

# Courthouse Journal

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

Washington State Association of Counties  
Washington Association of County Officials

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**LEGISLATIVE  
RALLY  
January 30  
St. Martin's  
Pavilion!**

## Bring Your Legislators to the Rally! Wednesday Night, January 30, St. Martin's Pavilion!

County and city officials will be in Olympia in force next week for a legislative reception, rally, meetings, and Certified Public Official (CPO) Training. Be sure to invite your legislators to the reception on Wednesday evening, January 30, at St. Martin's Pavilion. The reception is scheduled from 6:00 to 8:00 p.m., giving officials an opportunity to communicate with their legislators and socialize with fellow local government elected officials. Amongst all of the various meetings January 29 - 31, there is a luncheon for all county officials, to be held at the Olympian Ballroom on Thursday, January 31. Please note that the time of the luncheon has been moved from 11:30 a.m. to 12 noon.

## Mandates Watch List to Be Regular Feature of Courthouse Journal

Attached is the Mandates Watch List. WSAC will be sending this to each member every Monday in future weeks of the legislature. We will also be publishing it in the Courthouse Journal. One of the adopted positions of the Association is to object to anymore mandates without full funding. It is important that you let your legislators know

that county revenues continue to shrink and we cannot take on added responsibilities without full funding.

As we get fiscal notes these numbers will be updated and new bills added to the list. As a bill is reported out of committee or action on the floor of the Senate or House we will update the status.

## Bill to Grant Counties Utility Tax Power Introduced

This week **HB 6593** and **SB 2659** were introduced. These bills would give counties the power to impose a county-wide tax on electricity, natural gas distribution, sewer, water distribution, solid waste collection or telephone service. A county could elect to tax one of these utilities but not another. The first one percent of taxation could be imposed by a vote of the county legislative authority. In addition, the county could impose an additional two percent tax with a vote of the people. Under the bills, revenue raised by the tax must be used for law and justice, public health or human services. A county would be free to provide additional restrictions in its own ballot measure,

as long as those restrictions did not violate the limits in the bill. In other words, a county could choose to restrict its revenue to criminal justice, juvenile services, public health or some subset of the purposes set out in the state legislation.

A chart detailing the revenue that could be raised in each county is attached. The state department of revenue provided these estimates. The numbers shown exclude "direct service industries" that are excluded from the state utility tax. Some counties have asked whether this would allow them to tax power generators. The answer is no.

# Kitsap County to Vote on New Charter

For the last year Kitsap County freeholders have been meeting to draft a new charter that would provide for a five-member council and elected county executive. The council members would

be elected by district rather than county-wide. The executive, council members, assessor, auditor, clerk, sheriff and treasurer would become non-partisan elected positions. The Prosecuting Attorney

would remain a partisan elected official as required in the constitution. Voters could pass and repeal ordinances by initiative. They could also propose amendments to the charter. A Charter Review Commission would examine the charter after six years. The election is scheduled for February 5.

## Transportation Overview

### 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 Governor's ten-year statewide transportation plan, Senate Bill 6347/House Bill 2542 will serve as the platform for budget development in the House and Senate over the next several weeks. The \$8.5 billion plan, with over \$6 billion in new state highway investments, \$646 million in ferry capital projects, and \$580 million for rural mobility and special needs transit grants. The revenue to support this proposal is a nine cent gas tax that is phased in over three years, a three cent diesel surcharge, 1.5% sales and use tax on new/used automobiles (phased in), and a 20% gross vehicle weight surcharge increase on trucks and motor homes.

For counties, the proposal is a mix of dedicated programs, eligible programs, and a continuation of current gas tax distribution. **Please note there is no additional gas tax distribution for either counties or cities in this proposal.** Below is a list of new dollars:

- \$238M Freight mobility strategic investment Board (on-going)
- \$45M County corridor congestion relief
- \$50M Community Economic Revitalization Board (CERB)
- \$10M School safety enhancement program

Next week the Senate Transportation Committee is scheduled to hear this proposal January 30 at 3:30 pm in SHR 1.

The Senate Transportation Committee is also hearing SB 6350, allowing use of county road funds for state highway improvements, on January 29 at 1:30 in

SHR 1. Current law does not allow a county to use county road funds for the purposes of state highways (RCW 36.75.035). SB 6350 would remove this provision from the Act. This bill is a request by Skagit County.

Last week the House passed the Governor's efficiency and accountability bill (HB 2304). HB 2304 incorporates some of the recommendations made by the Blue Ribbon Committee on Transportation (BRCT). Specific to counties, the bill contains a modified provision of the benchmark recommendations that were considered last session. In addition, the bill contains a section that would require counties to comply with new maintenance "standards of good practice" that would be developed by the County Road Administration Board. The fiscal note on this provision estimates the costs to counties to be \$4.3 million. At the House Transportation hearing, WSAC staff testified requesting an amendment to place a provision that would link new revenue with the new requirement. Only a portion of WSAC's amendment was adopted by the House but the Senate Transportation Committee passed ESHB 2304 with WSAC's full amendment.

Both Senate and House Transportation Committees heard the regional bills and the Senate Transportation Committee passed SSB 6140 with no new amendments. Attached is a brief comparison of the two measures.

Please contact Jackie White, WSAC staff, for more information.

## County Clerks' Bill Heard

**S B 6458**, jury fees, will be heard in Senate Judiciary at 10:00 a.m. on Monday, January 28. All of the other clerks' bills have been heard and are waiting for a vote out of committee. **SB 6401**, the county clerks' cleanup bill, and **SB 6417**, filing of wills, are both in Senate Judiciary. **SB 6402**, the col-

lection of legal financial obligations of inmates, has hit some minor snags that are being ironed out. Snohomish County Clerk Pam Daniels and Chelan County Clerk's Office Financial Collection Officer Alice Hildum were in Olympia on Thursday to testify in support of **SB 6402**. Please contact Senator Kline to request he move **SB 6401**, **6417**, and **6458** out of the Judiciary Committee and Senator Hargrove to do the same with **SB 6402**.

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## DNA Databank Bills Proceed

Today, January 25, while the House Criminal Justice and Corrections Committee is hearing **HB 2405**, a bill to extend the DNA databank to include all

felons (a Washington Association of Sheriffs and Police Chiefs (WASPC) bill, the Senate Human Services and Corrections Committee is hearing two similar proposals, **SB 6473** and **SB 6489**. The concept was adopted by both the Forensic Investigations Council (FIC) and WACO as part of their legislative packages. The Washington State

Patrol (WSP) Crime Laboratory is houses the databank and provides DNA testing to counties at no cost. The counties will be responsible for the collecting the \$100 assessment from convicted offenders that is outlined in **HB 2405**.

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### Law and Justice

## Next Week a Big One for Law and Justice Issues

Week three of this legislative session has plenty of options for those interested in hearing or testifying at committee hearings. The following bills are being heard January 29 in House Criminal Justice and Corrections: **HB 2475**, changing provisions to sentencing of offenders; **HB 2483**, **HB 2507**, **HB 2474**, all dealing with taking a motor vehicle without permission; and, **HB 2474**, increasing penalties for eluding.

**HB 2382**, revising provisions relat-

ing to criminal mistreatment, is a King County bill that was approved by the WASPC Legislative Committee earlier this week. It will be heard in House Criminal Justice and Corrections on January 30.

**SB 6487**, which establishes regional jails, will be heard on Monday in Senate Judiciary and jails are the topic of the February 1 hearing in the House Criminal Justice and Corrections Committee. **HB 2407** establishes the authority to create and operate regional jails, and **HB**

**2541**, expanding the authority for inter-local agreements for jail services. The WACO membership voted support of the regional jail proposal in October. **HB 2541** would allow cities to contract with county jails outside the county where the city is located.

On January 31, the House Judiciary Committee will hear **HB 2377**, which prohibits civil forfeiture of property unless the owner has been convicted of a felony.

January 29, the Senate Judiciary Committee will hear **SB 6344**, requiring that criminal sentences of more than nine months will be served in a state facility. Currently, those who are required to serve over twelve months are sent to a state facility.

## Please Turn Out for House Hearing on E-911 Wireless Bill

House Bill 2595, providing funding for wireless enhanced 911 services, is scheduled for public hearing at 3:30 p.m., Wednesday, January 30, in the House Finance Committee.

This bill is a legislative priority for WSAC. Sheriffs and emergency managers also have adopted positions in support of this measure, which would establish the same tax on wireless phones as currently exists on wireline phones – 50 cents for the county and 20 cents for the state. This “tax parity” will help stabilize E-911 revenue and ensure E-911 service for emergency calls made from wireless phones.

The January 30 hearing is conveniently scheduled to coincide with other WSAC/WACO activities in Olympia.

**Please take the time to attend the hearing and sign up in support of the bill.** This issue seems to be facing an uphill battle yet again, and only an overwhelming show of support will help move this legislation out of committee.

Currently, when people in Washington state call 911 from a wireless phone, no location information or call-back number is displayed to the E-911 call center. The lack of information delays emergency services, and in some cases emergency responders are unable to provide assistance because the caller simply

cannot be located. The new revenue from this bill will help counties implement the call-back and location features.

In Washington State, 36 percent of 911 calls currently come from wireless phones, and this percentage continues to grow. Many people now use a wireless phone as their only telephone and have disconnected the wireline phone in their homes. For this reason, achieving tax parity between wireline and wireless phones is essential to the continued stable funding of the E-911 system. The bill is especially important for small counties, which depend on assistance from the state portion of the E-911 tax for the ongoing operation of wireline

## I-747 Court Challenge In The Works

“Permanently Offended,” the activist group that has opposed several tax-cutting initiatives promoted by Tim Eyman and his “Permanent Offence” group, appears to be gearing up to challenge Eyman’s I-747, passed by voters last fall. And counties are invited to join the challenge, which is based on a

claim that the ballot title was misleading.

I-747 limits property tax increases to one percent per year unless voters approved a greater increase. It is expected that local government services will be seriously impaired by this restriction.

Seattle Attorney Knoll Lowney, working with the Permanently Offended

group, has gained the backing of state Senator Adam Kline, D-Seattle. The two of them are recruiting co-plaintiffs for the legal challenge, and they are especially interested in hearing from counties, cities, and special purpose districts. Lowney told the Olympian newspaper that he may file the case as early as March. At least one county, Garfield, has expressed an interest in joining the

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suit. Other interested counties can con-

tact WSAC staff Sophia Byrd at sbyrd@wacounties.org or 360-753-1886

to receive a copy of a legal analysis of the possible claims.

## Checks In The Mail For Federal Flood Payments

State Treasurer Mike Murphy notified WSAC last week that his office is now distributing more than \$32,000 in

federal flood control lease payments for federal fiscal year 2001 for the leasing of lands for flood control, navigation, and

related purposes. These funds are provided by the U.S. Department of Defense and may be used for any expense of county government.

The following counties will receive payments: Benton, Douglas, Franklin, King, Klickitat, Pierce, and Walla Walla.

## Time for "Round Two" of FEMA Mitigation Grants

The state Emergency Management Division (EMD) this week announced a second round of federal grants to fund projects that reduce or eliminate the effects of hazards or vulnerability to future disaster damage.

The Hazard Mitigation Grant Program, a Federal Emergency Management Agency (FEMA) program, goes beyond just fixing disaster damage.

These grants help fund a wide array of new projects that reduce future vulnerability to hazards and the potential for damage. This round of grants may be used for planning activities as well as project construction. The first round was limited to project construction.

By now, all counties should have received a Fact Sheet, a Project Letter of Intent and a Planning Letter of Intent for the second round funding of the mitigation grant program, which is available as a result of the Nisqually earthquake.

County officials are urged to review the fact sheet carefully to prioritize projects and identify potential problem areas.

Letters of intent (the first phase of the application process) must be received at the state Emergency Management Division office no later than **5:00 p.m. on February 15, 2002**. Letters received after this date will not be considered.

If you did not receive these materials, please contact State Hazard Mitigation Officer Martin Best, at (253) 512-7073 or m.best@emd.wa.gov. Best also may be able to provide some individualized technical assistance upon request.

During the first round letter-of-intent process, EMD received more than 370 inquiries from 150 applicants for total project costs exceeding \$427 million dollars. During the first round application process, EMD received 73 applications from 55 applicants for total

project costs exceeding \$72 million dollars. Grant awards for the first round have not yet been finalized, but recommendations are scheduled to be forwarded to FEMA by mid-January. Available funds for the first round are about \$10 million.

Due to the competitive nature of the process, potential applicants should focus their letters of intent for this second round on the projects that are a priority in their jurisdiction. During the first round of applications, numerous applicants were unsuccessful because they waited to develop the application until the last few weeks prior to the deadline. This resulted, among other things, in inadequate public involvement in the development and selection of the preferred alternative and the applications were ineligible for further consideration.

In the near future, the state EMD will conduct applicant briefings to answer questions about the program and the process, and to provide technical assistance in your project development.

## Federal Funding Available for Jailing of Undocumented Aliens

The federal Bureau of Justice Assistance (BJA) is now accepting applications for FY 2002 funding under the State Criminal Alien Assistance Program (SCAAP).

SCAAP provides federal reimbursement to states and local governments to

help offset costs incurred for the imprisonment of undocumented criminal aliens, who are charged or convicted of at least one felony or two misdemeanor offenses.

Applicant submission and account registration is open until February 1,

2002. Application information and technical assistance are available online at <http://www.ojp.usdoj.gov/BJA/html/scaapup.html> or by calling the Office of Justice Program Grants Management System hotline at 1-888-549-9901, option 4.

## Reminder: County Prosecutors' Ethical Obligations to Boards of County Commissioners

What are county prosecuting attorneys obligated to do for their Board of County Commissioners? The Attorney General's Office issued an informal opinion regarding their ethical responsibilities when a single Commissioner asks them for individual legal ad-

vice.

Prosecuting attorneys are not required to provide legal advice when asked by an individual Commissioner. Their duty, required by Washington law, is to provide legal advice to the county legislative body (the Board of County

Commissioners) as a whole. Prosecuting attorneys may provide legal advice to a single county commissioner, but it is up to their discretion whether the interests of the Board as a whole would be served by doing so.

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If a prosecuting attorney decides to go ahead and provide legal advice to a single county commissioner, there is no confidentiality protection for that communication. This issue hinges on whom is the client of the prosecuting attorney: the county legislative authority as a sin-

gle entity, not the individuals who make up that body. Washington law and the Rules of Professional Conduct for attorneys hold that attorney-client privilege does not keep that legal advice secret from the Board as a whole; the prosecuting attorney may tell the other county commissioners on the Board.

How widely that legal advice can be shared is up to the discretion of each prosecuting attorney. Information can be shared with other county officers as far as is necessary to fulfill the prosecuting attorney's responsibilities as the county's legal counsel.

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## Environment, Land Use and Natural Resources Conversion Legislation Moves Forward

Counties were required to adopt ordinances setting standards for those Class IV forest practices regulated by local government by December 31, 2001. The county adopted regulations are to meet or exceed those set by others

Forest Practices Board, and upon adoption, the DNR will transfer jurisdiction of Class IV General forest practices to the county.

Thus far only four counties have met the requirements and several others

are in process. **HB 2399**, sponsored by Rep. Rockefeller (D-Kitsap County) would extend the deadline for this action to 2005. The bill was moved out of the House Natural Resources Committee this week. A companion bill, **SB 6258**, has also been heard in the Senate Natural Resources, Parks and Shorelines Committee.

## Timber Counties Call for Phasing Out Timber Substitution Rules

By rule, our state currently prohibits a timber company that owns land in Washington and exports logs from its land from purchasing timber from state land and "substituting" that timber for the logs it exported overseas. A Joint Legislative Task Force reviewed these rules during the summer and fall and recommended some minor changes to partially open up state timber sales.

Some companies will benefit from access to state timber and others – those mills who face little or no bid competition today – will not. Estimated fiscal benefit to the state – and to timber trust beneficiaries – may be in excess of \$15 million annually due to more competitive bids.

After much discussion, the Timber Counties of Washington decided last fall

to seek elimination of the substitution rule. Dan Cothren, Wahkiakum County Commissioner, and Chair of the Timber Counties, urged the House Natural Resources Committee to phase out the rule in **HB 2307**, a bill drafted to reflect the modest changes discussed over the summer. Klickitat County Commissioner Joan Frey, also spoke in support of repeal of the rule and Skamania County Commissioner Al McKee spoke in opposition.

A divided committee is expected to move out a revised version of **HB 2307**.

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## Water Legislation? Nothing Yet

The Joint Executive-Legislative Committee received a lot of comment on the draft water bill it circulated last week and decided to keep working

on developing a proposal. Sources indicate that the group has agreed to set that draft aside for now and meet five more times, addressing each topic (instream

flows, growing communities, relinquishment, infrastructure) in a separate evening.

The soonest a bill is likely to surface is the end of next week.

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## Week #2 in Human Services, Juvenile Justice and Housing

Hearings on the drug sentencing reform bills in the House and Senate, **HB 2338** and **SB 6361** highlighted the second week of session. A near unanimous chorus of social service providers, law enforcement, prosecutors, defenders, and the courts and state and local agencies testified in support of the proposed legislation. While the support was quite strong, so was the primary concern of all the stakeholders. There is some fear that due to the state budget difficulties, the savings from reduced prison sentences will not return to the community for

drug and alcohol treatment but remain in the state general fund. This wholly defeats the purpose of the bill, which ultimately is focused on reducing the numbers of drug offenders who both initially and repeatedly enter the most costly end of the criminal justice system, incarceration. Both bills (which are exactly the same) will go from the policy committees to the fiscal committees within the next two weeks where the final decision will be made.

Another bill of interest to counties is the return of the legislation from last

year, which increases the recording fee by \$10 dollars and dedicates the new funds to affordable housing. The bill, **HB 2060**, was passed out of House Local Government on January 23 with only the Democratic majority of committee members present. There remains some concern about providing some of the funds for rental vouchers for private landlords. The counties and cities are working together to support the passage of **HB 2060**.

Also on the agenda of House Crimi-

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nal Justice and Corrections was another siting bill, **HB 2168**, this one dealing with the siting of juvenile offender facilities and adult work-release facilities. The Department of Corrections indicated they desired to pre-empt local regulations and collaboration. The Juvenile Rehabilitation Administration from DSHS didn't want to be included in the bill at all but since they were, they also had concerns with the present draft.

Counties and cities voiced some concern about the language in the bill,

which incorrectly assumed that local government actually sited state facilities and the requirement to process any conditional use permits within 60 days. Legislative staff indicated that additional work would be done on the bill with the participation of local government.

And the award for the most interesting bill of the week goes to **SB 6536**, which requires everyone at DSHS to carry an active caseload all the way up to and including the Secretary. Assistant Secretary John Atherton, Economic Services Administration, was the unlucky

recipient of Senate Human Services and Corrections Committee unanimous upbraiding. The Committee has asked DSHS to provide exact FTE counts for every program as they continue to examine the balance between budget reductions in services versus headquarters personnel. An additional work session will be scheduled later in the session. A similar bill was proposed for the Department of Corrections represented by Secretary Joe Lehman.

## Coming the Week of January 28 - February 1 in Human Services, Juvenile Justice and Housing

The fiscal committees are just beginning to hear the Governor's request bills implementing the budget reductions. First on the list in this area is **HB 2459** scheduled January 29 at 3:30 in House Appropriations. **HB 2459** will either delete or make optional the requirements for a variety of programs including the Family Policy Council, community networks, truancy petitions (Becca), Family Reconciliation Services, secure crisis residential centers, and several pilot projects such as Alternative Response Systems. It will also require parents of children with developmental disabilities to make child support payments if their children are in foster care or voluntary placements. Senate Ways and Means is continuing work sessions on areas of interest including medical costs within DSHS programs on January 28 at 3:30 and sentencing reform issues on January 29 at 1:30. These include youthful offender sentencing alternatives and drug sentencing reform.

The two human services committees will be hearing several bills of note. The House Children and Family Services Committee will hear **HB 2574**, which establishes a demonstration site for a

statewide children's system of care. This is the Clark County pilot bill, which will continue the work currently ongoing in Clark integrating and coordinating care across social service, education, and criminal justice systems. The hearing is on January 31 at 1:30. Senate Human Services and Corrections will hear **SB 6576**, which authorizes the transfer of responsibility for juvenile offender supervision to the counties on January 30 at 8:00. On January 31, they will hear **SB 6594**, which implements the recommendations of the Joint Select Committee on Equitable Distribution of Secure Community Residential Facilities. Council member Gary Nelson, Snohomish, represented WSAC on the Joint Select Committee over the interim. The House version of the bill, **HB 2598** will be heard in House Criminal Justice and Corrections on January 30 at 1:30. San Juan County's real estate excise bill, **HB 1972**, from last year is scheduled for a hearing in House Finance on January 30 at 3:30. Commissioner Darcie Nielsen has been taking the lead on this bill. The bill authorizes a local option tax of 1/2 of 1 percent of the selling price with the proceeds to be used for the develop-

ment of affordable housing including acquisition, building, rehabilitation, and maintenance and operation of housing for very low, low, and moderate income persons and those with special needs.

In the health care committees, the House Committee is hearing **HB 2461**, which would require legislative approval of federal waivers in the medical assistance program on January 29 at 1:30. In juvenile justice, the House Committee is hearing a bill, which would change the age of consent from thirteen to sixteen for minors receiving chemical dependency and mental health treatment, **HB 2371** on January 30 at 6:00 PM. Of great interest to counties is one of the first bills dealing with the issue of liability, **HB 2523**, which will be heard in House Judiciary on January 31 at 8:00. This bill would grant immunity from liability to mental health treatment providers who are required to serve mentally ill offenders or dangerous mentally ill offenders because of state statute. WSAC is very interested in expanding this to include local government, in this case, the Regional Support Networks.

## GMA Timeline Bill Still on the Senate Floor Calendar

The Washington State Association of Counties (WSAC) and the Association of Washington Cities (AWC) is advocating for amendments to the current statutes that now require all GMA planning jurisdictions to review and up-

date if necessary, local GMA plans and development regulations by September 2002. **SB 5841** would establish new deadlines beginning in 2003 for critical area ordinances and 2004 for comprehensive plans over a 4-year period. The

Senate passed SB 5841 last session but the House did not take action. This session the Senate placed the bill directly on the floor calendar with the intention of passing it quickly to the House. **HB 2676** was introduced this week sponsored by each member from the House Local Government and Housing Committee. The Chair, Representative Dunshie, has indicated that he will hear this

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bill the week of Feb. 4<sup>th</sup>. The bill staggers the timeline for counties and cities within from 2004 thru 2007.

WSAC and our partners within the AWC appreciate consideration of these measures and encourage all GMA-planning jurisdictions to convey your sup-

port for these bills to your legislators. Please contact WSAC staff, Jackie White for questions or comments.

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## Public Health, Health Care and Solid Waste Recycling Bill Passes House Agriculture and Ecology

**H B 2308**, which encourages recycling and waste reduction, passed the House Agriculture and Ecology Committee this week. This bill adopts

the state goal of establishing programs to eliminate residential yard debris in landfills by year 2012 in areas where alternatives to disposal are readily available

and effective. If the county determines that alternatives to disposal are not readily available and effective, the county does not have to meet the goal. The Senate companion bill, **SB 6480**, is scheduled for a hearing in Senate Agriculture & International Trade on January 30 at 8:00 a.m.

## Bills Preempting Local Control of food Rules Introduced

**H B 2596** and **SB 6588** would require exclusive state food service rules for retail food facilities. Declares that effective July 1, 2004, the state board of health has the sole rule-making authority to adopt food service rules for retail food facilities. The standards and rules adopted by and the interpretations of the state board of health shall be exclusive for food service at retail food

facilities. After June 30, 2004, local health department shall administer the state food service rules and interpretations. Allows for local board adoption of temporary food rule to respond to an emergency followed by a review by the State Board of Health. The impact of the bills is to preempt local government from adopting any rules more stringent than those adopted by the State Board of

Health. Several local boards of health have established food advisory committees that include representatives of the food service industry within their jurisdiction and that advisory board is involved in the development of local rules that they believe best protect the health of the citizens within their local board of health's jurisdiction. These bills would not allow for that process to occur.

## Local Public Health Officials Testify Before House and Senate Health Care Committees

Representatives from the Washington State Association of Local Public Health Officials (WSALPHO) provided testimony this week in both Health Committees. The House Health Care Committee held a work session covering the Public Health Improvement Plan – specifically the Standards. Local public health officials spoke in support of the jointly developed standards. Standards are intended to ensure that Washington residents all have adequate public health protection. However, local health officials emphasized that loss of public health assistance in the state budget will significantly reduce that protection and the response to the anthrax scares in

Washington demonstrated that, while public health is not unprepared, it is under prepared. A loss of the state funding will further reduce the preparedness.

WSALPHO had the opportunity to offer a response to the proposed 2002 Supplemental Budget for the Department of Health as that was presented to the Senate Health and Long-Term Care Committee. Pat Libbey, Director, Thurston County Department of Public Health and Social Services, testified on behalf of WSALPHO. In addition to providing the proposed budget impacts upon local public health, as he spoke about the impacts of and importance of emergency preparedness and basic pub-

lic health protection, he was able to provide a national context on public health preparedness. Libbey is the current President of the National Association of County & City Health Officials. Pat emphasized that reductions in the DSHS and DOH budget result in the loss of important preventive programs and reduce the “surge capacity” to respond to a disease outbreak event either natural or through bioterrorism. However, he emphasized that a loss of the public health assistance funding will mean that the public's health will be at risk and that is the most critical concern with the Governor's proposed 2002 Supplemental Budget.

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## County Treasurers - Hearings Next Week!

**S B 6466**, the Treasurers/WACO administrative cleanup bill, will be heard by the Senate State and Local Government Committee on Monday, January 28, at 1:30 p.m., Senate Hearing Room 3.

**SB 6559**, authorizing port districts to pay claims or other obligations by check or warrant, is on the agenda, and **SB 6437**, concerning distribution of taxes by the county treasurers, is also scheduled during the same hearing. The

Ports' Association is shepherding **SB 6437**, with Treasurers' Association support. The companion bill, **HB 2467**, will be heard in the House Local Government and Housing Committee, Wednesday, January 30, at 8:00 a.m. in House Hearing Room E.

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## Impacting Auditors, Treasurers, Assessors

**S B 6279**, sponsored by Senator Jacobsen, is a bill which declares an intent to improve the administration of

auditors maintaining these records from revenues derived from the existing real estate excise tax applicable to the sales

real property records related to the sale of water rights and to provide assistance to county

of water rights separate from land sales. We are looking into this matter and how it will impact various county offices. A hearing on the bill has been scheduled for Thursday, January 31, in the Senate State and Local Government Committee, at 8:00 a.m. in Senate Hearing Room 1.

## Of Interest to Auditors

**K**im Wyman, Thurston County Auditor, testified in the House Local Government and Housing Committee earlier this week on **HB 2339**, clarifying conservation district elections, in the House Agriculture and Ecology Committee. Kim delivered the same message as auditors testifying on similar bills last year: that the auditors have no policy position on this bill. However, the auditors do want to ensure that the technical components are in place to conduct elections if the elections are to be held until Title 29 of the Revised Code of Washington.

On Thursday, Snohomish County Auditor Bob Terwilliger and Island County Auditor Suzanne Sinclair were in Olympia to testify at a hearing in the House State Government Committee on moving the date of the primary election. This proposal is a WACO/Auditors' Association priority. It appears that there is consensus on a June date -- either the 2<sup>nd</sup> or 3<sup>rd</sup> Tuesday. Previously, there had been discussion as to whether the date of the primary should be held in June or August.

Although county auditors had drafts prepared for a bill to move the date of the primary, two bills from last session, either **SHB 1230** or **HB 1539** will serve as the vehicle for this proposal. Also supporting these bills was Secretary of State Sam Reed.

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## Legislation of Interest to Assessors

**HB2466**- Revising the multiple-unit dwellings property tax exemption. It goes on as new construction dollars after the term of the exemption.

**HB2480**- Ensuring federal income tax documents used to verify eligibility for the senior citizen tax exemption are not retained

**B2486** -Revising board of tax appeals provisions. If the BTA doesn't issue a decision timely, the appellant automatically wins!

**HB2496**- Modifying fire protection district tax provisions

**HB2557/SB6330** -Revising provisions relating to metropolitan park districts. Taking metropolitan out of metropolitan park district.

**HB2567/SB6542**- Changing the maximum allowable percentage for M&O school levies.

**HB2584/SB6578**- Exempting land leases for personal wireless communication facilities from the subdivision act.

**HB2602/SB6540** -Simplifying tax administration (DOR Excise Tax bill that changes the definition of a Park Model \Travel Trailer)

**HB2609/SB6582** -Improving property tax administration (DOR BILL)

The following bills relating to county auditors will be heard during the week of January 28 to February 2: **HB 2455** – Specifying when voting rights may be restored for felons - House Criminal Justice and Corrections Committee **1/30/02** 1:30 p.m. House Hearing Room E.

**HB 2556** – Revising fees collected by county auditors – (WSACA priority) - House Local Government and Housing Committee **1/31/02** 7:00 p.m. House Hearing Room E.

**SB 5936** – Providing funds for affordable housing – Senate Labor, Commerce and Financial Institutions Committee – **1/29/02** 8:00 Senate Hearing Room 4 -- Executive Session

**SB 6279** – Improving administration of property records relating to water rights - Senate Environment, Energy and Water Committee – **1/31/02** 8:00 a.m. Senate Hearing Room 1.

**SB 6529** – Modifying the time period for holding elections to fill vacancies (WSACA priority) – Senate State and Local Government Committee - **1/28/02** 1:30 pm Senate Hearing Room 3.

**SB 6494** – Establishing two-year vehicle licensing – Senate Transportation Committee - **1/29/02** 1:30 p.m. Senate Hearing Room 1.

**SB 6465** – Revising limitations on county auditors – Senate State and Local Government Committee – **1/31/02** 3:30 pm Senate Hearing Room 3.

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**HB2659/SB6593**- Mitigating the impacts of revenue reductions on local governments.

**SB6311**- Modifying juror compensation. Doesn't sound like an Assessor issue, but take a look it allows for two new levies (city & county) to fund increased juror compensation.

**SB6312**- Expanding duration excess property taxes can be imposed & includes a constitutional amendment.

**SB6358/SJR8223**- Reducing property values by amounts spent on certain fees.

**SB6386**-Providing for a simple majority of voters voting to authorize school district levies and bonds.

**SB6410**- Establishing industrial land banks.

**SB 6470**- Penalties assessed when farm and agricultural land is removed from open space classification (84.34.108)

**HJR4220** -Amending the Constitution to restrict the number of years excess levies by fire protection districts can be made.

**SJR 8222**-Amending the Constitution to expand the duration excess property taxes can be imposed.

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## Attention Assessors

The Assessors legislative priority to review property tax exemptions once every six years has been drafted as **HB 2731**. The title of the bill is "Revising the evaluation of tax preferences," and is in House Finance. The

bill was sponsored by Representative Veloria, Gombosky and Dunshee. If any of your legislators are on the House Finance Committee please call them and ask them to schedule the bill for a hearing. The members of the House Finance Committee are **DEMOCRATS**: Jeff Gombosky (chair), Jean Berkey (v. chair), Steve Conway, Jeff Morris,

Sharon Tomiko Santos, Velma Veloria and **REPUBLICANS**: Jack Cairnes (ranking), Toby Nixon, Ed Orcutt, Dan Roach and Steve Van Luven. If you have any questions contact Brenda Bamford 360-586-4219 Ext. 124 or [bbamford@wacounties.org](mailto:bbamford@wacounties.org).

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## Achievement Awards Program Materials Available for 2002

One of the National Association of Counties' (NACo) most popular programs is back for its 33rd year. The Achievement Awards seek to recognize outstanding and unique programs initiated by county leaders to more effectively govern their citizens. Last year, a total of 374 programs were recognized with awards and that number is expected to increase this year. These programs also form a databank, helpful to both

NACo and its members, of successful county programs.

Awards are given out in 21 categories, ranging from Arts and Historic Preservation to Emergency Management, from Financial Management to Information Technology. The winning counties are celebrated at a ceremony held during NACo's annual conference, to be held this year in New Orleans, LA. Counties and state associations of coun-

ties are eligible to apply.

The deadline for applications is February 15. To receive an application, or for any other information regarding the Achievement Awards program, please contact Joseph Hansen of NACo's Research Department at 202-661-8834 or by email at [jhansen@naco.org](mailto:jhansen@naco.org). The application may also be obtained from the NACo Website, [www.naco.org](http://www.naco.org).

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## 2000 Federal Census Corrections

The Office of Financial Management has revised and made corrections to the 2000 Census counts for

two counties, as of January 11, 2002. The Directory of County Officials includes these numbers under county statistics. The changes are as follows:

**Clallam County** - Original Census 2000 count was 64,525, which has been revised to 64,179. Original OFM April 1, 2001 estimate was 64,800 and the re-

vised number is 64,500.

**Jefferson County** - Original Census 2000 count was 25,953, which has been revised to 26,229. Original OFM April 1, 2001 estimate was 26,100 and the revised number is 26,400.

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## Coming Events

### January

30 Legislative Rally and Legislative Reception (WACO, WSAC, Association of Washington Cities (AWC) and Washington Association of Sheriffs & Police Chiefs (WASPC), St. Martin's Pavilion, Lacey, 6:00—8:00 p.m. (WACO/

WSAC meetings and affiliate meetings January 29-30 - check individual schedules.)

31 Training - Ethical Dilemmas: Integrity as a Tool for Successful Public Officials, Phoenix Inn & Suites, Olympia, with credit toward Certified Public Official (CPO).

### February

7 Washington State Association of Local Public Health Officials (WSALPHO) Meeting, Olympia

11-13 Washington State Association of County Auditors' Recording Conference, Red Lion Inn, Wenatchee.

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## Courthouse Rambling

Stevens County Commissioners have named **Sue Harnasch** as the

new county treasurer. Harnasch is the current Colville City Treasurer. She also worked for the county Counseling Services office for 10, years and was that departments' accountant when she became city treasurer three years ago. Harnasch plans to run for office this

fall when former treasurer Celeste Gillispie's term ends. Gillispie retired the end of December. Harnasch will assume her new duties early in February.

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## News Articles

### Triage Center for Mentally Ill Envisioned

LORRINE THOMPSON, THE OLYMPIAN

THURSTON COUNTY -- An evaluation and detox center designed to benefit mentally ill offenders and law enforcement agencies could be operating by next year.

The center would provide police with a place to take those who are ar-

rested whose behavior is strange or out of control, possibly due to mental illness or drug or alcohol problems.

The triage center would provide professional screening to determine the cause for the behavior, detox services for offenders high on drugs or alcohol, and

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psychiatric treatment beds.

The Thurston County Commission approved hiring an architect for the center, which might be open by summer of 2003, Commissioner Cathy Wolfe said.

The county received a \$300,000 grant from the state, which will pay for preliminary work such as the architect and site-selection studies. The center and its ongoing costs would be paid through mental health funds the county gets from the state.

The triage center is one element among many that are needed in South Sound to create a system where mentally ill people and offenders get the help they need, said Wolfe and county Chief of Corrections Karen Daniels.

Many mentally ill people arrested for "crimes of survival" such as stealing food or for nuisance crimes end up cycling through the jail again and again, straining jail resources and harming their own treatment, officials said.

"I think (the triage center) has a potential to have a real positive impact," Daniels said.

Currently, when an inmate is brought to the jail acting strangely, "we don't know what a person's behavior is based on," she said.

"If they're a threat to themselves or others, we use restraints," Daniels said.

"That's where a triage center would help out, with that initial intake."

The jail has mental health professionals to call for evaluations, but they are not available 24 hours a day, and the jail has no facilities other than a restraint chair for prisoners acting out.

Prisoners can arrive acting assaultive, or with behaviors like stripping off clothes, spreading feces on walls, banging heads on walls or "just basically out of control," Daniels said.

The triage center has been a hope of county officials for many months, Wolfe said.

It's one part of a support system that needs to be constructed to keep mentally ill people from living in the jail where they don't belong, she said, and to support families in South Sound.

"So we're not just building more jails," Wolfe said.

"We know we have to build a new jail now, but we don't want to do it again in our lifetime," she said.

She and Daniels, along with mental health professionals and law enforcement officials, make up a Mentally Ill

Offenders task force that is looking into other ways to improve the system.

For instance, the jail recently instituted a transitions program, so that mentally ill people get counseling and prescriptions upon leaving the jail, in hopes they won't go off medication and quickly end up in jail again.

"This is for the frequent fliers who cycle in a lot because they don't have their meds," Daniels said.

Another recent change allows jail staff to refer new prisoner names to mental health professionals, to check if the prisoners are enrolled in mental health programs.

That way, quiet prisoners with mental health problems can be identified and get the counseling and medication they need.

Many of the activities of the task force cost little money, Daniels said.

"It's coordinating a system that's going every which way," she said.

Daniels gives Wolfe high marks for keeping the task force going, after it was initially created to look into lack of psychiatric treatment beds in South Sound, when Wolfe was a legislator.

"She could have dropped it when she became a county commissioner, but she kept it going," Daniels said.

The triage center is a critical step in the right direction, but more will be needed to fill the gaps in South Sound's mental health system, said Bill Pilkey, president of the local chapter of the National Alliance for the Mentally Ill.

The recent shooting of a mentally ill man by Olympia police officers points to the need for mental health services, police training and a criminal justice system that understands mental illness, he said.

The triage center "is necessary. It's essential," Pilkey said. "Jail is not a place to put someone with a mental illness."

Lorraine Thompson covers Thurston County and health for *The Olympian*. She can be reached at 360-754-5431

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## Benton County Inmates to Pay for Work Duty

Wednesday, January 23, 2002 - Seattle P-1

KENNEWICK -- Low-risk convicts in the Benton County justice system need the recommendation of lawyers and the approval of a judge before they can

serve their sentences on a work crew. Now they also have to pay \$2 a day for the privilege.

Sheriff Larry Taylor said he expects to raise \$18,000 to \$20,000 a year with the new fee, which took effect in December. He plans to use the money to replace the aging vans used to transport the county's inmates.

"I've yet to find anyone who finds it offensive, including the inmates," Taylor said.

The fee is unique to Benton County, although Taylor said other counties have shown an interest in the idea. About 50 inmates serve on work crews each day. A card is punched to track the time they spend working off their sentences. Dan Ferrall, a work crew supervisor, said people eligible for the program are low-risk offenders -- people convicted of crimes such as drunken driving and shoplifting.

"Most of the guys, under different circumstances, I wouldn't have a problem inviting to my house," Ferrall said.

The crews work four eight-hour shifts during the week.

*Olympian, Sunday, January 20, 2002*

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Wednesday, January 23, 2002

## Bill to Reduce Drug Sentences Back in Play

*Seattle Post-Intelligencer Staff and News Services*

OLYMPIA -- The Legislature is considering a bill to reduce sentences for some drug crimes and use the money saved on prison terms to pay for treatment options such as drug courts.

The bill, supported by prosecutors and law enforcement, would bring big changes to Washington's drug policy.

A similar drug sentencing reform bill passed the Democrat-controlled Senate last year but never got a floor vote in the tied House. With changes to the bill and with Democrats controlling the House and Senate this year, legislators say it has a better chance but still faces a tough fight. The House committee did not take action on the bill yesterday.

The bill would reduce sentences for some drug offenses. For example, manufacturing heroin or cocaine, delivering it or possessing it with intent to deliver now carries a penalty of 21 to 27

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months. Under House Bill 2338 the prison sentence would drop to 15 to 20 months.

## Employment Opportunities

**Department of Natural Resources - Assistant Region Manager** – ORCA Straits District/Aquatics Region, Sedro-Woolley, WA. The Department of Natural Resources (DNR) employs approximately 1,400 permanent staff and manages six million acres of state-owned land with a biennial budget of approximately \$400 million. The DNR is lead by the Commissioner of Public Lands, a statewide elected official. The Commissioner has an appointed executive management team of four individuals, one of whom is the Aquatics Steward. The Aquatics Steward is responsible for the Aquatics Resources Division (headquartered in Olympia) and the Aquatics Region managed from three district offices (in Sedro-Woolley, Enumclaw, and Chehalis).

**Mission and Challenge:** The mission of the DNR is to provide professional, forward-looking stewardship of our state lands, natural resources, and environment. The mission of the Aquatics program is to manage state-owned aquatic resources in a manner that maintains the ability to earn revenue from their use, while vigorously pursuing a healthy aquatic environment, accessible by the public. The DNR seeks a creative, dedicated professional to manage over one million acres of the state-owned aquatic lands within the Orca Straits District of the Aquatics Region. As a senior manager in the Department, the Assistant Region Manager will participate in protecting natural resources entrusted to our care; generating income for trust beneficiaries for today and in perpetuity; and striking a balance among complex and often competing public interests. **Salary:** \$56,575 - \$64,536 annual salary range, plus a full benefits package. **Closing Date:** received by **February 6, 2002 @ 5:00 p.m.** **Location:** Sedro-Woolley, WA. Sedro-Woolley is located east of Mount Vernon in Skagit County approximately 45 minutes north of Everett and 30 minutes south of Bellingham. **Responsibilities:** As one of three principal assistants to the Aquatics Region

King County Prosecutor Norm Maleng says the bill won't stop prosecutors from throwing the book at drug dealers, but it will give them a way to

Manager, this position is responsible for the management of state-owned aquatic lands within the Orca Straits District. The District encompasses Snohomish, Skagit, Whatcom, Island, San Juan, Clallam, and Jefferson counties.

Under direction of the Aquatics Region Manager, responsible for managing the aquatic resources program in their district in accordance with agency and program missions and priorities. Specifically, the Assistant Region Manager must monitor all aquatics-related programs within the district;

- Ensure the aquatics program goals and objectives are implemented per the business plan;
- Oversee work of eight employees;
- Sign contract documents on behalf of DNR;
- Ensure State resources are managed to preserve their ecological and economic viability, including clean-up, pollution prevention, habitat conservation and protection and issuing use authorizations;
- Assess proper use of state-owned aquatic lands;
- Develop selected policy, procedure, and guidance for the aquatics program;
- Interact with both internal and external stakeholders, to include private industry, governmental groups, tribes, and environmental groups;
- Recommend new policy or policy changes to the program and executive management, as needed;
- Manage a budget allocation of approximately \$500,000.

**Desirable Qualifications:** The successful candidate will have:

- A bachelor's degree;
- Five-years of professional level experience in aquatic land management, environmental program management, natural resource management, planning, or environmental science, with a preference for aquatic experience;
- Experience providing leadership to a program and supervising professional staff;
- A strong understanding of budget development;
- Progressive and strategic leadership skills;

break the cycle of addiction and crime among small-time drug users.

- Demonstrated ability to set, and maintain a focus on, program priorities;
- The ability to oversee a number of complex environmental projects simultaneously;
- The ability to collaborate and negotiate with diverse stakeholders;
- The ability to mentor and develop staff capabilities;
- The ability to communicate effectively through a variety of mediums;
- The ability to think independently and creatively to solve complex problems;
- The ability to work well in teams & encourage teamwork in others.

**Application Process:** **E-mail submissions are preferred, but will accept hard copies.**

1. Letter of interest describing your qualifications as they relate to this position. 2. A current resume. References will be requested at the time of interview.

**Submit all materials to:**

E-mail: jody.houser@wadnr.gov or Jody Houser, DNR 1111 Washington St SE 3<sup>rd</sup> Floor, PO Box 47033, Olympia WA 98504-7033.

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**Senior Planner (Two Positions), Annual Salary Range: \$38,411 to \$55,061. Hiring Range to \$43,388**  
**DOQ - Planner (One Position) Annual Salary Range: \$36,404 to \$52,185.**

The Yakima County Planning Department is seeking two Senior Planners and one Planner to join an organization known throughout the State of Washington for its leadership and innovation in urban, rural and environmental planning issues. Work assignments are related to the five year comprehensive plan update, with emphasis on: natural resources (agricultural lands, mineral resources, critical areas, regulatory and non-regulatory options for meeting the County's GMA, SMA, and ESA responsibilities); code reform; and intergovernmental coordination of urban and rural development. Specific assignments will depend on the skill set and experience of the candidates. Senior Planner will be involved with or will manage complex, often highly visible projects at all levels of review. Senior Planner positions re-

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quire the equivalent of a Bachelor's Degree in Planning and three years of progressively responsible planning experience including current planning. Experience with GIS software, WA State land use and environmental law, ordinance writing, public involvement and grant preparation is desirable. Bilingual English/Spanish is also desirable. AICP preferred but not required. The Planner will be assigned technical and field work related to critical areas, plan update research and/or project reviews and public assistance. This position requires a Bachelor's Degree in Planning and one year of planning experience, including internships. Masters degree may substitute for experience. WA land use, envi-

ronmental law and GIS experience is desirable. Bilingual English/Spanish is also desirable. Check out the County's website at [www.co.yakima.wa.us](http://www.co.yakima.wa.us). Filing Deadline: Friday, February 22, 2002 to Yakima County Human Resources, 128 N. 2nd Street, Room 412, Yakima, WA 98909. Phone: (509) 574-2219.

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**Washington State Department of Transportation, Spokane, WA, Local Programs Manager Position** - This position manages, leads, and administers the Local Programs Office which partners with a variety of local agencies located in seven Northeastern counties of Washington state; Spokane, Stevens, Adams, Whitman, Lincoln, Pend Oreille and Ferry. This position oversees a staff

of three full time employees with a biennial operating budget of \$425,000; and administers a \$27 million biennial construction budget. As the budget is primarily federally allocated funds, the Local Programs Engineer will monitor agencies with Certification Acceptance (CA) status and serve as the WSDOT, CA representative for local agencies without CA status. The successful candidate must have (or obtain within six months of appointment) a Professional Engineer license in Civil Engineering from the State of Washington. For further information please call Lu Nichols, WSDOT-Eastern Region, Spokane, Human Resource Consultant at (509) 324-6066.