDonald for budget development, and Redistricting Commission Member John Giese for personnel.

Jim Jesernig, former Congressman and State Legislator, heads up the Gregoire transition effort.

At the Legislature, the Senate Democrats have made several organizational decisions, reshuffling committee alignments and chairs. Senator Margarita Prentice (D-King County) will chair the Senate Ways and Means Committee and Senator Mark Doumit (D-Wahkiakum County) is vice-chair with operating budget oversight and Senator Karen Fraser is vice-chair with capital budget oversight. Senator Doumit is a former Wahkiakum County Commissioner and Senator Fraser is a former Thurston County Commissioner and Past-President of WSAC.

Governor's Election Slow, But Working

The Bellingham Herald, Tuesday, November 30, 2004

The process of picking a governor in Washington has been slow and somewhat taxing. But watching the counting from the outside, we have just one thought: The process is working.

As of the weekend, former state senator Dino Rossi, a Republican, has won the election on a recount by 42 votes. Secretary of State Sam Reed is expected to certify that result from last week's machine recount today.

There will probably be another recount, done by hand, that will take even more time because Attorney General Christine Gregoire says having only 42 votes separate the candidates out of 2.8 million cast is akin to a tie and needs a careful reconsideration to make sure no votes were missed.

It's impossible for us to tell whether another recount would make a difference. But we are pleased with the patience both candidates have shown so far and we ask both to continue to operate in a way that is best for the state and not for their own political futures.

If Gregoire has reason to believe that some votes are not being counted correctly, then she needs to offer the proof before demanding a recount. And to be fair, she should ask that the recount not just take place in areas where she thinks she may pick up a vote or two, but even in places where Rossi might pick up votes.

Rossi needs to show patience too. He has already declared victory and called for Gregoire to concede. So far every time there has been a final count, he has been ahead. We understand his desire to move forward, and we think based on the results he should spend his

December preparing to be governor, but it won't help him as a leader if he ends up locked in a battle with Democrats before he takes office in January.

Finally we want to commend election workers in this county and elsewhere in the state. There have been some complaints of a few mangled ballots around the state, but no one has been talking about massive amounts of fraud, or mishandled ballots, or hanging chads or any of the other discrepancies we have heard about in other states.

And we hope it doesn't get to that either. Based on news reports from around the state, there appear to be few legitimate problems and

we would hate to see the voters of this state dragged through lengthy court hearings and such to try to prove there were some.

Despite an amazingly close election unlike anything in the history of this state, cool heads have prevailed and voters and citizens have yet to see the chaos that went on in Florida during the 2000 election. We hope no matter who ends up being governor, that we can all look back on this and say our process worked.

Put on Your Dancin' Shoes.....

January 12, 2005, is the date, the Legislative Building in Olympia is the place, but who is going to be

there to celebrate?

The Governor's Inaugural Ball Committee says sale of tickets for the big event are moving slowly, no doubt over who is going to be the governor. The committee is busy planning an evening event for January 12 and hopes to sell 5000 tickets at \$75 each. As of a week ago, ninety-five tickets had been sold.

The WACO Board will also be in town to meet and there is no charge to join them. If however, you want tickets to the black-tie ball or more information, call 360-427-6881 or e-mail ibc2005@hotmail.com.

Courts, Public Safety, Law & Justice

State Patrol Will Preserve Crucial DNA Evidence

(The following is reprinted from a letter to the editor of the Daily Olympian from Washington State Patrol Chief Lowell M. Porter dated earlier this week.)

"The state law requiring authorities to preserve DNA evidence expires December 31.

"After Dec. 31, this evidence can be destroyed. Gov. Gary Locke and I are concerned about the impending lapse of the law.

"Despite the impending expiration of the DNA post conviction law, Washington State Patrol detectives, evidence officers and crime laboratories have been directed to preserve any evidence in their control that is not returned to the investigation agencies so that it will be available for further testing as determined by the courts.

"DNA evidence has exceeded all of our expectations as a tool to solve

crimes and for its power to exonerate the innocent.

"The current DNA technology has produced matches to evidence or suspects in more than 170 assaults, homicides and rapes, 100 of which came in the first ten months of this year.

"As in other states, about one-third of the samples from suspects do not match the evidence. This allows these individuals to get on with their lives and allows investigators to focus their efforts on legitimate suspects.

"Dr. Barry Logan and his staff at the Washington State Patrol Crime Labs have worked closely with the Innocence Project Northwest since before the introduction of the current legislation to help assess cases in which DNA testing would be beneficial, to help track down the evidence where it exists, and to perform that testing.

"Based on that experience, we

will continue to preserve this critical evidence." Lowell M. Porter, chief, Washington State Patrol

WSAC Names Two to Bar Association Committee on Public Defense

The WSAC Board of Directors has named King County Councilmember Kathy Lambert and Yakima County Commission Ron Gamache to represent the Association on the Washington State Bar Association's new standing Committee on Public Defense.

The Bar established this committee in response to the ad hoc Blue Ribbon Panel on Defense and other recent reports about shortcomings in the current system of trial-level indigent defense in Washington. The committee will be involved in drafting new statewide standards for indigent defense and likely will help shape legislation during the 2005 legislative session

Courts, Public Safety, Law and Justice (continued)

and beyond.

WSAC is one of only two non-lawyer groups to have representation on the committee. Other participants are from: defender agencies, local bar associations, courts, prosecutors, academia, law enforcement, ACLU, and the attorney general's office. The chair of the committee is Jon Ostlund, the Whatcom County public defender, and an elected member of the WSBA Board of Governors.

State Auditor Adds Separate Reporting Category for Indigent Defense

The State Auditor has added a new reporting category for indigent defense to its Budgeting, Accounting and Reporting Systems (BARS). Counties will receive updates to the BARS manual, including information on this new category, during December.

The Auditor added indigent defense as a separate category to help improve the consistency and reliability of data on indigent defense expenditures. As indigent defense issues took on greater importance for policy makers in the past year, county and state staff found that current budgeting inconsistencies between counties presented a substantial barrier to accurately identifying statewide expenditures for public defense-related services.

The BARS update adds several new indigent defense "object codes" to distinguish between expenditures for juvenile criminal; juvenile dependencies; truancy, at-risk youth & CHINS; adult felonies; adult misdemeanors; and civil

commitment. A county administrator and court administrator participated in drafting the new reporting categories.

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. Retiring 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.

Jail Industries Board members serve three-year terms. The JIB meets quarterly at sites throughout Washington State, and travel costs are reimbursed. The next meeting likely will be in early February.

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.

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 next meeting in 2005. Please submit a letter of interest to Paul Parker, WSAC Assistant Executive Director.

Elections, Licensing and Recording

Washington State Property Records Education Partners Meeting

December 16, 2004
1:00 PM – 3:00 PM
Snohomish County
4th Floor – Administration Building

AGENDA

Live Electronic Recording Demo –
As a pre-cursor to the 12/16
PREP meeting, Regional Trustee
Services – Seattle and Fidelity
Title – Lynnwood will provide
live submitter demonstrations on

the following dates / times:
Monday – Dec 13 – 10:00 am
Tuesday – Dec 14 – 10:00 am
Wed. – Dec 15 -- 10:00 am
Potential submitters are strongly
encouraged to attend one or more of
the demonstrations by Regional /
Fidelity. Please let Lisa Goldsworthy
know which date and demonstration
you will attend.

Department of Revenue - Electronic
Real Estate Tax Update
Legislative Updates
Assessor
Auditor

- Financing property records
functions (O&M Funds)
- Privacy Legislation
Treasurer – O&M Funding
Washington State Bar Association
Update
NCCUSL –
Electronic recordation Act

PLEASE RSVP to Lisa Goldsworthy
no later than December 10, 2004 at
(425) 388-3472.

Courthouse Ramblings

We send our deepest sympathies to
the employees of the Pend Oreille
County Auditor's office, as well as
the family and friends of Curt
Hiebert, who passed away last week
after a long illness. Curt was the
Data Processing/Payroll Coordinator
in the auditor's office for many years
and has attended numerous
Auditors' Association meetings. He
will be deeply missed by his
colleagues. Curt will be laid to rest
on Friday, December 3. Memorials
can be made to the Pend Oreille
County Cancer Society, 132 Sunrise
Hill, Newport, WA 99156.

We extend our sincere condolences
to Skamania County Commissioner
Al McKee, whose wife Judy Faye
McKee, passed away on November 6
in Carson, WA. A memorial service
was held on November 9 in
Stevenson.

Clallam County Treasurer Ruth
Gerdon is retiring at the end of the
year after 15 years as treasurer and

25 years of service to the county.
Please join other friends and
colleagues at a reception in honor of
Ruth on December 30, from 2:00 –
4:00 p.m. at in the treasurer's office at
the courthouse in Port Angeles.

Another retirement of note is that of
Ron Pursley, elections director in the
Grays Harbor County Auditor's
office. Ron is retiring December 31
after 31 years with the office – and
after seeing through the most nerve
wracking and unbelievable
gubernatorial elections in
Washington State history.
Congratulations, Ron!

Calendar of Events

<i>Meeting</i>	<i>Location</i>	<i>Date</i>	<i>Information</i>
For your convenience training and workshops are bolded.			
<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	Legislature Convenes	January 10	http://www.leg.wa.gov/wsladm/calendar.cfm
Washington Association of County Officials Board of Trustees' Meeting	WA Counties Bldg, Olympia	January 12-13	(360) 753-7319
WACO/WSAC Joint Officers' Meeting	WA Counties Bldg, Olympia	January 13	(360) 753-7319
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
Assn of County Human Svcs	Olympia	January 19 - 20	(360) 753-1886
Washington State Association of County Auditors' (WSACA) Legislative Meeting	WA Counties Bldg, Olympia	January 20	(360) 753-7319
Washington State Association of County Treasurers' Legislative Meeting	WA Counties Bldg, Olympia	January 24-25	(360) 753-7319
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

Calendar of Events (continued)

<i>FEBRUARY 2005</i>			
Washington State Association of County Assessors' Legislative Meeting	WA Counties Bldg, Olympia	February 1-3	(360) 740-1392
WSAC Board of Directors Meeting	WA Counties Bldg, Olympia	February 10	(360) 753-1886
WSAC Legislative Rally Day	TBD, Olympia	February 10	(360) 753-1886
WSAC Legislative Steering Committee	WA Counties Bldg, Olympia	February 11	(360) 753-1886
Washington State Association of County Auditors' Licensing & Legislative Meeting	WA Counties Bldg, Olympia	February 15-17	(360) 753-7319