

Courthouse Journal

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Washington State Association of Counties
Washington Association of County Officials

September 14, 2001
Issue No. 20

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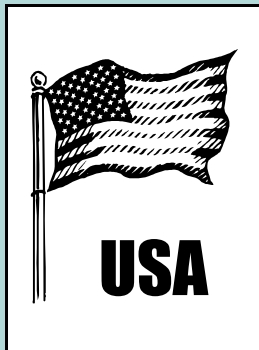
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Governor Briefs Counties & Cities on Terrorist Attacks; Counties Respond

Governor Gary Locke called WSAC on the morning of the terrorist attacks on New York and Washington, D.C. asking the association to notify all county officials that he wanted to brief them on what the state was doing and how it was responding to the attacks. Nearly 200 city and county officials were part of the teleconference. And while it was difficult to hear at times the Governor reassured everyone that the state was reacting to the situation in a deliberative manner. He stressed that it was important that government services remain open so that the

terrorists not succeed in disrupting our lives.

Emails and faxes were sent to all counties, although not everyone received the information in time to participate in the meeting. A copy of the notes from the meeting was sent to all members immediately after the call. They are reproduced below for those who may not have received them.

In addition to the briefing from the Governor, WSAC President Mike Shelton asked WSAC to forward a letter from Javier Gonzales, NACo President, and Larry Naake,
(Continued on page 2)

Kitsap County Deputy Coroner Assisting At Pentagon

Kitsap County Chief Deputy Coroner Don Ursery, attending a training session at the Washington, D.C. Center for Missing and Exploited Children this week, has been sadly pressed into duties at the Pentagon. Ursery was meeting with members of Congress concerning funding for a special computer network which would help identify

unusual causes of death (especially in instances of biological terrorism), when the terrorism attacks occurred. Upon the news, Ursery immediately went to the White House where he was flown to the Pentagon. He has since been assisting in the recovery of bodies from the Pentagon wreckage.

Five Corners' Water Process Begins

Discussions to develop a package of water legislation for the 2002 Legislative Session formally began on Monday with a day-long "Listening Session" of members of each legislative caucus and representatives of the Governor's Office. Governor Locke kicked off the meeting with his hopes that the 2002 Legislature can build on the work begun this session in resolving conflicts in state water law.

Yakima County Commissioner Jim Lewis led off the day's testimony by presenting why

counties need resolution of the policy areas the Five Corners have agreed to explore: growing communities' water needs, infrastructure and storage, relinquishment and instream flows. King County Director of Natural Resources Pam Bissonnette also testified on topics, providing the King County perspective requested by the committee.

The Five Corners group will meet next on October 30, 31 and November 1 to begin to craft responses to the interests and problems identified this week.

Governor Briefs Counties & Cities on Terrorist Attacks; Counties Respond

(Continued from page 1)

NACo Executive Director, requesting each county to pass a resolution condemning the actions of the terrorists in Tuesday's attack on New York and Washington, D.C. In addition the resolution called for support of the President and urged citizens to give blood.

President Shelton felt that it was something our counties could do to show their solidarity to our national leaders. Some counties have sent copies of the resolution to WSAC. As other counties pass the resolutions please send a copy to WSAC.

The Courthouse Journal

The *Courthouse Journal* is published weekly by the Washington Association of County Officials (WACO) and the Washington State Association of Counties (WSAC).

We welcome your suggestions and contributions. The weekly deadline is noon Thursday.

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The following text was originally sent by Bill Vogler via email to all counties at 12:45 pm, Tuesday, September 11.

Please check the State's website at www.access.wa.gov and your own emergency command folks for updates throughout the day.

The Governor reviewed the status of facilities and shared some information including (this is directly from our notes):

1. The state is consulting with the Coast Guard about when to resume car traffic on the State Ferries. It is possible that this service may be resumed today.
2. There are no known targets, but precautions are being taken at vulnerable sites. The state is checking dams, and extra security has been put in place at major state bridges.
3. The Governor urged local officials to maintain local services and not give terrorists the satisfaction of disrupting government services.
4. The Governor confirmed that blood donations are needed.
5. The FAA has banned all domestic flights except military, medical evacuation, and emergency search and rescue. Routine law enforcement flights are banned. The state's emergency folks are sorting out the status of forest fire suppression flights. Have your emergency folks communicate with the state command center if necessary about this.
6. Some of your fire, police and EMS folks may be involved in volunteer efforts, given the scale of the disaster. The state's emergency command center can assist as a clearinghouse.
7. The Governor noted that he had closed the state Capital to insure that the facility was safe - because of the number of school children who visit each day.

He expects it will re-open this afternoon.

8. The Governor noted that all domestic commercial flights are now safely on the ground. He expects that Sea-Tac will not open before Wednesday, am. - but that it may open at a later time.

9. Many state, local and commercial facilities are on high alert. It is important for everyone to coordinate the timing of any stand down. Again, make sure your staff are in communication with the state command center.

10. The Governor has ordered all flags flown at half staff.

11. Movement ships between the Everett home port, Elliot Bay and Bangor are for normal operational purposes.

12. The Hood Canal Bridge is not closed, but extra security is in place.

13. The Governor had been on a conference call with the Congressional delegation. Senator Murray reported that she had actually seen the plane crash into the Pentagon.

14. General Scoggins of the National Guard (they run the state's emergency services) reported that the President and Congressional Leadership were safe.

15. There is concern that there may be unfounded attacks on Arab Americans or persons of the Muslim faith. Several jurisdictions reported calls threatening violence against Arab Americans. The Governor will be issuing a statement on this issue. (We urge local officials to be sensitive to this issue.)

16. The State Emergency Command Center has been activated and is available to work with you emergency staff. Please do not ask the public to call the command center.

County Treasurers Meet at the Summit

The Washington State Association of County Treasurers met for most of two days this week at the Summit Inn on Snoqualmie Pass for their annual Legislative Conference. Spokane County Treasurer Linda Wolverton, WSACT President, presided over the association general business meeting. Twenty-four counties were represented.

The group devoted most of the time to adoption of WSACT's legislative priorities for 2002. Legislative Chair Rose Bowman, Lewis County Treasurer, facilitated the discussion of over twenty items of proposed legislation. The county treasurers adopted several meas-

ures that will be refined prior to the WACO Annual Conference next month.

Guests included Assistant State Treasurer Mike Colleran; Snohomish County Auditor Bob Terwilliger who presented a Statewide Excise Tax Electronic Imaging Taskforce preliminary report; and, Community Development Governmental Affairs Director Scott Merriman who presented proposed legislation for mobile home relocation assistance.

WSACT members voted to hold their 2004 Annual Summer Conference in Vancouver. The 2002 conference is set for Bellingham and 2003 in Yakima.

News Briefs

NACo Pollution Prevention Programs: Energy Management Workshop in Seattle September 26

The US Department of Energy and Public Technology Inc and its Urban Consortium Energy Task Force is sponsoring an Energy Management workshop on September 26, 2001. Speakers include energy facility managers, energy directors and local government officials from small, mid-sized and large jurisdictions who have developed successful energy management programs that saved energy and money. These plans can assist with creating a program for your city or county.

A preliminary agenda is attached to the back of *The Courthouse Journal*.

For more information and to register for the workshop, please visit the PTI site at www.pti.org or contact Jeff Miller at jmiller@pti.org.

Three WACO Members Follow Fred Saeger Down Retirement Road

Three WACO members have made new plans and they don't include a daily trip to their respective courthouses!

Skamania County Auditor **Gary**

Olson will be retiring on December 31, 2001 after twenty years in office. Island County Clerk **Marilee Black** is retiring after nearly 26 years as clerk and 29 years with Island County on September 30th. Pierce County Clerk **Ted Rutt** is finishing over 30 years with Pierce County on September 28. He has served 15 years as clerk.

Marilee plans on packing up for her new home in Yuma, Arizona, while Ted plans on staying busy. Gary Olson has the best idea of all – he is going to have fun!

We wish them all a long, healthy, happy retirement and extend our sincere thanks for the many years of dedicated service to county government.

Good Things

Check Out Snohomish County Auditor's Office Home Page

If you want to see whom you'll be voting for on the September 18 primary ballot and you live in Snohomish County, all you'll have to do is log on to www.co.snohomish.wa.us/auditor/. Using new computer applications and the web, a voter in Snohomish County can compile a personal sample ballot. You can see where your voting precinct is located and what candidates will appear on the ballot; it's all based on your address.

Voting and candidate information isn't the only information that is available on this website. One of the new applications will also allow citizens to access indexes of hundreds of thousands of documents that have been filed in the auditor's office. People can also view images such as a deed or marriage license application if they were filed in the auditor's office in 1997 or later. Great job Bob and staff.

Whatcom County Voter Outreach

Whatcom County Auditor Shirley Forslof and her election staff has given another great tool to voters this year by publishing their *2001 Whatcom County Election Guidelines* publication. The guide has been published for the last twelve years and contains information on candidate filings, election planning, public disclosure, political advertising, maps and historical data.

In an ongoing effort to provide Whatcom County citizens with information about voting, Shirley and her staff have produced bookmarks that have on them the web address of their "Online Voter Guide" and election results. This year the office also published an informational calendar. A job well done, Shirley and staff!

Joint Select Committee on Equitable Distribution of Violent Sexual Predator Housing Being Established

3ESSB 6151, regarding violent sexual predator release into secure community residential facilities, was enacted during the Second Special Session of 2001. It requires the establishment of a Joint Select Committee on the Equitable Distribution of Secure Community Transition Facilities. In addition to legislative members from both the House and Senate, it requires a representative from the Washington State Association of Counties and the Association of Washington Cities, law enforcement at both county and city levels, a gubernatorial appointee, and a representative of crime victims. The legislative members are just now being appointed and WSAC has just been contacted about a county representative.

Ostensibly, a report of the Committee's findings and recommendations is

due to the governor and appropriate committees of the legislature no later than November 15, 2001, which means several meetings probably in the Sea-Tac area on a short time frame. Due to the delay in the legislature naming its representatives, it is anticipated that the due date will be somewhat relaxed but not to any great extent.

The Committee is charged with reviewing and making recommendations regarding:

1. Any necessary specifications or revisions to ensure equitable distribution of secure community transition facilities throughout the state;
2. Any necessary revisions to the provisions regarding siting and operating such facilities already included in 3ESSB 6151; and

3.A method for determining possible mitigation measures for compensating communities for any increased risks to public safety caused by siting such a facility.

The Committee is currently set to expire on March 1, 2002.

If you are interested in representing WSAC on this committee, please contact Jean Wessman, WSAC staff, as soon as possible or in any case no later than September 26, by e-mail preferably, so we can confirm a representative with the WSAC Executive Committee who will be in East Wenatchee for the Eastern District Meeting. You can also call and leave your name with the front office staff, Kim or Ginni if Jean is out of the office.

Addendum to *The Courthouse Journal* Article Dated August 17 Regarding the RSN Contracts for 2001-2003

The 2001-2003 contract for the provision of community mental health services by the county-governed regional support networks became extremely contentious as to both terms and process over the last few months. The state instituted a 2:00 PM August 16 deadline for submittal of unedited contracts else the state would assume administration of the services in the offending area. This is despite the lack of any eager vendors or alternate RSNs leaping to assume these responsibilities and the lack of any state ability to assume county-employee responsibilities for crisis and involuntary commitment services. However, due to the local commitment to the welfare of our clients and unwillingness to disrupt these necessary services, 9 of the RSNs were on board by 8:00 am the morning of the 16th.

For the same reasons, the three largest RSNs, King, Pierce, and Spo-

kane, very reluctantly signed the RSN contract for 2001-2003 on August 16 just immediately prior to that day's final 2:00 PM deadline. The final RSN, Peninsula, had submitted an edited contract first thing in the morning of the day to the state Mental Health Division. Peninsula consists of Kitsap, Jefferson, and Clallam counties. As anticipated, the state rejected this edited contract leaving only 13 of the 14 RSNs having a valid contract for the upcoming biennium. After seeing the Journal coverage on August 17, Kitsap County administrator, Malcolm Fleming, asked for an addendum to make sure everyone knows, Kitsap and the other two member counties of Peninsula were not just another one of the 36 who signed but "the lone holdout after the big boys blinked."

After numerous lengthy conversations among a large number of people over the ensuing weekend and early the

next week, Peninsula signed an unedited version of the contract by mid-week, the week of August 20. At this time we have all 14 RSNs with valid contracts for 2001-2003. In addition, three different letters of frequently asked questions and answers were issued by DSHS further clarifying many of the contract terms and promising to include these clarifications in a contract amendment at the earliest possible opportunity. These Q and A's respond to many of the RSN concerns voiced earlier in the process.

It is earnestly hoped that future contract negotiations are carried out in a vastly improved environment. The three large RSNs and Peninsula have indicated their intention to further review many of the contract terms as they are implemented and utilized the 90-day escape clause if they feel the Division has failed to move forward in good faith.

Pierce County Files Lawsuit Regarding Mitigation of McNeil Island Special Offender Facility Impacts

A coalition of Pierce County communities, including the county, Tacoma, Lakewood, University Place and Steilacoom, has recently filed a lawsuit appealing the decision to proceed with construction of a sexual offender treatment center at McNeil Island. At issue is the 400-bed Special Commitment Center that DSHS and DOC plan to build on the island. County Executive John Ladenburg says this is not an attempt to stop the Less Restrictive Alternative program, which they said they would not litigate against. "However, at the same time, we did say we would take

any action necessary to mitigate the impacts on our citizens and environment. Since the state pre-empted all other methods for addressing public safety, transportation, education, neighborhood and other concerns, the appeal is now the only voice the local communities have on this matter."

The present population at the Center is 138 but DSHS projects a population of 324 by 2006 necessitating the new structure. Additionally, 3ESSB6151 creates a new 24-bed transitional and pre-transitional facility to be constructed next year.

Essentially the coalition of communities disagrees with the final Mitigated Determination of Non-Significance (MDNS) issued by the state Department of Ecology under the State Environmental Policy Act (SEPA). The county and cities say the conclusion in the MDNS and the process by which it was formed are inadequate, incomplete, and incorrect. They are asking that the decision to proceed with construction be returned to DOC to comply with SEPA.

It is unknown at this time when a decision will come on the appeal. Stay tuned.

County Official Needed to Help Review Hazard Mitigation Grant Applications

The state Emergency Management Division is seeking a county commissioner or councilmember to help review applications for the Hazard Mitigation Grant Program (see article above). The ad hoc position is temporary, probably involving at least one meeting in late

autumn and a personal time commitment of at least several hours.

State staff will initially review all applications for completeness, then the independent review committee will score and rank the applications based on objective criteria. The review commit-

tee will include representatives of state and local government as well as private industry. The county representative on the committee cannot be from a county applying for grant funding.

Interested commissioners and councilmembers should contact WSAC staff member Sophia Byrd at sbyrd@wacounties.org or 360-753-1886.

ACHS Meeting in Ellensburg September 19 - 21

The Association of County Human Services (ACHS) will hold its bi-monthly meeting on September 19 - 21 in Ellensburg. The section meetings will all be held at the Hal Holmes Community Center at 210 N. Ruby. Developmental Disabilities will meet on September 19 from 9 - 4.

The morning will cover stakeholders and Olmstead workgroup updates and a DSHS HIPAA presentation by Jim Stevenson from Medical Assistance and an array of staff experts. In the afternoon there will be a presentation from Donna Doerer, the Coordinator of

the Infant and Early Childhood Conference and updates from Central Office.

On Thursday, the Mental Health Section will meet from 9 - 4. The ACHS Business Meeting will occur from 11:30 - 12. Mental Health will have a discussion between the Division and ACHS members on the current contract, consumer surveys and the data dictionary in the morning. The Business Meeting will include site selection for 2002 and nominations of 2002 officers plus an update on integrated crisis response and DVR. In the afternoon, there will be internal discussion among the counties

on forming a trade organization, discussions with the Community Mental Health Council and the DSHS HIPAA presentation tailored for mental health.

Friday, the Chemical Dependency Section will meet from 9 - 4. The morning will include work group reports, updates about the Oct. 8 - 9 planning meeting at Chelan, a DOC/DASA/DMH cross-systems meeting at the November ACHS plus the DSHS HIPAA presentation tailored for chemical dependency. In the afternoon, there will be updates from Central Office.

Deadline Approaching For Hazard Mitigation Grants

Just a reminder that applications for the first round of grants in the federal Hazard Mitigation Grant Program are due by October 31, 2001. An estimated \$20 million is available for local governments, state agencies, tribes, special purpose districts and certain registered non-profit organizations that provide government-like services and facilities.

All county emergency management departments should have received application materials and information about this competitive grant program, which is available as a result of the Nisqually earthquake. Applicant workshops also have been held across the state. Individual technical assistance still is available from the state Emergency Management Division, which is administering the program.

According to state Emergency Management staff, 18 counties have already submitted initial letters of intent - in-

cluding some for multiple projects and some in partnership with other jurisdictions. These counties are: Clallam, Clark, Douglas, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, Skagit, Snohomish, Spokane, Thurston, Walla Walla, Whatcom and Yakima.

For further information about the grants, or to request individual technical assistance, contact the Emergency Management Division at 360-596-3208.

Hazard mitigation is a sustained action taken to reduce or eliminate the long-term risk to people and property from natural hazards. Although funding for this grant program is in response to an earthquake, the mitigation grants are available statewide to address all types of natural hazards, including floods and wildfires.

The intent of the grant program is to reduce the risk of future damage, hard-

ship, loss, or suffering caused by major disasters. Successful grant applicants will propose projects that independently reduce a community's vulnerability to a hazard and the potential for damage in a disaster. For example, under a previous mitigation grant program related to flood disasters in northeast Washington, Ferry County received a grant to relocate buildings out of the floodway at the Ferry County Fairgrounds.

Funding for the current grant program is based on a percentage of the total loss attributable to the Nisqually earthquake, and currently is estimated to be about \$20 million. The first round of grants will focus on funding specific projects; a second round of grants will address planning processes. The second application cycle is expected to begin in early 2002, according to state Emergency Management staff.

Thurston Convening Countywide Meth Caucus

Following a statewide two-day conference on methamphetamine issues, Thurston County commissioners are convening their own multidisciplinary "meth caucus" later this month.

Thurston County and city elected officials, law enforcement, fire personnel, health workers, and child welfare workers will meet for the first countywide meth discussion September 27 in Olympia, according to the September 10 Olympian. Congressman Brian Baird, a founding member of the Congressional Caucus to Fight and Control Methamphetamine, also plans to attend. The organizers contemplate an ongoing series

of meetings and working groups.

The Thurston County meth meeting is being described as a first step in a local campaign that will eventually link with new state and federal efforts. The county caucus will give local officials a chance to discuss the scope of the meth problem in Thurston County, to review information from the statewide summit, and begin to create a coordinated action plan, the Olympian reported.

More than 20 counties were represented at the "Washington State Meth Summit" in Bellevue last month, and many vowed to develop their own campaigns to address the myriad issues sur-

rounding methamphetamine production and use of the illegal drug. In addition, county commissioners and councilmembers attending the WSAC Legislative Steering Committee meeting September 7 indicated a strong interest in elevating meth-related issues among WSAC's legislative priorities.

Other jurisdictions wanting more information about the Thurston County meeting, or about organizing their own countywide meth caucus, may contact John Tennis, Public Information Officer for Thurston County, at 360-709-3068 ext. 7341.

Oregon Judge Throws Out NMFS Coho Salmon Listing as Endangered

Determining that the National Marine Fisheries Service (NMFS) acted improperly by designating wild salmon as endangered without extending the same protection to hatchery salmon, a federal judge earlier this week threw out NMFS' designation of coastal coho as an endangered species requiring protection. In *Alsea Valley Alliance v. Donald L. Evans*, United States District Court Judge Michael Hogan in Oregon, found that the NMFS August 10, 1998 listing decision was "arbitrary and capricious and therefore invalid because it

relied on factors upon which Congress did not intend the NMFS to rely.

Judge Hogan upheld NMFS' decision to consider subspecies of fish as "evolutionarily significant units" (ESUs) as a permissible agency construction of the ESA, but found the exclusion of hatchery populations from listing protection to be improper. "Listing distinctions below that of a subspecies or a DPS of a species are not allowed under the ESA," wrote Hogan. "Yet, this is precisely what the NMFS did ... [when it] concluded that nine hatchery stocks were

part of the same Oregon Coast ESU ... as the 'natural' populations but none of the hatchery stocks were included in the listing decision because NMFS did not consider them 'essential for recovery.'"

Judge Hogan's ruling does not affect the listings of chinook and other salmon species in Washington State, and is not binding precedent to any challenge to those listings. However, in the Washington listings NMFS also treated hatchery salmon differently from wild salmon. A challenge to those listings would raise the same issues determined this week by Judge Hogan.

A copy of Judge Hogan's full decision is attached to the electronic version of the Court House Journal.

Friday, September 14, 2001 - The Seattle Times Ruling pleases Freedom County backers

By Diane Brooks - Seattle Times staff reporter

MOUNT VERNON — A Skagit County judge yesterday handed the beleaguered "Freedom County" movement a backhanded victory, refusing to validate the would-be county's existence but acknowledging that its legal issues should be studied by a higher court.

"I know this issue is going to go up further, and that's where it ought to go," said Superior Court Judge Michael Rickert.

Both the state and Snohomish County, which would lose its northern half if Freedom County becomes real, unsuccessfully sought punitive damages against the movement's leaders. They alleged that the latest lawsuit covered legal issues already addressed by other state and local courts, so they wanted Freedom County leaders to pay the state's and county's court and attorney fees.

Rickert disagreed. "I would have a hard time finding sanctions against a

group of citizens that are trying to (improve) their government in an orderly and valid fashion," he said.

Movement leaders claim Freedom County has existed since 1995, when a group of supporters delivered a batch of petitions to the state Legislature. As far as the state is concerned, the matter was settled in 1998 when the state Supreme Court ruled in a case involving the Cedar County movement in King County.

Until then, new-county proponents all over Washington thought the state constitution required the Legislature to create a new county if petitions were signed by half the number of people who had voted the previous November. That's how the state's newest three counties — Chelan, Benton and Pend Oreille — were formed between 1899 and 1911.

But the Supreme Court's 1998 ruling redefined the word "voter" to mean new-county petitions must be signed by a majority of the area's registered voters. And even if that happens, the court said, the Legislature may legally ignore the

petitions.

The language in the constitution indicates that the Legislature was expected to craft laws detailing the rules for creating new counties. That never happened, and the Legislature recently has repeatedly quashed bills that would allow new-county proposals on local ballots.

Rickert said he wasn't sure whether the Legislature's failure to act was intentional "or whether, like how they deal with transportation, they just don't care."

Freedom County leaders already have chosen a three-member commission, sheriff and other officials. Yesterday, the three commissioners sat in the jury box while lawyers argued their case in front of about 40 supporters.

The commissioners later praised Rickert for taking them seriously. "It was a night-and-day difference" from their other courtroom experiences, said David Peter Guadalupe.

The ruling "precludes us from going out and setting up a government, but we're finally going to get a hearing," said Thom Satterlee, another commissioner. "My guess is the (state) Supreme Court is going to want to hear it."

Friday, September 14, 2001 - The Olympian States' rights case boosted by high court's ruling

Some fear counties might become reluctant to fund future safety studies

THE ASSOCIATED PRESS

OLYMPIA -- The Washington state Supreme Court ruled Thursday that a fed-

eral law is unconstitutional -- a highly unusual move that some observers say is a major victory for states' rights.

"It's remarkable," said Keith Kessler, lawyer for one of the plaintiffs. "That's a very powerful decision."

The case involved two car accidents

in Pierce County -- one woman was killed, and two suffered brain damage -- at different busy intersections.

Their lawyers wanted to prove that the intersections were dangerous and the county was negligent, so they tried to get

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States' rights case boosted by high court's ruling

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data on traffic history at those intersections -- citizen complaints, old accident records and the like.

But Pierce County refused, pointing to a federal law limiting such evidence. The courts, relying on the same law, agreed with Pierce County and said the traffic data could not be used in court.

The federal law says traffic data compiled for any road project using federal money "shall not be subject to discovery or admitted into evidence in Federal or State court." Congress passed the law in part because members wanted local governments to be able to collect information on dangerous intersections without being hammered by negligence lawsuits.

Pierce County was applying for federal money to improve the intersections where the two accidents happened, so county officials said the traffic data couldn't be used in court.

In a unanimous opinion, the state Supreme Court disagreed -- not with Pierce County, but with the U.S. Congress.

While federal laws take precedence over state law, Justice Bobbe Bridge

wrote for the majority, "state law cannot be pre-empted by unconstitutional federal law."

Bridge wrote that under the U.S. Constitution, the federal government cannot tell state courts what evidence they may or may not admit.

She quoted James Madison and Alexander Hamilton throughout to bolster the court's opinion that the federal government had overstepped its constitutional bounds.

Bridge cited Madison, writing before the Constitution's ratification: "The powers delegated by the proposed Constitution to the Federal Government, are few and defined. Those which are to remain in the State Governments are numerous and indefinite."

The Washington justices seem to expect the U.S. Supreme Court will take the case.

"If this state court has misconstrued the United States Constitution's limitations upon the federal government's power ... we are confident that the United States Supreme Court will so instruct," Bridge wrote.

The case will have national repercussions for counties and cities. If Washington's Supreme Court is correct, local governments will no longer be able to hide behind this federal statute when

targeted by negligence lawsuits over traffic accidents.

"It's another problem for them," said Tacoma lawyer William Cameron, who filed an amicus brief on behalf of the Washington State Association of Municipal Attorneys. "You have an accident, and somebody goes and they find all the other accidents that happened there. Then somebody says, 'Gee it must be negligently designed.'"

He said counties and cities get sued after car crashes because they have deep pockets.

"A tiny bit of negligence and they have to pay the whole bill," Cameron said.

Deputy Pierce County Prosecutor Susan Jensen, who represented the county, said she hopes the decision doesn't chill counties' willingness to study traffic safety.

"I can't imagine it will cause Pierce County to not be concerned about the safety of its roads," Jensen said. "It may change the way we keep records."

Tacoma attorney Richard Benedetti, who represented the family of the two women who suffered brain damage in a traffic accident, said the issue of admitting old accident reports and traffic studies arises frequently in car-crash cases.

Friday, September 14, 2001 - The Olympian

Rogue county supporters accost Snohomish official in dark of night

Councilman uses shotgun to chase away 'Freedom County' supporters

THE ASSOCIATED PRESS

EVERETT -- A Snohomish County councilman armed with a shotgun chased off supporters of a breakaway government when they showed up at his farmhouse in the dark of night.

The county sheriff congratulated Councilman Mike Ashley, but supporters of "Freedom County" demanded Ashley's resignation "since he's obviously not emotionally stable enough."

Ashley said he took an unloaded 12-gauge shotgun and escorted two men off his property after they arrived at his house unannounced Tuesday night. One shined a flashlight in his face, refused to identify himself and didn't leave after he was asked to, Ashley said.

It was the latest and most heated encounter between Snohomish County officials and a loose-knit group of people who claim the northern half of the county has become "Freedom County."

Similar appearances occurred at the homes of three other council members as Freedom County supporters attempted to deliver liens to council members' homes for a landowner whose property is next to a bridge the county plans to replace. The landowner doesn't want to sell.

"We should not be afraid of these guys. These guys are bullies, and I won't have it," Ashley told The (Everett) Herald newspaper.

Thom Satterlee, who claims to be a commissioner of the new county, showed up at a county council meeting Wednesday morning to demand Ashley's resignation.

"If I did that, I'd be cooling my butt

in jail," said Satterlee, who lives near Darrington.

Snohomish County Sheriff Rick Bart, however, didn't see it that way.

"Mr. Ashley did exactly what he should have done, except load the shotgun," Bart said. "I'm proud of him."

Bart said he is investigating whether criminal trespass charges can be brought against the people who showed up at the council members' homes. He's also asked prosecutors to determine whether anyone has engaged in illegal conduct by filing bogus liens.

The liens seek \$750 million each from Ashley and council members Dave Somers, Barbara Cothorn and Gary Nelson.

Ashley said he was prepared for the men because Somers had called and told him they had already come to his house. When a man came to his back door at around 9:30 p.m., Ashley said he asked who it was. The man said only, "My name is Bill." When Ashley asked for identification, the man just held up the papers, Ashley said.

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Rogue county supporters accost Snohomish official in dark of night

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Ashley said he then asked the man to leave. When the man didn't move, Ashley said he picked up the shotgun he had stationed next to the door, pushed open the screen door and told him to leave again. Ashley said he then noticed

another man behind a bush and ordered both to leave, hollering, "Get the hell off my farm and don't come back."

Ashley said he never pointed the gun at the men, who left together in a pickup truck.

Ashley said the tactics were especially disturbing on a night when people were already shaken by the East Coast terrorist attacks.

"The whole purpose of coming in

the dark to your house, shining flashlights in your face, all that is intimidation," he said.

Backers of Freedom County have filed a lawsuit in Skagit County Superior Court, attempting to force state and Snohomish County officials to recognize the breakaway government.

State and county officials have asked that the suit be dismissed.

Sunday, September 09, 2001 - The Seattle Times

Washington's rural areas struggle with epidemic of meth addicts

By Hal Bernton, Seattle Times staff

CHEHALIS — Roger Daily worked as a logger until a falling tree ruptured a disk in his lower back and forced him to change professions. He became a cook, whipping up batches of the methamphetamine stimulant that once helped him get through his workday in the woods.

Several times a week, Daily donned a filtered face mask and retreated to a small shed behind his house. There, in 5-gallon plastic buckets, he mixed anhydrous ammonia and other chemicals with tablets of pseudoephedrine — a drug-store decongestant that he transformed into flaky white crystals known as crank.

In a county where the annual per-capita income is less than \$20,000, Daily found he could earn several hundred thousand dollars a year from his new part-time job.

"There was never any trouble selling the stuff," said Daily, who is now serving time in the Lewis County Jail in Chehalis. "People, they would come around like dogs, begging for a treat."

Washington state, according to federal Drug Enforcement Agency figures for 2000, had the second-most meth-lab seizures in the nation.

Meth labs are booming, illicit businesses in the struggling economies that characterize much of rural Washington. Though urban Pierce County is considered the epicenter of meth use in the state, hundreds of remote cook labs are tucked away in the pine forests of the Okanogan, the sagebrush lands east of Yakima, the Cascade forests and along coastal beaches.

Last year, sparsely populated Lewis County, with a population of 68,600, ranked first in the state — on a per-capita basis — for the number of residents admitted to state-funded programs for treatment of methamphetamine de-

pendence.

At a time when the old resource-based economy of timber and farming is on its heels, Lewis County is struggling to deal with what law-enforcement, health and corrections officials and others describe as an epidemic.

They say the drug is wrenching apart families, fueling crimes, soaking up scarce county dollars, and turning the criminal-justice system into a revolving door for addicts:

- State, Lewis County and city officials discovered 99 lab and chemical dumpsites — including a few large operations with ties to international trafficking rings — that required clean up in the last three years, up from just 30 between 1990 and 1997. In the first six months of this year, 33 new sites have been discovered.
- In nine years, the rate of Lewis County children in foster care has soared from 5.68 to 8.43 per 1,000 — double the state average. Officials attribute much of the surge in neglected or abused children to parents so strung out on meth that they ignore basic duties like cooking for their families.

"Our social workers tell me about family after family where meth is the primary source of concern," said Mike Crowe, a Lewis County area administrator for the state Department of Social and Health Services.

- Meth has been linked to at least two Lewis County murders in the past year, and a barrage of domestic assaults, thefts and other crimes. Gary Hurness, a state Department of Corrections official, estimates that 70 percent of the felony crimes in Lewis County were linked — in one way or another — to meth use.

- Lewis County officials estimate 70 percent of their operating budget is consumed by law enforcement and court costs, in a county so strapped that the parks and recreation department's youth-programs division was recently eliminated. This month, voters are being asked to approve a \$17 million bond measure to expand and renovate the jail.

Not insulated from drugs

Lewis County sits astride the Interstate 5 corridor, midway between Portland and Seattle. But the decade of prosperity that turned those two cities into emblems of the glittering New Economy largely passed Lewis County by.

Two decades ago, the abundance of work in the forests and mills helped push per-capita salaries in the county close to the statewide average.

Even then, the strong timber economy did not insulate Lewis County from substance-abuse problems. Alcohol was — and still is — widely abused. Cocaine made a big splash in the early '80s, offering an expensive but glamorous high refined from Latin American coca leaves. Marijuana and heroin were both available. Meth also took hold in the '80s.

But meth use exploded during the 1990s as much of the public land was closed off to loggers and mills closed, sending average wages tumbling to about 70 percent of the statewide average.

The frustration over job losses and limited opportunity, while not causing the epidemic, appears to have exacerbated its impact.

"People get caught up in a sense of hopelessness, of watching their futures

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fall apart," Sheriff John McCroskey said.

McCroskey graduated from high school in Chehalis and, after a Navy career, returned home to begin a career in law enforcement. Since winning election as sheriff in 1994, he's cultivated a strong-man reputation, busting meth users and traffickers and instituting a work brigade at the county jail.

Cheap high, costly results

The meth that McCroskey fights is a stimulant, once offered to World War II soldiers to keep them alert in combat. It was embraced by '60s motorcycle gangs, who marketed it as speed. And in small amounts — and in pharmaceutically refined form — it has prescribed uses to treat attention-deficit disorder, narcolepsy and obesity.

But the home-cooked meth, sometimes rife with impurities, is consumed in prodigious amounts by the addicts, and casual use can quickly transform to addiction. It's a cheap high, with a line of meth — enough to produce a high for four to six hours — often selling for \$15 to \$20.

Meth "tweakers" may binge for days or even weeks. They forgo sleep and food, and often become skittish, irritable or paranoid. Their teeth rot. And they often lose tremendous amounts of weight.

Studies indicate that meth use also does less-visible damage. According to the National Institute on Drug Abuse, meth attacks the nerve endings of brain cells containing dopamine, a chemical messenger that plays a role in movement and pleasure.

Human-brain imaging suggests that the damage persists for at least three years after people quit the drug and is similar — but less extensive — than that caused by Parkinson's disease.

Wide demographic swath

Federal and state officials say that meth has a strong presence nationwide in many rural areas, which offers both remote locations for manufacturing and an expanding market of customers.

Here in Lewis County, local officials say meth use cuts a wide demographic swath. A 32-year-old housewife, now struggling to keep custody of her two children, said she would snort it dur-

ing the day and then down sedatives just before her husband returned from work to try to bring herself down.

In downtown Centralia, meth use is often a more public spectacle. A parking lot — just next door to the El Rancho Tavern — is a notorious hangout for tweakers.

Inside the El Rancho, at a table lit by candles, gathered three old friends. They were all 1991 graduates of Centralia High School and had all left Lewis County. They had returned for a long weekend that featured a pig roast by the river.

But they said they didn't want to make their homes in Lewis County. Too many of their classmates who had stayed in the county had run into trouble.

They've gotten into meth or done jail time, said Seth Taylor, now a Seattle longshoreman. "One of my old friends who I used to deliver newspapers with — he's only 28 years old and his front teeth are all rotted out from meth use."

Different recipes used

When meth first arrived in Lewis County, it was typically cooked with red phosphorus in a process that took several days to complete. One phosphorus cook — now trying to recover from an addiction he says began at the age of 9 — spoke of a secret family recipe that was handed down from his father. It created strong fumes that produced their own special high.

Another phosphorus cook allegedly set up his operation in the basement of the Mug Tree Cafe, a popular Chehalis gathering spot for county officials. Process chemicals — including red phosphorus — were dried in a microwave in a restaurant conference room.

In recent years, another much quicker process — known on the street as the "Nazi" recipe — has gained popularity. Most of these producers are small-scale operators, with some labs so small they fit into a cooler and can be transported in the back seat of a car.

These cooks are often discovered as county and city law-enforcement officials stop a vehicle for speeding or are called to intervene in domestic disputes or other altercations.

These cooks are scattered all over, including the tightly knit logging communities of Packwood, Randall and Morton in the more remote eastern portion of the county tucked into the Cas-

cares.

Diana Daily thought that Morton would be a good place for a fresh start after the death of her husband, an Everett millworker. She moved there in 1987 while her son Roger was in high school. Roger Daily began using meth while still a teenager, dropped out of high school and later worked as a logger. His first wife didn't take meth and divorced him.

He says he got his second wife, whom he is now divorced from, hooked on meth. His lengthy rap sheet includes an arrest for violating a domestic-violence protection order.

Daily, 32, says he would periodically drive from Morton to selected Tacoma convenience stores, where the clerks wouldn't hassle him as he bought up to 1,000 pseudoephedrine tablets at a time. He kept the pills and process chemicals in plastic bags stashed in the woods. Daily once took considerable pride in his ability to turn out a pure, potent product.

When it came time to brew a batch, he would first grind the pills and dry the powder in a microwave to strip away the ephedrine. Then the powder would be mixed with lithium that was extracted from the tape wound around the insides of Double A batteries.

Anhydrous ammonia — a gaseous and toxic nitrogen fertilizer — would be dripped into the plastic buckets to convert the ephedrine to meth. Other chemicals were added to further refine the meth.

The mix of chemicals is a toxic stew capable of turning a house or dump into a hazardous-waste site that requires expensive clean-up.

The process also offers ample opportunities for mishaps, as evidenced by the multitude of fires, explosions and injuries involving meth production throughout the country. In one of the most serious Washington accidents, a 1999 explosion in the Thurston County home of a meth producer killed three people.

Daily said he tried to work safely. "I was a careful cook," he said. "I didn't make mistakes."

Jail time viewed as lifesaver

Daily now resides in a Lewis County jail cell with 15 other inmates. He wears a white cotton uniform and dons a hairnet

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each day to work a six-hour shift as the jail's cook.

He is serving a 14-month sentence for second-degree assault for ramming his ex-wife's car and unlawful possession of firearms. He views the jail time as a kind of lifesaver that has allowed him to quit meth.

The first weeks were hard. He slept all the time and yearned for the drug.

Now, he says he's over the hump, clear-headed and able to get the same buzz from a cup of coffee that he once got from a line of meth.

Money for meth treatment is scarce. And most addicts who do get treatment end up relapsing, according to state treatment officials.

"Once somebody gets involved in it, the chances of digging themselves out are slim," says Hurness, the Department of Corrections official. "We see that day in and out."

Daily hopes to beat the odds. When he's released from custody next year, Daily says he plans to move away from Morton and steer away from old friends who might tempt him back to cooking meth. He wants to be a father to his 13-year-old daughter, and go to schools to warn other teenagers about the perils of meth.

"I'm looking forward to getting out and staying clean," Daily said. "But there will always be someone to take my place."

Coming Events

September 2001

September 19-21

Washington Finance Officers Association Annual Conference, Wenatchee

September 19-21

ACHS Meeting, Ellensburg

September 27-28

Washington State Association of Counties (WSAC) Eastern District Meeting, Mickey O'Reilly Inn, East Wenatchee, Douglas County

October 2001

October 1-5

Washington Association of County Officials (WACO) Annual Conference, Port Ludlow Resort & Conference Center

October 2

"Headaches & Heartburn: A Prescription for Issues That Cause Counties Pain!" Port Ludlow Resort, Port Ludlow, 9:00 am—4:30 pm Call WACO, (360) 753-7319, for more information.

October 5

Washington County Administrative Association Fall Meeting, SeaTac Airport, Auditorium, Mezzanine Level, 10:00 am - 3:00 pm.

October 8-9

Cost Allocation Training, sponsored by **Washington Association of Prosecuting Attorneys (WAPA)** Support Enforcement Project, Red Lion Hotel, Wenatchee

October 11-12

WSAC Western District Meeting, Super 8 Motel, Long Beach, Pacific County

October 16-17

Cost Allocation Training, sponsored by **Washington Association of Prosecuting Attorneys** Support Enforcement Project, West Coast Tri-cities Hotel, Kennewick

October 18-19

CRABoard Meeting, CRAB Office, Olympia

October 25-26

Washington State Assn of Local Public Health Officials (WSALPHO), Local Boards of Health Leadership Workshop ("Emerging Public Health Issues"), SeaTac, Radisson Hotel

November 2001

November 12-13

Cost Allocation Training, sponsored by **Washington Association of Prosecuting Attorneys** Support Enforcement Project, Doubletree Hotel, Spokane City Center

November 12-15

Washington Association of Sheriffs and Police Chiefs Annual Fall Conference, Doubletree Hotel, Pasco

November 14-16

ACHS Meeting, Silverdale, in conjunction with the WSAC Fall 2001 Legislative Conference

November 14-16

WSAC Fall 2001 Legislative Conference, Silverdale Hotel on the Bay, Silverdale, Kitsap County

November 14

Washington Counties Insurance Fund (WCIF) Board Meeting, in conjunction with WSAC Fall 2001 Legislative Conference, 10 am - 12 pm.

December 2001

December 13-14

WAPA Annual Winter Meeting, Crowne Plaza, Seattle

2002 Meetings

January 29-31, 2002

Legislative Rally & Tri-Association Legislative Reception, Olympia

February 7, 2002

WSALPHO Meeting, Olympia

April 11-12, 2002

WSAC Western District Meeting, TBD

April 25-26, 2002

WSAC Eastern District Meeting, Sun Mountain Lodge, Winthrop

June 17, 2002

WSALPHO Meeting, Bellevue, in conjunction with the WSAC Summer Convention

June 18-21, 2002

WSAC Summer Convention, Bellevue Inn and Bellevue Hilton, Bellevue, King County

September 12, 2002

WSALPHO Meeting, Spokane

December 5, 2002

WSALPHO Meeting, SeaTac

Employment Opportunities

CHELAN COUNTY – Director, Building, Fire Safety & Planning. Salary Range: P 161 \$60,433 to \$ 69,958. Open until October 1, 2001. This is a department head position appointed by and reporting to the Board of Chelan County Commissioners. The department has twenty-five (25) full time employees and a 2001 operating budget of \$3,500,000, including grants. The department provides a full range of planning services including the development and administration of building, development codes, GMA planning, shorelines and other related activities. The director is responsible for conceptualizing the work program; assigning staff resources to accomplish work program goals; preparing and administering the operating budget; serving as department liaison to the Board of County Commissioners, state, federal and local agencies, and the public. The successful candidate will be familiar with all aspects of land use planning practice and theory, particularly as it applies to Washington State. A Bachelor's or Masters degree in planning (or related field) and ten (10) years of progressively responsible experience including division administration at the assistant director or director level (5-7 years) in a public planning agency is required. Other combinations of education and experience will be considered for equivalency. Experience in budget development, preparation and implementation work plan formulation, the supervision of subordinates (minimum five- (5) plus member department), and proven leadership and communication skills must be demonstrated. Good interpersonal skills and a strong public service orientation will weigh heavily in the selection process. In addition, A. I.C.P. certification is preferred. A complete application consists of a written resume, a letter of introduction, and a completed Chelan County Employment Application posted by October 1, 2001. Application materials may be obtained by contacting Cathy Mulhall at (509) 667-6215, FAX (509) 667-6599, E-mail Cathy.Mulhall@co.chelan.wa.us, or by writing 350

Orondo Street, Wenatchee, WA 98801. Chelan County is an equal opportunity employer. Women and minorities are encouraged to apply.

OKANOGAN COUNTY - Public Works Director/Engineer. Okanogan County is accepting applications for the position of Public Works Director/Engineer. This position reports directly to the Okanogan County Board of Commissioners and is expected to provide leadership and direction to a 90-person workforce with a budget of 18.9 million dollars. Okanogan County is located in North Central Washington with a moderately growing population of 38,500 people. It offers wide-open spaces teeming with wildlife, spectacular scenery and rural charm. It features a diverse blend of snow covered peaks and peaceful river valleys. The Public Works Director is responsible for oversight of the design, construction and maintenance of the county's 1,376 miles of roads. The director also oversees the management and operation of the county's sanitary landfill along with several sewer and water utility operations throughout the county. Applicants must possess a Professional Civil Engineer's License from the State of Washington, or be able to acquire one within six months of hire date. A BS degree in civil engineering or a related engineering field is required along with five years management experience in a public works organization and demonstrated competency in administration, personnel management and organizational dynamics, and experience working with unions. Must be in possession of a valid Washington State Driver's License. Starting salary is \$65,000 or more DOQ. Interested persons are invited to request an application packet from the Okanogan County Department of Human Resources at P.O. Box 791, Okanogan, WA. 98840. A completed application with cover letter and resume must be received by the Department of Human Resources no later than 5:00 p.m. September 28, 2001. For further information, or to request an application packet call Dan Powers, HR Director at (509) 422-7104. dpowers@co.okanogan.wa.us Okanogan County is an equal opportunity employer. www.

okanogancounty.org

Klickitat County—Public Health Director (Goldendale, WA). Salary \$44K to \$55K DOQ Annually. Seeking an energetic person to serve as the Public Health Director for the Public Health Department in Goldendale and White Salmon. The position has responsibilities for managing, directing, guiding, and controlling activities of the Public Health Department. Duties: Supervises departments according to state/federal regulations and County policies/procedures. Requirements: BS in nursing, environmental health, public health education or related fields plus 5 years of public health experience with at least 3 years in management or supervision. Prefer Masters in public health or public administration or related fields. Responsible for managing, directing, guiding, and controlling activities of the Public Health Department. Professional licensing/certification in public health and/or professional discipline. Application at www.klickitatcounty.org or e-mail lynnc@co.klickitat.wa.us. Klickitat County Personnel Department, (509) 773-7171, 205 S. Columbus, MS-CH 15, Goldendale, WA 98620. Position open until filled. EOE.

Thurston County — Director of Development Services (Olympia, WA). Salary: \$5,165 - \$6,887 / month. Reports directly to the Chief Administrative Officer and is responsible for the overall management and supervision of the Department, which includes permit center, planning, building/fire, and code enforcement. Requires BA with courses in public administration, planning or building safety, 4 years senior management experience in development functions, and 3 years significant supervisory responsibility. TO APPLY: Send completed application (available at www.co.thurston.wa.us), current resume and letter of interest with experience and qualifications to Don Krupp, CAO, Information Desk, Thurston County Courthouse, 2000 Lakeridge Dr. SW, Olympia, WA 98502-6045 or fax (360) 357-2489. For information package call (360) 754-3800 or

TDD (360) 754-2933. EOE. Closing Date: October 19, 2001

WASHINGTON STATE — Office of Community Development, Research Analyst 1. Salary range \$2354 - \$2911/month. Four full-time, temporary positions available. Desirable qualifications: Masters in public administration or environmental science; Juris Doctor; studies/experience in political science, accounting, economics, public health, land use planning, taxation; experience working for or with local government. Primary duties: performing research needed to prepare local government fiscal notes; working closely with legislative staff, local government officials, associations, and state officials in collecting and organizing data and cost estimates. Requires good research and writing skills as well as proficiency in the use of basic statistics. Experience with Microsoft Word and Excel is helpful. Internship and Professional Development opportunities are also available. For more information or an application packet, contact Val Richey at the Local Government Fiscal Note Program, Office of Community Development, PO Box 48319, Olympia, WA, 98504, (360) 725-5036, or email at valiantr@cted.wa.gov.

LEWIS COUNTY PUBLIC WORKS — Engineering Services Manager (Chehalis, WA). Manages all aspects Engineering Division design, construction, & surveying; property mgt; & County Road Information System. Oversees grant requests & administration. B.S. in Civil Engineering or closely rel. field, & 5 yr. exp. in public works req'd. Additional experience can be substituted for degree. Registration as P.E. in WA req'd within 6 months. Lewis County offers cultural opportunities of Seattle and Portland and the recreational resources of the Pacific Northwest, along with a relatively low cost of living. Salary \$51,801 - \$64,958. Applications at (360) 740-1123 / 740-1480 TTY or www.co.lewis.wa.us. Closes 5:00 p.m., 9/24. EEO.

Energy Management Workshop

Sponsored By the US Department Of Energy
Public Technology, Inc and Its Urban Consortium Energy Task Force

September 26, 2001

Mayflower Park Hotel (Plymouth Room)
405 Olive Way, Seattle, WA 98101
Phone: (206) 623-8700 Fax: (206)-382-6996

- 8:00 – 9:00 am **Registration-Continental Breakfast**
- 9:00 – 9:30 am **Welcome**
Sharron Brown, Director Of Energy Programs, Public Technology, Inc
- Program Objectives**
Roger Duncan, Chair, Urban Consortium Energy Task Force
- 9:30 - 10: 15 am **“How to Start an Energy Management Program”**
John Deakin, Deakin and Associates
- 10:15 - 11:00 am **Case Studies -- Successful Jurisdictions:**
Susan Anderson, Portland Energy Office
Marya Castellano, Seattle City Light
- 11:00 - 11: 15 am **Questions for Panelists**
- 11:15 - 11: 45 am **Natural Gas Pricing**
Leonard Graham, National Energy Technology Laboratory
Dale Warren, WA State Dept Of Community Trade & Economic Development
- 12:00 - 12:15 pm **Questions for Panelists**
- 12:15 - 1: 15 pm **Lunch on Your Own**
- 1:30 - 2: 00 pm **Clean Cities**
Mike Minturn, Albuquerque, NM
- 2:00 - 2:30 pm **Smart Energy Plan, Photovoltaic Purchasing**
Mary Tucker, San Jose, CA
- 2:30 - 3: 00 pm **Break**
- 3:00 - 3:30 pm **Distributed Generation**
Roger Duncan, Austin Energy Services
- 3:30 - 4: 30 pm **Questions for Panelists**
- 4:30 - 5:00 pm **Energy Efficiency Assessment and Workshop Evaluation**
- 5:00 pm **Adjourn**

<http://www.pti.org/>