Whitman County Administrator Killed in Auto Accident

It is with great sadness that we inform you that Whitman County Administrator, Richard "Dick" Brown was killed in a car accident last night north of Rosalia.

Dick began working for Whitman County in December of 1988 as Finance Director, later becoming the County Administrator, Risk Manager, and Commissioners’ right hand. Dick was our friend, confidant, and a master of trivia. Dick is survived by his wife, Jeanne, nine children and 15 grandchildren. Services are pending. Cards or letters may be sent to Dick's family in care of the Whitman County Commissioners' Office. Please keep Dick and his family in your prayers.

Legislature Fails to Address County Financial Crisis

As the final hours of the legislative session were grinding toward the end, it became apparent that there was no will to help counties solve their growing financial crisis. Although the budget provided some funds for 18 counties, everyone received less than was in the previous budget. Garfield, Columbia, and Ferry counties were cut by 10%, and of the remaining 15 counties, the cuts were up to 90%. It was like spreading peanut butter—very runny peanut butter. The other counties receiving funds were Adams, Asotin, Benton, Chelan, Douglas, Franklin, Lincoln, Mason, Okanogan, Pacific, Pend Oreille, Stevens, Walla Walla, Wahkiakum, and Yakima.

The total amount provided for criminal justice assistance was just $5 million. Public health was funded through the end of the biennium for $24.5 million. The cities received $8 million. However, in spite of the small token for criminal justice assistance to counties, it could be in jeopardy when it reaches the Governor’s desk. The House failed to pass a 5% tax on spirits and cocktails in restaurants and bars, resulting in a $22.5 million shortfall in revenues. The Governor could be forced to veto up to $39 million in the budget as a result of revenue bills that did not pass. WSAC was told that part of these vetoes could be criminal justice assistance. Counties receiving funds should send letters to the Governor requesting he keep that provision in the budget.

WSAC and WACO worked hard up until the final hours of the session to find a source of revenue to help restore cuts. The last proposal that received the support of some legislators was a bill (HB 3029) that would have expanded Daily Keno, a lottery game, resulting in at least $58 million per year equally split between cities and counties. But we could never get more than about 40 representatives to agree to vote for it. And as the stampede to adjourn began, there was little leadership to push for passage. The bill never came up for a vote.

This Legislature failed local government by refusing to pass any proposal advanced by counties to fund the mandates imposed upon them by the state. The original plan WSAC advanced, a utility tax or sales tax as a local option, was never voted upon. The second idea, an expanded lottery with the profits earmarked for criminal justice, was never voted upon. The budget cut $20 million and spread the remaining dollars so thin, that for many counties it is nearly useless. And the final indignity was the refusal of the Legislature to (Continued on page 2)
introduce any meaningful cut in mandates they have imposed upon counties.

Politics continually reared its head in the process. Some legislators, the same ones who fought criminal justice funding in previous sessions, said they now supported the funding, but they could never have a plan that would provide 50 votes in the House and 25 in the Senate. Other legislators said that the voters had spoken in passing revenue-cutting initiatives, and that it was time to show them the pain. They had their own game plan, but they never seemed to consider the impacts that would result to county citizens when cuts have to be made.

The counties were more than reasonable. They offered first to impose taxes as a local option, and that was rejected. They asked for full funding in the budget, and that was rejected. They asked for a dedicated source of funding that would not be a tax increase, and that was rejected. And even though the Legislature cut their own costs of doing business, they refused to cut the county’s workload.

Many counties now face severe cuts in the next budget cycle; some will even need to begin those cuts this year. While the cuts will be made, the legal responsibilities have not been cut, which will likely lead to more lawsuits. In the interim, counties will need to come up with a new strategy of how to pay for services or reduce costs to fit the revenues. If there is no relief soon, many counties will be unable to meet their legal and constitutional responsibilities. Some have even said that there could be structural changes in the form of local governments. These are all issues that will be addressed in the interim by 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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Bills Delivered to the Governor of Interest to Assessors
This week the Governor signed SHB 2592. This bill clarifies that a fire protection district must agree to participate in order for a local government to proceed with community revitalization financing of public improvements. It authorizes a local government to issue non-recourse revenue bonds to finance revenue-generating public improvements, or portions of public improvements that are located within a tax increment area, and repeals the Community Revitalization Financing program’s July 1, 2010 expiration date. The Governor also signed SB 6578 which exempts land leases for personal wireless communication facilities from the subdivision act.

Delivered to the Governor this week, but as yet unsigned, are the following bills: 2SHB 1477 allows counties to put to vote an additional sales and use tax for emergency communications systems. Counties could impose an additional 1% tax for the financing, design, acquisition, construction, equipping, operating, maintaining, remodeling, repairing, reequipping, and improvement of emergency communication systems and facilities. SHB 2015 requires private entities and government to take reasonable steps to destroy personal information in records in your custody when you are disposing of records you no longer need. HB 2358 revises provisions relating to annexation of unincorporated territory with boundaries contiguous to two cities. SHB 2466 revises the multiple-unit dwellings property tax exemption. This bill reduces the minimum city population cap from 50,000 to 30,000 for the multifamily housing property tax exemption program. It also counts the cost of the rehabilitation or construction as new construction when calculating the maximum district property tax amount at the time the property is no longer exempt. Cities can limit the tax exemption to individual dwelling units that meet the city guidelines for program when these parcels are separate for purpose of property taxation. SHB 2495 allows fire district to collect their third $.50 levy if the fire protection district has at least one fulltime, paid employee, or contracts with another municipal corporation for the services of at least one fulltime, paid employee. It also allows the additional levy or any portion of the levy when dollar rates of other taxing units are released by agreement with the other taxing units from their authorized levies. SB 6484 authorizes additional trust authority to take advantage of federal estate tax benefits for conservation easements.

HJR 4220 amending the Constitution to allow fire protection districts excess levies for a period of up to four years for general purposes, and for a period of up to six years for construction, modernization, or remodeling of facilities, was delivered to the Secretary of State this week. The underlying bill HB 2496 was signed by the House Speaker but has not yet been delivered to the Governor.
Revenue Announces the Cancellation of Several Property Tax Bulletins

Effective February 25, 2002, the Department of Revenue (DOR) has cancelled several 1991 Property Tax Bulletins (PTB). PTB 91-2 explained how certain types of cemeteries and burial grounds were to be treated for property tax exemption purposes. This bulletin is no longer needed, as the information is provided in WAC 458-16-110. PTB 91-5 explained the mechanics of how back taxes were collected and what occurs when they are not timely paid. It also explained how taxable real property is handled when it becomes taxable. This bulletin is no longer needed, as the information is provided in WAC 458-16-130. PTB 91-8 was superceded by PTB 91-18 and discussed revaluation notices.

PTB 91-14 explained how certain property taxes were collected and what occurs when they are not timely paid. It also explained how taxable real property is handled when it becomes taxable. This bulletin is no longer needed, as the information is provided in WAC 458-16-130. PTB 91-18 was superceded by PTB 91-18 and discussed revaluation notices.

Questions regarding the repeal of these bulletins should be directed to Alan Lynn at DOR’s Legislation and Policy Division. He can be reached by telephone at (360) 664-0693 or email alanl@dor.wa.gov.

Treasurers’ Cleanup Bill SB 6466, the Treasurers’ Association cleanup bill, is on its way to the Governor, after the Senate concurred with the House amendment to remove Section 9 (providing that personal property may not be removed from the county or from the state until all taxes have been paid, and removes language which duplicates the provision contained in RCW 84.60.010 regarding priority of tax liens).

Fire District Warrants

The House has concurred with the Senate amendment to SHB 2169 (relating to fire districts’ options for issuing warrants), to lower the threshold from $1 million to $250,000.

Port District Treasurers/Checks

HB 2571, authorizing port districts that have their own treasurer to pay claims or other obligations by check or warrant, has been sent to the Governor.

Distribution of Taxes

HB 2467, requiring the county treasurer to remit to a taxing district with its own treasurer that district’s pro rata share of the previous month’s taxes by the 10th of the next month, is on the Governor’s desk.

Malicious Mischief

SSB 6422, the WACO/Prosecutors’ Association recommendation, which includes a definition of “property of another” covering jointly owned property, has been delivered to the Governor for signature. This bill allows a conviction to stand if a person maliciously and knowingly destroys community property without consent of the other person. The statute being amended has been used primarily in domestic violence situations.

NACo Collecting County Comments on New Homeland Security Alert System

Following its release this week of a new “Homeland Security Advisory System,” the White House Office of Homeland Security (OHS) is asking state and local officials to review the terrorism-alert system and provide comments within 45 days. Emergency management officials in every Washington county should already have received a fact sheet on the new warning system.

OHS has asked NACo to coordinate county review of the new color-coded warning grid. County comments may be submitted to HSASComments@naco.org or faxed to Jeff Arnold, NACo deputy legislative director, at (202) 942-4281. The deadline to submit comments is April 12, 2002.

The new system is intended to provide law enforcement and the public a clear sense of the risk of terrorist activity. The warnings identify five levels of risk: green, which denotes a low risk of terrorist attack; blue, for a general risk; yellow, for a significant risk; orange for a high risk; and red, for a severe risk. According to the OHS, the advisory system will be the foundation for building a comprehensive and effective communications structure for disseminating terrorism information to all levels of government and the general public.

In the planning stages for several months, the new plan was developed after complaints about the vagueness of four general alerts the federal government has issued since the September 11 attacks.

The system is being adopted immediately by the federal government, and while the OHS does not require counties to adopt the new system, it is asking counties to at least use a compatible warning system.

Statewide Emergency Management Summit Scheduled

Local elected officials, emergency management professionals, and public health leaders are among those encouraged to attend the “Washington State E-Safety Summit” on Tuesday, March 26, in Olympia. WSAC is one of the sponsors, which include government entities, emergency service providers, and numerous private industries.

The summit, billed as “emergency solutions for the 21st century,” is a day-long meeting intended to raise awareness and understanding of emergency management and response in the state of Washington. It is designed to help public officials and private leaders close the gaps in mitigation, response and emergency communications for accidents, dangerous conditions, natural disasters, and terrorism. The program will include detailed discussions on national, state, and local programs, strategic planning to (Continued on page 4)
Crime Lab Funding
The Washington State Patrol Crime Laboratory is in the compromise budget for $1,096,000 for improvements which will include two forensic scientists and implementation of the DNA offender database established in SHB 2468. The amount is about half of what was requested.

Little Left of Anti-Terrorism Package
Despite creation of the special Select Committee on Community Security, and the introduction of more than a dozen pieces of legislation intended to prevent or respond to terrorism, only two anti-terror bills made it to the Governor’s desk.

ESHB 2505 makes it a class B felony to teach or demonstrate to others how to use a device or technique capable of causing injury or death as part of a civil disturbance. Penalties include up to 10 years in state prison and/or a $50,000 fine.

This bill is intended to target violent, extremist activities. It does not punish non-violent civil disobedience.

Law enforcement testified in favor of the bill, noting that stricter laws in other states have made Washington a haven for extremist groups.

The Legislature also passed SSB 6439, which amends the Public Disclosure Act to exempt certain documents from public inspection and copying in order to protect domestic security interests. This bill applies to local governments as well as state agencies.

The new exemptions include those portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist acts, the disclosure of which would have a substantial likelihood of threatening public safety.

The bill also exempts information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify system vulnerabilities.

The Joint Legislative Audit and Review Committee will review the effect of the exemptions on state agency performance in responding to requests for disclosure and will report its findings to the Legislature no later than November 30, 2004.

Governor Locke is expected to sign both bills.

Washington Counties’ Scholarship Trivia
The following facts and figures are updated annually to remind county employees and their children that there are five $1,500 scholarships available now! The Washington Counties Scholarship Fund is a joint endeavor of WACO and WSAC. Every year scholarships are awarded to dependent children of county employees who will be enrolled full time during the coming school year in a baccalaureate degree, associate degree, or vocational/technical certification program. Completed applications must be postmarked no later than April 8. Applications are available by calling WACO or WSAC or at www.wacounties.org/waco. Now for the trivia!

1. When were the first Washington Counties Scholarships awarded? 1993
2. How many awards have been given? 36 scholarships totaling over $60,000!
3. How many counties can boast of their scholars? You all can! But the winners have come from: King 5; Snohomish 4; Thurston 4; Whatcom 4; Pierce 3; Mason 2; Kittitas 2; Clark 2; Spokane 2; and one each for Grant and Lewis Counties.
4. How do you explain 36 awards in #2 and 37 winners in #3? A 1997 winner has parents who are employed by two neighboring counties.
5. Are girls smarter than boys? Who knows! But 28 scholarships have gone to girls and only 8 to boys.
6. If you applied before, can you apply again? You bet! As long as you are a full-time student enrolled in a baccalaureate degree, associate degree or vocational/technical certification program.

How long have you got to apply? Not long! Do it now! Completed applications must be postmarked no later than April 8. Good luck!
Tobacco Revenue Coming in Lower than Expected

The Washington Post reported that state governments planning to fund health, education, and other programs with money from the $240 billion national tobacco settlement will find that revenue is coming in significantly lower than initially projected. The rate of decrease is expected to speed up in coming years.

A new study by the nonpartisan Council of State Governments, states governments received 11% less revenue than anticipated from the tobacco settlement through April, and will get 20% fewer dollars than initially predicted through 2010. That translates into a shortfall of $14 billion for the states by that time, the report said.

The decline is a result of steadily reduced cigarette consumption nationwide and of an increase in cigarette sales by small tobacco companies that do not participate in the national tobacco settlement. The Council of State Governments reports that cigarette sales of tobacco companies who are parties to the national settlement are declining by 1.5% annually. The report also states that the master settlement payments will decline further as small, nonparticipating tobacco companies win a larger share of the cigarette market. The report indicates that they have been increasing their share of the market by 0.8% per year and now account for more than 5% of national cigarette sales.

These nonparticipating tobacco companies are allowed to sell cigarettes, but only if they establish escrow accounts in states where they do business. They are required to pay into those accounts predetermined amounts each year to cover possible losses should the states decide to sue them in the future. Many of the small companies are not paying into the escrow accounts, and some are not even setting them up. Because they don’t pay the settlement costs, they can charge less for their cigarettes and attract cost-conscious smokers.

Attorneys general in 36 states have sued small tobacco companies for not paying into escrow accounts, and the South Dakota legislature passed a bill that requires the escrow payment before any tobacco company can win a state tax stamp for its cigarettes.

Negotiated Final Legislative Operating Budget Passes Both Houses

Late Wednesday night the House passed the negotiated Final Legislative Budget. They passed a few amendments which did not impact local public health funding. Early Thursday morning the Senate concurred with the amendments and also passed the same budget. The Legislature did not pass the increased liquor tax needed to fully fund the budget they passed, so the budget sent to the Governor is about $39 million underfunded. The Governor has indicated he will veto $39 million worth of expenditures. So, we do not yet know what other reductions may occur. Following are some highlights related to public health services:

I-695 Backfill—Local Public Health Assistance

Probably of primary importance to local public health departments is that the I-695 backfill is fully funded through June 30, 2003. The budget bill shows no amendment to the original approved budget for public health assistance, so there are no changes. The Agency Detail also shows no change, but does contain a comment left over from the original House proposal that indicates funding is eliminated effective January 1, 2003, but it appears that the comment should have been removed from the budget document and just got overlooked.

What this provides for county local public health is some breathing room as we look towards the Legislature to consider a permanent funding stream for public health along with other county permanent funding priorities in the 2003 legislative session. Without a permanent funding stream, this public health funding will always be in jeopardy and on the table for reduction.

Health Care Authority

• Basic Health Plan: The enrollment expansion that was in both the House and Senate budgets remains in the legislative final budget. With revenue generated by Initiative 773, Basic Health Plan enrollment will expand from 125,000 in July 2002 to 172,000 by the end of the biennium. During July–October 2002, opportunities for subsidized coverage will be offered on a phased-in basis for 27,000 non-citizen children and adults who will no longer be eligible for state medical assistance programs in DSHS. Beginning in January 2003, subsidized coverage will be offered on a phased-in basis for an additional 20,000 enrollees.

• State grant support is increased by $3 million for the non-profit community clinics. These funds are targeted towards the 27,000 non-citizen children and adults who will no longer be eligible for dental coverage through DSHS Medical Assistance Programs, and for interpreter services to the extent needed for access to service and not available from any other source.

Department of Health

• Cost sharing for HIV Assistance is reduced by only $484,000, rather than the $717,000 in the original Senate and House budgets. The HIV Early Intervention Program provides financial assistance with drug costs, insurance premiums, and medical, dental services, and insurance premium assistance for persons with HIV disease.

• AIDS Prescription Drug Program Fund is maintained at the original level.

• Northwest Family Center is reduced by $174,000.

• Group B Water Inventory Completion is reduced by $220,000 (the same as in the original House and Senate Supplemental Budgets). This is the funding to assist local health departments assure the safety of very small water systems.

• Fees for Shellfish Testing—This is the same as in the original House and Senate Supplemental budgets.

• AIDSNETS Funding Reduction is $360,000. State funding for these functions is reduced. Due to increased federal appropriations, there would be no reduction in total fund-

(Continued on page 6)
Department of Community, Trade, Economic Development
- Early Childhood Education (ECEAP) is reduced $838,000 (Same as original Senate Supplemental Budget).
- Early Childhood Education Assistance is maintained.
- Head Start State Match is reduced $235,000.

Department of Ecology
- Litter Prevention Campaign receives no increased funding.
- Local Litter Clean-up Assistance is increased by $750,000. Funding is provided for an interagency agreement with the Department of Natural Resources ($500,000) and counties ($250,000) to utilize correction crews to increase litter pickup activities. (Waste Reduction, Recycling and Litter Control Account)
- Septic Management Strategy—Same as House and Senate Supplemental Budgets. $175,000 increase.
- LTC—No transfer from LTC to the General Fund.

Department of Social and Health Services
- Medical Assistance HIV Cost Controls reduced $301,000. The Evergreen Health Insurance Program provides insurance coverage for persons with AIDS who do not qualify for Medicaid, but whose incomes are below 370% of the federal poverty level. In coordination with the Department of Health, DSHS is to establish mechanisms to assure that the program operates within appropriated levels.
- Medically Indigent Program is maintained at current budgeted level.

More detailed information about the budget can be found on the Legislature’s Web Site.

Overall, this budget proposal is pretty good for local public health departments considering the state’s budget problems. We are sure, however, that the public health assistance will be on the table for cut again in budget deliberations for the 2003–05 biennium.

Sex Offender Bill Goes to Governor, Six Counties off the Hook
SB 6594, the bill implementing the recommendations of the Joint Select Committee on Equitable Distribution of Secure Community Residential Facilities, has been delivered to the Governor. The final amendments to the bill essentially remove the six counties who have less than five offenders at the Special Commitment Center (SCC) as of April 1, 2001 from any requirements to site a facility during the first six years, or until at least 2008. When a re-count is taken at the SCC in 2008, additional counties may again qualify as potential sites.

The counties who are off the hook for the present time are Chelan, Yakima, Grays Harbor, Cowlitz, Franklin, and Whatcom. Those counties who will be pre-empted on October 1, 2002, if they haven’t updated their comprehensive plans and development regulations, are King, Spokane, Snohomish, Clark, Thurston, and Kitsap. They all have five or more offenders in the SCC.

According to the Governor’s criminal justice policy adviser, Dick Van Wagenen, “It’s a big step forward in meeting our responsibility to operate the program in a way that meets the legal requirements and protects the community.”

Thurston County Commissioner Kevin O’Sullivan said he was glad to see that the bill will exempt the county from liability if it makes a good faith effort to assist in siting. He also indicated that he believes the county could site a facility near Cedar Creek Corrections Center near Littlerock. The authorities at the prison would be able to serve as first responders to any incident. O’Sullivan stated that once an offender was proposed for the site, he would do everything in his power to keep that offender at McNeil Island. The local court has the authority to make a finding that the offender is not ready for release to a less restrictive alternative when the state proposes a candidate for release.

At this time, the federal court judge, Judge Rothstein, has closed her preliminary hearing on the ongoing lawsuit against the state regarding treatment of sexually violent predators. She appears to be satisfied with the progress made by the passage of this legislation. Judge Rothstein replaced the late Judge William Dwyer on the case.

WSAC wants to thank the assistance from the membership in conveying their concerns regarding this issue to the Legislature. In particular, Snohomish Councilmember Gary Nelson played a very important role both in serving on the Joint Select Committee and taking the lead in the Legislative Steering Committee.

Association of County Human Services Meets in Tacoma March 20–22
ACHS will meet from March 20–22 in Tacoma at Puget Sound Behavioral Health’s Soundview Building. The address is 215 S. 36th. The meetings will be in the Soundview Conference Room 1. The Chemical Dependency Section will meet on the first day, March 20, from 9–4. In the morning, the Section will hold a roundtable discussion of issues important to the group. They will also hear workgroup reports including Prevention, Legislative, Treatment Completion, and the Alcohol, Drug Addiction Treatment and Support Act. After lunch, Lesley Bombardier, Cowlitz County, will take a few minutes to express her thoughts on retirement, and Central Office will do an update on the budget, the Division of Alcohol and Substance Abuse staff reductions, methamphetamine action teams, sentencing reform, potential program cuts, and the County Contract Coordinating Committee.

On Thursday, March 21, the Developmental Disabilities Section will meet from 9–4. The morning agenda includes discussions on the budget, the Division of Developmental Disabilities’ (DDD)
federal waiver, a presentation on community markers, the Joint Legislative Audit and Review Committee report, and national accreditation of providers. In the afternoon, DDD Central Office will join the Section for additional discussions on the budget an update on the Olmstead lawsuit. Mike O’Brien, Director, Division of Vocational Rehabilitation will also join the Section at approximately 1:45 p.m.

From 11:30–12:15 on Thursday, ACHS’ Business/Cross-Systems Meeting will take place. Special guest for the Business Meeting is Assistant Secretary Tim Brown, Department of Social and Health Services Health and Rehabilitative Services. Assistant Secretary Brown will present an overview of the final budget for his administration as well as other budget implications across the agency including aging and children’s administrations. The discussion will include state staffing cuts that will have to be made in order to comply with the budget.

The Mental Health Section will meet on Friday, March 22, from 9–4. The Mental Health Division (MHD) will join the Section in the morning for discussions on the Children’s Administration federal waiver, the prevalence and outcome measures studies, a legislative update, the MHD’s waiver status, an update on the bed study and the ready for discharge/liquidated damages work plan, the January 2002 memo regarding Aging’s Home and Community Services, and the allied service provider tool. The afternoon will include a discussion on ombuds and quality review team functional independence. Cathy Gaylord from the Washington Community Mental Health Council will join the group after lunch.

Two Long-time County Human Services Administrators Plan Retirement

The counties will shortly be losing two of their most senior administrators. In Cowlitz County, Lesley Bombardier is hanging up her dancing shoes after a long and distinguished career. Lesley’s retirement is effective March 31. Most recently, Lesley has been the director of both health and human services in Cowlitz. She was instrumental in the merging of the two departments, which has proved successful in every way due to her continued leadership. In the Association of County Human Services (ACHS), Lesley has served as an officer and member of the executive committee for many years as well as the Mental Health Section Leader. Her tenure precedes ACHS becoming an affiliate organization of the larger Washington State Association of Counties (WSAC). And indeed, she participated greatly in the successful affiliation between the two organizations. Her leadership, thoughtful and considered manner, wise counsel, original thought, nearly always calm demeanor, institutional memory, and enjoyment of the occasional glass of a fine chardonnay, unique dining experiences, and a good shopping excursion will be sorely missed.

All the way across the state, Lee Smutzler, Stevens County, quietly announced his own pending retirement effective in June 30 by issuing a recruitment announcement for the executive director position at Stevens County Counseling Services. Lee has been a fixture in Eastern Washington for many, many years, and has done a wonderful job at Stevens County Counseling, culminating in the agency’s national accreditation with CARF for progressive programs across the board in behavioral health. He has provided a steady source of common-sense advice and comment for WSAC staff over the years. Lee indicates that the Smutzler’s have lots of plans for retirement, including travel, furniture restoration, bird hunting, visiting their daughter in Colorado, and above all, he plans to quit looking at his watch and not be in a hurry.

Both WSAC and ACHS will be the poorer for the departure of these two fine individuals who have served the public well for many years. They both epitomize true civil servants and deserve to be remembered for their dedication to the public’s welfare.

Drug Sentencing Reform Bill Passes
(E2SHB 2338)

E2SHB 2338 is landmark legislation that fundamentally changes the nature of sentencing for minor drug dealing and possession offenses. It has been passed by both houses and is on its way to the Governor for signing. For a bill of this scope to pass in just two years is a tribute to the passion of its supporters and the coincident timing of the need to begin a wiser use of both state and local correctional facilities as budget revenues decline on both levels. Basically the bill lowers the ranking of crimes of manufacturing, delivery, or possession with intent to deliver heroin or cocaine. It also eliminates what is known as “triple scoring” for repeat drug offenses which weighted the sentence more heavily. Both these changes mean a reduction in time served, with a portion of the resultant savings dedicated to substance abuse treatment. The treatment will be available directly for some, in the facility for offenders still incarcerated, and for those diverted into drug court programs. Local task forces will plan the specific usage of the funds and report to the statewide planning group. The state Division of Alcohol and Substance Abuse will serve as the administrative agency for the funds. These task forces/planning groups include everyone from prosecutors to county chemical dependency coordinators and local elected officials.

In addition, a new drug-sentencing grid will be implemented in 2004. A joint select committee including legislators, the Governor’s Office, law enforcement, the judicial branch, prosecutors, treatment providers, local elected officials, and county coordinators is named to examine both the operation of drug courts and the new sentencing grid. Their report is due by June 2003. Funds for treatment are capped at $8.25 million per year, with no more than 10% author-
Chickens Home to Roost in Mental Health

Well, the state has a shiny new supplemental budget for 2002. As we all know, part of solving the budget crisis required deep cuts to human services. Considering the depth of the revenue shortfall, it was remarkable that the cuts were not deeper. A total of $180 million in reductions were made to the Department of Social and Health Services, offset by about $10 million in increases, and $18.8 in lawsuit costs. For county programs, the pain is deepest in mental health, which suffered reductions of over $30 million, with a $21.220 million hit to Regional Support Network (RSN) reserves, $9.170 million to inpatient rates, $2.727 million in special drug and children’s programs in the community, and $3.09 million to RSN administration.

County programs in developmental disabilities suffered no reductions at all. And county programs in substance abuse had only a direct reduction of $1.8 million to the new funds from last year for the gravely disabled/methamphetamine abuser. There was also a $1.036 million reduction to the Treatment Alternatives to Street Crime program which provides assessment, urinalysis testing, and monitoring services for many of our programs, especially drug courts. A minimal reduction to the Violence Reduction and Drug Account of $571,111 and to the Public Safety and Education Account of $275,111 may also negatively impact some county programs.

A number of other programs in human services that counties are interested in were restored or continued at existing levels, which may have been one of the determining factors in mental health suffering the extensive pain it did this year. There was also a perception that, despite concerted work to the contrary, reserves were essentially “free money” and direct services to clients wouldn’t be hurt. This misperception ran so deep that a budget proviso requires the RSNs to

serve more clients in 2002 and 2003 than in 2001, despite the loss of funds. It was rumored that the representatives for the National Alliance for the Mentally Ill (NAMI) were proponents of this view.

WSAC has also heard rumors that the continued discord among the mental health community contributes to the negative view a number of key legislators hold of the current system.

Programs continued were BECCA truancy petitions, secure crisis residential beds, continuum of care and alternative response system pilots, the Family Policy Council and community networks, state reimbursement for the local costs of civil commitment of sexually violent predators to the Special Commitment Center, funds for decreased caseloads for Area Agencies on Aging, wage increases for home care workers’ care for those in long-term care and with developmental disabilities, the majority of the General Assistance-Unemployable program, and the medically indigent program.

Additional information is available on both the House Appropriations and Senate Ways and Means Committee websites starting at www.leg.wa.gov. The budget bill is ESSB 6387. More detail will come out from WSAC as we update our spreadsheet. Any questions regarding the human services portion of the budget may be directed to Jean Wessman, WSAC staff.

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Online Legislative Information
If you’re interested in finding out what’s going on in the legislature, the following online resources are available to track bills, research fiscal notes, and listen to hearings.
Legislative Information. To track legislation and review Washington laws, go to www.leg.wa.gov. The site also contains point-of-contact information for your representatives and senators.
Fiscal Notes. For published information on the fiscal impacts of a bill, check out the Office of Financial Management’s Fiscal Notes site. You can access that site by going to www.ofm.wa.gov/fns/.
TVW. To listen to a public hearing, log onto www.tvw.org. TVW’s site also offers live television broadcasts of some of the hearings.

Transportation and Public Works

Voters to Decide 9-cent Gas Tax

More to follow next week.
Model Critical Areas Ordinances Under Development

The Growth Management Program at the Office of Community Development is developing model ordinances to assist counties and cities in adopting critical areas ordinances that include best available science. The first draft model ordinances are expected to be available for review the first week in April.

Four regional workshops on the model critical area ordinances are scheduled for the following dates and places in May:
- May 14—Spokane, Ridpath Hotel
- May 15—Wenatchee, Wenatchee Convention Center
- May 22—Bellevue, Maydenbauer Convention Center
- May 23—Lacey Community Center

More information will follow in the coming weeks.

One Park and Recreation Bill Gets to Governor’s Desk

SHB 2557 amends Chapter 35.61 governing Metropolitan Park Districts (MPDs) to make it practical for cities and counties, or a combination of them, to create MPDs, and is on the Governor’s desk. Various bills endorsed by WSAC to expand the use of conservation futures did not survive the process.

Two Water Bills Pass Legislature

After many drafts, a watered-down version of HB 2993, sponsored by Representative Kelli Linville (D-Whatcom County), passed both houses on March 13. The bill does the following:

1) Provides guidance on compliance.
2) Allows for industrial reuse projects.
3) Removes limits on water right holders wishing to donate a trust water right.
4) Provides for expedited processing of certain water storage applications.
5) Creates an account (to be managed by the state Public Works Board) for federal water conservation funds that may be granted to states under the federal farm bill.

In addition, SHB 2874, sponsored by Rep. Mark Schoesler (R-Adams County), authorizes Ecology to negotiate an agreement with the United States regarding allocation of water that has collected in the ground under the southern part of the Columbia Basin Project. Ecology can then proceed with rulemaking and operating a permit program for the water in cooperation with the United States Bureau of Reclamation.

Two Shorelines Bills Make It Through

EESHB 2305, which clearly exempts ongoing agricultural activities from shoreline management legislation, and ESHB 2623, which increases the dollar threshold for what constitutes development requiring a “substantial development permit,” have both passed the Legislature.

Several Land Use and GMA Bills Pass the Legislature

EHB 2498 expands a pilot program allowing counties to create industrial land banks outside of their urban growth areas and extends the time frame from 2002 out to 2007. This bill adds more counties to the list of those authorized to plan for these industrial areas; the original counties included Clark, Whatcom, Lewis, Grant, and Clallam. Now Benton, Columbia, Franklin, Garfield, Mason and Walla Walla counties are included as well.

SHB 1395, clarifies that “small-scale businesses” are allowed to locate in limited areas of more intensive rural development in Growth Management planning counties.

SHB 2697 adds economic development and parks and recreation as required elements of county and city comprehensive plans under the Growth Management Act. The new elements are implemented only when specific funding is provided by the Legislature, which the supplemental budget does not.

HB 2846 suspends the requirement that six counties and their cities monitor density and development under the Growth Management Act unless funding is provided.
**Veteran’s Records**

**ESHB 2453.** Veteran’s Records, passed the Senate with an amendment, went back to the House for concurrence, and is now on its way to the Governor’s desk. The bill has an emergency clause, so as soon as he signs the bill, it becomes effective.

The amendment does the following: 1) states that discharge papers filed with county auditors after June 30, 2002 are not public records, 2) allows county auditors to charge a basic recording fee and preservation fee, not to exceed $7 in total to veterans who file a request for exemption from public disclosure of discharge papers filed before July 1, 2002 and that are commingled with other public records, 3) allows county auditors to develop a form for requestors of military discharge papers to verify that the requestor is authorized to receive or view the military discharge paper, and 4) further defines who may receive a copy of a veteran's discharge papers. The records may be released to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

**Increased Recording Fee Generates Revenue for Low-Income Housing**

**SHB 2060** requires county auditors to charge a $10 surcharge on recording fees for recordings of real property documents, but not to assignments of previously recorded deeds of trust. County auditors may retain up to 5% of the funds collected for administration. Sixty percent of the remaining funds are retained by the county and must be used by the county and its cities for low-income housing projects. The remaining 40% of the revenue is deposited with the State Treasurer in the Washington Housing Trust Account. The bill has been delivered to the Governor for his signature.

**Filing for Vacancies**

**SB 6529.** modifying the time period for holding elections to fill vacancies (Auditors’ Association recommendation), is awaiting the Governor’s signature.

**Conservation District Supervisors**

**SSB 6572.** which specifies that elections of conservation district supervisors are to be conducted according to the conservation district chapter election process, is awaiting the Governor’s signature.

**Two-Year Vehicle Licensing Is Dead**

**ESSB 6494—**Two-year vehicle licensing is DEAD. The bill was heard in House Transportation Committee on Tuesday. Brenda Bamford testified on behalf of the county auditors. After public testimony the committee moved directly into Executive Session and passed the bill out of committee. The bill was passed to the Rules Committee for second reading, but it was never called to the House floor for a vote. On March 14, by resolution the bill was returned to the Senate Rules Committee for third reading. The bill failed to make it of the Rules Committee before Sine Die.
**Gubernatorial Appointments and Other**

Governor Locke has made appointments of WACO and WSAC officials to the following Councils and Boards:

**State Forensic Investigations Council:** Whatcom County Prosecuting Attorney David McEachran, Adams County Commissioner Jeffrey Stevens, and Clark County Medical Examiner Dr. Dennis Wickham. The council reviews, recommends and promotes improvements to the death investigation system in the state, and monitors the operation of the Washington State Patrol Bureau of Forensic Laboratory Services and the state crime laboratory system.

**Municipal Research Council:** Snohomish County Clerk Pam Daniels. The council assures that Washington counties, cities, and towns have a comprehensive research and service program.

**State Gambling Commission:** Former Snohomish County Council member Liz McLaughlin. The commission is responsible for regulating social gambling activities authorized by the legislature and controlling unauthorized gambling activities. In addition, the commission negotiates tribal/state compacts for casino gambling activities and implements the terms of such agreements reached with tribes.

**Other:** The State Parks and Recreation Commission has appointed San Juan County Sheriff William Cumming to the Boating Safety Council.

**National County Government Week**

The National Association of Counties (NACo) has sent booklets to all counties outlining the 2002 National County Government week, April 7–13. This year’s theme is “Counties Secure America,” and NACo President Javier Gonzales (Santa Fe County, NM) is encouraging everyone to participate. “Counties bear the burden of protecting our communities and it is time to show citizens what you have done to safeguard their way of life,” he said. “Use County Government Week to educate your citizens about the emergency response plans the county has developed and honor local heroes such as county firefighters and law enforcers.”

NACo suggests establishing a National County Government Week (NCGW) working committee to initiate and coordinate all activities and to contact the media. They suggest highlighting the hard work your county is doing to stay prepared for a crisis situation (mock disasters, emergency preparedness fact sheets, town hall meetings, etc.); holding open houses and tours of county facilities; setting up informational displays in malls, libraries or at fairs; making presentations in schools explaining how county government is organized, how county elections are run, crime prevention, fire prevention and drug/alcohol abuse; and implementing other innovative programs.

NACo will be celebrating NCGW in a number of ways, from highlighting the recommendations of its Homeland Security Task Force and promoting its Expand Democracy campaign, to recruiting poll workers across the country.

**Public Information Concerns Regarding SB 6700**

SB 6700 limits the publication of personal information of law enforcement-related and court-related employees and was delivered to the Governor March 14. Several Assessors have expressed concerns with the language included in the bill. The original language was well intended and was directed at an instance where law enforcement names and addresses were posted on a website. It placed additional requirements on offices that “sell, trade, give, publish, distribute or otherwise release the residential and other information of law enforcement and court personnel, and categorized them as law enforcement related without their express permission to do so.” It also provided a cause of action to employees who have been damaged by the improper release of information.

The bill was heard in the Senate Judiciary Committee on February 7. Debbie Wilke, Executive Director of WACO, testified about the problems this bill would create for local government. The bill was then amended to include language that now states, “A person or organization shall not, with the intent to harm or intimidate, sell, trade, give, publish, distribute, or otherwise release the residential address …” It is the intent language that will allow all county offices to continue business as usual. One can only be liable for damages if (1) intent to harm or intimidate can be shown, (2) the person or organization categorizes the law enforcement-related, corrections officer-related, or court-related employee or volunteer by that occupation, and (3) the person or organization did not obtain express written permission.
Courthouse Ramblings

Our deepest sympathies to WACO President Barbara Cory, Whatcom County Treasurer, whose father Edward Stamm, 76, passed away on March 9, in Bellingham. An avid fisherman for life, Mr. Stamm served with the US Army during WWII and spent 40 years at Brooks Lumber Company. He is survived by his wife of 55 years, Sadie, two children, three grandchildren and one great-granddaughter. A memorial service was held on Thursday, March 14. Our thoughts are with Barb and her family.

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By noon today the family of Lincoln County Sheriff John Coley can celebrate three generations of law enforcement. Washington State Trooper Tim Coley graduates from the WSP Academy at the Capitol this morning. The family tradition began with Tim’s grandfather Clarence Coley when he was Lincoln County Sheriff in the 1970s. Sheriff Coley’s wife Kathy and younger son Aaron are on hand to see Trooper Coley receive his commission, too. Best wishes to the Coley family!

Calendar of Events

March 18-19
Certified Public Official (CPO) WSU Sponsored 2- Day Course: Decision-Making in the Workplace, Puyallup – Cost: $120 CPO Credits: 4 (Elective Course) Contact: Lassie Tompkins, WSU Pierce County (email: tompkins@wsu.edu)

March 20-22
ACHS, Tacoma, Pierce County

March 21
WA Counties Risk Pool Meeting

April 4
Retro Pool Meeting, Best Inn/RV Park, Ellensburg

April 11-12
WSAC Western District Meeting, Rosario Resort, San Juan County

April 23
Basic Contract Training, sponsored by the Washington Association of Prosecuting Attorneys (WAPA), Rodeway Inn, Leavenworth, 8:00 a.m. to 4:30 p.m.

April 25-26
WSAC Eastern District Meeting, Sun Mountain Lodge, Winthrop

May 1
Certified Public Official (CPO) Public Meetings, Public Information and More: Do You Know the Rules? Ellensburg – Cost: $50 CPO Credits: 2 (Elective Course)

May 3
Certified Public Official (CPO) Public Meetings, Public Information and More: Do You Know the Rules? Richland – Cost: $50 CPO Credits: 2 (Elective Course)

May 6-10
Washington State Association of County Auditors’ Annual Conference, Red Lion, Port Angeles

May 8
Certified Public Official (CPO) Public Meetings, Public Information and More: Do You Know the Rules? Mt. Vernon – Cost: $50 CPO Credits: 2 (Elective Course)

May 9
Certified Public Official (CPO) Public Meetings, Public Information and More: Do You Know the Rules? Tacoma – Cost: $50 CPO Credits: 2 (Elective Course)

May 10
Certified Public Official (CPO) Public Meetings, Public Information and More: Do You Know the Rules? Kelso – Cost: $50 CPO Credits: 2 (Elective Course)

May 15-17
ACHS, Spokane

May 20-23
Washington State Association of Sheriffs & Police Chiefs’ (WASPC) Spring Conference, WestCoast Wenatchee Center Hotel, Wenatchee

May 22-24
WIR, Yellowstone County, Billings MT

June 16-19
Government Finance Officers’ Association (GFOA) Annual Conference, Denver, Colorado

June 17
WSALPHO Meeting in conjunction with WSAC Summer Convention, Bellevue

June 17-20
Washington State Association of County Assessors’ Annual Conference, Rosario Resort, Orcas Island

June 18
WCIF Board in conjunction with WSAC Summer Conference, 10:00 a.m. – noon, Bellevue

June 18
Certified Public Official (CPO) Financial Management: Understanding County Government Financing, Bellevue – Cost: $120, CPO Credits: 4 (Core Course). An additional elective course will also be offered at the Summer Convention, topic TBD

June 18-21
WSAC Summer Convention, Bellevue

June 18-21
Association of Washington Cities (AWC) Annual Conference, Yakima

June 19–21
Washington State Association of Prosecuting Attorneys’ (WAPA) Summer Training Program, Campbell’s Lodge, Chelan
Employment Opportunities

ADMINISTRATIVE SERVICES MANAGER – Clark County, WA. Clark County, one of the fastest growing and highly respected counties in WA is seeking a Department Finance Manager. This is an innovative opportunity for the right person to manage, plan and coordinate the financial, staffing and operational activities for the Finance & Grants Management Unit including payroll, accounting, information systems, grants, contracts and budget management functions. Develops significant linkages with program managers; negotiates contracts and conducts operational and financial audits; oversees contract management and monitoring of sub recipients. Processes financial transactions; provides financial reports; integrates financial information in development of the department budget; prepares financial plans, forecasts and staff reports. Bachelor’s degree in accounting, business administration (Certified Public Accountant strongly preferred) and three years experience in public sector accounting and finance experience, with two years supervisory experience. This is a very dynamic environment; detailed position information and applications available at www.clark.wa.gov and from Clark County HR, 1013 Franklin Street, Vancouver, WA. (360)397-6032. EQUAL OPPORTUNITY EMPLOYER

DEPARTMENT OF NATURAL RESOURCES is seeking a qualified IT candidate to fill an exempt IT Division Manager position. This position will help to strategically guide the agency’s technology infrastructure in support of agency business needs. The incumbent will play a key role in helping the organization achieve its mission. Initial screening will begin March 18, 2002. For qualifications and application information please see the DNR job page at http://www.wa.gov/dnr/jobs/3.2002itdivmgr.doc. The Department of Natural Resources is supporting the Governor’s request to impose hiring restrictions (a.k.a. Hiring Freeze). In doing so we are operating in a controlled hiring period and filling only “mission critical” positions. This position has been identified as essential for the agency to fill.

BUILDING, PLANNING AND SOLID WASTE MANAGER. The Adams County Department of Public Works is seeking a professional with strong leadership and team-building skills to manage our Building, Planning and Solid Waste Division of Public Works. Salary: Starting Pay $37,252–$42,868 (DOQ) and benefits, Pay Range $37,252–$56,867. Closing Date: Open until filled. Initial screening will begin March 29, 2002. (faxed materials not suitable for submittal). Minimum Qualifications: Bachelor of Arts degree in planning or closely related field and four years of work experience with two years being at a supervisory level, or a combination of education and experience deemed equivalent. A valid Washington state drivers license is required. For additional information and an application packet please call (509) 659-3276, visit www.co.adams.wa.us or write to Adams County Department of Public Works, 210 West Alder, Ritzville, Washington 99169.

KITSAP COUNTY, SENIOR DEPUTY CORONER. Performs technical work to investigate all deaths within the County, determine cause of death and locate and notify next-of-kin. Requires two years of college courses in anatomy and physiology, bachelor’s degree desirable; and two years experience in quasi legal enforcement, emergency services, medicine, health services, or related field involving investigative work; or any equivalent combination of education and experience that provides the applicant with the desired skills, knowledge and ability required to perform the work. Previous supervisory experience is preferred. This is an at-will position that serves at the pleasure of the Kitsap County Coroner. Salary: $21.55 to $27.51/hr. Closes: 3/29/02. Call (360) 337-7185 for an application packet or download from our website: www.kitsapgov.com.

SPokane COUNTY CIVIL SERVICE ENTRANCE EXAMINATION CLASSIFICATION: COMMUNICATIONS OFFICER. Notice is hereby given that a competitive examination for Communications Officer (Radio Dispatcher) in the Spokane County Sheriff's Office, subject to the rules of the Spokane County Civil Service Commission, will be conducted as follows: Written and performance tests will be given March 29, 2002, in Spokane, WA. Keyboarding test will be given at a later date to those who qualify on above testing. This is pass/fail. Said examination will include tests of proficiency in such matters only as will fairly determine the ability of the person examined to discharge the duties of Communications Officer in the Sheriff's Office. This test will establish the two-year eligible list from which applicants will be called in order of their standing, as positions become available. When called, applicants must satisfactorily complete the background interview, polygraph screening and medical test before being qualified for certification. Starting salary is $2,460.38 per month. Eligibility: 1. A citizen of the United States, must be at least 18, who can read and write the English language. 2. Vision correctable to 20/20 in the good eye and 20/30 in the lesser eye. Normal color vision. Normal hearing. 3. Must show proof of age and high school diploma (or equivalent) or college degree and transcript. 4. Must be able to type at 30 words per minute accurately. Test will be given. 5. Veteran's preference granted in accordance with Washington State Law. 6. Any criminal conviction or falsification on application may disqualify applicant. 7. Applicant must qualify through background review and medical test, and will be required to take polygraph covering background and character. Application Blanks may be obtained at the Spokane County Civil Service office, 1229 West Mallon, between 8:30 a.m. and 4:30 p.m. Monday through Friday. Closing Time: Applications must be received in the Civil Service office no later than 4:30 p.m. Friday, March 22, 2002. Example Of Duties: Rotating shifts and days off. Receive radio and telephone communications of the Sheriff's Office. Record requests for assistance and complaints of law violations, determine name and address of complainant, nature and urgency of problem; dispatch patrol cars and alert and dispatch other officers, if needed. Ability to multi-task. Ability to learn Computer-Aided Dispatch (CAD); make data entries on computer terminals in accordance with governing rules and regulations; responsible for maintaining cleanliness in the workplace. (Refer to list of "Primary and Essential Tasks" on reverse side.) Requirements Of Work: Must have ability to communicate clearly and distinctly; hear well. Skill in keyboarding. Knowledge of and ability to use computer aided dispatch. Ability to think clearly and act quickly, exercising sound judgment under conditions of emergency and confusion. Ability to learn and satisfactorily carry out established procedures for operating communication equipment, dispatching patrol units and tracking calls in CAD. Comprehensive knowledge of geographical locations within Spokane County or ability to quickly learn the area. Applicant must be neat and clean in person and dress. Ability to build and maintain good working relations in small working environment, to be a team player; ability to earn respect and confidence of and be compatible with fellow officers. Requires shift work, mandatory overtime, and rotating schedules. Obey the orders of the Sheriff and of superior officers. Any person meeting the requirements of this classification may apply without regard for race, creed, color, sex, national origin, or disability unless in accordance with a bona fide occupational qualification.

SPOKANE COUNTY CIVIL SERVICE ENTRANCE EXAMINATION CLASSIFICATION: JAIL NURSE, RN. Notice is hereby given that a competitive examination for Jail Nurse-RN in the Spokane County (Continued on page 14)
Civil Service office, 1229 West Mallon between 9:00 a.m. and 4:30 p.m. Monday through Friday. Closing Date: Open until further notice.

Examples of Duties: Assess and treat inmate health problems under direction of jail physician, jail dentist and independently up to limits of licensure. This includes injuries, illnesses and chronic health problems including medical, dental and mental health conditions. Assist the physician during clinical visits. Administer medications; obtain blood and other laboratory specimens. Develop and maintain inmate medical records. Instruct staff and inmates regarding health care and infection control. Performs other duties as required. May be rotating shifts.

Requirements of Work: The jail nurse works within the criminal justice system and the correctional setting to provide appropriate health care to pre and posttrial detainees. Must have strong assessment skills and the ability to initiate treatment, often in a setting where no other health care providers are present. Good communication skills are required. Good judgment is a must. Must be able to work without prejudice. Must be able to respond appropriately to manipulative behavior and to remain calm and effective under pressure. Physical requirements include: ability to traverse stairs, push a medication cart, move an adult human body, perform CPR and be mobile for a full work day.

COWLITZ COUNTY DIRECTOR OF HEALTH & HUMAN SERVICES, salary: $6,056 including full benefits. This position directs and oversees the planning and administrative functions of the Health and Human Services departments pertaining to mental health, substance abuse, developmental disabilities programs, public health policy development, surveillance and compliance enforcement efforts. It supervises managers and other staff to carry the goals and objectives of each department and ensures the efficient administration of each department. It researches, develops and implements services and strategies to ensure compliance with laws, regulations and contractual obligations, and fosters constructive partnerships to achieve effective planning and implementation of each department’s goals, strategies and programs.

Requirements: Bachelor’s degree in Social Science, Public Health, Public Administration, or a related field; a master’s degree is desired. 7 years of experience in human services and/or public health administration, which must include budget administration, developing and managing human services and/or public health services, public speaking, grant writing and administration, and full supervisory responsibilities. Or, a combination of education, experience, and skills that would ensure the successful performance of the duties of this position. Possess, develop and maintain a comprehensive knowledge of the laws, regulations and program trends pertaining to human services and public health. Possess and maintain a valid driver’s license.

Application Information: The application, job announcement and job description can be obtained by visiting Administrative Services at 207 Fourth Ave. North, Kelso, WA; by calling (360) 577-3065 or TDD (360) 577-3061; by faxing your request to (360) 423-9987; or by sending an e-mail through the link in our website: www.co.stevens.wa.us. The application and job announcement can be downloaded from our website. Applications must be returned to

Employment Opportunities

(Continued from page 13) Sheriff’s Department, subject to the Rules of the Spokane County Civil Service Commission, will be conducted as follows: Written test will be scheduled as needed. Applicants meeting the requirements will be notified of time and place. Oral test will be scheduled as needed to those who achieve a qualifying grade on the written test. Said examination will include tests of proficiency in such matters only as will fairly determine the ability of the person examined to discharge the duties of Jail Nurse-RN in the Spokane County Sheriff’s Department. This test will establish the eligible list from which applicants will be called in order of their standing to appear for driver’s license may disqualify applicant. A high rate of traffic violations and/or accidents, or failure to pass the Washington State examination for driver’s license may disqualify applicant.

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'Critical habitat' rule for fish to be revised

Builders say present interpretation by NMFS is too broad

Tuesday, March 12, 2002

BY ROBERT McCLURE
SEATTLE POST-INTELLIGENCER REPORTER

Bowing to pressure from developers, timber groups and several Washington counties, the Bush administration yesterday said it would revise a rule intended to preserve salmon-friendly stream conditions across a wide swath of the coastal West.

Although the National Marine Fisheries Service said it expected fish to continue to be protected under the Endangered Species Act, developers reacted gleefully and environmentalists moved to intervene legally, calling the move dangerous.

The provision the administration agreed to revise sets forth what is considered "critical habitat" for 19 dwindling runs of salmon and steelhead covering thousands of streams across some 150,000 square miles, stretching from just north of Los Angeles to Washington and Idaho. That includes the Seattle and Portland areas, where developers said they are most likely to be able to ease building restrictions.

The Bush administration took steps to settle a 13-month-old lawsuit that accused the government of doing a sloppy job figuring out which habitat is truly critical to the threatened fish, and charged that the government's economic analysis of the consequences wasn't thorough enough.

"They make no independent scientific showing about which areas are critical," said Duane Desiderio, vice president for legal affairs at the National Association of Home Builders. "They designated critical habitat as essentially every wet area downstream of a dam. ... We're hoping they will do a narrow, more focused designation and focus everybody's attention on areas that really are important."

The designation of an area as critical habitat matters most when actions to be taken by a federal agency, or with federal financial backing, are under review.

NMFS argues that although the Endangered Species Act mandates that critical habitat be set forth, the designation provides little additional protection for the threatened fish.

That's one reason the agency did not bother with a detailed analysis of what stretches of which streams are truly critical, said Jim Lecky, an assistant regional administrator for NMFS.

"This is a huge area. We don't have real precise information in a lot of watersheds as to where fish are and where they aren't," he said. "It's a huge chunk of real estate. ... We sort of made a generic determination that it is (all) critical."

The agency designated "all river reaches accessible to (protected) salmon or steelhead within the range" of the fish. The law calls for the government to rely on the "best available" scientific information. In this case, NMFS had little information about which stream reaches were most crucial to the fish.

Lecky said designating critical habitat is much more important in the case of something such as a migratory bird, which leaves for part of the year and then returns. It's important to preserve the grounds where they nest, roost and feed for when the birds return, he said.

But salmon and steelhead are present year-round, either as adults, eggs or juveniles, Lecky said. Even if a stream is not designated as critical habitat, it's still illegal to build a streamside development that endangers the continued existence of a threatened fish, he said, although it may be difficult to prove that case in court.

"We can still protect fish and their habitat," Lecky said. He said NMFS can continue to intervene at the local level, notifying local governments when a proposed development would harm salmon or steelhead.

But Todd True, an attorney with the Earthjustice law firm in Seattle, said he has filed legal papers to intervene in the suit, and would in the next few days file more papers objecting to the Bush administration's proposed settlement.

"It's a pattern that is becoming all too familiar of this administration giving in to attacks on environmental protections," True said. "The Bush administration has agreed to go back and do another economic analysis without admitting there is anything wrong with the existing one. And there isn't anything wrong with the existing one."

True argued that the critical habitat designation is important for streams where fish may not be living now, but where conditions are right for them to return someday.

One example cited in the Home-Builders' suit is Beaver Creek, a tributary to the Methow River in north-central Washington. While a highway culvert had blocked access to the creek for about 80 years, it was recently reopened in hopes that salmon would recolonize the creek. One of the plaintiffs was Tice Ranch, which raises cattle on Beaver Creek and fears "new regulatory obligations and economic burdens," according to the suit.

One of the main causes driving animals and plants toward extinction is the alteration of habitat because of agriculture and development. Assuming that such habitat can be further harmed flies in the face of the fact that the species was protected under the Endangered Species Act in the first place, True said.

The Home Builders, joined by the Washington counties of Grant, Kittitas, Okanogan, Skagit and Skamania, as well as the Building Industry Association of Washington and others, took the government to task for using a commonly employed method of economic analysis in designating the critical habitat.

The government took the position that designating habitat had little or no economic impact, since most of the economic impact occurred earlier in the process when the provisions of the Endangered Species Act were first extended to the fish.

The Endangered Species Act specifically prohibits the government from performing a cost-benefit analysis when it decides to extend the law's protections to a species. That's because if you counted up dollars and cents and weighed them against an animal or plant's continued existence, the species would always lose.

Instead, said Desiderio of the Home Builders, the government under the law assumes that the value of a species' continued existence is incalculable.

Only when critical habitat is designated can an economic test be applied, he said, and it comes down to this: Those who want a piece of habitat left out of the designation have to show that it will not jeopardize the continued existence of the

(Continued on page 16)
News Clippings

(Continued from page 15)

State and local officials called the federal government's release of a Homeland Security Advisory System (HSAS) March 12 a good first step to enhance communication, but expressed concern that local agencies may not have the technology to make the system useful.

During the past week, the Office of Homeland Security has discussed the Homeland Security Advisory System (HSAS) with many state and local officials, who said the system's five threat levels and recommended actions will be particularly important for facilitating coordination between the levels of government.

"It gives us the predictability we need to protect our citizens," said Anthony Williams, mayor of Washington, D.C.

"I like it because it has very specific conditions attached to very specific security levels which we didn't have before," said Tom Canady, an assistant director at the National Center for Rural Law Enforcement and a former FBI agent.

And the system shows that homeland security director Tom Ridge, formerly the governor of Pennsylvania, is clearly concerned about the flow of information, said Rock Regan, who is the president of the National Association of Chief Information Officers (NASCIO) and the CIO of Connecticut.

But there is a lot more room for improvement as state and local agencies try to figure out how to get the threat advisory information out, officials said.

NASCIO already is coordinating with the National Governors Association and their responses will include an information technology component, Regan said.

"We need to make sure the method the federal government uses to alert communities is one that can be received by every community in the country -- rural and urban," said Javier Gonzales, who is the commissioner of Santa Fe County, N. M., and is also the president of the National Association of Counties (NACo).

Many county information systems are fragmented and not necessarily designed to address homeland security issues, and they often do not have e-mail or fax systems, he said.

Communication is also an issue for local law enforcement agencies, Canady said.

"There are even local police departments that may not have access, let's say, to the Arkansas state crime information and other state systems much less the [FBI's National Crime Information Center]," he said. "As you get into those rural areas, you're going to see communication systems that aren't as up to date."

NACo's various steering committees and its homeland security task force will also examine the HSAS to respond within Ridge's 45-day comment period, Gonzales said.

"The most important thing to recognize is it's good to have these levels of alert," he said. "But to have it doesn't necessarily mean our communities have all the resources to effectively respond."


to argue on appeal that Initiative 692 should have protected him from prosecution because he was growing marijuana for his friend, John Wilson, who has a debilitating spine condition.

The Spokane division of the appeals court rejected that argument yesterday on two counts.

First, Dr. Gregg Sharp, who gave Wilson permission to use marijuana, wrote that using it "may" help him. The law requires doctors to find that marijuana "would likely" help patients, which is a different standard, two of the three judges said.

"It is not enough, as Dr. Sharp did here, to simply say that the potential benefits of the medical use of marijuana may outweigh the health risks for a particular patient," wrote Judge Dennis Sweeney.

Judge Kenneth Kato disagreed on that point, saying the law is somewhat ambiguous and that the "would likely" standard should not be taken literally.

But Kato agreed with the other judges on the second point: that Shepherd did not prove he was producing only enough marijuana to supply Wilson for 60 days, the limit dictated by the law. There was no evidence in the record concerning how much pot Wilson needed, so there was no way to know what constituted a 60-day supply.

I-692, which passed in 1998 with 59% of the vote, gives doctors the right to recommend -- but not prescribe -- marijuana for people suffering from cancer, AIDS, multiple sclerosis, glaucoma and other conditions that cause "intractable pain."

Marijuana is still illegal to buy and sell. It's listed in the same class of drugs as heroin and LSD. Possession of pot is allowed under I-692, but state law does not say how people can obtain it in the first place.

The appeals court suggested that doctors begin mentioning specific amounts of marijuana.

"While nothing in the act requires the doctor to disclose the patient's particular illness, there must, nonetheless, be some statement as to how much he or she needs," Sweeney wrote.

Law enforcement officials welcomed that part of the ruling. They have been asking the Washington State Medical As-
News Clippings

(Continued from page 16)

sociation to come up with some guidelines for helping them define a 60-day supply.

"I was really heartened that the court suggested it's up to the doctor to provide guidance as to what the supply is," said Kitsap County Prosecutor Russ Hauge. "It's very helpful, because that's where the burden belongs. If it's a medical issue, then the medical community needs to tell us what the amount is."

About a month ago, Hauge said, he decided not to press charges in a medical marijuana case because he didn't know whether 100 plants grown for three patients constituted a 60-day supply.

Authorities seized 15 plants from Shepherd when they arrested him. That want to annex land will have to get permission from all residents and not just the largest property owners, the state Supreme Court ruled yesterday.

The court threw out the petition method of annexation, in which owners of at least 60 or 75% of the property value must agree to be governed by the city. The percentage varies depending on the exact process. Under that method, one person who owned 60% of the property value in a given area could approve annexation against the wishes of his or her neighbors.

Cities use the petition method of annexation about 90% of the time, said Association of Washington Cities Executive Director Stan Finkelstein.

"It will have a very chilling effect on annexations," he said of the court ruling.

The other way cities can annex land is by holding an election among all the residents. In the court case, residents and fire districts in Grant County and Yakima County had argued against annexations by the cities of Moses Lake and Yakima, respectively. They said it is unconstitutional to give one group of people — property owners — more power than people without valuable property.

The Supreme Court agreed.

"The petition method of annexation gives an impermissible privilege to owners of highly valued land, and therefore violates article I, section 12 of the Washington State Constitution," wrote Justice Bobbe Bridge in her majority opinion, signed by six of the court's nine members.

Article I, section 12 of the constitution says the state cannot give one citizen or group special privileges or immunities that don't apply equally to everyone.

Cities have been annexing land with the petition method since 1945, said plaintiffs' attorney Brian Snure of Des Moines, who argued the case before the Supreme Court with his father, attorney Clark Snure.

The court's decision will not apply retroactively, but it will change the landscape for future city annexations. Finkelstein said cities don't usually annex by election because it takes longer, costs more and makes the outcome less certain.

"It's the more democratic approach," Brian Snure said.

"Annexation changes the form of government you live under. Going from Yakima County to the city of Yakima may not be a dramatic change, but it is a change of government, and generally changes of government are controlled by the electorate."

Cities want to annex land for many reasons: to create a cohesive community, to influence land use on their growing fringes and to benefit from high property-tax revenues. Sometimes residents want to be annexed to enjoy benefits such as utility and law-enforcement services. Other times they prefer staying in the county.

From April 2000 to April 2001, Washington cities annexed 16.9 square miles and took in 6,866 people, according to the state Office of Financial Management.

Fire districts opposed the annexations by Moses Lake and Yakima in court because annexation by cities means fire districts lose property-tax revenue.