

the Courthouse Journal

WACOUNTIES.ORG

November 8, 2007
Issue No. 30

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Courthouse Journal*

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Washington Association of County Officials
Washington State Association of Counties

State Supreme Court Rules I-747 Unconstitutional

The Washington State Supreme Court today ruled that Initiative 747 is unconstitutional. In a 5-4 ruling, the high court said that while the interests of initiative proponents are important, the law requires voters "from being misled as to its effect on existing law."

The Supreme Court agreed with the King County Superior Court that I-747 was unconstitutional because voters believed they were amending another initiative, I-722, that was later declared invalid. The Supreme Court stated that the initiative failed to accurately set forth the law that it sought to amend in violation of article II, section 37 because the text of the initiative claimed to reduce the general property tax levy limit from two percent to one percent, but in reality it reduced the limit from six percent to one percent.

"A voter reading the text of the initiative could believe that he or she was voting to reduce the property tax limit by 1 percent instead of by 5 percent, a substantially different impact on the public coffers, as well as the perceived benefit to the individual voter's purse," the majority, led by Justice Bobbe Bridge, wrote. In contrast, dissenting justices wrote that "no reasonable argument can be sustained that voters were in any way misled or confused by the effect of I-747, which expressly and was specifically aimed at lowering the tax growth to 1 percent."

The full text of the opinion can be found at:

<http://www.courts.wa.gov/opinions/?fa=opinions.disp&filename=788448MAJ>

We urge extreme caution in acting upon this decision. Until the Supreme Court issues its "mandate," the opinion does not have the effect of law. It is most likely that the court's mandate will not be issued before November 30th, which is the date you are legally required to set your levy.

Additionally, there are many unresolved questions regarding the effect of the decision, including potential banked capacity. But more importantly, the Legislature expressed interest in reinstating I-747 during the 2007 session and we fully expect the Legislature to act on this issue during the 2008 session. Whether the legislative action could be retroactive is unclear. However, this is an additional risk if you increase your 2008 levy in excess of a one percent plus new construction and state assessed utilities. Until we have clarification from Department of Revenue on all impacts of the decision, living under the limits of I-747 may be your best option. Stay tuned.

Want to post a job announcement on our website ?

Visit <http://wacounties.org/>

And click on the job pages for format & submission details.

The Courthouse Journal

Published weekly (during Legislative Session) and Bi-weekly (other than Session) by the Washington Association of County Officials (WACO) <http://wacounties.org/waco> and the Washington State Association of Counties (WSAC) <http://wacounties.org/wsac>

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

Direct inquiries and correspondence to The Courthouse Journal, 206 Tenth Av SE, Olympia, WA 98501 or wacounties.org

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

Debbie Wilke, Executive Director
Christina Bridston, Deputy Director
Robin Chase, Financial Operations Manager
Bob Carlton, Research Associate
Kathleen Houts, Administrative Assistant

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

Bill Vogler, Executive Director

Executive Staff

Eric Johnson, Assistant Executive Director
Trina Bannister, Finance Director
Michelle Zahrlly, Communications Director

Policy Staff

Jean Wessman, Policy Director-
Human Services, Juvenile Justice & Housing
Julie Murray, Policy Director-
Transportation, Finance & Budget
Jeff Killip, Public Health Policy Director &
WSALPHO Administrator
Brad Banks, Policy Analyst
Tom Robinson, Timber Program Manager
Neil Aaland, Columbia River Program Manager
Tom Robinson, Timber Program Manager

Operations Staff

Ginni Peppert, Member Svcs & Events
Coordinator
Barbara Warden, Member Svcs & Business
Coordinator
Justin Kerrihard, Technology Manager
Beth Dubey, Member Services Assistant

County Training Program - CPO

Tonia Sugarman, Program Project Manager

Statement from Governor Gregoire on Overturn of I-747

"I know that voters must be disappointed by the court decision to overturn I-747. As we know, voters approved I-747 by a wide margin in 2001.

"As Governor, I am asking the state, counties, cities and all other taxing districts to assure me that they will not increase property tax levies for their upcoming budgets as a result of the court decision. In addition, I will be asking the Legislature, in January, to work with me to thoughtfully reinstate a property tax cap.

"We heard loud and clear on Tuesday evening that voters are concerned about their tax burden. I believe that it is our responsibility to move quickly, recognizing taxpayers' concerns and reinstating the will of the voters. "

Online Registration Closes Today for the WSAC Conference and Exhibit Fair; On-site Registration Available

If you still plan to register for next week's WSAC Conference and Exhibitor Fair in Clark County, note that the online registration is available until 5 p.m. today. The link is <http://wacounties.org/wsac/conference2.htm>. Registrations will also be accepted at the door.

Next week WSAC staff will be out of the office in Vancouver. If you need assistance during the week, please send the needed individual an email or leave a message on their phone extension. All contact information is available on our website at http://wacounties.org/wsac/contactus_main.htm.

Budget, Finance and Taxes

Such a Strange Election This Year!

So many measures, so little time -- so here are the high points for those that seemed to garner the most attention.

Initiative 960 - Tax and Fee Increases Subject to a Vote. This issue apparently is passing. But strangely enough, it did not pass in King County. It also failed in Jefferson, San Juan, Thurston and Whitman counties, sometimes by close margins. However, overall it passed 52.1% to 47.9% with 515,047 votes for, 472,890 votes against.

EHJR 4204 - School District Special Levys, a Proposed Constitutional Amendment. This issue appears to be failing statewide, even though there was no organized support against the measure. Another anomaly, it only failed by 31,000 votes. It passed in King, Jefferson, San Juan, Thurston, Whatcom and Whitman counties. Stranger yet, there were only 35,000 votes separating the passage of I-960 and the failure of **EHJR 4204**. While the totals are running very close percentage-wise, it is failing at this time, 51.5% against,

Legislative Committee Schedules and Agendas:

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

Bill Information: www.leg.wa.gov

48.4% for with a count of 511,008 against and 480,127 for.

Initiative 67 - Passed by the Legislature and Referred by Petition. Insurance Fair Conduct related to claims for Coverage. If any of these contests could be called a decisive wide margin of victory, this one is it. The single most expensive opposition campaign mounted against a measure in this Washington State history and they lost. Any other election year and this one would have been called close, but compared to the others, this was a runaway. With the exception of Asotin County, this measure was rejected by Eastern and Central counties, sometimes by wide margins, usually 60% against, 40% for. It fared better in the Puget Sound Region, where the percentages almost exactly flipped, 60% for, 40% against. Final passage showed 56.7% for versus 43.2% against with a count of 564,160 votes for and 429,539 against.

It is hard to remember a time that this many election issues were this closely decided. The most recent Governor's race of course was very close. But usually the "nuts and bolts" issues have had a wider margin of success, or failure, depending upon your view of the issues. The pundits are saying voters considered the issues with their hearts, but voted with their pocketbooks.

Now that the election is out of the way, we can all concentrate on the Supreme Court Ruling on I-747!

Courts, Public Safety, Law & Justice

Missing Person Reports

Many of the coroners and medical examiners who attended the fall conference at Skamania Lodge received missing person training. This training was facilitated by Sue Miller, Program Manager of the Washington State Patrol Missing Persons Unit.

During the training, there was discussion regarding the timeliness of missing person entries into WACIC/NCIC. The National Child Search Assistance Act of 1990 was amended in the Adam Walsh Act of 2006. Below you will find the original state requirements with the amendments following. It is very specific as to what is required of the investigating law enforcement agency.

CRIME CONTROL ACT OF 1990

P.L. 101-647

Sec. 3702

TITLE XXXVII—NATIONAL CHILD SEARCH ASSISTANCE ACT OF 1990

SEC. 3702. STATE REQUIREMENTS

Each State reporting under the provisions of this title shall—

(1) ensure that no law enforcement agency within the State establishes or maintains any policy that requires the observance of any waiting period before accepting a missing child or unidentified person report;

(2) provide that each such report and all necessary and available information, which, with respect to each missing child report, shall include—

(A) the name, date of birth, sex, race, height, weight, and eye and hair color of the child;

(B) the date and location of the last known contact with the child; and

(C) the category under which the child is reported missing;

is entered immediately into the State law enforcement system and the National Crime Information Center computer networks and made available to the Missing Children Information Clearinghouse within the State or other agency designated within the State to receive such reports; and

(3) provide that after receiving reports as provided in paragraph (2), the law enforcement agency that entered the report into the National Crime Information Center shall—

- (A) no later than 60 days after the original entry of the record into the State law enforcement system and National Crime Information Center computer networks, verify and update such record with any additional information, including, where available, medical and dental records;
- (B) institute or assist with appropriate search and investigative procedures; and
- (C) maintain close liaison with the National Center for Missing and Exploited Children for the exchange of information and technical assistance in the missing children cases.

Approved November 29, 1990.

104 STAT. 4966 — 4968

HR 4472 EAS

In the Senate of the United States,

July 20, 2006.

Resolved, That the bill from the House of Representatives (H.R. 4472) entitled 'An Act to protect children, to secure the safety of judges, prosecutors, law enforcement officers, and their family members, to reduce and prevent gang violence, and for other purposes.', do pass with the following

AMENDMENTS:

Strike out all after the enacting clause and insert:

SEC. 154. MISSING CHILD REPORTING REQUIREMENTS.

(a) In General- Section 3702 of the Crime Control Act of 1990 (42 U.S.C. 5780) is amended —

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(2) by inserting after paragraph (1) the following:

'(2) ensure that no law enforcement agency within the State establishes or maintains any policy that requires the removal of a missing person entry from its State law enforcement system or the National Crime Information Center computer database based solely on the age of the person; and'; and

(3) in paragraph (3), as redesignated, by striking 'immediately' and inserting 'within 2 hours of receipt'.

(b) Definitions- Section 403(1) of the Comprehensive Crime Control Act of 1984 (42 U.S.C. 5772) is amended by striking 'if' through subparagraph (B) and inserting a semicolon.

Forensic Investigations Council Meets at Crime Lab

The Forensic Investigations Council met on October 26 at the Seattle Crime Laboratory. It is the work of the Council to oversee death investigations in the state and the Death Investigations Account that supports the system. Since 1995 the Council has also been responsible for budgetary oversight of the Washington State Patrol Crime Laboratory and the State Toxicology Laboratory.

The members present included Whatcom County Prosecutor Dave McEachran, chair; Burlington Police Chief Bud Bower; Walla Walla County Sheriff Mike Humphreys; Dr. Manny Lacsina, private pathologist; Mason County Commissioner Lynda Ring-Erickson; Kitsap County Coroner Greg Sandstrom; and, Clark County Medical Examiner Dr. Dennis Wickham.

The Council meets regularly to review Forensic Laboratory Services Bureau Reports; update on budget and legislative issues and monitor program expenditures from the Account. The October Agenda also included the status of gubernatorial reappointments; the proposed amendments to HB 1637, the 2007, the Revised Uniform Anatomical Gift Act; and ongoing audits of the State Toxicology Laboratory. Dr. Dennis Wickham moved and the Council agreed that the responsibility for providing ongoing medicolegal death investigation training should rest with the Washington Association of Coroners and Medical Examiners' (WACME) Education Committee. The Council also agreed that for the purpose of reimbursing coroner counties as allowed by statute, the cost of an average autopsy is \$1100. Counties are reimbursed at 40%.

The Forensic Investigations Council will meet again on November 16 at the Vancouver Crime Laboratory at 9:00 a.m.

Association News

A big thank you from WACO!

Every county official in WACO wishes to extend their thanks to the five WACO members who represented them for the past several months on the Community, Trade and Economic Development (CTED) Advisory Committee for the CTED Study on County Fiscal Health and Governance Structure. Lewis County Treasurer Rose Bowman chaired the committee that included Island County Auditor Suzanne Sinclair; Snohomish County Rick Bart; Skamania County Prosecutor Peter Banks; and, Walla Walla County Treasurer Gordon Heimbigner.

The WACO representatives along with Advisory Committee members from WSAC, the public sector and higher education agreed on several recommendations to the Legislature that will stand as their consensus and part of the report although they may not coincide with CTED's recommendations. The CTED Study will be presented to the House Local Government Committee on November 29th at 1:30 p.m. in House Hearing Room E in Olympia. Legislative hearings are available through audio by going to www.tvw.org if you wish to listen to the hearing.

Elections, Licensing & Recordings

Unofficial General Election Results

Below are the unofficial results of the General Election, Tuesday, November 6 of interest to county officials. Final certification of the election will be on November 27.

It appears that two incumbents are trailing at this time: Sam Crawford, Whatcom County Council, Dist. 2B, and Tom Doumit, Wahkiakum County Commissioner.

In other election news, Benton County has turned down a 0.2 percent sales tax for criminal justice with a no vote of 13,135 (52.46%). Those who favored the proposition cast 11,902 votes (47.54%). Thurston County also had a 0.3 percent sales and use tax on the ballot for criminal justice. No votes were 35,544 (65.72%), and yes votes were 18,536 (34.28%). Yakima County had an advisory vote for an additional \$20 annual vehicle license fee to fund transportation improvements. The voters gave that idea a huge rejection with an 81% no vote.

Proposition No. 1, regarding the regional roads and transit system in King, Pierce and Snohomish Counties, went down, as well. The Regional Transportation Investment District (RTID) vote was yes, 161,524 (43.73%) and no, 207,811 (56.27%). The second part of the proposition for Sound Transit (RTA) received 152,436 yes votes (44.10%) and 193,194 no votes (55.90%).

Individual races are as follows:

CLALLAM COUNTY

County Commissioner Dist 1

*Stephen Tharinger (D)	8,191	58.41%
Bob Forde (R)	5,833	41.59%

KING COUNTY

Assessor

*Scott Noble (D)	169,171	69.98%
Jim Nobles (NP)	72,158	29.85%

Prosecutor

Dan Satterberg (R)	134,318	54.18%
(Current interim prosecutor)		
Bill Sherman (D)	113,139	45.64%

Council Dist 2

*Larry Gossett (NP)	19,107	97.90%
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Council Dist 4

*Larry Phillips (D)	21,912	97.51%
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Council Dist 6

*Jane Hague (R)	15,817	56.29%
Richard Pope (D)	11,514	40.98%

Council Dist 8

*Dow Constantine (D)	21,340	76.11%
John Potter (R)	6,635	23.67%

SNOHOMISH COUNTY

Assessor

*Cindy Portmann (NP)	73,325	98.69%
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Auditor

*Carolyn Diepenbrock (NP)	72,994	98.98%
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Clerk

Sonya Kraski (NP)	47,311	54.91%
Bob Dantini (NP)	38,583	44.78%
(Current county treasurer)		

Sheriff

John Lovick (NP)	44,206	50.38%
(State Rep. - District 44)		
Tom Greene (NP)	43,316	49.37%

Treasurer

Kirke P. Sievers (NP)	44,011	52.74%
(Former county treasurer and current Dist. 2 councilman)		

Jerry Lindsey (NP)

39,146	46.91%
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County Executive

*Aaron Reardon (D)	59,416	65.67%
Jack Turk (R)	30,786	34.02%

Council Dist 2

Brian Sullivan (D)	10,438	68.73%
(State Rep. - District 21)		

William E. Cooper (R)	4,728	31.13%
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Council Dist 3

Mike Cooper (D)	11,184	60.84%
Renee Raddliff Sinclair (R)	7,164	38.97%

WHATCOM COUNTY

Assessor

*Keith Willnauer (NP)	20,755	100%
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Auditor

*Shirley Forslof (NP)	22,346	100%
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Sheriff

*Bill Elfo (NP)	21,966	100%
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Treasurer

Steve Oliver (NP)	17,185	65.95%
Joe Elenbaas (NP)	8,871	34.05%

County Exec

*Pete Kremen (NP)	19,001	71.31%
Lois Garlick (NP)	7,644	28.69%

Council Dist 1B

Bob Kelly (NP)	4,146	51.67%
Chris Hatch (NP)	3,878	48.33%

Council Dist 2B

Ken Mann (NP)	4,404	50.37%
*Sam Crawford (NP)	4,340	49.63%

Council Dist 3B

*Barbara Brenner (NP)	7,425	100%
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WAHIAKUM COUNTY

County Commissioner Dist 3

Blair Brady (D)	891	55.38%
*Tom Doumit (I)	718	44.62%

**We Proudly
Salute
Our
Veterans**



General Government Issues

Grant Writing Workshop in Seattle/Burien, WA | December 17-18, 2007

Port of Seattle Police Department, in partnership with Grant Writing USA, will present a two-day grant writing workshop in Burien, December 17-18, 2007. More than 5,000 government and nonprofit agencies across America now turn to Grant Writing USA for grants training. All nonprofit and government professionals are welcome to attend.

Grant Writing USA delivers nationwide training programs and workshops that dramatically enhance performance in the areas of grant writing, national foundation and government grant maker research and relations, program planning, and personal and organizational excellence. Each element plays an important role in grant writing success and all are covered in this, Grant Writing USA's signature two-day workshop.

This workshop is suitable for beginning and experienced grant writers who desire to increase their fundraising competitiveness and broaden their funder focus. Tuition payment is not required at the time of enrollment. Please read the "Payment Policy" section of our online registration. Tuition is \$425 and includes all materials: workbook and accompanying 220MB resource CD that's packed full of tools and more than 200 sample grant proposals. Seating is limited, online reservations are necessary, walk-ins are not allowed.

For more information including venue location and maps, graduate testimonials and instant, online enrollment, please visit <http://GrantWritingUSA.com>. **Contact:** Cathy Rittenhouse, Grant Writing USA, 800.814.8191, cathy@grantwritingusa.com

Boards & Commissions

Commissioner Raiter Reappointed to CERB Board

Governor Chris Gregoire has reappointed Commissioner George Raiter, Cowlitz County, to the Community Economic Revitalization Board with a term ending in September 2010. Commissioner Raiter has served on this Board for the past three years.

CERB is the state's only economic development infrastructure program. It supports business and industrial job growth in partnership primarily with rural communities. CERB provides local governments low-interest loans and sometimes grants to help finance public facility projects needed for private sector expansion and job creation.

Congratulations Commissioner Raiter!

Dull Appointed to Retirement Systems Advisory Committee

Department of Retirement Systems Director Sandra Matheson has appointed Patrick Dull, Administrative Assistant Assessor for Douglas County, to a Public Employees' Retirement System position on the Department of Retirement Systems Advisory Committee. This is a three-year term.

Patrick has been a PERS 2 member for 25 years and says as an administrator he is interested in how the retirement program affects his staff and the office's ability to maintain qualified employees.

The committee's mission is to facilitate the sharing of information between DRS and the associations and organizations representing active and retired members of the public pension plans administered by DRS.

Congratulations Patrick!

The Washington Higher Education Coordinating Board (HECB) seeks applicants to form Health Sciences and Services Authorities

Cities, towns, and counties in Washington – like those in many regions of the United States – have the potential to develop their health sciences and service industries in a time of growing need and interest in preventative treatment and public health and safety issues.

A law passed by the 2007 State Legislature offers local jurisdictions in Washington counties with less than one million people the opportunity work with the state's higher education institutions to form Health Sciences and Services Authorities (HSSAs).

These authorities, backed by a diversion of local sales and use tax revenues, will promote bioscience-based economic development and advance new therapies and procedures to combat disease and promote public health. Taxes diverted to the HSSA are revenue neutral, and will be deducted from the amount of tax otherwise required to be collected or paid over to the Department of Revenue.

For example, an HSSA could use their resources to build a multi-user laboratory for research and development of new health-related products and services, or to expand their health education capacity.

Under the new law, one HSSA has been authorized for designation in 2008. The Higher Education Coordinating Board will conduct a competitive process to determine the new HSSA. A solicitation for applications will be posted on the HECB Web site and distributed by e-mail on or about November 9, 2007. **Local jurisdictions wishing to apply must submit their application by December 31, 2007.** Applications will be processed within 60 days of their submission.

Applicants must demonstrate they meet certain criteria, including the presence of:

- Infrastructure capable of spurring development of the area as a center of health sciences and services;
- Higher education facilities where undergraduate or graduate coursework and research is conducted; and
- Facilities in which health services are provided.

For additional information, contact Susan Musselman at 360.445.0138, or by e-mail at: susan@dashenmusselman.com

Information also is available at: <http://www.hecb.wa.gov/research/EconomicVitalitypage.asp>

Crime Subcommittee in House Approves Legislation to Divert the Mentally Ill from Jail

On November 1, the House Subcommittee on Crime unanimously approved legislation that will help counties divert the non-violent mentally ill from jail. The Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2007, H.R. 3992:

1. reauthorizes funding for collaborative adult and juvenile program grants for 2008 through 2013 and increases the authorized funding to \$75 million a year;
2. reauthorizes the Mental Health Courts Program;
3. reauthorizes and improves the mental health courts grant program; and
4. creates new programs to
 - (a) improve law enforcement responses (including campus security) to mentally ill offenders;
 - (b) improve treatment of female offenders with mental illnesses;

- (c) expand capabilities and effectiveness of correctional agencies' abilities to identify and treat mentally ill offenders; and
- (d) provide statewide planning grants for new interventions and treatment plans for mentally ill offenders.

The legislation has strong bi-partisan support and is expected to receive expedited handling in both the House and Senate. (Contact: Donald Murray 202/942-4239 or dmurray@naco.org)

Transportation & Public Works

Federal Funding Symposiums

Senator Patty Murray and Senator Maria Cantwell invite you to attend a federal funding symposium. Both the Senators and their staff will be providing a presentation on federal grants and the appropriations process. Topics covered in the presentation include tips on submitting a successful grant application, finding the right funding source for your project, working with your congressional delegation, and current outlook and trends for appropriations.

Please attend one of the symposiums below. Due to space constraints, Please RSVP to workshop@murray.senate.gov.

Mount Vernon - Friday, November 9, 2007, 10:00am-12:00pm
2300 Market Street, Best Western Cotton Tree Inn

Omak - Tuesday, November 13, 2007, 2:00pm-4:00pm
2 North Ash Street, City Council Chambers

Spokane - Wednesday, November 14, 2007, 9:00am-11:00am
600 N. Riverpoint Blvd., Riverpoint Campus Phase 1 Classroom Bldg Auditorium

Walla Walla - Thursday, November 15, 2007, 10:00am-12:00pm
500 Tausick Way, Walla Walla Community College Conference Center

Ellensburg - Friday, November 16, 2007, 10:00am-12:00pm
400 E University Way, CWU Student Union and Recreation Center Ballroom

Training & Upcoming Events

Washington Counties – [Full Calendar of Events](#)

Courthouse Ramblings

Our deepest sympathies to Senator Brian Hatfield (19th District), whose wife, Freddie, 38, passed away on November 4, after a long battle with breast cancer. She leaves behind two children, ages 9 and 19. Senator Hatfield's mother, Gail Hatfield, was well-known to many of our WACO members as she served as Pacific County Clerk from 1979-1998.

* * * * *

The Snohomish County Council has voted unanimously to rename the county administration building as The Robert J. Drewel Building. Drewel served three terms as Snohomish County Executive from 1992 – 2004. Drewel is currently the

executive director of the Puget Sound Regional Council. The county administration building originally opened in March 2005.

Attachments

State of Washington Conservation Commission
PRESS RELEASE - October 31, 2007

Farmland Preservation Task Force Schedules First Meeting

The newly-formed Washington State Farmland Preservation Task Force has scheduled its first meeting.

December 5 will see the beginning of the operation of the 18-member group formed as a result of a bill passed during this year's legislative session. Farmer representatives, legislators, county commissioners and key officials from local, state and federal agencies make up the Task Force, which will provide policy input to the new Office of Farmland Preservation. State lawmakers gave that office several farmland-preservation goals to pursue.

The first meeting will begin at 9 a.m. on Wednesday, December 5. It will be held in Room 115 of the J. A. Cherberg Building at 304 15th Ave., SW, Olympia. Meetings are open to the public.

Further information can be requested from Steve McGonigal, manager, Washington State Office of Farmland Preservation, P.O. Box 47721, 300 Desmond Dr., Olympia, WA 98504; (360) 407-7474; smcgonigal@scc.wa.gov.

Washington State Interoperability Executive Committee Public Safety Communications Interoperability Summit

Elected and Appointed Officials are invited to Register Now for the Public Safety Communication Summit in Spokane on November 30th and in Seattle on December 3, 2007.

To use the registration form, please open the document and save it to your desktop. Complete the registration form on your desktop, save the information and e-mail the completed form to Mary.Coleman@wsp.wa.gov as an attachment.

- [Governor's Invitation](#)
- [November 30, 2007 - Spokane](#)
- [December 5, 2007 - Seattle](#)

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

U.S. Communities Government Purchasing Alliance (U.S. Communities)

Designed in cooperation with an Advisory Board of local government purchasing officials, U.S. Communities pools the purchasing power of public agencies, achieves bulk volume discounts on behalf of public agencies, competitively solicits quality products through a lead public agency and provides a purchasing forum for public agencies nationwide.

You can obtain information on how to contact all U.S. Communities suppliers by telephoning (866) 472-7467 or by sending an email to info@uscommunities.org

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