

# the Courthouse Journal

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**November 23, 2005**  
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Courthouse Journal*

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*Washington Association of County Officials  
Washington State Association of Counties*

## **WSAC Board Votes to Launch Financial Services Corporation**

On November 17, the WSAC Board voted to take the next step in implementing its business plan. Before the vote, the Board heard from Steve Swendiman from the NACo Financial Service Center and from an advisory group representing WSAC that visited the California Association of Counties.

Swendiman was instrumental in forming the California State Association of Counties' Financial Services Corporation (CSAC/FSC). The California Association formed their corporation for some of the same reasons that motivate WSAC. First, many small and medium size counties need services that they can obtain more efficiently through a group effort. Second, the Association found that it could not continue to fund member services through dues increases. The CSAC/FSC started small, but has grown over twenty years to become a major source of financial and other services for local governments and non-profits in California. At the same time, it has permitted the state association to freeze dues increases, while increasing services (including education and technical assistance) to member counties.

Swendiman explained that the CSAC/FSC model served as the inspiration for the model currently used by the National Association of Counties. He stressed that the services offered by

these corporations are entirely voluntary. Individual counties and other entities buy the services only if they make business sense at the local level. Given the growth of group purchasing through NACo in recent years, more and more local governments have found the right combination of price and quality.

The Board also heard from the committee of WSAC representatives that visited the California Association of Counties. Several members of the committee stated that they had undertaken the trip with serious doubts about the CSAC/FSC model. They said that during the course of their visit their questions and issues were addressed. They reported that they learned several key points. First that it's possible to undertake this project with limited financial risk. Second, it's important to start small and let your growth be driven by your ability to meet the needs of your customers. Third, it's important to structure the effort with deliberate safeguards to ensure high ethical standards.

Towards the end of the meeting the WSAC Board voted unanimously to proceed with the formation of the WSAC/FSC. The first annual shareholders' meeting of the new WSAC/FSC will take place in January. At

**Happy  
Thanksgiving**

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## The Courthouse Journal

Published weekly (during Legislative Session) and Bi-weekly (other than Session) 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 Wednesday.

Direct inquiries and correspondence to *The Courthouse Journal*, 206 Tenth Ave SE, Olympia, WA 98501-1131 or [www.wacounties.org](http://www.wacounties.org).

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### CPO PROGRAM

**Julie Kaufman**,  
Certified Public Official Coordinator

that time, Board members will be elected by the shareholders (WSAC's Board).

The new WSAC/FSC Board will be independent. Ideal candidates would include individuals with a combination of business and local government experience. WSAC will be soliciting nominations for the new WSAC/FSC Board.

## WSAC Board Accepting Names for Secretary/Treasurer Position

With the defeat of King County Councilmember Carolyn Edmonds for re-election to the Council the position of WAC Vice-President becomes vacant at the end of her term in December. The WSAC bylaws provide for the position to be filled by the secretary/treasurer. Benton County Commissioner Leo Bowman is the current Secretary/Treasurer and he will automatically move up to the position of vice-president thus leaving the secretary/treasurer's position open.

The WSAC Board will accept nominees for the position of the secretary/treasurer until their next Board meeting January 20, 2006. The WSAC bylaws require that the position be filled by members from counties in western Washington. Please submit letters of interest to the WSAC Executive Director so he may include your name on the agenda for the board meeting.

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

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## **Budget, Finance and Taxes**

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### **State Budget Writers Focus on Pension Funding**

Last week the Select Committee on Pension Policy confirmed what state budget writers had been saying privately. Action to rectify last session's under-funding of pension systems will be high on the priority list for the Governor and the Legislature. In preparation for last week's meeting a group of Select Committee members met with legislative fiscal committee chairs to talk about funding levels. One major item of concern was the continuing deferral of payments to retire the unfunded liability in PERS 1. This

liability is paid off by charges to all PERS employers. At the Select Committee meeting it was announced that an agreement had been reached to raise all PERS employer rates by 0.87% effective July 1, 2006. Similar action will be taken for the TRS system for teachers. The LEOFF system does not require a similar adjustment because the LEOFF 1 plan currently enjoys a small surplus.

The Select Committee also discussed the recent Attorney General Opinion on gain sharing. Gain sharing permitted additional benefits for plan 1 and 3 members

when pension fund invest returns exceed 10% in any year. The AG opinion affirmed the contention that the Legislature made gain sharing payments optional. Some committee members noted that an AG opinion is not a court decision. There was a discussion about potentially opening a one time window for Plan 3 members to return to Plan 2. This will be discussed at the December Select Committee meeting.

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## **Courts, Public Safety, Law & Justice**

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### **Grant County Settlement May Offer Other Counties Guidance on Indigent Defense**

Grant County and the American Civil Liberties Union (ACLU) of Washington has reached a settlement in a class-action lawsuit this month regarding the county's provision of public defender services to indigent persons charged with crimes. Although the settlement is not legally binding on any other jurisdictions, it may provide valuable guidance to other counties seeking to improve their contracts for public defense attorneys and related support services.

To receive a copy of the settlement documents, contact WSAC policy director Sophia Byrd McSherry at 360-753-1886 or [sbyrd@wacounties.org](mailto:sbyrd@wacounties.org).

Additional assistance is also available from the Washington State Office of Public Defense, (OPD) which the 2005 Legislature funded to provide outreach and consultation to counties for public defense contracting. Contact OPD's public defense service managers Terry Mulligan (former Clallam public defender) at 360-586-3164, ext. 110, [terry.mulligan@opd.wa.gov](mailto:terry.mulligan@opd.wa.gov), or George Yeannakis at 360-586-3164, ext. 102, [george.yeannakis@opd.wa.gov](mailto:george.yeannakis@opd.wa.gov).

At your request, OPD can help counties develop and enforce high-quality public defense contracts. The Office also will consult with counties about how to set up an in-house public defender office as an alternative to contracting with private attorneys.

The ACLU filed the lawsuit against Grant County last year, alleging that the county's contract public defenders were overworked, unqualified, or working under contract terms that discouraged them financially from spending time on cases or employing investigative or other services that are sometimes necessary to adequately defend a client.

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## ***Elections, Licensing and Recording***

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### **Vote-by-mail Vote Showed Peoples' Will**

Spin Control

County Commissioners are being anti-democratic, Jim Camden says  
*Jim Camden*

*The Spokesman-Review*

*November 13, 2005*

Let's get one thing straight up front: Spin Control is a big fan of voting at the polls, and its author has gone to the same polling station at least twice a year for 24 years.

That said, it's difficult to understand the reluctance of Spokane County commissioners to switch to all-mail voting in the wake of Tuesday's election.

Commissioner Todd Mielke said he thought taking away poll voting "strikes at the core of democracy." Leaving aside the American Government 101 lecture that this is a republic, not a democracy, the place where we come closest to democracy is when our leaders ask their constituents to show what they think by putting something on the ballot.

So if a majority of the voters say they want their leaders to do something – and the leaders don't do it – how is that democratic? Going with the preference of a clear minority of voters may be wise and smart and thrifty – well, maybe not so thrifty because adding a measure to the county ballot costs taxpayers about \$10,000, whether one follows it or ignores it – but it is anti-democratic.

Commissioner Phil Harris voiced reservations about the ballot being misleading. Setting aside the fact that the commissioners voted to put that language on the ballot, his suggestion for what it should have said is puzzling.

Harris thought the ballot title should have said that people already have the right to vote by mail. But at least 60 percent of the county's voters know that, because – get this – they vote by mail. All the time. They are permanent absentee voters.

And not to pound this democracy thing into the ground or anything, but an even greater majority of the public who voted in Tuesday's election did so by mail, because mail voters are almost always more likely to cast ballots than poll voters.

At last count, about 70 percent of the people who voted in Tuesday's election did so by mail, so clearly the vast majority – better than two of every three voters – knew that people in Spokane County can, at this point, stick their ballots in mailboxes instead of computer scanners at poll sites.

Commissioner Mark Richard is also reconsidering support for the switch to all-mail voting, in light of the fact the margin of victory has slipped from the stratospheric levels it enjoyed early Tuesday, before votes from the poll sites were added in.

Mail voters supported their system by about 70 percent; poll voters supported theirs by about 68 percent. Put them together and County Proposition 1 has about 58 percent support.

So yes, that's less than the 70 percent from the early returns. But it's about equal to the 57.9 percent Harris received and better than the 51 percent he received in 1998; and it's better than the 55 percent who voted for Mielke or the 51 percent who voted for Richard.

While it's true that those weren't advisory votes, no one questioned

what the voters were saying in any of those elections.

Where are those pro-mail voters?

As previously mentioned, the greatest support for voting by mail came from those who vote by mail. But geographically, there were some distinct differences, too.

A computerized map of the precinct results shows that mail voting is most popular in the rural precincts in south Spokane County, and on some precincts that flank the city of Spokane on the west and east, and a few that lie to the south of the city of Spokane Valley.

Most likely to vote "no" on all-mail voting were voters in north central Spokane County along Highway 395, in the Latah Creek precincts of Spokane, in and around Millwood and Cheney, and just north of Liberty Lake.

Some precincts that went big for all-mail voting bump up with precincts that went big for keeping the polls open.

#### **More on voter geography**

Other ballot measures had some interesting geographic spreads as well. The extra tenth of a cent sales tax had its biggest support in the center of Spokane, on either side of Interstate 90 and spreading up the South Hill. It was voted down by the largest margins in some rural precincts in the southeast part of the county and the rural areas around Deer Park.

The gasoline tax got hammered in most rural precincts. The vote against Initiative 912, which was a vote to keep the gas tax in place, was strongest in the city of Spokane.

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## ***Elections, Licensing and Recording (continued)***

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The city precincts around Manito Park were among the most tax-friendly. They went for the levy lid lift and the sales tax in a big way, and were also strongly against I-912.

### **CORRECTION:**

Lincoln County Passes Emergency Communications Tax

We inadvertently omitted the results of the Lincoln County ballot issue that approved a new 1/10<sup>th</sup> of 1% local option sales tax for emergency communications. It passed with a 66% yes vote.

### State Leads Way in Fight Against Juvenile Crime

*As reported in the Longview Daily News on November 22*

It's not an exaggeration to say that Washington's selection as a "model" state for juvenile justice reform by the John D. and Catherine T. MacArthur Foundation could have a meaningful impact on crime here, both juvenile and adult, over time. The promised grant money --- up to \$1.5 million per year for the next five years --- should help the state expand juvenile justice programs that already are showing good results, as well as develop new ones.

Cowlitz County hopes to share in the MacArthur grant money, according to the county's juvenile court administrator, Chad Connors. The county is among the state's 39 juvenile jurisdictions operating programs that drew particular praise from the foundation --- functional family therapy and aggression replacement therapy programs.

These programs apparently have been very effective in cutting recidivism and, in turn, criminal justice costs statewide. Connors told Daily News reporter Leslie Slape that the 10-week aggression replacement program has resulted in a 26 percent reduction in felony recidivism and saves taxpayers an estimated \$10 for every dollar spent. The 12-week functional family therapy program has reduced felony recidivism by 38 percent, saving taxpayers \$11 for every dollar spent.

As its selection for the MacArthur grant would seem to confirm, Washington has been a leader in juvenile justice reform. Connors noted that it was the first state in the

nation "to implement a statewide assessment tool that measures the likelihood of a youth to reoffend."

Washington lawmakers, for the most part, resisted the move among many states toward treating more minors as adults in the criminal justice system. California's Proposition 21, approved in 2000, opened the door to prosecuting teenagers as young as 14 as adults and putting them in adult prisons. Florida lawmakers mandated still harsher measures the following year, enacting a law to pressure prosecutors to charge very young suspects in violent crimes as adults. Today there are many inmates in the state's adult prisons who committed their crimes at age 14 or younger.

Treating offenders age 14 or younger as adults only increases the odds that they will become adult offenders. Experience demonstrates that very young offenders often can benefit from counseling and other rehabilitation efforts. Simply giving up on rehabilitation is akin to raising a white flag in the fight against juvenile crime. That Washington is among those states that have refused to do that is a source of considerable encouragement.

### Announcement of Funding Availability for Project for Assistance in Transition from Homelessness (PATH)

The state Mental Health Division is inviting applications from RSNs and Tribes for funds to establish one new Project for Assistance in Transition from Homelessness (PATH) project. The funds are received, by formula grant, through Center for Mental Health Services (CMHS) and are targeted for outreach and

engagement to people who are homeless and are mentally ill or have co-occurring mental health and substance use disorders.

Funds may be used to provide outreach and engagement, assessment, mental health and other related services to people who are not enrolled in Medicaid or do not receive other benefits. They are for people who are literally homeless or who at risk of homelessness.

Currently there are eleven PATH projects in eight RSNs. Available funds are prioritized for areas of the state that do not have PATH projects. A multi-county RSN with an existing PATH project may encourage providers to submit a proposal for a county within the RSN that does not now receive PATH funding.

Tribes also are encouraged to apply for PATH funding. Applications will need to demonstrate that projects are conducted through mental health operations that utilize standards comparable to licensed mental health centers. Tribes that are licensed by the Mental Health Division, have IHS contracts, JCAHO or CARF accreditation or other equivalent standards are encouraged to apply.

Base funding is \$42,000 annualized. Successful applicants must include in their budget proposals an amount of \$3,335 for participation in a Palm Pilot based data collection project. In addition, \$250 must be budgeted and expended for equipment for data collection. The budget proposal must include both of these two items. Total federal award will be \$45,485. Non-federal match funds must be contributed in the amount of

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## ***Public Health and Human Services (continued)***

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at least \$15,499, which must be in cash or in kind. The match funds must be displayed, by line item, in the proposed budget.

RSNs are asked to forward proposals to MHD for consideration. Tribes may apply directly. An award will be contracted to an RSN with the expectation that funds will be sub-contracted to local licensed mental health agencies or a contract will be entered directly with a tribe.

Based on history, awards are anticipated to be a multi-year awards with no end date in sight, depending on federal funding availability and provider performance. The agency that receives the award will be expected to participate in the annual federal funding application process on a recurring basis. RSNs and provider agencies are expected to participate in statewide meetings at least annually and additionally upon request of PATH funding recipients (RSNs and providers).

Applications should contain:

- a cover letter that summarizes the proposal;
- a completed Intended Use Plan; and
- a SF 424 budget sheet with itemized line items that display requests for federal funds and match.

Applications will be considered in light of local need, project feasibility and readiness to conduct the project. Readiness to conduct the project will include factors such as experience serving homeless, established working relationships with housing providers and other related supports for homeless people. Proposals should clearly describe the

characteristics of the local homeless population, their real or projected services and a basis for them. They also should explain how services will be delivered and the expected results in measurable terms.

Applications should be submitted to MHD no later than January 27, 2006. They should be submitted in electronic format, MS Word and Excel on forms provided. A start up date of approximately April 1, 2006 is projected.

For further information, please contact, Hank Balderrama, at (360) 902-0820 or at [baldehc@dshs.wa.gov](mailto:baldehc@dshs.wa.gov).

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## Association News

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### **Mason County Coroner Appointed**

Mason County Coroner Wes Stockwell was sworn in last week after being appointed to the office by the Mason County Commissioners. He will serve the unexpired term of Martha Reed who passed away last month.

Stockwell is currently a sergeant with the Washington State Patrol (WSP) and has served as supervisor of the Shelton Detachment for 16 years. He is a 26 year veteran and will continue his duties with the Patrol. He is a long-time resident of Mason County, is a former emergency medical technician and has a master's degree in business administration, as well as extensive experience in death investigations.

Stockwell said he applied for the position when it came open because he had always wanted to work as a deputy for Martha Reed. He researched the job and found there is no conflict of interest between his current job on the Patrol and his new role as coroner. He does, however, plan to recuse himself if there is ever an occasion with a law enforcement-related death.

When the coroner's office is up for election in 2006, Stockwell plans on running. He thanked Acting Coroner Jane Pentz and her staff for their hard work and dedication during Reed's illness and in the past month. In the local press, Stockwell said that Martha Reed was "one of a kind" as he learned while working her professionally on many occasions. He "looks forward to working with the coroner's staff to ensure that the citizens of Mason County continue to have a professionally administered

coroner's office."

### **Julie Sexton Joins WSAC as Newest Policy Director**

WSAC is proud to announce that Julie Sexton will be joining the staff December 13, 2005 as a policy director and will be lobbying a range of issues in behalf of the Association. She will fill the position previously held by Scott Merriman, who lobbied transportation, land use and tax issues. Merriman is now the Legislative Liaison with the Office of Financial Management.

Sexton comes to WSAC with a wide range of experience as both a private and public lobbyist having previously worked for the Washington State Grange, King County and the Washington State Department of Revenue in several positions, including Legislative Coordinator, Economic Development Liaison and most recently Legislative and External Affairs Liaison. She has been the point person on the negotiations over the streamlining sales tax proposal now before the legislature as well as many other tax issues that have recently impacted counties.

Julie earned her Bachelor of Arts degree from the University of Michigan and she graduated *Magna Cum Laude* from Seattle University School of Law.

The WSAC staff is pleased to welcome Julie to the Association.

### **WASPC Meets in Olympia**

Stevens County Sheriff Craig Thayer presided over the 2005 Fall Conference of the Washington Association of Sheriffs and Police Chiefs (WASPC) in Olympia last week. The conference spanned over

three days and included training sessions, committee meetings and both joint and separate business meeting of police chiefs and the Washington State Sheriffs' Association (WSSA).

WSSA met separately on Tuesday and completed a full day's business in a matter of hours. Nearly 30 counties were represented as updates were given on "Operation Allied Against Meth;" the Sex Offender Management Task Force; Regional Mobilization Planning; and the use of off-duty Washington State Patrolmen by private security at the Bellingham International Airport.

Franklin County Sheriff Richard Lathim was nominated to succeed retiring Spokane County Sheriff Mark Sterk as WASPC Vice President and was later elected by the entire body. King County Sheriff Sue Rahr was elected to a position on the WASPC Board.

### **Yakima Superior Court Renders Chief Financial Officer Judgment**

The issue of a county Board of Commissioners right to have a chief financial officer and what authority that position is able to exercise has been the subject of legal arguments between the Klickitat County Commissioners and Auditor since last spring. Oral arguments were made in Yakima Superior Court last June and in September the judge issued a letter opinion that has now been issued as a final judgment. The Klickitat County Auditor had argued that county Chief Financial Officer, Glen Chipman and employee of the County Commissioners, had "improperly usurped the duties and responsibilities of the County

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## ***Association News (continued)***

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Auditor.” The issues revolved around who had control of the county computer system and its browser.

After trial the Court found that “the County Auditor, under the present system, is able to carry out her statutory duties and that none of these duties are being usurped by the CFO acting on behalf of the legislative authority.”

In the final judgment the judge

ruled, “At all times, Mr. Chipman has acted completely within the Board’s statutory authority; and, has not interfered with or otherwise affected the Auditor’s ability to perform her statutory duties. Mr. Chipman’s management and administration of the Klickitat County financial information system is merely the technical support of the system. His access to manage the parameters of the system is inherent in the maintenance and up keep of

any information system. The Auditor’s access to the system gives her the proper access and authority to perform her statutory duties. The Auditor is able to perform all of her statutory duties in the current system and has failed to show otherwise.”

This case has been in litigation since October 2000. It is not known if the decision will be appealed.

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## ***Training and Upcoming Events***

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The Interagency Committee of State Employed Women (ICSEW), sponsored by Governor Christine Gregoire, would like to invite your county to be represented at the ICSEW's Biannual Professional Development Conference held in Kennewick, Washington on May 8-10, 2006.

The theme of the conference is "Today's Women, Today's Leaders."

The ICSEW is asking that your county contribute a gift basket to the conference, filled with products either manufactured in or unique to your area of the state. The baskets will be displayed throughout the conference and then auctioned off with all proceeds going to benefit the Columbia Basin Community College, Adult Learning Center's child care program.

With over 31,000 women employed by various agencies in five regions of our state, chances are your county will be represented at the conference. The expertise Washington State workers gain at the conference will become part of the overall business workings for your county and area of the state.

For more information, including where to send the gift basket representing your county, please contact Patricia Thronson at 360-902-3470 or e-mail Patricia at [PatriciaT@dis.wa.gov](mailto:PatriciaT@dis.wa.gov)

## Calendar of Events

<i>Meeting</i>	<i>Location</i>	<i>Date</i>	<i>Information</i>
<b>For your convenience training and workshops are bolded.</b>			
<b><u>NOVEMBER 2005</u></b>			
<b>THANKSGIVING HOLIDAY</b>	WA Counties Bldg CLOSED	Nov. 24 and 25	(360) 753-1886
WA State Assn of Local Public Health Officials	SeaTac	November 29 - 30	(360) 753-1886
<b><u>DECEMBER 2005</u></b>			
WA Association of Prosecuting Attorneys' Winter Meeting & Banquet	Crowne Plaza Hotel, Seattle	December 8 - 9	(360) 753-2175
<b>CHRISTMAS HOLIDAY</b>	WA Counties Bldg CLOSED	December 26	
<b><u>JANUARY 2006</u></b>			
<b>NEW YEARS HOLIDAY</b>	WA Counties Bldg CLOSED	January 2	
<b>TENTATIVE</b> - WSAC Urban County Caucus	Mercato's Ristorante, Olympia	January 4	(360) 753-1886
<b>TENTATIVE</b> - WSAC Rural Issues Sub-committee	Ramblin' Jack's Restaurant, Olympia	January 4	(360) 753-1886
<b>TENTATIVE</b> - WSAC Legislative Steering Committee	WA Counties Bldg, Olympia	January 5	(360) 753-1886
Legislative Session Begins	Olympia	January 9	<a href="http://www.leg.wa.gov/wsladm/calendar.cfm">http://www.leg.wa.gov/wsladm/calendar.cfm</a>
WSAC Legislative Steering Committee	WA Counties Bldg, Olympia	January 19	(360) 753-1886
WACO Board of Trustees Meeting	WA Counties Bldg, Olympia	January 11-12	(360) 753-7319
WSAC Legislative Luncheon	Ramada Inn – Governor's House, Olympia	January 19/11:30a	(360) 753-1886
WSAC Legislative Reception	Ramada Inn – Governor's House, Olympia	January 19/5:30p	(360) 753-1886
County Treasurers' Legislative Conference	WA Counties Bldg, Olympia	January 23-24	(360) 753-7319
County Clerks' Legislative Conference	WA Counties Bldg, Olympia	January 25-26	(360) 753-7319
County Assessors' Legislative Conference	WA Counties Bldg, Olympia	January 31-February 2	(360) 753-7319
<b><u>FEBRUARY 2006</u></b>			
WSAC Urban County Caucus	Mercato's Ristorante, Olympia	February 1	(360) 753-1886
WSAC Rural Issues Sub-committee	Ramblin' Jack's Restaurant, Olympia	February 1	(360) 753-1886
WSAC Legislative Steering Committee	WA Counties Bldg, Olympia	February 2	(360) 753-1886
WSAC Urban County Caucus Dinner	Mercato's Ristorante, Olympia	February 15	(360) 753-1886

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## ***Calendar of Events (continued)***

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WSAC Rural Issues Sub-committee	Ramblin' Jack's Restaurant, Olympia	February 15	(360) 753-1886
WSAC Legislative Steering Committee	WA Counties Bldg, Olympia	February 16	(360) 753-1886

*A very Happy Thanksgiving from the  
Washington Counties Building*

