

the Courthouse Journal

W A C O U N T I E S . O R G

April 27, 2007
Issue No. 16

*Inside the
Courthouse Journal*

Budget, Finance & Taxes
Page 3

Courts, Public Safety, Law
& Justice
Pages 4 - 6

Elections, Licensing
& Recording
Pages 7 - 8

Environment, Land Use &
Resources
Pages 9 - 10

General Government Issues
Pages 10 - 12

Transportation &
Public Works
Pages 12 - 14

Association News
Pages 14 - 16

Training & Upcoming
Events
Page 16

Featured Courthouse
Page 17

Attachments
Page 18

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

WSRP TO DEMOCRATS: LET'S BOTH USE PRESIDENTIAL PRIMARY

GOP ISSUES FRIENDLY, BIPARTISAN CHALLENGE TO DEMS: LET'S BOTH ALLOCATE 50% OF DELEGATES THROUGH PRIMARY

On April 26, Washington State Republican Party Chairman Luke Esser issued a friendly, bipartisan challenge to Washington State Democrats, saying the GOP will allocate at least half of its delegates to the party's national convention based on the presidential primary if Washington Democrats do the same. The letter sent by Chairman Esser to Chairman Dwight Pelz is included on next page.

"Democrats and Republicans spend a lot of time fighting, but we have an opportunity here to work together to improve voter participation and trust in the political process," said Washington State Republican Party Chairman Luke Esser. "Interest in next year's presidential election is already far stronger than for any in recent memory. The best way to maximize voter participation while avoiding the cross-over voting that concerns both parties is for Democrats and Republicans to hold a meaningful presidential primary on the same day."

Bills will become effective

July 22, 2007,

**90 days after adjournment of the legislative
session, unless otherwise noted.**

The *Courthouse Journal* will now resume its alternate publishing schedule of every other week. The first issue of the alternate schedule will be published on Thursdays starting May 10, 2007 Issue 17.

Want to post a job announcement on our webpage?

E-mail your info: Subject – “**JOBS - WA Counties**” to bwarden@wacounties.org

What information do you need to include in your e-mail?

Visit [Employment Opportunities](#)

Letter sent by Chairman Esser to Chairman Dwight Pelz

Chairman Dwight Pelz
Washington State Democratic Central Committee
PO Box 4027
Seattle, WA 98194

Dear Chairman Pelz,

Interest in next year’s presidential election is already far stronger than for any in recent memory. And no wonder. Our next president will grapple with massive issues that will set our nation’s course for decades to come: Winning the War on Terror, keeping our economy strong, protecting Social Security, and many others.

That’s why I’m writing you today. We owe it to the people of our state to work cooperatively to maximize their opportunity to participate in the selection of the candidates for the most important elected office in the world.

Therefore, on behalf of the Washington State Republican Party, I’m offering you and the Democratic Party of our great state a friendly challenge: If the Democratic Party allocates at least half of its delegates to your national convention based on the results of our state’s presidential primary, then the Washington State Republican Party will do the same.

I hope you will join us in this bipartisan effort to increase voter participation in our presidential selection process. Such a partnership will help pay due respect to the citizen initiative which created our presidential primary, and greatly enhance participation and interest in the political process.

Please don’t hesitate to call me if you’d care to discuss this matter further. I would welcome your call.

Sincerely,
Chairman Luke Esser
Washington State Republican Party
(206) 575-2900

Note from WACO Staff:

Newspaper editorials in recent days have been calling for the parties to agree to use the results of the presidential primary to help pick their delegates to the national party convention.

Historically, the parties have used caucuses to choose their delegates. The state’s last presidential primary, held in 2000, drew more than 1.3 million participants. The caucuses held that year drew 60,000.

The Courthouse Journal

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We welcome your suggestions and contributions. The weekly / bi-weekly deadline is noon Wednesdays.

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Legislative Committee Schedules and Agendas:

<http://www.leg.wa.gov/wsladm/calendar.cfm>

Bill Information: www.leg.wa.gov

Budget, Finance and Taxes

Treasurers' Cleanup Bill (WACO/Treasurers' Recommendation)

HB 1166 modifies county treasurer administrative procedures by making technical changes to excise and property tax laws; awaiting the Governor's signature.

Receipting Current Year Taxes

SSB 5732 revises restrictions on the county treasurer regarding receipting current year taxes. This bill allows county treasurers to receive property taxes prior to February 15. The bill is permissive and not mandatory. *Chapter 105, Laws of 2007.*

Air Pollution Control Agencies

SHB 1258 allows monies collected for an air pollution control authority to be disbursed from warrants drawn by an authority or a designated county auditor. It also deletes a requirement obligating air pollution control authority boards to reimburse counties for services rendered by county treasurers in connection with the receipt of authority monies. *Chapter 164, Laws of 2007.*

Accrual of Property Tax

ESSB 5836 regards the determination of boundaries for taxing districts. When territory that is part of a fire or library district is annexed to a city or town, any taxes on annexed property that were levied, but not collected, must be paid to the annexing city or town when collected at times required by the county, but no less frequently than July 10 and January 10 following the annexation. If the taxes on annexed property were delinquent at the time of annexation, the taxes must be paid to the fire or library district when collected.

If the property annexed by the city or town was in a fire or library district while there was an outstanding general obligation bond, the bonded indebtedness of the fire or library district remains an obligation of the taxable property annexed to the city or town.

Cities or towns annexing fire or library district property must notify the district of the annexation. The provisions of the bill do not apply if the city has been annexed to a fire or library district and the city is seeking to annex unincorporated county territory.

The date that official boundaries are established for counties, cities and other taxing districts is changed from the first day of March to the first day of August; awaiting the Governor's signature.

Irrigation District Foreclosure

HB 1972 regards proceeds from irrigation district foreclosure sales. When proceeds from an irrigation assessment judgment sale exceed the amounts owed, the excess proceeds must be remitted, upon application, to the record owner of the property. The record owner of the property is the person who held title to the property on the date that the certificate of delinquency was issued. Assignments of interests, deeds or other documents executed or recorded after the date that the delinquency certificate is issued must not affect the payment of excess funds to the record owner. *Chapter 63, Laws of 2007.*

Governor to Sign Emergency Management Liability Bill

Governor Gregoire is expected to sign **HB 1073**, which would limit liability for volunteer emergency workers and the state and local emergency management agencies overseeing their work. The bill-signing ceremony is tentatively scheduled for Wednesday, May 2.

HB 1073 extends to all registered emergency volunteer workers the same liability protection currently provided only for volunteer medical workers. County emergency management agencies engage in extensive recruitment, training and exercise programs for volunteers with expertise in a variety of critical services. Proponents of the bill believe it is in the best interest of public policy and the general welfare of the citizens of the state of Washington to treat all classes of registered volunteer emergency workers the same, thus encouraging and supporting high-quality volunteerism in all fields that may be called on to assist the public during a disaster response.

WSAC is one of more than 22 stakeholder groups that supported the legislation, which unanimously passed both the House and Senate.

Yakima, Grant Counties Receive Extraordinary Criminal Justice Funds

The Legislature passed a final operating budget that includes \$746,000 to Yakima County and \$162,000 to Grant County to help reimburse criminal justice costs associated with aggravated murder cases.

The funding, which requires specific legislative appropriation, is authorized pursuant to the "Extraordinary Criminal Justice Assistance Act" RCW 43.330.190 and requires a detailed application. Potential future applicants may review background materials at www.opd.wa.gov.

Bills on the Governor's Desk Today

Governor Christine Gregoire is taking action on several bills of interest today (April 27) including two WACO priorities. They include:

- **HB 1181**, forensic investigations, provides a fee increase to vital records to fund the death investigations system and forensic anthropology.
- **EHB 2070**, exceptional sentences. When a new sentencing hearing is required (Blakely decision) in a case where an exceptional sentence was imposed, the superior court may impanel a jury to consider any alleged aggravating circumstances listed in RCW 9.94A.535(3) that were relied upon by the superior court in imposing the previous sentence.
- **E3SHB 1001**, auto theft, The Washington Auto Theft Prevention Act, provides for increased penalties and triple scoring of prior motor vehicle-related offenses (theft, possession of a stolen vehicle, and taking a vehicle without permission). Home detention is established as an option for first-time adult offenders. Juvenile offenders are subject to risk assessments, home detention, and increased penalties for the same offenses. New crimes are created to cover the making and possession of motor vehicle theft tools. A Statewide Auto Theft Prevention Authority is created to study motor vehicle theft in Washington.
- **SHB 1319**, protecting correctional agency staff from stalking.
- **HB 1366**, relating to a privilege from compelled testimony of the news media.
- **HB 1520**, relating to polygraph examinations for sexual assault victims.
- **SHB 1555**, relating to sexual assault protection orders, provides a remedy for victims who do not qualify for a domestic violence protection order.

- **SHB 1565**, relating to public access to child in need of services and at-risk hearings.
- **SSB 5193**, relating to donation of unclaimed personal property to nonprofit charitable organizations. The state patrol, county sheriffs, and local police agencies may donate unclaimed personal property to nonprofit charitable organizations provided such property is used for the benefit of needy persons. Nonprofit organizations authorized to receive unclaimed personal property from law enforcement agencies must qualify for 501(c) (3) tax-exempt status.
- **SSB 5243**, relating to increasing the length of confinement for a parole violation committed by certain juvenile sex offenders under the jurisdiction of the department of social and health services, juvenile rehabilitation administration.
- **SSB 5321**, relates to investigation and reporting of child welfare by DSHS.
- **SB 5332**, relating to creating a statewide automated victim information and notification system, provides for further integration of system implemented by WASPC last year.

Bills of Interest to Sheriffs

- **SSB 5405**, providing procedures for judicial orders concerning distraint of personal property. **SSB 5405** is a proposal of the Pierce County Sheriff's Department dealing with writ of execution. **SB 5405** allows the sheriff the authority to publicly demand delivery of the property if the property at issue is personal property that is concealed in a building or enclosure. If the property is not relinquished or if the order of execution states, the sheriff has the authority to cause the building or enclosure to be broken open and to take possession of the property. *Chapter 37, Laws of 2007.*
- **SSB 5533**, revising procedures for individuals who are mentally ill and engaged in acts constituting criminal behavior. **SSB 5533** allows law enforcement to divert individuals with mental illness who have allegedly committed misdemeanor crimes to mental health treatment; allows implementation of crisis stabilization units and directs DSHS to establish minimum standards; and, modifies the procedure for non-emergent detentions and defines "imminent." The summons process and 24-hour reporting in non-emergent Involuntary Treatment Act cases is eliminated and replaced with an "order to detain" process. No jail or correctional facility may be considered a less restrictive alternative.

County's Emergency Director Resigning *Published - Seattle Times 4/26/07*

Eric Holdeman, director of the King County Office of Emergency Management (OEM), is resigning to become a principal for ICF International, a consulting firm in Fairfax, Va.

"A personal goal that I've always wanted to do is work in the private sector and an opportunity came along for me to do that and stay in the Northwest," said Holdeman, whose last day will be in May.

Holdeman has worked for the OEM since 1996, directing the office and coordinating emergency response between public and private agencies. He also hosts "Project Impact," a program appearing on King County Television. King County Executive Ron Sims said, "He took an office from the ashes of government and has made it the best emergency-preparedness office in the United States." Holdeman started emergency drills and oversaw construction of a new emergency coordination center in Renton.

State Boosts Contributions to Public Defense, Court Funding

For the second year in a row, the Legislature has recognized the state's duty to fund trial-level criminal indigent defense and appropriated funds in the biennial budget to help counties ensure this constitutionally mandated right.

The 2007-09 operating budget includes more than \$7 million for this purpose, with 90 percent available to counties and 10 percent available to municipal courts. According to the state Office of Public Defense (OPD) the appropriation will provide each eligible county with an annual distribution slightly more than double the amount provided last year, based

on the statutory distribution formula. To be eligible for the funds a county must commit to making improvements in its indigent criminal defense services. In the next few months OPD will contact each county with information about its exact share of funding. For more information, check out the OPD website at www.opd.wa.gov.

In addition to the criminal defense funding, the budget included \$6.5 million to extend the “parents representation program” that ensures adequate defense for indigent parents involved in child dependency and termination cases, in which the state seeks to terminate parental rights. OPD is now operating the program in 18 counties, and the new funding will allow extension to several more counties this year. The state program completely relieves the county of providing defense counsel for parents in these proceedings.

The budget also included first-time funding of \$2 million for language interpreters in court proceedings. The state Administrative Office of the Courts (AOC) will first assist local courts in developing a federally mandated “language assistance plan,” then will offer partial reimbursement of interpreter costs to counties that have such a plan in place.

Finally, state funding will increase to help offset district court judge salaries. AOC estimates that the annual amount for 2007 will be \$17,700 for each district court judge. As required by statute, each county receiving this funding must deposit an equal amount into its Trial Court Improvement Account, which may be spent on court-related projects to benefit any level of trial court.

WSAC Prepares Amicus Brief in Lawsuit Regarding Civil Right to Counsel

The WSAC Board of Directors this week approved a motion to prepare an amicus brief to argue against extending a constitutional right to counsel in private, civil custody matters.

Staff at the Washington Association of Prosecuting Attorneys (WAPA) will prepare the brief supporting the Washington State Attorney General in the case of King v. King, which is scheduled for oral arguments at the Washington state Supreme Court May 31.

In King v. King, a Snohomish County divorce and child custody case on appeal to the state Supreme Court, the wife (Ms. King) contends she has a right to legal counsel at public expense.

In civil legal matters (as opposed to criminal), the law currently recognizes a constitutional right to publicly-funded counsel for a private litigant only in cases in which the litigant's physical liberty is at stake or where a fundamental liberty interest, such as state-initiated termination of parental rights, is at risk. Ms. King is seeking to extend the constitutional right to legal counsel to private parties involved in private actions for dissolution of a private contract of marriage.

The practice in Washington has been that counties provide the vast majority of publicly funded legal counsel in criminal proceedings and, until recently, in termination-of-parental-rights cases.

The Attorney General asked WSAC to join him in submitting amicus briefs arguing that there is no constitutional right to publicly funded legal counsel in divorce proceedings, even when custody of a child is at issue.

San Juan County Judicial District Created

SB 5247 passed the legislature this year and will give San Juan County its own Superior Court Judge by creating a San Juan County judicial district. Currently, San Juan County and Island County are part of the same judicial district and they share two Superior Court Judges. Voters in San Juan County will elect the judge in November. San Juan County Prosecutor and WACO Board member Randy Gaylord has expressed an interest in running for the position.

Elections, Licensing & Recordings

Air Pollution Control Agencies

SHB 1258 allows monies collected for an air pollution control authority to be disbursed from warrants drawn by an authority or a designated county auditor. It also deletes a requirement obligating air pollution control authority boards to reimburse counties for services rendered by county treasurers in connection with the receipt of authority monies. *Chapter 164, Laws of 2007.*

Commercial Motor Vehicle Carriers – Trip Permit Fee Increase

SHB 1304 seeks to protect human lives on state roadways by strengthening federal and state safety regulations with regards to commercial motor vehicles operating in this state. The Washington State Patrol will use data-driven analysis to identify and prioritize for inspection and compliance reviews those motor carriers who have been identified as higher risk carriers. Fee increases in auditors' offices will be a part of the efforts to establish rigorous rules and compliance. Trip permits will increase from \$15 to \$20 and the registration fee for vehicles subject to highway inspections and terminal audits will increase from \$10 to \$16. The latter fee increase won't apply to commercial motor vehicles that are operated under a permit and subject to economic regulation under other statutes; awaiting the Governor's signature.

Affordable Housing - \$8 Surcharge on Recording Documents

E2SHB 1359 creates the Homeless Housing and Assistance Program. This bill adds another eight dollars surcharge on certain documents recorded by the county auditor; awaiting the Governor's signature.

Certificates of Discharge (Secretary of State Request)

HB 1431 eliminates requirements for the Department of Corrections and the Secretary of State to maintain records of certificates of discharge for persons who have finished their criminal sentences. The requirement that copies of certificates of discharge be sent to county auditors is eliminated. Each certificate is to be filed with the county clerk who must enter the names of discharged felons into a database maintained by the Administrative Office of the Courts. *Chapter 171, Laws of 2007.*

Eminent Domain

SHB 1458 requires adequate notice to property owners before condemnation decisions. Auditors should be aware that if property is school or county land, the notice will be mailed to the county auditor. *Chapter 68, Laws of 2007.*

Presidential Primary Ballot (Secretary of State Request)

HB 1526 eliminates the unaffiliated ballot option for the presidential primary. Presidential primary ballots must be consistent with the requirements for consolidated primary ballots or physically separate primary ballots; awaiting the Governor's signature.

Electronic Voter Registration (Secretary of State Request)

HB 1528 provides for electronic voter registration through the Secretary of State's web site. The bill will become **effective January 1, 2008**. *Chapter 157, Laws of 2007.*

Canvassing of Ballots (WACO/Auditors' Request)

SHB 1654 modifies provisions on the canvassing of ballots. If the auditor is in possession of more than 500 ballots, rather than the 25 ballots in current law, the ballots must be counted on a daily basis, or every third day, depending on population. Language requiring Saturday counting is eliminated. In vote by mail counties, a random check of the ballot counting equipment may be conducted upon mutual agreement of political party observers or at the discretion of the

county auditor. The random check is limited to one office or issue on the ballot involving up to three precincts or six batches. **Section 1 expires July 1, 2013 and Section 2 becomes effective July 1, 2013;** awaiting the Governor's signature.

Modifying Dates in an Election Cycle

HB 1831 changes the definition of "election cycle" to mean the period beginning on January 1 after the date of the last general election and ending on December 31 after the next election for office. In addition, it changes the definition of "election cycle" in the case of a special election to fill a vacancy in office to mean the period beginning the day the vacancy occurs and ending on December 31 after the special election. This is a technical bill that grows out of a difference between the statute and how campaigns are actually run. Contributions given after the end of the election cycle require the candidate to file a new report with the Public Disclosure Commission. The contribution is considered to be for the following election, regardless of the intent of the contributor. *Chapter 180, Laws of 2007.*

Election Certification

HB 2152 clears up confusing language in statute and clarifies that official certification of an election occurs when the county canvassing board certifies the election. Most counties issue a ceremonial certificate of election that has no relation to the actual certification of the election, so this bill gives candidates and the government certainty as to the date of certification, the starting date of elected officials and the time within which the election may be contested (within 10 days of certification by the canvassing board); awaiting the Governor's signature.

Raising Funds for State Parks

SHB 2275 provides the opportunity for vehicle owners to *voluntarily* donate five dollars to benefit state parks when making an initial or renewal registration for a motor vehicle, or for certain trucks, tractors and busses that weigh 10,000 pounds or less; awaiting the Governor's signature.

Primary Election Ballots (Secretary of State Request)

SB 5408 stipulates that if a voter fails to select a major party in the check-off box on a consolidated ballot, the votes will be counted if the voter votes only for candidates of one political party in partisan races. Chapter 38, Laws of 2007.

Water District Commissioner

SSB 5674 provides that in water-sewer districts with fewer than one hundred residents, if the filing period is reopened for a district commissioner, any registered voter who resides or holds title or evidence of title to land in the district may file as a district commissioner candidate; awaiting the Governor's signature.

State Heritage Center (Secretary of State Request)

SSB 5882 funds the proposed Washington State Heritage Center, which will house the State Archives, State Library and State Capital Museum on the Capitol Campus. In addition, the Secretary of State can solicit gifts and grants for the development, construction and operation of the Heritage Center. The bill becomes effective on July 22, 2007, with the exception of Section 2, which directs the county auditors to collect an additional \$2 for recording documents which will go into Washington State Heritage Center Account, **effective January 1, 2008**, and Section 1, which directs the Secretary of State to collect an additional fee of \$5 on corporate filings, **effective January 1, 2009**. This bill was included in the Capital budget; awaiting the Governor's signature.

Budget Cut for Ballot Tracking

The legislature cut \$3.56 million from the Secretary of State's budget for ballot tracking system maintenance over the next biennium.

Environment, Land Use & Resources

Growth Management/Land Use Bills

SSB 5248 deals with the application of the growth management act to certain agricultural activities occurring on agricultural lands and will create a two year time out for the development and adoption of new Critical Area Ordinances while the Ruckelshaus Center works with stakeholders on potential new programs, rules and proposed legislation. WSAC is working with both the environmental and agriculture stakeholders on this issue. **SSB 5248** has been delivered to the Governor for signature.

SHB 1965, authorizes major industrial development within industrial land banks. **SHB 1965** has been delivered to the Governor for signature.

SHB 1727, planning to ensure sufficient land and densities available to accommodate growth. WSAC has opposed a section in this bill that would have required counties to adopt the development regulations of the city adjoining unincorporated UGAs. **SHB 1727** died in the Senate.

Agriculture Bills

SB 5108 creates the office of farmland preservation to support the retention of farmland and the viability of farming for future generations. Elements of this proposal are very consistent with WSAC's Agriculture Policy. We are concerned with the agency title, which implies preservation of farmland rather than WSAC's policy which is to sustain and enhance the agricultural economy of Washington State. **SB 5108** has been delivered to the Governor for signature.

HB 2115 creates the Heritage Barn Preservation Program. **SHB 2115** has been delivered to the Governor for signature.

HB 1648 reinforces the importance of local right-to-farm ordinances to enhance the protection of agricultural operations and activities from nuisance lawsuits, and to further the clear legislative directive of the state Growth Management Act to maintain and enhance the agricultural industry and conserve productive agricultural lands. The bill has been delivered to the Governor for signature.

Water Bills

ESSSB 5372, creating the Puget Sound Partnership has been delivered to the Governor for signature:

- Creates the Puget Sound Partnership, a new state agency, to clean up and restore the environmental health of Puget Sound by the year 2020.
- Creates an action agenda to achieve clean-up and restoration goals.
- Creates four organizational entities within the Puget Sound Partnership
 - Leadership Council
 - Ecosystem Coordination Board
 - Action Areas
 - Science Panels
- Honors existing legal authorities of local government
- Created corrective action process for entities in "substantial non-compliance"

HB 1761 accelerates the cleanup of Puget Sound and hazardous waste and waste sites in the state. **HB 1761** has been delivered to the Governor for signature.

Forest Bills

2SSB 5883 and **HB 1409** relates to the conversion of forestlands and applicability of local critical area ordinances and development regulations and relieves counties from having to develop separate forest practice rules for forest conversion

requirements. These bills are consistent with WSAC position statements. **HB 1409** is set to be signed by the Governor on Monday, April 30. **SSB 5883** has been signed by the Governor.

Energy Bills

HB 1037 adds an additional type of facilities to the EFSC list of activities - electrical transmission or distribution lines and related equipment designed for or capable of operating at a nominal voltage in excess of one hundred fifteen thousand volts. Currently, these facilities are sited using local processes. This bill has been delivered to the Governor for signature.

Air Quality, State Environmental Policy Act and Shoreline Management Act

HB 1412, providing for a one-year extension for shoreline master program updates has been signed by the Governor.

HB 1413 changes the definition of floodway in the Shoreline Management Act and has been delivered to the Governor for signature.

SB 5421 is designed to establish consistent language amongst states for environmental covenants, recorded use restrictions negotiated in connection with hazardous waste site cleanups, and other environmental response projects to insure they are legally valid and enforceable. It has been signed by the Governor.

Eminent Domain Bills

HB 1458 requires new notice requirements to property owners before condemnation decisions/action may occur. **HB 1458** has been signed by the Governor. **SHB 2016** which limited the use of eminent domain for economic development purposes, required a buy back provision, directed consideration of reasonable alternatives and increased compensation for certain activities including ROW purchases, failed to pass the legislature.

Six Public Meetings Scheduled by WDFW

WDFW is developing an HCP for its Hydraulic Project Approval permit process concurrently with the development of a Wildlife Area HCP. Both HCP's will be discussed at six public meeting that are scheduled around the state. The six locations are Yakima (4/30/07), Cashmere (5/1/07), Spokane (5/2/07), Mt Vernon (5/8/07), Olympia (5/10/07) and Vancouver (5/15/07). For locations, directions and further information please visit: www.wsfw.wa.gov/hcp/index.html

For more information on Wildlife Areas HCP: Jennifer Quan, 360-902-2508 or wildlifehcp@dfw.wa.gov

For more information on Hydraulic Project Approval HCP: Marc Daily, 360-902-2526 or hydraulichcp@dfw.wa.gov

General Government Issues

Bill Eliminates Pension Gain-sharing, Enhances Other Benefits

In the waning hours of the session, the Legislature passed its final version of a bill to repeal the "gain-share" benefit associated with Plans 1 and 3 of the Public Employees Retirement System (PERS). In exchange for eliminating gain-sharing, the bill enhanced other benefits but still is expected to save money for state and local employers.

EHB 2391 eliminates gain-sharing after a final distribution January 1, 2008, and adds the following benefit enhancements: On July 1, 2009, the uniform COLA in Plan 1 is increased by approximately 14 cents, and effective July 1, 2008, the early retirement reduction factors are improved for members of both Plans 2 and 3 that are at least 55 years old and have completed 30 or more years of service.

Eligible members will be able to retire from age 62 with no reduction in benefits, while members aged 61 or less may retire with a 2 percent benefit reduction, plus an additional 3 percent reduction for each year between age 60 and 55.

The bill is expected to reduce (or slow the increase of) employer contribution rates. Updated projections of employer rates should be available soon from the Office of the State Actuary at www.osa.leg.wa.gov.

Background on gain-sharing:

Gain-sharing was created in 1998 to increase benefits in select public pension plans when "extraordinary investment gains" are experienced by the plans. The statutes define "extraordinary investment gains" as those that are earned when the compound average of investment returns on the pension funds over the previous four fiscal years exceed 10 percent. When the previous four fiscal year average exceeds 10 percent, a calculation is performed to determine a dollar amount that will be distributed to eligible members. The calculation is performed once per biennium for distributions in January of even-numbered years.

In the 2003 actuarial valuation, the Office of the State Actuary determined that the future cost of gain-sharing distributions would result in an effective reduction in the long-term average rate of return that can be assumed from the pension funds. The long-term average is lowered through the gain-sharing mechanism because in some periods of very good investment return, some extraordinary gains are distributed as additional benefits. The effective long-term rate of return is lowered sufficiently by gain-sharing to represent a material future cost to the retirement plans, as compared to the cost of the benefits apart from gain-sharing, and the Actuary determined that higher contribution rates would be required to fund the future gain-sharing costs.

Thus the Pension Funding Council (PFC) adopted 2007-2009 employer contribution rates sufficient to fund future gain-sharing costs. The portion of the contribution rates adopted for gain-sharing were projected to generate about \$147 million General Fund-State and \$340 million in total employer costs during the 2007-09 biennium. Over the next 25 years, the standard period for reflecting the long-term cost of pension system changes, gain-sharing was projected to cost about \$3.0 billion General Fund- State and \$6.7 billion in total employer contribution rate costs.

Second Round of Historic County Courthouse Rehabilitation Grant Awards Announced

With the gleaming dome of the recently rehabilitated Franklin County Courthouse serving as the backdrop, on May 17, the Steering Committee of the Historic County Courthouse Rehabilitation Grant Program awarded \$430,000 in grant funds to five counties across the state. "With the remaining funds available in the program's second grant round, the committee will assist several counties in their efforts to rehabilitate the architectural jewels representing Washington's civic duty and pride" stated Dr. Allyson Brooks, State Historic Preservation Officer. "We are thrilled that in the program's first two funding rounds, 13 counties have been awarded nearly \$5M in grants. It is our belief that the rehabilitation of Washington's courthouses will boost economic development and instill a preservation ethic in communities throughout the state."

Grant recipients from the second funding round include Columbia, Ferry, Pend Oreille, Snohomish and Walla Walla County. Projects range from replacing non-historic existing windows with historically appropriate versions to salvaging original clay tiles as part of a roof replacement. Such capital improvements will work to enhance the historic character of our houses of justice. Overall, historic county courthouses statewide are facing over \$90 million in estimated need. Grant funding assists county governments in rehabilitating their historic county courthouses. Together with matching funds raised locally, this money will foster economic development in numerous communities while working to preserve public buildings vital to the architectural and cultural heritage of Washington.

To receive funding, all rehabilitation work must meet historic preservation standards known as the *U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties*. For more information about these preservation standards, visit the following website address: www.cr.nps.gov/hps/tps/standguide/rehab/rehab_index.htm.

Funding for the Historic County Courthouse Rehabilitation Grant Program in the 2007-2009 Biennium will likely continue. A funding package is currently in the proposed State Capital Budget, and DAHP is seeking grant applications for projects aimed at rehabilitating and preserving historic courthouses statewide. The deadline to submit application materials is **May 25th, 2007**.

- [Courthouse Grant Application Procedures 2007-09](#)
- [Courthouse Grant Application 2007-09](#)
- [Courthouse Program Requirements 2007-09](#)

Legislature Passes Paid Family Leave – the Light Version

On its last day, the Legislature passed **E2SSB 5659** authorizing a paid family-leave benefit for all workers for the birth or adoption of a child, but leaving the financing of such a program up to a task force and future legislative action.

The joint legislative task force is required to study financing for benefits and administrative costs; program implementation and administration; government efficiencies which improve program administration and reduce program costs; and impacts, if any, on the unemployment compensation system and options for mitigating such impacts. The task force must report its findings and recommendations, including recommendations as to the specific manner in which benefits and administrative costs should be financed, to the Legislature by January 1, 2008. In addition to eight legislators, the 13-member task force includes one large-business representative, one small-business representative, one labor representative, one representative of advocates for family leave and one gubernatorial appointee.

The program will pay up to \$250 per week for five weeks, effective October 1, 2009. The paid leave is concurrent with other unpaid leave authorized by federal and state family leave laws.

The final version of the bill reduced eligibility for the leave to deal only with birth or adoption, and eliminated an automatic annual increase in benefits. The Senate had previously passed a version that allowed the leave for a personal illness and the illness of a close family member as well as the birth or adoption of a child. Previous versions of the bill would have paid for the program with a 2-cent-per-hour payroll deduction for all persons employed in the state.

Transportation & Public Works

Transportation Budget

The final Transportation Budget contained no big changes from the budgets proposed by the House and Senate. The final budget includes \$7.5 million in total spending. No new projects were included in the budget, but several projects were restored to their original timelines or provided additional revenue to offset higher construction costs. Other transportation revenue related highlights include:

- The budget requires cities and counties planning under the Growth Management Act to adopt access permitting standards on state highways that meet or exceeds WSDOT standards by December 1, 2008.
- **SSB 5085** passed to allow all transportation accounts, including the County Road Administration Board's accounts, to retain 100% of their interest earnings effective January 1, 2009.
- Funding is provided to implement **ESHB 2358**, which directs the Transportation Commission to conduct a ferry users study to help make ferry fare decisions. This market analysis and other pricing policy changes are intended to determine the optimal fare to be adopted. Until those policies are adopted or until September 1, 2009, whichever is sooner, ferry fares may not increase. However, the 2.5% fare increase approved by the Transportation Commission in March will go into effect since the effective date of **ESHB 2358** is subsequent to the effective date of the fare increase.
- **SSB 5207** directs the Joint Transportation Committee to study funding mechanisms to fund freight infrastructure improvements. Projects funded by the Freight Congestion Relief Account are dependent on the enactment of legislation from the study.

Capital Budget

Thank you to all the members who contacted their legislators on Section 1034 of the Senate Capital Budget related to the Public Works Trust Fund. This section included proviso was included to require a minimum interest rate of 1% for PWTF

loans and to prohibit other state grants and loans from being used as part of the match for a PWTF loan. This language was stricken in the final Capital Budget.

Alternative Works Contracting Methods – Seeking Nominations for Project Review Committee

ESHB 1506, which renews and expands the current General Contractor-Construction Manager (GC-CM) and Design Build (DB) public works authority, is now sitting on the Governor’s desk awaiting action. We expect that the bill will be signed. For that reason, the Capital Projects Advisory Review Board (CPARB) is getting started on the creation of the Project Review Committee (PRC) contained in the legislation.

The PRC is charged with reviewing and approving applications of public bodies seeking to use GC-CM or DB contracting methods for projects. CPARB is seeking letters of interest from individuals, knowledgeable in the use of these alternative public works contracting methods, to serve 1-3 year terms on the PRC. The PRC must be ready to review projects effective July 1, 2007. Therefore, CPARB plans on making appointments to the PRC as soon as possible.

This PRC will likely meet monthly and will be expected to review of several project applications prior to each meeting. Project applications will be standardized and approximately 20 pages. In addition to completing a project application packet, short oral presentations may be presented to the PRC during the public meeting. Committee members will be compensated for reasonable travel expenses. If you are interested in serving please prepare a short letter of interest which includes:

- Your Name & title
- Your Company or public agency name
- Work & Home addresses
- Contact Phone numbers
- Short paragraph which highlights your skills, background or special knowledge for this type of committee.
- 3 References with contact information
- State your availability to serve for 1, 2 or 3 years

Email your letter of interest to: Nancy Deakins, Deputy Assistant Director, E&A Services, Washington State Department of General Administration at deakink@dshs.wa.gov by May 8, 2007. Questions may be directed to Nancy via e-mail or phone at (360) 902-8161. Your willingness to submit a letter of interest will be greatly appreciated.

Regional Transportation Commission

Although neither **HB 2101** nor **SB 5803** passed the Legislature, the creation of a Regional Transportation Commission within the Puget Sound area will be discussed in the interim. Included in the Transportation Budget is \$400,000 for the Joint Transportation Committee to study implementation options regarding governance in the central Puget Sound. The Joint Transportation Committee (JTC) was created during the 2005 legislative session to review and research transportation programs and issues to better inform state and local government policymakers, including legislators. The JTC’s members are the chairs and ranking members of the House Transportation Committee and the Senate Transportation Committee. The JTC generally meets monthly.

Roundabouts and BIG Trucks: A Letter from FMSIB

“The Freight Mobility Strategic Investment Board (FMSIB) has been discussing the difficulties that truckers are experiencing trying to navigate their vehicles through roundabouts. As you know large vehicles find it difficult in not impossible to travel through the circles while remaining in a single lane. The Board also had a live demonstration at their March 16 meeting where they were able to witness first hand the problems these designs pose to the movement of freight.”

“A question was raised regarding who would bear liability should there be an accident in a roundabout involving a truck that was forced to travel in two lanes due to the design of the circle. We found the answer to be elusive so we contacted

our assistant attorney general and requested a response to our question. The response pointed out not only issues surrounding the liability question, but also pointed out that there was a need for better education and signage.”

You can read the response memo from the Assistant Attorney General Larry Sheahan (Attachment to this issue of the *Courthouse Journal*). FMSIB would like to hear your thoughts on this issue; schmidk@fmsib.wa.gov .

Association News

Vicki Kirkpatrick Accepts New Position as Public Health Director in Mason County

Vicki Kirkpatrick the WSAC Policy Director and WSALPHO Administrator has announced that she has accepted an offer from Mason County to become their new health department. Vicki has worked for WSAC for 14 years and before that had been the director for administrative services at the Tacoma-Pierce Health Department.

Vicki has been a valuable member of the WSAC staff and a friend to all of us. We wish her the best in her new job. While we will miss her being at WSAC at least she will remain a member of the county family and change roles from being a staff member to WSALPHO to becoming a member. She plans on finishing up several important projects for WSALPHO here at WSAC through May and then transition into her new job in June.

We will be working with WSALPHO to begin the search for a new administrator.

WACME Conference

The Washington Association of Coroners and Medical Examiners (WACME) has announced training that will be offered in conjunction with the WACME Summer Conference at Campbell’s Lodge at Lake Chelan from June 17 – 19. An announcement and registration are attached to this Courthouse Journal.

President Greg Sandstom, Kitsap County Coroner, has set the association business meeting for Monday evening, June 18. Senator Dale Brandland from the 42nd District has been invited to discuss the issue of deaths in nursing homes and medically assisted facilities.

The training is *Coroner/Medical Examiner and Law Enforcement: A Vital Partnership in the Investigation of Missing and Unidentified Persons*. Instructors are Dr. Kathy Taylor, King County Medical Examiner’s Office and Officer Trina Drain, Seattle Police Department. (*This is the next phase of the Missing Persons’ Training. It is a vast expansion of the subject with more in depth training*). It includes:

- Basic missing person investigations from the Law Enforcement and Coroner perspective
- Why communication between Law Enforcement and Coroners/Medical Examiners is essential when working a Missing Person (MP) or Unidentified Persons (UID) case
- Preserving the scene in a MP’s case
- Communicating with the public
- Resources available for investigating a MP and UID case
- A check list for the investigation of missing persons and unidentified bodies
- What should the Coroner/Medical Examiner do when someone calls and is missing a person
- Challenges faced when investigating a MP or UID case
- Looking to the future (the NEW WA STATE MP WEBSITE DEMO)
- NCIC report. What is it, how do you read it and what do you do with it?
- And a roundtable discussion of the participants’ cold case studies.

ABMDI Testing in June

Eligible coroner and medical examiners staff who are seeking certification through the American Board of Medicolegal Death Investigation (ABMDI) have until 30 days before the June 17 testing at Lake Chelan to apply to ABMDI.

The test is scheduled for Sunday, June 17, at Campbell's Lodge at Lake Chelan in conjunction with the Washington Association of Coroners and Medical Examiners' (WACME) Summer Conference. Joe Frisino, Medicolegal Death Investigator, King County Medical Examiner's Office, is the proctor for the tests. Both levels of certification will be tested:

- ABMDI Board Certification (advanced testing for Registry Level ABMDI) six hours starting at noon.
- ABMDI Registry Certification (initial certification for ABMDI) four hours beginning at 2:00 p.m.

Coroner and medical examiner staffs that stay to attend the conference that ends on June 19 will be reimbursed for mileage, meals and lodging. Again, participants must be pre-approved by ABMDI to test and applications must be completed and into ABMDI 30 days prior to testing. Information, qualifications and applications are available at: www.slu.edu/organizations/ABMDI

Please RSVP to WACO as well. WACME Conference information is attached to this Courthouse Journal.

County Treasurer Will Not Seek 6th Term

Whatcom County Treasurer Barbara Cory has announced that she will not seek a sixth term as county treasurer. The position is up for election this November, under the county's home rule charter. "It has been a privilege and an honor to serve the citizens of Whatcom County as your treasurer for the last 19 years. This has been a very difficult decision to make but I feel it is now time to pursue other opportunities and interests and to spend more time with my children and grandchildren," said Cory.

Cory has worked for the county for more than 37 years. She began working in the treasurer's office in 1965 on a summer project and was hired by then county treasurer, Hugh Cory, for a full-time entry clerical position. She was promoted to Chief Accountant and was selected by former treasurer C.L. Bowen to be his Administrative Assistant. Cory was first elected treasurer in November 1987 when she ran against appointed treasurer Bob Jordan to fill the unexpired term of Bowen and a full term. She has been re-elected four additional terms without opposition. She is the only administrative elected official at the county who has never had an opponent after her initial election.

Cory began working in the treasurer's office when all of the accounting and tax statement creation was done manually. "It has been my good fortune to have had the opportunity to be instrumental in making many critical business decisions for the office. I am very proud of the recognition that my office has received from the community for its operational efficiency and professionalism. On my election I made a commitment to exemplary customer service. That statement is reflected in the mission statement for the treasurer's office." The treasurer's office currently has fewer employees now than it had in 1981.

Cory served as President of the Washington State Association of County Treasurers (1993-1994) and as President of the Washington Association of County Officials (2001-2002).

Training & Upcoming Events

Mark Your Calendars - WSAC Announces the 2007 Regional Forums

In anticipation of the next meeting of the WSAC Legislative Steering Committee, WSAC will be holding four (4) Regional Forums to hear and discuss what issues members are most interested in and concerned about. **ALL MEMBERS** are welcome and encouraged to attend these Forums. In an effort to be as accessible to as many people as possible, the Forums will be held in Stevens, Franklin, Skagit and Cowlitz counties. Please find the dates and locations below:

Northeast Regional LSC Forum

May 16 (Wednesday) Stevens County
10:00 a.m. to Noon Park Place Restaurant
995 S Main Street
Colville, WA

Southeast Regional LSC Forum

May 18 (Friday) Franklin County
10:00 a.m. to Noon Commissioner's Chambers (*Courthouse*)
1016 N 4th Avenue
Pasco, WA

Northwest Regional LSC Forum

June 7 (Thursday) Skagit County
1:30 - 3:30 p.m. Commissioner's Hearing Room (*Separate from the Courthouse*)
1800 Continental Place, Suite 100
Mt. Vernon, WA

Southwest Regional LSC Forum

June 8 (Friday) Cowlitz County
10:00 a.m. to Noon Conference Room B (*Courthouse - Room 109*)
204 4th Avenue N
Kelso, WA

Again, these Regional Forums are designed to promote discussion and communication between members, LSC and WSAC and everyone is invited to attend one or all of them. We look forward to seeing you there.

Washington Counties - Calendar of Events

<http://wacounties.org/Calendar%20of%20Events-WEB.htm>

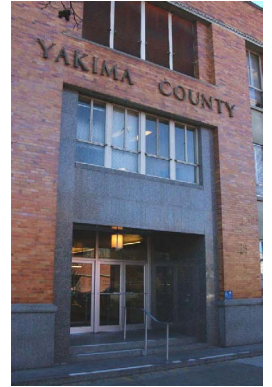
Featured Courthouse



The precursor to Yakima County, named Ferguson County and occupying nearly the same area, was formed in 1863 but recalled two years later. It took some encouragement by the Territorial Governor for the first Yakima County officials to organize and formally function after the county was established in 1865, which they did from one of their homes or another until the county seat was set in Yakima City – now Union Gap – in 1870. A disastrous fire destroyed the county courthouse in 1882 and all the county records. The structure was quickly rebuilt, but the county seat moved in 1885 to North Yakima with the muscle and clout of the Northern Pacific Railway Company.

The city of North Yakima eventually became, simply, Yakima.

The 2007 **Central Washington State Fair** will be held September 28 through October 7. For more information about Yakima County, visit: <http://www.co.yakima.wa.us/>



Attachments

Welcome to the U.S. Communities Purchasing & Finance Agency

(U.S. Communities) website <http://www.uscommunities.org/>

The Association of School Business Officials International (ASBO), the National Association of Counties (NACo), the National Institute of Governmental Purchasing (NIGP), the National League of Cities (NLC), and the United States Conference of Mayors (USCM), jointly sponsor the

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Ray Burnett,
Commissioner of Purchases and Supplies
Kansas City, MO.