

# the Courthouse Journal

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**January 25, 2008**  
**Issue No. 3**

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Courthouse Journal*

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

## WSAC President's Message

Greetings WSAC Members,



Happy New Year! I have enjoyed jumping into the role of President quickly, having recently returned from NACo's Presidents and Execs meeting in Washington D.C. In December, I participated in a similar meeting for our regions' counties associations and the NACo Board of Directors Meeting as well. In all of these meetings it has been fascinating to view our work in the broader context of county efforts in the Pacific Northwest and nationally.

As we begin the year, I want to share with you my goals for the next 12 months. First and foremost, I want to us to achieve an even greater level of communication between members. We do a good job now of connecting with each other as time allows and engaging in our association. But I know that we can improve the mechanisms that provide us one of our most valued benefits of membership - that of sharing and learning from each others' experiences and, through mentorship and fellowship, becoming more knowledgeable and effective elected leaders.

I will be asking for your assistance in identifying those communications channels and opportunities that you want to see enhanced or initiated. Please be thinking about how we can interact and communicate formally and informally with each other in ways that will directly help you as a Commissioner, Councilmember or Executive.

A part of our communication effort will be to understand the entire portfolio of those WSAC services designed and controlled by each of us as members. By better articulating the resources available through our "WSAC Service Center" we may be able to realize greater savings and capacity at the individual county level. We will be discussing throughout the year the services which WSAC endorses in greater detail and with an eye to viability and performance.

My second theme is cooperation – amongst ourselves, with our state and Congressional lawmakers, with our affiliates, and with our partners such as WACO and AWC! Acknowledging that we can disagree on some issues and still work together to achieve common goals on those issues for which we agree is a basic

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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) [wacounties.org/waco](http://wacounties.org/waco)

and the Washington State Association of Counties

(WSAC) [wacounties.org/wsac](http://wacounties.org/wsac)

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

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tenant of that cooperation. We will be identifying our partners and those common issues and making strides in collaboration and cooperation.

Echoing NACo's "Restore the Partnership" campaign, my goal is for us to build and enhance relationships with our Legislators and Congressional leaders. This will extend beyond session and we'll talk soon about how to accomplish this and to what end.

Thank you again for the opportunity to serve you as your President. I look forward to a year full of conversation, interaction, and progress towards making an even more valuable association truly YOUR association.

Warmly,  
Mary Hunt

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## Budget, Finance and Taxes

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### Hearing on WSAC Legislative Priority

**SB 6476**, which increases the .09% sales tax credit for public facilities in the smallest rural counties to at least \$200,000 and extends the credit expiration date, will be heard in the Senate Agriculture and Rural Economic Development Committee on January 29. A work session on rural economic development strategies will accompany the public hearing. If you have ideas on programs or policies that the committee should consider to aid a healthy rural economy, please send them to Julie Murray at [jmurray@wacounties.org](mailto:jmurray@wacounties.org) before January 29.

### Exemptions for Energy, Energy Appliances & Energy Equipment

As the Legislature focuses on going "green," the number of tax exemption proposals related to energy efficiency has correspondingly increased.

Both the House and Senate will be hearing legislation to exempt highly energy efficient appliances and equipment from sales and use taxes. **HB 2876**, sponsored by Representative Kelley (D-Tacoma), and **SB 6397**, sponsored by Senator Pridemore (D-Vancouver), would exempt items such as refrigerators, furnaces, clothes washers and dryers that meet federal energy star ratings or other high efficiency standards. Labor and services to install the appliances and equipment are also tax exempt. The fiscal impact of this proposal is not yet known.

The Senate Water, Energy & Telecommunications Committee will hear **SB 6255**, sponsored by Senator Keiser (D-Kent), to provide tax incentives for solar electric power. **SB 6255** would provide a reduction in assessed value

### Legislative Committee Schedules and Agendas:

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

Bill Information: [www.leg.wa.gov](http://www.leg.wa.gov)

(and thus, reduction in property tax) equal to the increased value of the property due to the installation of a solar energy system. This reduction in assessed value was provided in the 1980s for what was then cutting edge energy efficient home heating – heat pumps. A B&O tax credit is also provided for businesses that install solar energy systems. The fiscal impact of this proposal is not yet known.

On January 28 the Senate Ways & Means Committee will hear **SB 6515**, sponsored by Senator Pridemore (D-Vancouver), to exempt energy savings performance contracts from sales and use tax. Although these contracts are primarily for design and engineering services that are normally not subject to sales tax, the installation of equipment (which is subject to sales tax) to achieve energy savings causes the entire contract amount to be subject to sales tax. The fiscal impact of this proposal is not yet known.

Lastly, **SB 6542** to exempt heating oil from sales and use tax will be heard by the Senate Ways & Means Committee the same day. Sponsored by Senator Rasmussen (D-Eatonville), the bill would exempt any petroleum product used in oil-fired furnaces, heaters, and boilers. Although other forms of energy like gas and electricity are not subject to sales tax, they are subject to the public utility tax at the rate of 3.8%. Additionally, most cities impose utility taxes up to 6% on gas and electricity. Consequently, the tax treatment of different forms of energy is not disparate as one might think. The fiscal impact of this proposal is not yet known.

### **Property Tax Still a Hot Issue**

On January 29, the House Finance Committee will be holding a work session on possible alternative property tax structures. However, while the House is debating what the property tax system could be, the Senate will be hearing two bills to reduce assessed values. The Senate Government Operations & Elections Committee will hear **SB 6263**, sponsored by Senator Zarelli (R-Ridgefield), would exclude from assessed value any increases due to zoning, land-use, and other regulations affecting property after a transfer of ownership. **SB 5863**, sponsored by Senator Kilmer (D-Gig Harbor), would require the county assessor to consider Growth Management Act regulations when establishing the fair market value of property.

### **County Treasurers Bills of Interest**

County Treasurers met in Olympia Thursday and Friday for their Annual Legislative Conference and to meet with their Senators and Representatives. Thurston County Treasurer Robin Hunt testified in support of **HB 2791**, concerning distressed property conveyances, in the House Judiciary Committee. The treasurers are in favor of this Attorney General request bill because it creates provisions governing conveyances between purchasers and homeowners whose properties are in foreclosure or at a risk of loss due to loan or tax delinquencies, and it prohibits nefarious acts and practices by distressed property purchasers. The bill also provides remedies under the Consumer Protection Act.

Next week's hearings of interest to County Treasurers are:

#### **Senate Government Operations and Elections Committee**

Monday, January 28, 10:00 a.m., SHR 2

**SB 6234**, authorizing periodic tax payments by electronic funds transfer

**SB 6185**, allowing treasurer discretion in property tax payment scheduling

#### **House Local Government Committee**

Tuesday, January 29, 1:30 p.m., HHR E

**HB 2938**, clarifying annexation procedures between cities and fire districts

#### **House Finance Committee**

Wednesday, January 30, 1:30 p.m., HHRC

**HB 2892**, concerning the administration of the property tax deferral program for households with income of \$57,000 or less

### House Education Committee

Thursday, January 31, 8:00 a.m., HHR B

**HB 2954**, authorizing certain school districts and educational service districts to designate a district treasurer

### House Finance Committee

Friday, February 1, 8:00 a.m., HHRC

**HB 2986**, concerning property tax collection and assessment (Treasurers'/WACO Request)

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

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### **Proposed Interoperability Legislation**

**HB 2787**, sponsored by Representative Chris Hurst, was heard on January 22 in the House Technology, Energy & Communications Committee. The bill creates the Washington Interoperability Office within the Office of the Governor and transfers several responsibilities of the State Interoperability Executive Committee (SIEC) to the Interoperability Office. The bill reconstitutes the SIEC as an advisory committee to the new office and establishes a grant program (subject to available funding).

Most of the testimony at the hearing was in opposition to the bill and in support of continuing the efforts of the SIEC. Those testifying in opposition included Sheriff Ken Irwin of Yakima County (on behalf of Sheriff Bill Mahoney of Cowlitz County), and a number of state agencies including John Batiste of the Washington State Patrol, and representatives of the Department of Transportation, Department of Information Systems and the Department of Natural Resources. Bill Schrier of the City of Seattle spoke in favor of some aspects of the bill. The bill is scheduled for executive session on January 29 at 10:00 a.m.

### **County Clerks' Bill Update**

**HB 2465**, allowing clerks the authority to withhold and deliver funds for court ordered legal financial obligations, moved out of the House Judiciary Committee to Rules this week while its companion, **SB 6193**, is still due to be voted out of the Senate Human Services and Corrections Committee. The House Rules Committee will meet on Tuesday, January 29, at 1:00 p.m. so County Clerks are urged to contact their House Rules members and urge them to "pull" **HB 2465** to the Floor for a vote of the entire body.

**HB 2466**, modifying clerks' duties, has been routed into the House Appropriations Committee while they examine a fiscal note since DSHS will assume the costs counties have always incurred for publication of notices in dependency cases. No hearing has been set yet. **HB 2466** is a WACO priority.

**SB 6330** will increase the pay jurors receive to a range of \$50 to \$65 per day. The state will reimburse the county for the increase. The Senate Judiciary Committee will hear **SB 6330** at 10:00 a.m. on Tuesday, January 29 in Senate Hearing Rm 1.

Other jury bills include **SB 6239**, which would require the entire jury list to be exhausted before a juror could be drawn for service again, and **SB 6680** which would allow anyone over 75 to request permanent removal from the list of potential jurors. No hearings have been set.

### **HB 1030 Elusive Eluding Bill Moves to the Senate**

Rumor has it the third session will be a "charm" as **HB 1030**, enhancing the sentence for attempting to elude a police officer, moves from the House into Senate Judiciary Committee. No hearing has been set but rumor has it all the groundwork laid in prior sessions will pay off this year and **HB 1030** will be passed into law. Please contact Senate Judiciary Chair Senator Adam Kline and members of the committee to request a hearing. **HB 1030** has been a WACO priority since 2006.

## Other WACO Priorities

**HB 2713/SB 6488** both expand broader collection of biological samples for the DNA identification of convicted sex offenders and other persons and were heard this week in both Houses. The proposal is a second year WACO priority. Thurston County Sheriff Dan Kimball and Kitsap County Prosecutor Russ Hauge testified for WACO in support. **HB 2569**, was heard and passed out of the House Public Safety and Emergency Preparedness this week. **HB 2569**, a WACO priority, will provide \$5 million to local law enforcement agencies for purposes of registering sex and kidnapping offender address verification and community notification. The bill will undoubtedly go to the House Appropriations because of the expenditure involved.

## Sex Offender Bill Activity for the Week

The following bills were heard in the House Public Safety and Emergency Preparedness Committee (a "DP" will indicate that the bill was voted out of committee):

**HB 2444** – Requiring registered sex offender and kidnapping offender to submit information regarding any e-mail addresses and web sites they create or operate. (DP)

**HB 2503** – Concerning classification of sex offender who locate here in from out-of-state. (DP)

**HB 2714** – Changing provisions concerning registration of sex offenders and kidnapping victims. **HB 2714** changes failure as a sex offender from a class C felony to a class B felony.

**HB 2786** includes level 1 offenders who fail to maintain registration as required by RCW 9A.44.130 to the statewide notification website. (DP) The companion bill, **SB 6489** was heard in the Senate Judiciary Committee today.

**SB 6596** creates a sex offender policy board and was heard this morning in the Senate Judiciary.

## Tribal Law Enforcement

*The following analysis of **HB 2476** and **SB 6524** is offered by Washington State Sheriffs' Association (WSSA) President Whatcom County President Bill Elfo.*

I have received a number of questions from citizens regarding **HB 2764** and **SB 6524** that propose to grant general law enforcement authority to tribal police officers. A recent article regarding the Legislation has resulted in additional calls from constituents. I know that at least one Council member has received inquiries and thought I would share my position on this issue.

The Washington State Sheriffs' Association adopted a resolution in opposition to the bill. As president of that Association, I have testified against the bill in committee. While recognizing that we have a responsibility to work cooperatively with the tribal police to ensure the safety of all citizens, the Sheriffs' Association has a number of concerns about the proposed legislation that have not yet been addressed:

- 1) The Doctrine of Sovereign Immunity could preclude aggrieved citizens from seeking redress against the Tribe for instances of police misconduct and negligence that might arise under these new law enforcement powers. If the County were involved in law enforcement activities with the Tribe resulting in a lawsuit, the Tribe could claim sovereign immunity. If successful, there would be no apportionment of damages and under the Doctrine of Joint and Several Liability, the County would be responsible for the entire damage award.

Although the bill states the Tribes may not raise sovereign immunity as a defense to tort claims arising out of police misconduct or negligence, the sovereign immunity defense is a federal right that the State Legislature does not have the authority to abrogate. Also, most serious misconduct lawsuits involve a claim under 42 United States Code Section 1983 (Federal Civil Rights Act). The State Legislature clearly does not have the ability to prevent the tribe from raising sovereign immunity as a defense for these federal claims. Staff of the Washington State Prosecuting Attorney's Association is doubtful that the Legislature can effectively limit sovereign immunity. Any such action would require action on the part of the Congress of the United States.

While the bill also requires that the Tribes have insurance for claims, if the Tribe is entitled to sovereign immunity, the insurance company could raise this as a defense as well. The bill also leaves the decision on the required amount of liability insurance required to the discretion of the State Office of Financial Management and does not set a dollar amount. Proponents of the bill have alluded to a \$1 million policy (which is far short of the \$20 million carried by the County). Even if the insurer did not raise the sovereign immunity defense, the County could be liable for damage judgments that exceed the unspecified insurance limits.

Furthermore, the bill specifically shields the State of Washington and its employees from liability arising out of law enforcement action taken pursuant to this bill but provides no similar protection to municipalities, counties and their employees.

2) Many citizens have raised accountability issues. The Sheriff is accountable to the people for the actions of his employees. The mayor is ultimately accountable to his or her citizens for the actions of its city police force. The Tribes claiming to be sovereign nations, are not similarly accountable. Non-tribal members living on the reservation have expressed concerns over these issues. Some counties have addressed these issues through the issuance of "special deputy sheriff" commissions that allow tribal police to act under the authority of the county sheriff. This inserts some accountability and control into the process. If a special deputy misbehaves, the sheriff can revoke the commission. In one case in Whatcom County, I revoked special commissions because of misconduct. The bill, as currently drafted, vests commissioning authority directly with the Tribes and there would be no local control.

3) Reservations are a patchwork of overlapping and sometimes confusing criminal jurisdictions. The tribal police have misdemeanor criminal jurisdiction over adult tribal members on the reservation. The state has criminal jurisdiction over juvenile tribal members and non-tribal members on the reservation. The FBI and DEA have criminal jurisdiction over adult tribal members for felony crimes. There is a definite need for emergency responses and criminal investigations to be well coordinated. The bill does not contain any provisions requiring the development of operational agreements between the county sheriffs, tribal police and federal authorities.

Furthermore, the bill contains no reciprocity provisions. While it grants tribal police arrest authority over non-Indians on the Reservation (and in some cases off the Reservation), it does not grant local authorities the power to arrest Indians on the Reservation.

Under the treaties and case law, the tribal police can "deliver up" non-Indian lawbreakers to the civil authorities. In the case of the Lummi, this arrangement has worked well for decades. I have an excellent relationship with their police chief and even if the bill were enacted into law, Chief James indicated that his tribe would not pursue general police authority commissioning. I question the appropriateness of the state attempting to insert itself into an issue that is best handled between tribal police chiefs and sheriffs at the local level.

4) The issue of whether tribal police should have general police authority is really not an issue for the Legislature, but rather the Congress of the United States which is responsible for regulating Indian affairs. Congress has the unquestionable authority to address all of the issues that are raised above. Ideally, this issue should be handled at the federal level.

Over the summer, a representative of the Sheriffs' Association attended meetings that were chaired by the bill's sponsor, Representative McCoy of Snohomish County. Representative McCoy was unwilling to compromise on issues related to our concerns (especially as they relate to reciprocity and sovereign immunity).

I and other members of the Sheriffs' Association have met with the Tribal Police Chief's Association and there have been many follow up telephone conversations. We believe that even if Congress will not act, we can resolve most of our concerns and come back next and propose legislation that everyone should find palatable.

Sheriff Bill Elfo  
Whatcom County Sheriff's Office

Note: **HB 2476** passed out of the House State Government and Tribal Affairs Committee this morning with no amendments. **SB 6524**, the companion, is set for hearing in the Senate Judiciary Committee next Friday, February 1, at 1:30 p.m. in Senate Hearing Room 1.

## Reparation of Human Remains

After eight drafts of **HB 2624**, many stakeholders lost count. The bill creates a new department in the office of the State Archaeologist to preserve and protect human skeletal remains of historic or tribal interest as well as develop and maintain a centralized database of all known cemeteries and burial sites in the state. They can now rest assured that **HB 2624** and its companion **SB 6521** have amendments containing language that resolves the concerns of everyone involved.

The final substitute bills will do the following: leave 68.50.020, the jurisdiction of the coroner intact; create a new section that deals with skeletal remains only; and, agree-upon definitions of forensic and non-forensic. It does not threaten national accreditations of medical examiners; eliminate any notification to the coroner or medical examiner; or give law enforcement death investigation duties. The substitutes also remove the requirement to house the new physical anthropologists with the Washington State Patrol Crime Laboratory.

Pierce County Medical Examiner Dr. Eric Kiesel, Kitsap County Coroner Greg Sandstrom, and King County Forensic Anthropologist Dr. Kathy Taylor were instrumental in negotiating the final verbiage with tribal and state interest with Dr. John Howard, Spokane County Medical Examiner, who made substantial contributions by long distance. The position presented for WACO was a consensus of coroners, medical examiners, prosecutors, sheriffs, law enforcement across the state and several counties and other local government associations. Sponsors Representative John McCoy and Senator Joe McDermott were very gracious in considering our many concerns.

## Sex Offender legislation

At least 30 sex offender bills have been dropped so far this session and many had hearings this week including **HB 2569** which appropriates \$5 million to help local law enforcement agencies perform address verification and community notification; **HB 2786** which would include level I offenders who fail to maintain registration to the statewide notification web site; **HB 2713** to provide for broader collection of biological samples for the DNA identification of convicted sex offenders and other persons; and **HB 2439** that requires the governing authorities of facilities where convicted sex offenders are confined to determine the offender's immigration status and to release offenders subject to deportation into the custody of federal authorities. WSAC is monitoring the bills and will know more about those that will move on after next week.

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# Elections, Licensing & Recordings

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## Following are hearings of interest next week:

### House State Government and Tribal Affairs Committee

Tuesday, January 29, 10:00 a.m., HHR D

**HB 2807**, providing for judicial candidate information in voters' pamphlets

**HB 2843**, requiring ballot drop-off sites at institutions of higher education

**HB 2917**, regarding voter registration and informational activities at institutions of higher education

### Senate Government Operations and Elections Committee

Tuesday, January 29, 1:30 p.m. SHR 2

**SB 5271**, modifying when a special election may be held (**Auditors/WACO Request Bill**)

A striking amendment has been prepared for this bill eliminating the March and May special election dates. The remaining two dates would be the first Tuesday after the first Monday in February and the third Tuesday in April. Senator Pridemore, the prime sponsor of **SB 5271**, has been asked to offer the amendment. Corky Mattingly and Evelyn Arnold are still working on this bill with the interested parties trying to get consensus – the dates may change again.

## House State Government and Tribal Affairs Committee

Wednesday, January 30, 1:30 p.m., HHR D

**HB 2663**, allowing 17 year olds to vote provided they will be 18 years old at the next general election

**HJR 4225**, amending the constitution to allow 17 year olds to vote in a primary if they will be 18 years old by the next general election

Bills passing out of committee this week to the House Rules Committee included:

**HB 1527**, elections by mail (Office of the Secretary of State (OSOS) request)

**HB 2491**, candidate filing (OSOS request)

Please call your House Rules Committee members and ask them to pull these bills to the floor calendar.

**SSB 5566**, voter privacy (Auditors/WACO request), is still lingering in the Senate Rules Committee. Please call your Senators on Rules and ask them to pull this bill to the floor calendar.

The following bills have made it to the floor calendar:

**SHB 1529**, voter registration (OSOS request)

**HB 2435**, post election audits (will be amended on the floor to require that the requested manual audit be completed no later than 72 hours before the election is certified, rather than 48 hours)

**HB 2473**, inactive voters (Auditors request)

Several election bills were heard by the Senate Government Operations and Elections Committee this week: **SSB 6180**, post election audits. Testifying in favor of the bill was Greg Kimsey, Clark County Auditor, who was successful in the Auditors' Association's desire to amend the bill with a manual audit to be completed no later than 72 hours before an election is certified, rather than 48 hours. The bill was given a "do pass" recommendation and is now in the Senate Rules Committee. **SB 6201**, candidate filing (OSOS request). Greg Kimsey and Kim Wyman, Thurston County Auditor, joined OSOS in favoring this legislation, which will provide greater security and certainty for candidates for office. **SSB 6312**, preventing rejection of ballots that have voter identifying marks (OSOS request). Greg Kimsey and Kim Wyman also testified in favor of this bill. **SJR 8223**, repealing a conflicting residency requirement for voting in a presidential election (OSOS request) was passed out of Committee to Rules, as well. Please call Senate Rules Committee members and ask them to pull these bills to the floor calendar.

Also passing out of the Senate Government Operations and Elections Committee to Rules this week was **SSB 6478**, identifying marks on ballots (prohibiting bar codes), Senator Oemig's bill. The substitute bill addressed one of the auditors' concerns, but still doesn't match the language in **SB 6312**, as requested by OSOS.

Tuesday, the House State Government and Tribal Affairs Committee heard **HJM 4025**, proposing a regional presidential primary, and **HB 2796**, preventing rejection of ballots that have voter identifying marks. Both bills are OSOS requests. Skamania County Auditor Mike Garvison testified in favor of both bills on behalf of the County Auditors' Association.

Wednesday, Auditors' Legislative Co-chairs Evelyn Arnold, Chelan County Auditor, and Corky Mattingly, Yakima County Auditor, testified on **HB 2833**, adopting all mail voting. They had just gotten a copy of the bill this week and sent it out to auditors for comment. Both of them did bring up some technical and other changes they would like to see made in the bill.

**HB 2459**, electronic recording (OSOS request) has made it to the House floor calendar. Please call your Representatives in support.

The Senate Government Operations Committee and the House State Government and Tribal Affairs Committee gave "do pass" recommendations to **SB 6181** and **HB 2434**, providing an employee of the county legislative authority may be appointed to the county canvassing board in charter counties. Amendments to the bills were slightly different, but both

narrow the language to King County only and require training and an oath. The county auditors were opposed to the original bills, but are neutral on the substitute bills.

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## ***Environment, Land Use & Resources***

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### **Climate Change**

**HB 2797/SB 6580** Local Solutions to Climate Change/GMA –Addresses the impacts of climate change through the growth management act was introduced and had the first round of hearings. Initially this bill would require GMA-planning cities of 30,000 or more in population and Counties with more than 50,000 to include a new Climate Change element in their GMA plans and regulations. The prime legislative sponsors and the major proponent, Futurewise, is narrowing the bill significantly and are working with WSAC and other stakeholders. The most current version of the bill would:

1. Add a new goal to the GMA that would have cities and counties considering climate change issues in future plan and regulation updates. WSAC is opposed to this item.
2. Establish support for and/or a requirement that currently available computer software available to Counties to evaluate a community's carbon emission "footprint" be modified to include other components, such as current and future vehicle miles traveled.
3. A pilot program that would support a small number of cities and counties who wish to explore ways to address climate change issues in local GMA plans and regulations. It is not clear where funding would come from.
4. Create some sort of study during the remainder of 2008 that would look at issues, challenges and opportunities to address climate change in land use and transportation planning. Findings would be reported back to the Legislature prior to consideration of other changes to statute.

### **Annexation Issues**

**SHB 1622**, concerning the authority of boundary review boards, will grant review boards the authority to add or delete territory and adjust the boundary no more than 100% of a proposed annexation to include all or any land located within an unincorporated urban growth area as supported by the principles in RCW 36.93.157, 36.93.170 and 36.93.180. **SHB 1622** passed House Committee on Local Government allowing Boundary Review Boards to increase the potential annexation by no more than 100%.

**HB 2482** changes the manner in which an officer of a corporation documents authorization to be included in a petition method for annexation. **HB 2483** establishes 60% for property assessment in the petition method of annexation for all cities (code cities are currently 75%). **HB 2484** eliminates the ad hoc review board for annexation proposals.

### **Housing/Land Use**

**SHB 1727** Planning to ensure sufficient land and densities available to accommodate growth and includes requirements for counties to consult with cities on urban growth areas and development regulations in adjoining city/county UGA's is set for floor action on Friday, January 18. This bill died in House rules last year but is set to move to the Senate for further consideration. This bill has had many amendments proposed, voted down, scoped, and WSAC will need to closely monitor progress on this bill.

**HB 2604**, which would allow GMA-planning cities to exempt impact fees for low-income housing. The current statute authorizes such an exemption at the discretion of the city, but requires replacement of lost fees by other means. This AWC-supported bill removes the replacement requirement. **HB 2576** - Promoting the availability of affordable housing through the comprehensive plan requirements of the growth management act creates statutory definitions for low income and moderate income housing in the Housing Element of the GMA. **HB 2854** - require the reporting of compliance with countywide planning policy requirements by CTED and **HB 2855** requires reports on county and city compliance with housing element requirements of the growth management act. Additionally **HB 2683** - creating an affordable housing for

all programs allows counties to opt into a program to plan for housing as well as contains WSAC's legislative priority for a JLARC study of the Growth Management Act.

## **Other Land Use and Natural Resource Issues**

**HB 2534** Restricting Light Pollution would require that all public and private outdoor lighting installed after July 1, 2008 conform to new energy efficiency and glare requirements and that all existing public and private outdoor lighting conform to these new standards by July 1, 2012. WSAC is opposed to meeting the 2012 conversion requirement. The bill was heard in before the House Ecology and Parks Committee on Tuesday, January 22.

**SB 6508** Authorizes the Creation of Beach Management Districts by counties to help manage and clean up beaches.

**SB 6229** Requiring a Comprehensive Lakes Management Strategic Plan directs the Department of Ecology (DOE) to prepare such a plan to guide state programs that provide technical and financial assistance to other state agencies, local governments, special districts and others for the protection and restoration of freshwater lakes. We are reviewing the bill and would appreciate comments or suggestions from interested cities prior to the hearing. Send comments to Bill Garvin, 360 280-0504 or [theolympiagarvin@comcast.net](mailto:theolympiagarvin@comcast.net).

**HB 2844/SB 6469, HB 2468/SB 6249** Evergreen Cities/Urban Forestry seeks to help cities and counties evaluate and care for their existing trees on both public and private lands and increase the number of jurisdictions that do so. Initially proposed as a requirement linked to the growth management planning and development regulations, the prime sponsor and stakeholders, including Audubon, have worked to provide assurances that this bill will be based on incentives and optional.

**(HB 2575)** Technical Advisory Committee on Residential Fire Sprinklers creates a committee to look at issues surrounding expanded use of requiring residential fire sprinklers and issues associated with water flows.

## **Natural Resource Bill Update**

Committee activity continued at a break neck pace during week two of the Legislative session. Numerous bills were heard and more were awaiting a hearing date as the Legislature marched toward its first cutoff of February 8, at which time bills need to pass out their committee of origin or die for the session. Bills of interest to the counties included the following:

### **Storm Relief:**

Two bills were heard in the House Agriculture and Natural Resources Committee which eased the rules allowing certain actions to be taken when responding to flood damage or threat:

**HB 2677** Allows diking districts, flood control districts or counties to remove gravel from streams without permit from the Dept. of Fish and Wildlife and **HB 2525** allows landowners to take action to "mitigate, repair or prevent further damage" from a flood event without DFW approval during a state of emergency. Both bills enjoyed wide support from Agricultural interests but were opposed by environmental groups, state agencies and tribes whose opposition will probably doom the bills.

A Storm Event Work Group was convened by the State Senate for the purpose of identifying the nature and severity of damage from the December '07 storm event and recommending a coordinated state response. Presenters included state agencies, the NW Indian Fisheries Commission, representatives from Cities, Counties, the Washington Farm Bureau, The Washington Forest Protection Assoc., The Washington Farm Forestry Assoc. and others. The Governor's budget includes money for storm relief and the legislature seems poised to follow suit, identifying the issue as a high priority.

### **Department Of Natural Resources Request Legislation:**

DNR will be pushing five major bills dealing with different aspects of the agency's broad portfolio:

**HB 2470/SB 6214** Provides contract flexibility for conveyance of state owned aquatic lands.

**HB 2472/SB 6212** Improves recreational opportunities on state owned lands.

**HB 2509** Allows DNR to purchase aquatic lands

**HB 2471/SB 6211** Updates the Washington State Geological survey

**HB 2468/SB 6249** Authorizes an inventory and assessment of Washington State urban forests

The aquatics lands bills are an attempt to clarify confusion over DNR authority as a result of a court case. The geological survey bill attempts to collect important public data in a central repository and the urban forest bill is emerging a more desirable approach than the more ambitious Evergreen Forest bill being pushed by the environmental community.

#### **Water:**

Wednesday was water day as both House and Senate Committees heard bills or conducted work sessions on the following bills:

**HB 2477** Provides increased groundwater monitoring by the Dept. of Ecology

**HB 2584** Permits rainwater collection facilities without obtaining a permit from the Dept. of Ecology

**HB 2515** Requires DOE to cover the cost of installation and maintenance of metering exempt wells

Understandably the bills drew intense scrutiny from a variety of interest groups who testified at length in the House Agriculture and Natural Resources Committee. The Senate Water, Energy and Telecommunications Committee conducted a work session on the Kittitas County Exempt Well issue, the Yakima groundwater study, and an overview of the water relinquishment statute.

Senator Bob Morton, R-Orient, has introduced **SB 6348** which attempts to protect rural communities by restricting the duration of any interwatershed water right transfer. The bill was scheduled for hearing on Friday and seems to target the agreement between the state and two NE Washington Tribes whereby water behind Lake Roosevelt will be drawn down to provide additional flow to other parts of the state for municipal, agricultural and fish recovery purposes. The companion bill in the House will be heard next week.

#### **Environmental Caucus:**

The Environmental Lobby, made up of 24 organizations, has coalesced around four bills this session which deal with the impacts of climate change. The coalition was busy orchestrating testimony as the bills were heard in various committees. In spite of lots of advance work by the proponents, each of the bills has undergone last minute revisions to meet the concerns of critics and many observers think more work will be required. Counties and Cities had expressed dismay at the unfunded mandates contained in the Evergreen Forest bill, **HB 2844/SB6469**. It appears the latest version will satisfy the concerns of local government. **HB2798/SB6483** termed the Local Farms-Healthy Kids bill, would promote the purchase of locally grown agricultural products by schools and state agencies. It appears to have broad support. The other bills, regarding greenhouse gas emissions and creating green collar jobs, **HB 2815/SB 6516**, and the big climate change bill, **HB2797/SB 6580**, will generate lots of controversy as they move through the process. The final products will probably be quite different from the versions circulated this week.

#### **Next Week:**

Lots of Forestry related bills and Ocean Policy bills will be heard as well as farmland preservation and water resource measures.

## County Assistance Grants Announced

Eight counties in Washington State will begin or further develop farmland preservation programs this year with grants recently announced by the state's new Office of Farmland Preservation.

Kittitas, Clark, Clallam, Jefferson, Whatcom, Thurston, San Juan and Klickitat Counties will benefit from the grants, which are for a maximum of \$25,000 each. A block grant from the Washington Wildlife and Recreation Program, which is administered by the Recreation and Conservation Office, provided the funding for the grant program.

Activities funded by the grants will continue through 2008. Those activities vary under the terms of individual county proposals that were approved following a competitive application and evaluation process. Activities eligible for funding under the program include assessing community interest in farmland preservation, developing priorities for farmland to be preserved, writing a county farmland preservation strategy or establishing a local process for identifying high priority farms to protect.

Further information can be obtained from [Steve McGonigal](#), manager, Office of Farmland Preservation, P.O. Box 47721, Olympia, WA 98500; (360) 407-7474.

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## General Government Issues

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### Bills, Bills and More Bills

As of January 25, 2008, the Washington State Legislature has introduced 1,492 new bills for consideration during this short 60 day legislative session. The House of Representatives is ahead of the Senate 834 to 658 respectively. Of those 1,492 new bills WSAC is currently tracking 1,366, which are connected to, related to, or impact counties in some form or another. So when does it all stop? Officially, no new legislation can be considered after February 19 at 5 pm; however, unofficially, it's not over till it's over, meaning Sine Die, March 13, 2008.

### LEOFF Plan 2 Pension Bill Provides \$\$ for Public Safety

At the request of the LEOFF Plan 2 Retirement Board, Representative Kelley (D-Tacoma) and Senator Kilmer (D-Gig Harbor) introduced legislation, [HB 2962](#) and [SB 6573](#), to create a public safety enhancement account to fund an additional LEOFF Plan 2 benefit and local government public safety services. The account is funded by the state. Each year, in which state revenues exceed 1% growth, the lesser of 1/3<sup>rd</sup> of the increase or \$50 million is deposited into the account. Half of the revenues will pay for a new LEOFF Plan 2 benefit. The other half will be distributed to local governments in proportion to the number of LEOFF Plan 2 members each local government has employed.

As WSAC and others read the legislation, the new benefit for LEOFF Plan 2 members is paid for entirely by the state from the funds in the account. The funds provided to local government can be used for criminal justice purposes (including domestic violence programs), information and assistance to families dealing with at-risk or runaway youth, and public safety.

This legislation is a top priority of LEOFF Plan 2 members and appears to have strong support from legislative leadership. A grass roots campaign to support the legislation will be directed at local government officials. Whether WSAC will support the legislation will be determined at the next Legislative Steering Committee meeting on February 7.

### Open Meeting Act Bills

Two Open Meeting Act bills were heard this week by the House State Government & Tribal Affairs Committee. [HB 2630](#), sponsored by Representative Liias (D-Edmonds), clarifies that a gathering of a majority of the governing body, by telephone or electronic communication, to take action is an open meeting. Such communications are opening meetings under Washington Supreme Court case law; however, the statute does mention them. We appreciate Representative

Lias' willingness to work with WSAC and the Association of Washington Cities to ensure that [HB 2630](#) clarifies, but does not expand the scope of, the Act.

There was much more debate on [HB 2567](#), sponsored by Representative Haler (R-Richland) to increase the civil penalty from \$100 to \$1,000 for knowingly violating the Open Meetings Act. At the hearing, the Chair, Representative Hunt (D-Olympia), offered a proposed substitute to allow a court to impose a penalty *up to* \$1000 rather than requiring a blanket \$1000 fine. Representative Haler noted that the penalty had not increased since 1971 and adjusted for inflation, the penalty would be approximately \$500. WSAC asked the committee not to increase the fine above \$500 and to provide a court the discretion to impose a lower amount.

This week the committee will hear [HB 2839](#), sponsored by Representative Williams (D-Olympia) to remove the ability of agencies, including local government, from seeking judicial review to prevent the disclosure of a public record. Currently, local governments can seek review to stop disclosure of records if disclosure is clearly not in the public's interest and a person or vital governmental function would be irreparably damaged. WSAC cannot support removing this tool given the high standard of review that is required to enjoin disclosure.

On another note, the Attorney General's taping of executive sessions legislation has not yet been introduced in either house.

### **Incumbent County or City Candidates on Public TV**

Representative Haler (R-Richland) has also introduced legislation, [HB 2904](#), that would prohibit an incumbent city or county legislative or executive candidate from appearing on publicly funded television station from June 1 to November 30 during an election year. There are only three exceptions to this prohibition – 1) as a participant at a meeting of the county or city legislative body; 2) as part of an open public meeting by members of an elected legislative body to express a collective decision; or 3) acting in an official capacity at an open public event. WSAC intends to testify with concerns with the legislation because it does not apply equally to other candidates, is too restrictive in defining legitimate business that should be televised, and would apply to television stations such as TVW or PBS.

### **Wrongful Death Legislation**

Some may remember this bill that has been resurrected from last session. [ESHB 1873](#) expands the wrongful death statute and allows more claims to be brought under this statute. A number of changes are made to the wrongful death and survival statutes, in the areas of the beneficiaries of these actions and the damages that are recoverable.

The bill represents a substantial expansion to the number of people who may file a claim, and the damages for which they may seek redress. It is expected to increase the costs to public entities. WSAC and WACO have joined with a number of other public associations to oppose the legislation including the Association of Washington Cities, Washington State Transit Association, Washington Ports and Washington Fire Commissioners, among others. The bill will be heard on February 1 at 8:00 a.m. in the House Judiciary committee.

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## ***Public Health & Human Services***

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### **Regional Support Network Bills**

The House Healthcare and Wellness Committee conducted a work session on the System Transformation Budget Initiative and heard a number of bills related to mental health and Regional Support Networks (RSNs) at the January 24 hearing. [HB 2654](#) directs DSHS to adopt rules to authorize community service agencies to become Medicaid certified. The legislative intent stated in [HB 2750](#) is to provide flexibility to DSHS in the event that an existing Regional Support Network (RSN) will no longer be contracting to provide services. The bill allows private entities to contract as RSNs; states that an RSN that voluntarily terminates its contract is prohibited from serving as an RSN in the future; requires 180

notice of intent to terminate a contract as an RSN. WSAC testified in opposition to a number of provisions in the bill. The Senate version, [SB 6404](#), will be heard in Senate Human Services and Corrections on January 29 at 1:30 p.m.

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## ***Transportation & Public Works***

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### **Tolling**

[SHB 1773/SB 6355](#) Tolling bills are moving with the Senate Transportation, having passed their bill on Thursday, January 24. This legislation establishes the policy framework for the imposition of tolls on state-owned facilities. Either the Legislature or the Transportation Commission (if so delegated) can impose tolls, including variable pricing, on a facility or corridor. All revenue from a tolled facility or corridor must be used only to improve, preserve, or operate the facility or corridor on or in which it is collected.

### **Transferring Certain Responsibilities from TIB to WSTC**

[HB 2502](#) Since the early 1990s, cities that wished to transfer a city street to a state highway, or petition for a state highway to become a city street would require Transportation Improvement Board (TIB) approval. This legislation proposes to transfer this authority to the Washington State Transportation Commission (WSTC) and WSAC supports this.

### **Exempting Regional Growth Centers from Concurrency Centers**

[HB 2577](#) This bill will be heard in the House Local Government Committee on Friday, January 25 at 1:30 p.m. Cities planning under GMA would now have the following option:

"Local jurisdictions may approve development that causes the level of service on a locally owned transportation facility to decline below standards adopted in the transportation element if:

1. The proposed development is within a designated regional growth center;
2. The legislative authority of the jurisdiction exempts the regional growth center from certain concurrency requirements; and
3. The proposed development utilizes transferred development rights originating from a rural area within the same or an adjoining county."

For now WSAC is monitoring... and working to understand what a "designated regional growth center" is!!!

### **Authorizing Public Works Board Projects**

[HB 2437](#) The House Capital Budget Committee heard and passed the Public Works Board Project List on January 15. As recommended by the Board, 52 project loans totaling \$278 million are authorized for the 2008 loan cycle. All of the appropriation available for construction loans in the 2007-09 biennium is being used for the 2008 loan list. Counties represent 3 projects totaling \$27 million and Cities represent 32 projects totaling \$182 million. Please see [www.pwb.wa.gov/](http://www.pwb.wa.gov/) for more detailed project information.

### **Storm Event Work Session**

The Senate has established a work group to prepare a response to the December 2007 storms. WSAC put out an urgent request and received very good information from hard hit counties. WSAC compiled and presented information on these issues:

- State pays the full 25% of matching funds to cover the entire non federal share of the disaster costs
- Sustainable State Funding for Emergency Management
- Redundant and Interoperable Means of Communication
- Facility Specific Generators
- Housing
- Lost Revenue From Timber Blow Down

- Permitting.
- Water Systems
- Mental Health Services
- Solid Waste
- Multi-Cultural/Multi-Language Issues
- Policy Analysis: Nexus Between Habitat Protection and Damage to Public and Private Infrastructure

## Governance

Senator Haugen introduced **SB 6772** dealing with regional transportation governance as well as **SB 6771** to repeal RTID.

The outline for **SB 6772** is as follows:

Expand existing RTA (“Sound Transit”) authority (rename as Regional Transportation Authority)

- Expand project eligibility: both roads and transit
- New governance board (12 members): six elected within King, Pierce, Snohomish; one elected at-large within three-county boundary; three appointed by County Executives; WSDOT Secretary (non-voting); PSRC Executive Director (non-voting)
- Majority elected board: seven elected and five appointed/designated
- Broad revenue options: combined roads and transit revenue, not limited by modal or subarea equity
- No MPO/RTPO function (PSRC untouched, but Executive Director sits on new entity)
- Boundaries: existing ST boundaries

Provide new RTA authority to regions statewide

- Counties outside of central Puget Sound may create RTA

Dissolve & repeal RTID

Coordinated regional transportation planning

- Requires RTA, WSDOT, and PSRC to coordinate regional transportation planning to ensure comprehensive and integrated corridor-based multimodal regional system

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## **Training & Upcoming Events**

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

#### **NACo and Nationwide Retirement Offer Scholarships for High School Seniors**

Two high school seniors will earn \$2,500 for college from the NACo/Nationwide Scholarship Program. Winning applicants must research the amount of money they will need at retirement and describe how to secure their financial future for retirement. Open to high school seniors or graduates (age 20 and under) who are legal U.S. residents and whose parent or grandparent actively contributes to the NACo 457 Deferred Compensation Plan. Application and entry must be postmarked no later than March 31. Contact Lisa Cole, phone 202/942-4270 or go to:

<http://www.naco.org/Template.cfm?Section=Publications&template=/ContentManagement/ContentDisplay.cfm&ContentID=26174>

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## ***Courthouse Ramblings***

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Island County Commissioners have appointed **Sheilah Crider** as the new Island County Auditor to fill the unexpired term of Suzanne Sinclair. Crider is currently on the Oak Harbor City Council and has been on the Island County Planning Commission. She will be resigning from the city council and taking office, effective Monday, January 28.

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San Juan County Sheriff **Bill Cumming** has been appointed to the WACO Board of Trustees as the new Sheriffs' Association representative. He will take the place of Chelan County Sheriff Mike Harum who is the new WACO Secretary-Treasurer.

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*(January 24, 2008, Dan Wheat, World Staff, The Wenatchee World)*

Douglas County Commissioner Dane Keane underwent a second replacement of the same knee on Jan. 15 and has been off work last week and this week.

Keane, a Rock Island rancher, said the surgery went well, but he isn't sure when he will return to commission work in Waterville.

He said he's had five surgeries on the knee in two years. This surgery removed a metal knee put in a year ago to which he had an allergic reaction.

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## ***WSAC Financial Services Corporation***

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### **County Inmate Program Debuts New Service Center**

Counties currently enrolled in the County Inmate Program (CIP) or those enquiring about the program now have a team at their disposal for any questions, assistance or inquiries. CIP is the first program of its kind to help counties tackle rising inmate health care costs. The WSAC Financial Services Corporation (FSC) Board of Directors recently made the decision to move from retaining a sole contractor to deploying a team of WSAC staff as the corporation moves into a growth and servicing period. These staff members' time will be charged back to the FSC to cover all corporation related costs.

Mimi Welch, who has been the contracted administrator for the past year and a half to WSAC FSC, is no longer with the program. The FSC Board wants to thank Mimi for her service while the Financial Services Corporation and the County Inmate Program have gotten off the ground. The start-up phase for any new venture is a critical one and Mimi's guidance and attention during the formative months is appreciated.

The team that will be your source for CIP information will be led by retiring WSAC Executive Director Bill Vogler. He will be spending a significant amount of time conducting program outreach, traveling to counties to meet with jail administrators, County Commissioners and Councilmembers, and others who want to know more about the goals and possible savings of the CIP Program. Trina Bannister, WSAC Finance Director, will continue to provide administrative and financial services to FSC but will also add program engineering support for CIP. She will be the one to delve into details with you about program delivery, cost savings analysis, and resolution with third party administrator issues. Barbara Warden, WSAC Finance Specialist, will be providing general administration support to the program. In addition, Michelle Zahrlly and Justin Kerrihard will be supplying communications tools to participating counties, including an upcoming CIP webpage with easy-to access forms and information.

The FSC Board hopes that this enhanced service makes it easier for counties to administer the CIP Program and for interested counties to obtain the data they need to determine if the program is a savings for them.

Contact any of the above team members at the WSAC office at (360) 753-1886 with questions about the program.

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## ***Good Things***

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### **Farmland Preservation Task Force Elects Former Commissioner as Chair**

A Skagit County farmer with a long history of public and industry service has been elected chairman of the Washington State Farmland Preservation Task Force.

Bob Hart was elected to the position by his fellow Task Force members at the group's initial meeting last month.

With interests in vegetable and nursery stock production in Skagit County, Hart was appointed to the 18-member task force by Governor Chris Gregoire to represent agricultural producers in Northwestern Washington. He has held volunteer and leadership positions in a number of agricultural and community organizations.

A former two-term Skagit County Commissioner, Hart was in office when the Skagit County Board of Commissioners approved plans and funding to preserve the land base of the County's agricultural heritage.

The Farmland Preservation Task Force and the Office of Farmland Preservation were created by the Washington State Legislature last year to address factors that lead to the loss of farmland and develop solutions.

Further information can be found at <http://ofp.scc.wa.gov> or by calling (360) 407-6200.

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# Attachments

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## 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](mailto:info@uscommunities.org)

U.S. Communities | 2175 North California Blvd., Suite 550, Walnut Creek, CA 94596

(866) 472-7467 | [info@uscommunities.org](mailto:info@uscommunities.org)

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"Results from our internal customer satisfaction survey show that our customers want two things from Purchasing. First save us time in the procurement process and second save us money. When Kansas City, Missouri uses a U.S. Communities contract we save both time and money for our customers."

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