

the Courthouse Journal

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

February 15, 2008
Issue No. 6

*Inside the
Courthouse Journal*

Budget, Finance & Taxes
Page 3

Courts, Public Safety,
Law & Justice
Page 5

Elections, Licensing
& Recording
Page 7

Environment, Land Use
& Resources
Page 8

General Government
Page 9

Public Health &
Human Services
Page 10

Transportation &
Public Works
Page 10

Association News
Page 12

Training &
Upcoming Events
Page 14

Courthouse Ramblings
Page 14

Attachments
Page 16

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

Action Alert - Taping of Executive Sessions Bill

HB 3292 was pulled to the floor calendar directly from the Rules Committee late Wednesday night. Even if you have discussed this with your Representatives before, we urge you to contact them again. The Attorney General is actively working for the bill's passage. This is not a bill that divides members along party lines; we have supporters and opponents in both caucuses. Every vote will count.

WSAC has taken the position of opposing the legislation for the following reasons:

- The bill is not necessary. There is no evidence of wide-spread violations of the Open Meetings Act. The State Auditors Report states that there were over 450 "potential" violations, not actual violations.
- The bill requires executive sessions to be taped. This will create a chilling effect on the free flow of discussions.
- The items that can be discussed in executive session are very sensitive, such as personnel matters and litigation. Disclosure of the discussions would be detrimental to personnel and taxpayers.
- It would be the only instance in which attorney-client privilege communications would be required to be taped and potentially disclosed.
- The bill would allow disclosure of the contents of the executive session even if violation related to notice requirements.

This bill impacts every local body, board, committee or commission in the county (civil service commission, planning commission, cemetery board, etc.). Let your colleagues know that this bill will affect them too.

WACO and WAPA Honor Norm Maleng with Plaque for Regional Justice Center

The Washington Association of County Officials (WACO) and the Washington Association of Prosecuting Attorneys (WAPA) is posthumously honoring former King County Prosecuting Attorney Norm Maleng with a 12" x 18" bronze plaque, which has been sent to the newly designated **Norm Maleng Regional Justice Center**, in Kent. The plaque will be hung in the Center, which opened in March 1997, as "The King County Regional Justice Center". Following the untimely death of Norm in May 2007, the King County Council and King County Executive voted to rename the building. The designation ceremony was held in December and WACO/WAPA joined in a tribute to Norm at that time.

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) wacounties.org/waco

and the **Washington State Association of Counties**

(WSAC) 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

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

Policy

Eric Johnson, Assistant Executive Director

Rashi Gupta, Policy Director

Julie Murray, Policy Director

Jeff Killip, WSALPHO Managing Director

Brad Banks, Policy Analyst

Operations – Finance & Technology

Trina Bannister, Finance Director

Barbara Warden, Finance Specialist

Justin Kerrihard, Technology Manager

Operations – Member Services

Michelle Zahrlly, Communications/Member Services Director

Ginni Peppert, Member Services Coordinator/Event Planner

Beth Dubey, Member Services Assistant

Program Contractors

Neil Aaland, Columbia River Program Manager

Tom Robinson, Timber Program Manager

Tonia Sugarman, County Training Institute Project Manager (CPO)

The cast bronze plaque includes a relief drawing of Norm and says: "In honor of Norm Maleng, King County Prosecuting Attorney from 1979-2007. We recognize Norm's passion for justice and fairness, his commitment to the citizens of King County and his dedication to county government across the State of Washington. As President and a respected member of the Washington Association of County Officials and the Washington Association of Prosecuting Attorneys, his integrity and leadership were an inspiration to all. December 1, 2007".

The plaque also includes the WACO and WAPA logos.

The Norm Maleng Regional Justice Center (MRJC) is a beautiful structure and will continue to serve the citizens of King County as well as the local justice community. The building houses superior and district court as well as a 1,457 bed correctional facility. WACO and WAPA members are encouraged to stop by the MRJC to view the center and the WACO/WAPA and King County memorial plaques, and to think of Norm's tremendous legacy of pursuing justice above all else and treating victims with empathy and concern. As the King County plaque says "May all who enter these halls find the same passion for justice that inspired the career of King County Prosecuting Attorney Norm Maleng."

Half Way Home

Floor action will dominate the legislative calendar early next week. Starting Wednesday, bills that passed out of one house will move to the opposite chamber for consideration. It then becomes a race to the finish as the session is scheduled to adjourn on March 13. Majority Democrats won't want to linger particularly if the revenue picture continues to deteriorate. Another reason to get out on time or early is the ability to start fund-raising for reelection which cannot occur until 30 days after adjournment.

Washington Counties Scholarships Now Available!

County elected officials and employees who have students in their families take note!

The Washington Counties' Scholarship Fund is offering five \$3,000 awards to children of county employees who will be enrolled full-time during the 2008-2009 school year in a baccalaureate program, associate degree program or vocational/technical certification program. Complete information and applications are available on the web at

http://wacounties.org/ScholarshipProgram/scholarship_program.htm

Applications must be postmarked no later than Tuesday, April 1, 2008!

We encourage all students to apply!

Legislative Committee Schedules and Agendas:

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

Bill Information: www.leg.wa.gov

Budget, Finance and Taxes

County Treasurers' Issues

The Treasurers'/WACO request bill, **HB 2986**, cleaning up various statutes with regard to collecting taxes and refunding of taxes passed the House on Thursday, with the amendment from the House Finance Committee directing the Assessors' and Treasurers' Associations to convene a workgroup with representatives of financial institutions to examine ways to provide detailed property tax information to all taxpayers. The language is flawed because it speaks to county assessors notifying property owners of details of their property tax bill, rather than county treasurers. The bill will have to be fixed in the Senate.

Uniform Interest Rate

HB 3280, a broad sweeping bill that would create a uniform interest rate for a variety of unpaid state obligations, including property taxes, failed to pass out of the House Finance Committee and is dead for the session.

Discretion in Property Tax Payments and ACH

SB 6185, allowing treasurer discretion in property tax payment scheduling and authorizing periodic payments by electronic funds transfer, is in the Senate Rules Committee and is opposed by the county treasurers. There are major concerns with the administrative complexity of allowing more than two payments as an option. The bill, as amended in committee, has even more serious implications, as well as conflicting language.

School District Treasurers

SSB 6674, authorizing certain school districts and educational service districts to designate a district treasurer in counties with populations of 400,000 or more, is on the Senate floor calendar, and the companion bill **SHB 2954**, narrowing the issue to King County only, is on the House floor calendar. County treasurers are opposed to these bills, which stem from contractual discussions in King County with about two dozen of its school districts, regarding the fee structure for its investment pool.

Inheritance/ Tax Exemption

SB 6851, concerning documentation required in order to obtain a real estate excise tax exemption at the time of inheritance, is in Senate Rules and needs to be pulled to the floor calendar. Treasurers support this bill, which allows a surviving spouse to receive an exemption from the real estate excise tax without the required documents if he/she shows a certified copy of the death certificate and signs an affidavit affirming that he/she is the sole and rightful heir to the property.

Bill seeks 'government welfare' label 'Rhetorical' attempt to show funding's urban origins riles some rural lawmakers

The Spokesman Review

Richard Roesler

February 14, 2008

OLYMPIA – In a move clearly aimed at anti-tax conservatives in places like Eastern Washington, some liberal Puget Sound-area state lawmakers proposed withholding state utility-project cash from rural communities unless local voters acknowledge that the money is "government welfare."

The tongue-in-cheek bill was dead on arrival, with state Sen. Darlene Fairley, a committee chairwoman, pronouncing it purely rhetorical at a recent hearing.

But it riled some rural lawmakers, including an Eastern Washington senator who suggested that seceding from Western Washington might be the answer, a perennial threat leveled and withdrawn nearly every year by lawmakers frustrated with the Puget Sound region's political clout.

Prime sponsor Sen. Eric Oemig, D-Kirkland, said Senate Bill 6291 was intended to show taxpayers where the money comes from "so they'd be better-informed when they're asked to approve levies in their own communities."

For years, the state has used a complex formula to distribute real-estate excise taxes from a "city-county assistance fund." The formula tends to shift dollars from the most populous cities and counties to more thinly populated areas.

"Here we have a situation where we have some governments that are actually spending someone else's money," Oemig told lawmakers at a hearing last week.

"And they don't even know in most cases that that money has come from my district."

Fairley, D-Seattle, had a pithier description of Oemig's bill: "It says that King County's paying for the rest of you, is what it says."

Sen. Adam Kline, D-Seattle, suggested adding the same requirement for transportation dollars. King County and other urban counties typically get back less than \$1 in transportation projects for every dollar they pay in gas taxes, he said. But some rural counties get back several dollars for every gas-tax dollar they contribute.

In such cases, Kline said, those rural counties should "be required to vote on whether to accept this largesse." A co-sponsor of Oemig's bill, Kline said he'd like to introduce a bill to include transportation dollars next year.

Lawmakers from rural areas panned the bill.

"The word 'welfare,' I think my citizens would object to that," said Sen. Tim Sheldon, D-Potlatch. "... It is one state."

The state utility dollars help build sewer lines that protect water quality in places like Hood Canal, he said.

"A lot of that was already built in King County when you were elected," he told the proponents. "We're still trying to get ours."

Sen. Bob Morton, R-Orient, said the bill would cover several of the northeastern Washington counties he represents. Calling the state money welfare, he said, "is quite disturbing."

With a sparse population and little taxable land, Morton said, places like Ferry County are already struggling with things as basic as sending out ballots for next week's presidential primary election.

They shouldn't have to pay for more elections to declare utility construction grants welfare, he said.

He criticized state regulations, which he said are suppressing local industries like mining.

"We would be delighted, Sen. Oemig, to sit down with you and go through the possibility of changing the boundaries," Morton said, "so that you would no longer need to have us as a welfare brother."

Office of Public Defense

We continue to support legislation related to the Office of Public Defense (OPD). The Office of Public Defense was established in 1996 to administer state funded appellate defense to indigent criminal defendants. OPD operates a grant program to assist counties with indigent defense needs at trial level, provide training and education for public defenders and operate a program that contracts for representation of indigent parents in dependency and termination proceedings. We support [SB 6442](#) and the House companion, [HB 2588](#), to remove the sunset clause and allow the agency to continue beyond June 2008 and expand the advisory board to include a representative appointed by WSAC, and representation from the Prosecuting Attorneys association.

We continue to work with OPD on a budget request that includes full funding for Whatcom and King county parents representation requests, and partial funding for the juvenile offender “first appearance” attorneys targeted to provide legal representation to kids at their initial appearance after being arrested.

Domestic Violence Protection Orders

We continue to monitor [HB 2563](#) and the companion [SB 6357](#) that clarify that if a petitioner in a protection order action cannot obtain personal service of the order setting the date for the permanent protection order after two attempts, the court shall allow the petitioner to attempt service by mail or publication, unless the petitioner requests additional time to attempt personal service. The bill also specifies the process that must be followed regarding serving the other party when petitioning to modify a protection order. These bills were both passed out of the respective Judiciary Committees in the House and Senate.

County Clerks’ Interests

Update on Juries

[HB 3159](#), which requires county clerks to notify auditors and the Secretary of State when a juror is disqualified, appears the only juror bill still standing. It is in House Rules. The clerks have outlined all the problems with the bill from their standpoint and most auditors do not like it as well. Some counties have estimated that tens of thousands of notices would be required annually which auditors would be directed to review for purposes of voter registration. Statute also provides that the juror response sheet with the information is only used for that session of the jury. Its companion [SB 6555](#) is dead.

[SB 6329](#), [SB 6330](#), and [SB 6680](#) all failed to meet the cutoff. The bills would have provided state monies for increased juror compensation, required a juror list to be exhausted before a juror was eligible to be drawn again, and excused jurors over 75 years of age.

Court Interpreters

[2E2SHB 2176](#), which would reimburse counties one half of their expenses for certified interpreters depending on the availability of funds, requires those counties to develop a language assistance plan for civil and criminal matters. The bill has undergone several changes but has been set for hearing on Wednesday, February 20, at 3:30 p.m. in the Senate Judiciary Committee.

County Clerks’ Priorities

Mystery still surrounds [HB 2465](#), the clerk’s authority to withhold and deliver funds of offender to satisfy outstanding legal financial obligation, as to why there is a hold on it in the House Rules Committee. Work continues to move [HB 2465](#) out of the House Rules Committee and its companion [SB 6193](#) out of the Senate Rules Committee. [SB 6193](#) is on the “green sheet” and only needs one more “pull” to the floor of the House for a vote.

HB 2466, a bill to modify county clerks' duties, expired in the House Appropriations Committee this week due to a whopping fiscal note. County clerks can take some satisfaction in knowing that, according to the fiscal note, they can do the job for one third as much money as it would cost the State Attorney General and the Department of Social and Health Services to publish notices in dependency cases.

Crimes, Punishment and Miscellanea

ESHB 1030, enhancing the sentence for attempting to elude a police vehicle, will receive its first hearing of the session in the Senate Judiciary Committee on Friday, February 22, at 3:30 p.m., just two days shy of its third "anniversary". Hopefully, it will find its way to the Governor's desk this time around.

HB 1775, crimes against livestock, emerged today from the House Rules Committee "X" file where it has been since last year and made it to the Second Reading Calendar. The bill makes it a class C felony to intentionally harm or kill a horse or cow belonging to someone else. Offenders can be sentenced up to twelve months for the offense. A civil suit will allow treble damages to the owner.

Tribal Law Enforcement

HB 2476, commissioning tribal law enforcement officers to act as general authority Washington State peace officers, is still in the House Rules Committee. The Senate Version is dead.

Sex Offender Bill Day in the Senate

The Senate Committee on Human Services and Corrections will hear a flurry of sex offender bills next Friday at 8:00 a.m. in SHR 1. They include:

HB 2436, allowing crime victims to provide input to DOC regarding putting an offender on work release.

SHB 2439, requiring facility authorities to determine a sex offender's immigration status and release to federal authorities.

HB 2728, requiring sex offender registration for indecent exposure when found sexually motivated.

HB 2786, including level 1 offenders who fail to register on the statewide notification web site.

HB 1836, requiring sex and kidnapping offenders to register after serving confinement for a subsequent offense that is not a sex or kidnapping offense.

2SHB 2714, making failure to register as a sex offender a class B felony.

HB 3161, requiring sex offenders to pay costs of electronic monitoring.

Other sex offender bills include **HB 2444**, requiring sex and kidnapping offenders to submit information of e-mail addresses and any web sites they create or operate.

Other bills of interest to Sheriffs and Prosecutors

HB 2712, criminal street gangs; **HB 2817**, meth contaminated cars; and **HB 3254**, a bill dealing with DUIs, license revocation, and ignition interlock devices, are on the Floor Calendar and could be voted out of the House today.

For Coroners and Medical Examiners

2SHB 2624, human remains, has made it to the floor of the House for a vote in an amended fashion that was passed out of the House Appropriations Committee. The new sections require the Department of Archaeology and Historic Preservation to report the numbers of inadvertent discovery of skeletal human remains to the appropriate committees of the legislature by November 15, 2009, and then biennially thereafter. The language also provides now that the bill is null and void if the funding is not provided by June 30, 2008 in the Supplemental Operating Budget, **HB 2687**.

Prosecutor Priority

SB 6933, admissibility of evidence in sex offender cases, is in the Senate Rules Committee. **SB 6933** is a WACO priority.

HB 2713 and its companion, **SB 6488**, which allow for broader collection of DNA samples from convicted sex offenders and other persons, are both on the Floor Calendars of the respective houses. **HB 2713**, also a WACO priority, expands the statute to include certain misdemeanors and gross misdemeanors.

Elections, Licensing & Recordings

County Auditor Announces Retirement

Karen Flynn, Kitsap County Auditor has announced that she will retire Monday, March 31, 2008. "During my tenure," Flynn stated, "Kitsap County has been well served by many different elected officials all of whom have worked cooperatively under challenging conditions to provide quality and effective public services. It has been my honor to be a part of the rich history that is Kitsap County."

It was a core belief in public service and a sense of the importance of advocating for representative governance that originally sparked Flynn's interest in running for County Auditor in 1986. As she prepares for retirement, she is most proud of the collective achievements made to increase voter participation, enhance public access to records, and assure fiscal integrity in financial reporting. Some of the high points of the past 21 years include:

- Introduction of the Local Voters' Pamphlet providing important voter information on candidates and ballot measures with the greatest local impact;
- Automation and modernization of the County's financial management and payroll systems;
- Repeated awards for achievement in comprehensive financial reporting;
- Implementing document imaging technology in the County's property records management system and making public indexing information available to citizens on the Internet;
- Maintaining locally-based vehicle licensing sub-agency services that provide convenient access and service as well as support for the local economy;
- Converting from punch card voting to paper-based optical scan ballots that allow voters easy access to review and confirm their choices before submitting their voted ballots; and
- Supporting the voter driven migration from polling place-based elections to vote-by-mail while maintaining accessible services to voters with disabilities

Flynn noted that the professionalism and commitment of the staff has been unmatched. "It has been a privilege to work with an exceptionally talented and dedicated group of employees in each of the diverse service areas of the Auditor's office – elections, licensing, recording and finance. The high level of skill and dedication of my staff assures that the citizens of Kitsap County will be well served through this transition of electing a new leader to the Office of the County Auditor."

Election Day Voter Registration

SB 6778, election day voter registration (EDR), was heard by the Senate Ways and Means Committee Monday afternoon. The bill has been opposed by the county auditors, WACO and the Office of the Secretary of State throughout the session, as it moved from the Senate Government Operations Committee to Ways and Means, even as negotiations continued with the prime sponsor to perhaps create a task force to look at the issue. The bill failed to get the signatures in Ways and Means and is dead.

Top Two Primary

SB 6924, adopting a primary system in which the top two candidates would qualify for the general election, was passed to the Senate Ways and Means Committee, but did not receive a hearing. This bill would have been enacted if the United States Supreme Court holds I-872 constitutional and reinstates the initiative in its entirety, a decision which has not yet been made.

Environment, Land Use & Resources

Climate Change

SHB 2797/SSB 6580, Local Solutions to Climate Change/GMA are now in their respective Rules Committees and could be pulled for floor action at any time. These two bills address the impacts of climate change through the growth management act and have four base components:

1. Still adds a new "Climate Change" goal. WSAC remains opposed to this item.
2. Directs CTED to develop advisory climate change response methodologies and estimates to assist counties and cities. 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. Creates a "Global Warming Mitigation and Adaptation Program" for CTED to fund at least three cities and three counties.
4. Directs CTED to report back to the Governor and the Legislature on how cities and counties are addressing climate change issues and other possible measures that cities and counties could utilize in land use and transportation planning.

Housing

SHB 2683, creates an affordable housing for all programs, that allows counties an opt in provision planning program for housing. WSAC's legislative priority for a JLARC study of the Growth Management Act was stripped from the bill in House Appropriations.

SHB 2576 is in House Rules, promotes the availability of affordable housing through the comprehensive plan requirements of the growth management act and creates definitions for low and moderate income housing.

Annexation

SHB 2482/SB 6240, relating to the signature validation process for petitions that seek annexation. SHB 2482 has passed the house.

HB 2483/SB 6283, modifying assessed valuation requirements for the direct petition method of annexation. HB 2483 has passed the House.

HB 2484/SB 6239, abolishes ad hoc review board processes for annexation proposals are both in their Rules Committees.

Additional Land Use Bills that are moving:

Bills to change Washington's Vesting Laws (HB 3202/SB 6784) are now in their respective Rules Committees and eligible for floor action. WSAC Legislative Steering Committee took a formal position to oppose changing the vesting provisions.

SHB 1622, permitting Boundary Review Boards to increase the size of an annexation up to 100 percent is in House Rules Committee.

ESHB 1727/ SB 6727 are similar bills and are Realtors priority bills that provides for consultation and cooperation between cities and counties in the adoption of rules and regulations in UGA's. This bill still has language that is problematic to some counties and still needs to be worked. **ESHB 1727** is scheduled for a hearing in Senate Government Operations on Thursday, February 21.

SHB 2535 permits counties to place a moratorium on Shoreline Management permits, similar to other moratorium restrictions, and is in House Rules. WSAC supports.

SHB 2577 provides for the chance to suspend transportation of concurrency requirements in "Regional Growth Centers" and is ready for floor action. WSAC supports.

SHB 2854 is in House Rules and will obligate the Department of Community, Trade and Economic Development to submit a report to the House of Representatives and Senate every three years that analyzes compliance with the countywide planning policy requirements of the Growth Management Act.

HB 3200, revises cemetery district petition requirements used in counties by allowing no less than 10 percent of registered voters residing in the proposed district to sign the petition and allows county legislative authorities to provide a ballot proposition creating the proposed cemetery district.

Natural Resources

Belt Tightening - Because of their failure to pass out of committee by the first legislatively imposed deadline, many natural resource related bills are dead for the session. Some simply couldn't muster the necessary support to be voted out of committee while others may have been doomed due to their cost. Even bills that failed to pass out of committee could be salvaged through a proviso in the state supplemental budget but that is typically a long shot. The state revenue forecast is due today. It's expected to signal a sharp reduction in future tax collections, thereby requiring the state to tighten its belt. The big ticket items for natural resources will be flood relief, climate change implementation and funding for the Columbia River Settlement account. Agency request legislation from Dept. of Natural Resources, Dept. of Ecology and Dept. of Fish and Wildlife will require some supplemental budget funding. Any remaining bills that have budget impact will come under the closest scrutiny. Counties will be particularly vigilant about opposing any measures that impose unfunded mandates like the original versions of the Evergreen Cities proposal (**HB 2844** and **SB 6469**) or bills that impose state preemption over county authority like assessments for shell fish protection districts (**HB 2676** and **SB 6607**). Study bills may require county involvement during the interim and full engagement in subsequent sessions. **SB 6348** studying inter-basin water transfers would be such a bill.

Adding Eligible Medical Workers in County Emergencies

HB 2518, allows retired volunteer medical workers from other states and Canada to obtain a license if they previously held a comparable health profession license in those jurisdictions, passed unanimously out of the House. This bill would expand the number of people who can respond in the case of emergencies or disasters and allow the volunteer to practice emergency medical aid under supervision in a county after a declared emergency or disaster. The volunteer would be required to complete additional training every three years in order to renew the license. We continue to monitor the bill to make sure that no county liability issues emerge.

General Government Issues

Open Meeting Act Penalty Increase Passes House

HB 2567 passed out of the House by a vote of 77-19-0-2. The legislation initially increased the civil penalty from \$100 to \$1,000 for knowingly violating the Open Meetings Act. However, the bill was amended to provide the court with a penalty range of \$250 to \$1,000. This penalty has not increased since 1971 and, adjusted for inflation, the penalty would be approximately \$500.

Drivers Abstract Legislation

SB 6885 to allow the local government risk pools to obtain drivers abstracts of employees from the Department of Licensing is on the Senate floor calendar and can be acted upon at any time. Please contact your Senator to support this bill.

Public Health & Human Services

Menu Labeling Bill Parties Negotiating Differences

Only one of the four original bills regarding menu labeling appears to be still alive. **SHB 3160** is a reduced version of the bill introduced by the Washington Restaurant Association (WRA). Presently, it only contains an intent section that states that more individuals are eating at restaurants than ever before and that public health will be advanced if nutritional information is provided to customers.

At the February 7, 2008 public hearing, Representative Conway (Chair, House Commerce & Labor Committee) directed the WRA, Seattle King County, and other stakeholders to work out the differences. Specifically, the WRA challenges Seattle King County's Board of Health regulation regarding menu labeling that takes effect on August 1, 2008. Seattle King County and the other 34 Local Health Jurisdictions (LHJs) through WSALPHO challenge the WRA's two bills: **HB 3160** and **SB 6659**, each of which provides for weak requirements regarding providing nutritional information and specifically provided for full statewide preemption. From a public health perspective, WSALPHO (including Seattle King County) prefers that any nutritional information be provided at point of sale so the customer does not have to search or request the information.

Per Representative Conway's direction, the parties met yesterday and discussed their respective positions. The discussion will resume tomorrow (Saturday). The deadline to consider bills in house of origin is Tuesday February 19 at 5:00 p.m.

Regional Support Network Bills

Last week it was reported here that both **HB 2750** and the Senate companion **SB 6404** passed out of the policy committees and were referred to the respective fiscal committees. Both bills were re-referred to rules without hearings in the fiscal committees. These RSN bills in their original form allow private entities to contract as RSNs; state that an RSN that voluntarily terminates its contract is prohibited from serving as an RSN in the future; and require 180 notice of intent to terminate a contract as an RSN. The House Healthcare and Wellness Committee passed a substitute that would allow an RSN that voluntarily terminates its contract to serve as an RSN after 5 years. The Senate Human Services and Corrections committee substitute includes the 5 year time period along with the notice of intent reduced to the current 90 days and language provide incentive for non-profits. Both bills remain in the Rules committees at this time.

Transportation & Public Works

Bidding - **SSB 6235** is now in Senate Rules. This bill changes the method to secure consulting, architectural, engineering, or other services via competitive bidding. The proposed substitute is a substantial improvement to the initial bill introduced. Most significantly, the bill adds other construction-related services to the services that governmental agencies must publicly announce requirements for and negotiate contracts for on the basis of demonstrated competence and qualification for the type of professional services required and at fair and reasonable prices. WSAC still has concerns; we remain opposed to the need for any legislative change.

Concurrency - **HB 2950** is now in House Rules. This bill addresses the issue of Concurrency and Impact Fees for Transportation Purposes. Basically, this bill states that the payment of impact fees would constitute an acceptable strategy for meeting concurrency. WSAC is working to allow a County to make this determination and not pre-empt our local decision making authority.

County Bridges - **SB 6808** is now in Senate Rules. This bill would have required counties and cities to maintain, replace, or appropriate funds for bridges deemed to be “especially deficient” but is now dead. This bill would have required if a county (or city) that has a bridge with a rating of 9 or less (out of 100), the state treasurer would be required to withhold twenty-five percent of their state gas tax revenues until enough revenue is accrued to fund 50% of the estimated cost to replace the bridge or rehabilitated at a rating of 80 or better. WSAC opposed this bill. The County Road Administration Board also expressed concern over the program administration requirements and policy implications.

Transportation Benefit Districts - **HB 3143** passed the House 93-0. This bill provides for the increase in governing body membership for single-county public transportation benefit areas from not more than nine to not more than 11.

Tolling Bills - **SHB 1773/SSB 6355** are now in their respective Rules Committees waiting to be pulled for floor action. 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

TIB - Since the early 1990s, counties that wished to transfer a county road to a state highway, or petition for a state highway to become a county road, would require Transportation Improvement Board (TIB) approval. This legislation (**HB 2502**) proposes to transfer this authority to the Washington State Transportation Commission (WSTC). WSAC supports this bill. **HB 2502** is in Rules and is ready to move to the floor.

Day Labor - **SSB 6347** would permit counties with a population of less than 22,000 to be exempt from construction day labor use restrictions. This bill is in Senate Rules and is now available for floor action. WSAC supports this bill.

Wetland Mitigation Banking - **SB 6761** is now in Senate Rules. This bill states that the criteria for determining a service area for a wetland mitigation bank must include restricting, with exceptions, the maximum allowable service area to the water resource inventory area (WRIA) in which the bank is located. Most importantly, the Department of Ecology and the appropriate county or city in which the bank is located has final approval for determining the service area for specific banks. WSAC supports this bill.

Regional Transportation Investment Districts - **SB 6771** is now in Senate Rules. This bill temporarily eliminates the opportunity for a regional transportation investment district to be formed under this chapter and the participating county or counties shall not submit a ballot proposition to voters prior to November 1, 2009.

Surface Mining - **HB 2981** now in House Rules deals with surface mining and instead of requiring counties to permit their small mines and restricting the pits from which counties can purchase materials, this bill will now create a joint select committee on surface mine regulations.

Regional Governance - **SB 6772** failed to make it from Senate Transportation, however discussions continue around determining if other bills might resurrect or get the governance language attached.

NACo Accepting Applications for the 2008 County Courthouse Award

Information on the 2008 NACo County Courthouse Award is now available on the NACo website at www.naco.org under the Awards section. Established several years ago, the County Courthouse Award is sponsored by Siemens and recognizes innovative governance by county elected officials from NACo Member counties. Award winners receive an engraved plaque that they can display in their county, recognition at the 2008 NACo Annual Conference in Jackson County, MO and a \$5000 college scholarship to present to a graduating high school senior. Awards will be given out in three categories: rural, suburban and urban. All NACo members are encouraged to apply. Applications must be postmarked by May 9, 2008 to be considered. If you have questions, please contact NACo Associate Legislative Directors Dalen Harris or Erik Johnston at (202) 393-6226 or by email at dharris@naco.org or ejohnston@naco.org.

Bowen Hired by Puget Sound Energy

Will resign later as county commissioner

Daily Record 2/6/08

by Mike Johnston

ELLENSBURG — Kittitas County Commissioner David Bowen has been hired by Puget Sound Energy to be its regional municipal liaison manager but won't be resigning his elected position until the end of May at the latest.

According to an announcement by PSE, Bowen accepted the position with the private utilities company and started work Monday. Bowen said his announcement on Monday only indicated he would not seek re-election this fall because PSE officials said they wanted to announce his employment.

Bowen, 44 and a Democrat, said he has projects that as an elected official he wants to complete before he resigns as well as other responsibilities to hand off to his fellow commissioners.

"PSE was gracious enough to work with me and to allow me to transition out of my local, elected position over time," Bowen said Tuesday afternoon after PSE announced the hiring. "They're doing this out of a sense of community service."

Some of the projects Bowen wants to complete are the agreement with the state Department of Ecology on the use of exempt wells in Upper County and settling Growth Management Act compliance issues.

He said his work with PSE won't interfere with his duties as a county commissioner. Although the end of May is the latest his resignation will come, Bowen said it may come earlier, possibly the end of March, depending on progress made on his county government projects.

"I want to be as less disruptive as I can in this transition," Bowen said.

Bowen's planned resignation will start in motion a process whereby the Kittitas County Democratic Party will present the county commissioners with three Democratic Party candidates to be considered for appointment to Bowen's position for the remainder of the year and after fall elections for Bowen's position.

James Cole, chairman of the county Democratic Party, said this morning he conferred with Bowen on Tuesday about the situation. Cole said the party won't focus on the appointment process until next week, after this Saturday's presidential caucus. He said the caucus is expected to bring out more citizens than in previous years.

When asked about Bowen working for PSE and serving as county commissioner at the same time, Cole said he would expect Bowen to recuse himself from any discussion or decisions related to PSE or issues that could affect PSE. He said he is not aware of any major decision now faced by commissioners involving PSE.

The position taken by Bowen has been vacant since fall and will take him throughout Kittitas County and to Klickitat, Columbia, Chelan and Douglas counties where PSE has generation and transmission facilities.

PSE officials, in a prepared statement, said Bowen was selected because of his many years of public and community relations, and his experience in working with large budgets, varied personnel and in short and long-term planning, new construction, road maintenance, land use, real estate acquisition, and utility franchise agreements. He will manage PSE's relationship with local city and county public works staff.

"David brings to Puget Sound Energy extraordinary experience and respect within the local community," said Phil Bussey, senior vice president for corporate affairs. "His understanding of the local regulatory and legislative process and his ability to forge and maintain strong relationships will help strengthen PSE's involvement in Kittitas County."

County Commissioner Chairman Mark McClain said he learned Tuesday of Bowen's new position and appreciates Bowen's commitment to remain on the board to deal with pending projects and not disrupt ongoing county government efforts to resolve a number of issues.

He said some in the community may express concern about conflicts with Bowen being a commissioner and working for PSE. He said Bowen "is scrupulously ethical and will certainly not be involved in anything involving PSE or their industry."

"While there is no statutory provision prohibiting a commissioner from working outside of the office, and historically many have, I also suspect there are some who may feel he is giving less than he should in terms of time commitment to the community," McClain said in a prepared statement. "I have worked with Commissioner Bowen for several years and strongly feel he would not accept an arrangement that he could not fulfill."

Daily News Links Available Online

Looking for the latest news about counties across the state? WSAC's new website includes a link for "County News" at www.wacounties.org/wsac bringing each day's headlines to you with one click. It's a quick way to scan the current topics facing counties and Commissioners, Councilmembers and Executives.

While all daily newspapers and most weeklies with websites are covered in the service, we might miss an article from time to time. If you want to alert us to a news piece that we've missed, send it to mzahrly@wacounties.org. Letters to the editor are not posted due to space limitations.

You'll find the link in blue next to the "News & Events" header.

2008 Directory Updates

Page 15

Island County Auditor Sheilah Crider's email address is incorrect. It should be s.crider@co.island.wa.us.

Page 61

Change King County – Ken Guy's email to ken.guy@kingcounty.gov and Ellen Petre's email to ellen.petre@kingcounty.gov

Page 62

Remove the listing for Diane Zoren, Central Operations

Page 88

Mark Larson, Health Officer, Kittitas County Public Health, address, phone and fax change to 507 N Nanum St, Suite 102, Ellensburg, WA 98926, 509-962-7515, Fax 509-962-7581

Page 92

Remove the listing for Mike Rutter, Tourism & Recreation Director. Change the listing for Parks Director from Doug Michaeu to John Keates, PO Box 2286, Shelton WA 98584, 360-427-9670 ext. 669, fax 360-427-7765, email johnk@co.mason.wa.us

Page 96

Robert Johnson, Director, Lewis County Public Services, address change to 2025 NE Kresky Ave., Chehalis, WA 98532-2308

Page 96

Add Barbara Robinson as Mason County's Community Development Director, PO Box 279, Shelton WA, 98584, 360-427-9670 ext. 603, fax 360-427-8425 email barbarr@co.mason.wa.us

Page 100

Change Steve Whybark, Sheriff's Office, to Martin Best, Emergency Management Manager, 410 W Business Park Rd., Shelton, WA 98584, 360-427-9670 ext. 806, fax 360-427-7756, email martinb@co.mason.wa.us

Training & Upcoming Events

Washington Counties – [wacounties.org/Calendar of Events](http://wacounties.org/Calendar%20of%20Events)

Courthouse Ramblings

Former Adams County Treasurer **Louise Brewer**, 75, passed away February 7. In 1974, Louise became Adams County Deputy Treasurer and then served as treasurer from 1980 until she retired in 1993. She is survived by her husband of 56 years, Tiny, four children, nine grandchildren and one great grandchild.

* * * * *

Vernon Marll passed away on February 5; services were held Saturday, February 9

Farmer, leader remembered for faith, service

Vernon Marll, a longtime Columbia County commissioner, died Tuesday.

by Carrie Chicken of the Walla Walla Union-Bulletin

DAYTON — A flash of lightning and a clap of thunder caught Lester Eaton's attention Tuesday evening. Knowing his lifelong friend Vernon Marll was near death in the local hospital, Eaton jokingly told his wife "Guess what, Vernon must have checked out."

Later, Eaton learned the time of Marll's death coincided with the thunder.

"The story is, he said 'good-bye' to us and he was on his way," Eaton said.

Marll, local farmer, orchardist and community leader, is remembered by friends as a man of unwavering Christian faith, a progressive farmer and a county commissioner who served for 20 years.

Marll died Tuesday at Dayton General Hospital. He was 87.

Eaton and Marll shared a common childhood, although Marll was several years older, when they grew up on Eckler Mountain.

"We were a stone's throw from each other as far as our homes were concerned," Eaton said.

Eaton helped Marll, who was old enough to drive, work in the Marll family strawberry field on the mountain. At age 18, Marll took over the business.

Although Marll "could have fun, and he could cut up," he was serious about his work. "He had a lot of responsibilities. He was the one who made sure his family had as good a life as they could have," Eaton said.

Marll started his own farm with 40 acres of timberland, which he paid for by working harvest. Eventually, he owned more than 1,400 acres, according to past articles in the Union-Bulletin.

Nadine Munns-Gerkey, who began her career as a U-B reporter the same year Marll began his long commissioner run, recalled Marll as a "very strong, effective leader. He was dependable and hard-working. He was highly respected, locally and on the state level.

"He listened to people. He had the ability to assess a situation, and my observation is he made sound decisions based on what was best for the county," Gerkey said.

"He was a very strong Christian, and he had those values. He would think through a situation and he would do the right thing," she said.

Along with his commissioner post, Marll held a number of regional, state and national offices. He served eight years as chairman of the board of the 11-county Eastern Washington Health Systems Agency.

As president of the Washington State Association of Counties, Marll traveled more than once to Washington, D.C., to represent county government.

Marll remained active in local affairs after he chose not to run for another term on the commission. He represented local senior citizens at regional Aging and Long Term Care meetings.

When Gerkey interviewed him in early May 1988, Marll noted that county commissioners decided in 1966 to develop a senior center, a meal program and a taxi service rather than contract out the senior citizens' program.

Eaton credits Marll with "turning our county commissioners' office into an office of respect. "

"It wasn't a good ol' boys thing any more. The office has never been the same since he's been in," Eaton said.

Marll's interests and involvements included the Blue Mountain Game Control Association, a group that organized to help protect crops from wildlife. He was president of the association from 1955 to 1967.

Marll donated an acre on Skyline Drive 10 miles south of Dayton for a park in 1960. The parcel is named Pioneer Park.

Marll's grandparents, Christopher Marll, came to Dayton by covered wagon around 1870. His parents, Reuben and Ninevah Marll, farmed 80 acres on Eckler Mountain. He was one of eight children, and four survive him.

Another friend, Bud Groom, knew Marll for 60 years. He got to know him when he worked for Marll picking strawberries and thinning apples.

"He's supplied us with apples ever since then," Groom said.

"He was a wonderful fellow. Always available for advice. Very honest, very upright, very conscientious. He always wanted the best of everything for our church. He was a good giver," Groom said.

Marll was a member of the United Brethren Church, and was very involved in church activities, Groom said.

Eaton also noted Marll's faith.

"He practiced Christianity to the hilt. He kept it straight. He kept it clean. In my book I'd tie my wagon to him anytime. He's going to be missed," Eaton said.

Carrie Chicken can be reached at cec@innw.net or 522-5289.

Attachments

Auditor's records stand riles treasurer

by Keri Brenner, The Daily Olympian, 2/12/2008

A second Thurston County official is at odds with state Auditor Brian Sonntag over a state performance audit on public-records disclosures.

Thurston County Treasurer Robin Hunt, who screened an unreleased copy of a preliminary draft audit report, said she objects to its recommendation that all county public-records requests be filtered through one central office, such as the county commissioners.

The final report is due out in April.

Hunt said the county's elected public officials, including her, are independent and "I don't report to the county commissioners, nor is the treasurer's operation a 'department' of the county," she wrote in a letter to Sonntag last week.

Hunt said independent county agencies should be responsible for their own public-records requests.

"I am not aware that we hold SPI (the state Superintendent of Public Instruction) accountable for providing public records from DNR (state Department of Natural Resources)," she said in the letter.

Sonntag said he understood Hunt's concerns and that he agreed with her. However, he said he thought consolidating the process would provide more efficient service to the public.

"If a newspaper is trying to get public records from 12 different agencies, should they have to send out and monitor 12 different requests?" Sonntag said Tuesday. "All we're after is to help citizens be responded to consistently."

He said he thought Hunt was making too much of the issue.

"I understand county government," he said. "I spent 20 years as an auditor and clerk in Pierce County, so I don't need to be lectured to."

This is the second time that the public-records performance audit has caused friction in the county.

In August, County Commissioner Diane Oberquell called the audit a time- and money-wasting "sting" after the county — and other agencies statewide — was forced to comply with a series of made-up, random requests for public records from state employees set up as ordinary residents by the state auditor's office.

Sonntag said it was not a sting because it was the only fair way his office could evaluate whether agencies complied with a five-day response deadline without alerting them that they were being scrutinized.

At the time, he said Oberquell's response was "a little bit troubling."

Sonntag said the project was designed to test government accountability and transparency, as mandated by Initiative 900, which tests government compliance with the state Public Records Act.

The audit, in progress since 2006, gauged the response of 30 agencies statewide to public-records disclosure requests. Sonntag said he had no word on the report's findings or on any details about specific government agencies' evaluations.

WASHINGTON STATE ASSOCIATION OF COUNTIES
and
WASHINGTON ASSOCIATION OF COUNTY OFFICIALS

Telephone (360) 753-1886
Fax 753-2842

Telephone (360) 753-7319
Fax 664-2812

February 15, 2008

TO: Applying Student

RE: The Washington Counties Scholarship Application
Five \$3,000 Washington Counties Scholarships

To be considered, you must submit the following:

- *A signed and completed scholarship application.*
- *A **separate** sheet listing activities, honors and awards.*
- *Two letters of recommendation which must be signed.*
- *A personal statement (limit 300 words).*
- *A sealed transcript of your most recent grades.*
- *NO PICTURES, PLEASE.*

Completed applications must be **postmarked no later than Tuesday, April 1, 2008. Awards will be made in early May of 2008 for the 2008/09 school year.**

Send your completed application to:

**The Washington Counties Scholarship Fund
206 Tenth Avenue SE
Olympia WA 98501-1311**

Good Luck!

WASHINGTON COUNTIES SCHOLARSHIP FUND

2008/09 Scholarship Application

Five scholarships in the amount of \$3,000 each will be awarded to eligible children of county employees and elected officials by the Washington Counties Scholarship Fund on behalf of the members of the Washington Association of County Officials (WACO) and the Washington State Association of Counties (WSAC). Recipients must be full-time students in a baccalaureate degree, associate degree, or vocational/technical certification program. Eligible students are defined on the reverse side of this form.

I. Please type or print clearly:

Name: _____

Current Address: _____ E-mail: _____

_____ Phone: _____

Permanent Address: _____

_____ Phone: _____

County of Residence: _____ Birthdate: _____

High School Attended: _____ Cumulative GPA: _____

College most recently attended
(if applicable): _____ Cumulative GPA: _____

Year in school for 2008/09: Freshman Sophomore Junior Senior Certification

Names of Parents: _____

Name of Parent(s) employed by County: _____

County where Parent is employed: _____

Department: _____ Work phone: _____

2. Please list the following on a separate sheet:

- School and Community Activities/Involvement (include dates)
- Honors and Awards (include dates)

3. To complete your scholarship application, you must submit **two** letters of recommendation which must be signed; a personal statement discussing your academic goals and expectations (limit 300 words); and a **sealed** transcript from the high school or college you are currently attending. The packet must be postmarked and mailed no later than Tuesday, April 1, 2008. We suggest that you submit the required materials as a group. If letters or recommendations arrive separately, it is your responsibility to ensure that they are received by the deadline. If the packet is incomplete by this deadline you will be eliminated from consideration. Letters of recommendation should be from individuals who are particularly aware and supportive of your academic and leadership capabilities as well as your accomplishments to date and must be signed. Your overall score will be lower if all portions of the application are not complete. The highest number of points is assigned to your personal statement; you should compose it with this in mind. **NO PICTURES, PLEASE.** Forward your materials to the Washington Counties Scholarship Fund c/o Washington Counties Building, 206 10th Ave SE, Olympia, WA 98501. Please note that applications will not be retained nor returned by the Committee.

Student's Signature

Date

DEFINITIONS

Eligible Applicants are "children of county employees (including children of all elected officials) who are full-time students in a baccalaureate degree, associate degree, or vocational/technical certification program." (*Bylaws of the Washington Counties Scholarship Fund, Article II, Section 1.*)

"Eligible Children...DOES NOT INCLUDE children of the following:

- a. Washington State Association of Counties (WSAC) Executive Committee;
- b. Washington Association of County Officials (WACO) Executive Officers and most recent Past President.
- c. Members of the Scholarship Fund Investment Committee and Selection Committee.
- d. Substantial Contributors, defined as being a member contributing \$1,000 or more in a consecutive two (2) year period.
- e. Other disqualifying individuals as defined by the IRS Code." (*BYLAWS OF THE WASHINGTON COUNTIES SCHOLARSHIP FUND, Article II, Section 5.*)

Full-Time Student is defined according to the criteria for "full-time" as defined by the institution being attended. **Children** as defined by the IRS are "dependent" and do not include emancipated children, spouses, or grandchildren of county employees.

2008/09 SCHOLARSHIP APPLICATION EVALUATION POINTS

*Category	Possible Points
Honors, awards, leadership	15
Personal statement	25
Personal initiative and family	10
Community and/or school involvement	15
Recommendations	<u>10</u>
	75

* These are guidelines only...

Grade point average is not always a deciding factor

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

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

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

(866) 472-7467 | info@uscommunities.org

©2003 U.S. Communities Purchasing and Finance Agency



"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.**