

the Courthouse Journal

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

December 4, 2008
Issue No. 28

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Courthouse Journal*

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Washington Association of County Officials
Washington State Association of Counties

PugetSoundPartnership
our sound, our community, our chance



Bold cleanup plan to save Puget Sound gets green light

Puget Sound Partnership approves Action Agenda to clean up Puget Sound by 2020

The Puget Sound Partnership adopted on December 1 an Action Agenda to clean up Puget Sound that will not only put Puget Sound on the path to recovery, but will also give a boost to local economies.

The Puget Sound Partnership is a community effort of citizens, governments, tribes, scientists and businesses working together to restore and protect Puget Sound.

The mission given to the Puget Sound Partnership by Gov. Chris Gregoire and the Legislature is to create a real Action Agenda that turns things around and leads to a healthy Puget Sound by 2020.

Gov. Chris Gregoire, who led the charge to create the Partnership, praised the Action Agenda - as well as its potential to create green-collar jobs and maintain vital industries.

"I am proud of the Puget Sound Partnership for completing, on a very tight timeline, such an ambitious task," Gregoire said. "Recent headlines about disappearing orcas and the overwhelming amount of toxic chemicals inundating the Sound confirm that inaction is not an option."

**Job announcements & links to County
Employment pages at:**

<http://wacounties.org/>

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
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"The Sound's health is vital not only to our quality of life, but to our economy. At a critical time, this Action Agenda will result in the creation of hundreds, if not thousands, of green-collar jobs throughout the region. The Action Agenda will also help maintain a strong tourism, seafood and boating industry. I know that with everyone working together, we can have both a thriving Puget Sound economy and a healthy Puget Sound ecosystem."

New analysis supporting the Action Agenda identifies some alarming facts and trends related to the health of Puget Sound. Each year, 52 million pounds of toxic chemicals - or nearly 150,000 pounds per day - inundate Puget Sound with contaminated runoff. This amounts to a toxic spill the size of Exxon Valdez every two years. The toxic chemicals include oil and petroleum products, lead, and phthalates - and 1 million pounds of toxic metals such as zinc and copper.

"These disturbing numbers are putting more than 40 species in Puget Sound at risk, including the Sound's orca population, where we just saw a decline of nearly 10 percent in the past several months," said the Partnership's Executive Director David Dicks.

For the first time, the Action Agenda provides critical data and a strategy for tackling these threats to the waters in and around Puget Sound. Its four cornerstones are driven by the latest available science and are results-oriented:

Protect the last remaining intact places.

Restore damaged and polluted sites to health.

Stop water pollution at its source.

Coordinate all protection, restoration and cleanup efforts.

Sen. Phil Rockefeller, D-Bainbridge Island, chief architect of the 2007 legislation that established the Partnership, pledged his commitment to getting the Action Agenda implemented.

"Protecting the Puget Sound is a top priority for me, and I'm pleased to see it is for the state as well," Rockefeller said. "We can't wait any longer to address the critical environmental needs of the region, this place we cherish as our home. The adoption of the Puget Sound Partnership's Action Agenda provides a blueprint for cleaning up the Sound. I'm committed to doing all I can to assure we follow through."

"As chair of the Ecosystem Coordinating Board, I appreciate that there has been an important role for the implementers at the local and regional level in the development of the Action Agenda. The Action Agenda makes the compelling case for why Puget Sound needs to be recovered and why we must all work together now if the recovery is to succeed," added King County Executive Ron Sims.

The Action Agenda addresses four key questions:

What is a healthy Puget Sound?

What is the current status of Puget Sound and what are the biggest threats to it?

What actions must be taken to move from where we are today to a healthy Puget Sound by 2020?

Where do we start?

It is intended to be a living and adaptable guide for use by federal and state agencies, Indian tribes, city and county governments, business and environmental organizations, watershed groups, and individual landowners as they take action to protect and restore the Sound.

The Action Agenda's adoption follows nearly 18 months of outreach to and collaboration with scientists, policy experts, business and environmental interests, Indian tribes, all levels of government, and local communities throughout the Sound.

The Partnership today fulfilled its statutory obligation to submit the Action Agenda to the Legislature by Dec. 1.

With the Action Agenda adopted, the Partnership will now focus on implementation of cleanup and restoration work, including:

Getting near-term actions accomplished,

Developing an accountability system for achieving results, including performance, effectiveness and the efficient use of money spent on cleanup; and

Promoting public awareness about the state of the Sound and what people can do to bring it back to health.

The Action Agenda can be found online at www.psp.wa.gov.

Thank you for working with us to protect and restore Puget Sound!

Please visit the Web site for more information. Comments and questions may be sent by replying to this e-mail or by contacting us directly at:

Puget Sound Partnership

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Training & Upcoming Events

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

County Training Institute – www.countytraininginstitute.org

Legislative Committee Schedules and Agendas:

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

Bill Information: www.leg.wa.gov

Budget, Finance and Taxes

“A Horse, a Horse, My Kingdom for a Horse”

We have all heard this refrain sometime in our past. It usually conjures up visions of kings and castles and invading hordes intent on doing bodily harm to the good castle folk. But of late the issue of horses has come to the forefront in some counties in relation to the Current Use Laws under [RCW 84.34](#).

The Open Space Act was enacted in 1970. It allowed property owners to have their open space, farm and agricultural, and timber lands valued at their “current use” rather than at their highest and best use, or market value. The intent of the law states that “it is in the best interest of the state to maintain, preserve, conserve, and otherwise continue in existence adequate open space lands for the production of food, fiber, and forest crops and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well being of the state and its citizens.” (Open Space Taxation Act, November 2005,)

Three categories of land were intended to be included under the Open Space Taxation Act:

1. Open Space Land, 2. Farm and Agricultural Land and 3. Timber Land.

In general, Open Space land is land not less than 1 acre that conserves and enhances scenic resources, protects streams or water supplies, or generally retains land in its more natural state. Application for this type of land is through the county legislative authority. The tax break on lands such as this normally revolves around a Public Benefit Rating System, but not in all counties. There are some counties that have not adopted a PBRS.

Farm and Agricultural lands may be more than twenty acres with their primary use being the production of livestock or agricultural commodities for commercial purposes, or enrolled in the Conservation Reserve Program (CRP). The latter program came into existence in the 1980’s, and encouraged farmers to take marginal land out of production and return it to a natural vegetative state to provide forage for wild animals and birds, while at the same time promoting conservation. The valuation and subsequent tax liability on lands such as these normally revolve around the capitalization of the landlord’s share of income, less applicable expenses, and then capitalized using a property tax component provided by the Department of Revenue.

Farms of less than twenty acres but more than five acres in size have specific income requirements that have to be met, namely \$200 gross income per acre, and must be devoted to primarily to agricultural uses. Such uses may include the wholesale value of food donated to nonprofit food banks.

Parcels of land less than five acres in size must generate \$1,500 dollars total per year.

Applications for these types of lands are subject to approval by the County Assessor. The valuation of these types of land is normally done by a land capability rating schedule as provided by the Department of Revenue.

Timber land is generally 5 or more acres but less than twenty acres primarily devoted to the growth and harvest of timber for commercial purposes. Approvals on these applications are done by the county legislative authority.

The problems seem to be cropping up on farm and agricultural lands, and most generally on the parcels less than twenty acres in size. The reason for the consternation is [WAC rule 458-30-200](#) originally drafted in 1988, which defines “commercial agricultural purposes” as the “feeding, breeding, managing and selling of livestock, poultry, fur-bearing animals, or honey bees, or any products thereof”. The WAC goes on to list other activities, but this is the nexus of the problem.

Under the existing WAC rule, equine operations probably should not have been allowed under the farm and agricultural portion of the Open Space Act unless they were actively achieving all four of the aforementioned requirements. In

general terms, most Horse Boarding facilities do not actively breed or sell their animals. They simply house and feed them for private individuals.

But under the same interpretation of the WAC Rule you would have to disallow a rancher who simply buys steers, feeds and fattens them and sells them to the beef slaughterhouse. The same would hold true for feeder pig and lamb operations. Since there are many farm and ranch operations in this state that do exactly that, obviously there is a serious flaw in the rule. Originally, it was probably designed to keep commercial feedlots from applying for the Farm and Agricultural land classification. Perhaps there may have been a better way to address that, and I think we can be assured it will now be examined in great depth.

At risk is the inevitable tax shift that will occur if marginal or unintended uses are allowed to flourish. Some will pay less in taxes, but many others will inevitably pay more. What needs to be determined is the original intent of the law, while at the same time realizing that exemptions of any type are to be narrowly construed. Also at risk are how much time and resources can be allowed or expended at the local county level to administer the law. It would appear to be counterproductive to saddle appraisers with the duty to check and see if on a regular and continuous basis stock is in fact used for breeding. .

Perhaps a better approach would be to review the intent of RCW 84.34.020, which states that the act was in place to promote "the production of food, fiber and forest crops". There again, that would seem to "narrow" the intent of the law. This would remove the question of purchasing feeder steers, pigs and lambs and allow them to qualify for the program without question. It would however, however, exclude the equine use of boarding horses because they do not produce food, fiber or forest crops. They are more accurately providing a service to people that own horses but cannot house them on their own property.

In the interim, at least until some of these questions are resolved, the Department of Revenue has asked that any removals from the Farm and Agricultural classification, namely Horse Boarding facilities, be held in abeyance until the issue is resolved.

Environment, Land Use & Resources

Agencies Publish Final Environmental Impact Statement on Energy Corridor Designation in the West

Four Federal agencies today released a Final Programmatic Environmental Impact Statement (Final PEIS) proposing to designate more than 6,000 miles of energy transport corridors on Federal lands in 11 Western States.

The Department of the Interior's Bureau of Land Management and the U.S. Departments of Energy, Agriculture, and Defense (the Agencies) prepared the Final PEIS as part of their work to implement Section 368 of the Energy Policy Act of 2005. The proposed energy corridors would facilitate future siting of oil, gas, and hydrogen pipelines, as well as electricity transmission and distribution facilities on Federal lands in the West to meet the region's increasing energy demands while mitigating potential harmful effects to the environment.

"Up to now, Federal land management agencies have often designated energy corridors and rights-of-way when local projects were proposed," said Assistant Secretary of the Interior C. Stephen Allred. "Designating energy corridors using a PEIS allows the participating Agencies to mitigate environmental effects and reduce conflicts with other uses of Federal land. The results of this work will speed the process of siting energy infrastructure on Federal lands in the West."

The Energy Policy Act of 2005 directs the Secretaries of Agriculture, Defense, Energy, and the Interior to designate energy transport corridors for oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities on Federal lands in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. The Act further directs that environmental reviews be completed for the designation of such corridors, and

that the designated corridors are incorporated into the relevant agency land-use and resource management plans or equivalent plans.

Energy transport corridors are agency-preferred locations where pipelines and transmission lines may be sited and built in the future. Having a network of corridors that could accommodate transportation systems for multiple energy types potentially minimizes the proliferation of energy utility rights-of-way on the Federal landscape. Eighty-two percent of the corridors analyzed in the Final PEIS are located on BLM-managed lands, while 16 percent are on USDA Forest Service lands. The remaining proposed corridor segments are on lands managed by Interior's Bureau of Reclamation and National Park Service, or by the Department of Defense. Individual projects proposed for these corridors would undergo further, project-specific environmental analysis before being granted permits or rights-of-way.

Corridors were sited using a four-step process that identified a number of important lands and resources to be avoided to the fullest extent possible. The Agencies examined factors that constrain where a network of energy transport corridors could be located – including topographical, environmental, and regulatory constraints – as well as the overall suitability of particular lands to support development and operation of energy transport infrastructure. In some cases, corridors intersect or approach sensitive lands or resources. Most often these intersections follow existing infrastructure such as highways, transmission lines, or pipelines to avoid placing corridors in “greenfield” (undeveloped) locations.

The PEIS identifies a number of requirements that will help ensure that energy transport projects within Section 368 energy corridors are planned, implemented, and operated in a manner that protects and enhances environmental resources. Prepared under provisions of the National Environmental Policy Act, the Final PEIS outlines the potential environmental effects of two alternatives developed, in part, by using comments received during a scoping period in Fall 2005, public responses to preliminary maps published in June 2006, and public comments on the draft PEIS during a 90-day comment period earlier this year.

The Agencies worked closely with local Federal land managers as well as local government agencies to ensure that the proposed corridors were consistent with local land management responsibilities and resource constraints. In preparing the Final PEIS, the Agencies reviewed and considered all of the comments received on the draft during the 90-day comment period, and made revisions to the PEIS and adjustments to the corridors as appropriate and applicable. Aspects of the alternatives were clarified or expanded to provide additional information on the purpose and need for corridor designation, potential impacts to resources, locations of sensitive resources or areas, or other concerns.

To review the Final PEIS and related documents, including detailed maps, visit the project Website at <http://corridoreis.anl.gov>. Review copies are also available at libraries and agency regional and field offices. Notice of the availability of the Final PEIS will be published in the *Federal Register* on Friday, November 28, 2008.

Ecology Water Quality Program leadership changes announced

Department of Ecology Director Jay Manning announced that Kelly Susewind, an 18-year Ecology veteran, accepted the appointment of Water Quality Program Manager. Kelly has managed Ecology's largest program on an interim basis since April 1. In that time, he steered the program through some very challenging policy and budget issues. Manning said in an email to Ecology staff today, “Kelly has done an outstanding job and I'm thrilled that he is assuming the reins on a permanent basis.”

Kelly attended Washington State University where he earned professional licenses in civil engineering, geology, and hydrogeology. After several years of experience working in the consulting world, Kelly came to Ecology in 1990 as a site manager in the Toxics Cleanup Program. He quickly became a unit supervisor in Southwest Regional Office's Toxics Cleanup Program in 1991.

In 2000 he moved to the Water Quality Program as a unit supervisor. About a year later he was named the Water Quality Program section manager in Southwest Region. In May 2007, Kelly joined the headquarters Water Quality Program as assistant program manager for operations.

Kelly has offered the program's Deputy Program Manager position to Melodie Selby, a 16-year Ecology veteran. Jay said of Melodie to staff, "Melodie has acted as the Program's Deputy Program Manager since April, and, like Kelly, has done incredibly difficult work with great skill and grace under pressure."

Melodie's experience is deep and varied. She has had responsibilities ranging from environmental engineer in the Nuclear Waste Program to Water Quality Program section manager responsible for point source permitting. She has served the Water Quality Program in recent years as a senior policy analyst and legislative liaison.

Public Lands

Washington State Association of Counties Meeting
with
Commissioner – Elect of Public Lands Peter Goldmark
December 11, 2008 9:30 – 11:30 AM
WSAC Conference Room
206 Tenth Ave. SE
Olympia, WA

Agenda

Introductions

Welcome to Commissioner-Elect Goldmark: Eric Johnson, WSAC Executive Director

Opening Remarks: Commissioner-Elect Goldmark

Roundtable discussion with County Commissioners, Council members, and Executives

Closing Remarks: Commissioner-Elect Goldmark

Potential discussion points:

DNR/County Relations

- Interagency Agreement
 - DNR/WSAC monthly meetings
- USFS/DNR/County issues
- Board of Natural Resources
- Forest Practices Board
- Sustainable Recreation Workgroup
- Ocean Policy Workgroup
- Forest Health Workgroups

DNR Land Management

- Income maximization
- Forest Development Account
 - Nexus w/ RMCA 30% issues
 - Fund Balance
- Potential Budget reductions
 - maintaining the DNR's capability to produce
- HCP Implementation
- Unitary Trust
- Wind Power
- Biomass

- DNR Governmental Programs
Forest Protection
- Forest Health
 - Fire Control
 - Forest Practices

Supreme Court Decision

The Court recently ruled in the Kittitas County case against the Governor and the Energy Facility Site Evaluation Council. The County questioned the Energy Facility Site Evaluation Council's authority to preempt the site the wind farm. The Court upheld the Governor's decision. The decision may be found at <http://www.courts.wa.gov/opinions/index.cfm?fa=opinions.showOpinion&filename=813329MAJ>

Public Health & Human Services

Counties pass sales tax for mental health and chemical dependency

In 2005, the Washington State Legislature authorized counties to impose a 1/10 of 1 percent sales & use tax to provide new or expanded mental health, chemical dependency or therapeutic court services. In the last month, three counties, San Juan, Snohomish and Thurston, have passed the tax and Spokane County renewed their existing tax. This is in addition to Clallam, Clark, Island, Jefferson, King, Okanogan, Skagit, and Whatcom Counties that previously passed the tax.

Planned uses of the funds include expanded detoxification services, expanding residential treatment facilities, outpatient treatment for people with co-occurring disorders, expanding drug courts for adults and juveniles, outpatient mental health services for individuals who are not eligible for publicly funded services and do not have insurance and expansion of in-jail mental health services.

Supreme Court Decision

The Court upheld a decision from the Thurston County Board of Health denying an on-site septic system. In a divided opinion, the Court found the Board of Health was correct in their decision. The decision may be found at <http://www.courts.wa.gov/opinions/index.cfm?fa=opinions.showOpinion&filename=802149MAJ>

Association News

Outgoing Member Recognition Events

WSAC Members are cordially invited to participate in the following activities for outgoing members. Events will be added on the Association's "Members Only" web section as we are notified of them.

Please note that these events or requests are being coordinated by each county, so refer to the phone numbers below for more information or questions.

Again, we would like to extend our best wishes to all WSAC members who are leaving office. You will be missed!

Deral Boleneus, Lincoln County Commissioner

Retirement Party

Monday, December 15, 1:00 – 3:00 p.m.

Lincoln County Courthouse

450 Logan Street, Davenport, WA 99122

(509) 725-3031

David Carey, Walla Walla County Commissioner

Retirement Party

Tuesday, December 30, 2:00 – 4:00 p.m. (special recognition program begins at 2:30 p.m.)

County Public Health and Legislative Building, Commissioners' Chambers (across the street from the Courthouse)

314 West Main, Walla Walla, WA

(509) 524-2505

Neva Corkrum, Franklin County Commissioner

Cards and well wishes are encouraged to be sent to her home at 4121 W. Nixon, Pasco, WA, 99301

Richard Graham, Lewis County Commissioner

Retirement Party

Tuesday, December 30, 2:00 – 4:00 p.m.

Former Credit Union Building

156 NW Chehalis Avenue, Chehalis, WA

(360) 740-1120

Don Munks, Skagit County Commissioner

Farewell Roast

Tuesday, December 16, 2:30 p.m.

Commissioner's Hearing Room

1800 Continental Pl STE 100

Mount Vernon, WA 98273

(360) 419-3498

Diane Oberquell, Thurston County Commissioner

Retirement Party

Thursday, December 11, 5:30 p.m. Social/6:30 p.m. Dinner

Thurston County Fair Expo Center

3054 Carpenter Road SE, Lacey, WA 98503

Cost is \$10 per person **Please RSVP by December 10**

(360) 786-5440

George Trott, Wahkiakum County Commissioner

Retirement Party

Friday, December 19, 3:00 – 4:30 p.m.

Wahkiakum County Courthouse, 3rd Floor Public Meeting Room

64 Main Street, Cathlamet, WA 98612

360-795-8048

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

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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.