WSAC Western District to Elect New Officers

New officers for the WSAC Western District will be selected by those attending the upcoming District meeting next week in Vancouver.

Traditionally, officers move up the ladder over a three-year period. The current Western District Vice-President is San Juan County Commissioner Darcie Nielsen and current Secretary-Treasurer is Kitsap County Commissioner Jan Angel.

The Western District also will need to elect an At-Large Representative and two alternates to the Board of Directors. The current Western District At-Large Representative is Commissioner Bill Lehning of Cowlitz County. The alternates are Pacific County Commissioner Jon Kaino and Jefferson County Commissioner Dan Titterness.

Western District County Commissioner/Councilmembers interested in any of these positions should contact WSAC Staff member Paul Parker, who will forward the information to the chair of the Western District nominating committee.

Morris Announcement for WSAC Secretary-Treasurer

There has never been a more difficult time to be a county commissioner. We’re low on money and long on obligations. And there’s never been a more important time for us to stick together. East or west, urban or rural we share the same problems.

I’m running for the WSAC Secretary-Treasurer position because I believe our individual county answers lie in a strong WSAC, one that finds solutions as unique as the character of our communities. I’m running because I believe our organization has the talent to find new and workable sources of funding; to help us streamline service delivery; to bolster our public image; and to have a greater impact on the regulatory issues that have become so expensive for us.

For the last six years I have gladly given my time and energy to this organization. I have co-chaired the Legislative Steering Committee, Chaired the Urban County Caucus and currently serve as President of the Western District. Along with Grays Harbor Commissioner Dan Wood, I represented counties at the Agriculture, Fish and Water negotiating table with state and federal agencies and the agriculture community. Before becoming a commissioner, I spent 8 years in the Washington State Legislature - I understand how to get things done there that work for counties. My district, both as a commissioner and a legislator, has always been a mix of urban and rural interests. And since my county is the fastest growing county in the state, I deal daily with the problems of urban-rural interface.

The Washington Association of Counties stands poised to turn our challenges into opportunities. Our Executive Committee and staff are strong and have developed numerous allies. County Boards of Commissioners are filled with talented people, and our internal spirit of cooperation is at an all time high.

Mary Hunt from Douglas county calls me “an activist” I’d like to be that activist on your behalf. I ask for support when we elect new officers at the fall conference in Wenatchee the first week in October. Thank you.

Sincerely, Betty Sue Morris, Clark County Commissioner
Support Our Washington Counties Scholarship Fund!

Every other year, since 1993, WACO and WSAC have taken turns raising money for the Washington Counties Scholarship Fund, which provides five $1,500 scholarships a year to children of county employees. For years, we raised money by holding auctions. More recently, WSAC has continued with auctions and WACO has asked for cash donations.

This year, WACO and WSAC will meet together for their 1st Joint Conference, in Wenatchee, September 30 - October 1. We will be forgoing an auction this year to devote all of our time to working on a joint legislative package to address the ever-worsening funding crisis in local government. **However, we are asking that everyone contribute at least $20 to the Washington Counties Scholarship Fund so that this educational investment in our children will keep on growing.**

We also ask WACO and WSAC members to encourage all county employees to donate to the fund. If your paycheck comes from the county, your children are eligible to apply for a college scholarship each April. Over 41 scholarships have been awarded so far. Please help us get the word out and send your donations to “The Washington Counties Scholarship Fund”, 206 10th Avenue SE, Olympia, WA. We thank each and every one of you for your support.

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Budget, Finance and Taxes

**Stakeholders Meet on Tax Increment Financing Bill**

The Tax Increment Financing (TIF) Coalition held a meeting this week in the City of Kent. They are preparing for a September 19 Work Session of the Senate Economic Development Committee and Governor proposed legislation for the 2003 Session. The goal of the group is to increase funds available to local governments who are using the tax increment financing authority. The meeting covered a review of the July 31 House, Trade and Economic Development Committee work session, a briefing on the Draft TIF proposal developed by a TIF sub-committee and the Governor’s Office.

The proposal includes changes to RCW 39.89.040, 35.81.100, and adds a new section to 43.88 to allow for both a property tax and a sales tax element. Cities that have created increment areas would be eligible to receive state matching funds that recognize the excess property tax revenue from property in the community renewal area. A local government that creates an increment area and finances public improvements would be eligible to receive an annual state contribution. The amount of state funds to be contributed would be determined by multiplying the state property tax rate by the increment value. For property taxes, the formula would look like this: incremental change in assessed value x 75% x levy rate. The authority to divert funds is now conditioned on obtaining agreement among impacted taxing districts representing no less than 75% of the regular property taxes to be levied within a tax increment financing area. This is definitely county government.

A municipality that chooses to redirect excess excise tax would also be eligible to receive an annual state contribution. The state’s annual contribution would be based on the excess of the excise tax received by it from business activity in the community renewal area over and above the average of the annual excise tax collected for a five-year period immediately preceding the establishment of a community renewal area. Other taxing districts that receive excise tax from business activity in the community renewal area are also authorized to allocate excess excise tax to the municipality in which it is situated. This is definitely county government.

The issues yet to be resolved include: would this be a general fund/enabling authority program or a capital budget grant-based program; if it is a capital budget program, can it be done in a way that does not impact the state’s debt limit or is there value in a program that is outright exempted from the debt limit and has its own debt capacity; what should the overall cap be on TIF and how should it work; whether or not to utilize an opt-in/opt-out provision; should an expanded TIF program in statute be set-up in a manner that is “self regulated” or should there be a more formal state review program; in expanding the 2002 HB1418 TIF program that uses property value as an index, should the formula that then pro-rates that money down to 75% be changed to 100%.

We will keep you informed as the

(Continued on page 3)
**Budget, Finance and Taxes**

(Continued from page 2) The process continues. If you are interested in being a part of the Counties presentation before the Senate Economic Development Committee Work Session, please contact WACO or WSAC as soon as possible. The work session is scheduled, for 10 a.m. to Noon on Thursday, September 19, Senate Hearing Room 4, and will have a one hour (11-Noon) presentation structured something like this: 20 minutes, Shelia Martin, Office of Financial Management to present the Governor's proposal; 20 minutes for the cities/business perspective; 20 minutes for Counties to give their perspective on the proposal.

**Courts, Law & Justice**

**County Representative Needed For Governor’s Juvenile Justice Advisory Committee**
The Governor’s Juvenile Justice Advisory Committee (GJJAC) needs a county elected official to serve on the Committee. Commissioner Oberquell has filled this position in the past but according to the Committee’s Executive Director the county position is currently vacant. The post is a gubernatorial appointment.

The GJJAC was created through an Executive Order in 1982 to implement the federal Juvenile Justice and Delinquency Prevention Act in Washington State. Members of the Committee are juvenile justice professionals and knowledgeable private citizens, and represent all sectors of the juvenile justice system and all geographical areas of the state. The 24-member Committee is currently chaired by Marilee Roloff, President/CEO of Volunteers of America of Spokane. The Committee is committed to developing and implementing effective methods of preventing delinquency, improving the quality of juvenile justice, providing policy recommendations to the Governor, the Legislature, the Department of Social and Health Services, and other organizations as well educating the public. It administers a number of federal and state juvenile delinquency prevention grants totaling approximately $2.4 million in federal funds and another $2.7 million in state funds. The Committee generally meets about 5 – 6 times a year. For 2003, the meetings are scheduled for January 24, March 28, May 23, July 25, and October 24. The Committee is independently staffed although it is housed in DSHS’ Administrative Services cluster.

If you are interested in serving on the Committee, please provide a letter of interest to Jean Wessman, WSAC Staff. The deadline is September 30 in order to bring the nominations forward to the WSAC Board of Directors meeting in Wenatchee on October 1.

**Environment, Land Use and Resources**

**Law Seminars International Conference Coming**

Law Seminars International is offering its 11th Annual Conference on the Growth Management Act on November 7 and 8 in Seattle. The conference theme is “Transportation gridlock...battles over dwindling agricultural and other resource lands...the unfulfilled promise of density in urban areas...energy crunch...Time to pack it in?”

No! Even though developers in Washington State in 2002 face hurdles on many fronts, close scrutiny of GMA strategies may establish road maps to get past these challenges. This seminar includes the best experts on these intractable hurdles in the regulatory process. Developers, government officials, attorneys, planning staff, transportation consultants and others involved in planning for growth and infrastructure will not want to miss the concise analysis and solutions provided in this conference.

Secretary of Transportation Doug MacDonald will give a special address on the overwhelmed transportation system and Referendum 51. King County Councilmember Rob McKenna will talk about infrastructure-the challenge and how to pay for it.

Registration materials and the full conference agenda can be downloaded from www.lawseminars.com or call them at 1.800.854.8009.
Governor Approves New Energy Facility in Whatcom County

On August 23, Governor Gary Locke cleared the way for the development of a state-of-the-art natural-gas-powered electricity-generating plant in Whatcom County, citing the need for additional reliable, long-term energy sources and noting the project's high levels of environmental controls.

"The Sumas Energy 2 Plant will benefit our state by meeting the ongoing need for stable, clean power sources in the Northwest and by providing hundreds of family-wage jobs during construction," Locke said. "Moreover, Sumas Energy 2 sets a new standard of excellence for environmental protection."

The governor approved a unanimous recommendation of his Energy Facility Site Evaluation Council (EFSEC) to grant Sumas Energy 2, Inc., a Kirkland-based firm, permission to build a proposed 660-Megawatt power plant in Sumas, Wash., about one-half mile south of the Canadian border.

On July 18, Locke hosted a public meeting in Olympia to hear the perspectives of all sides. More than 100 people attended, and about 20 people spoke.

"Clearly, the decision to proceed with this project involved many complex issues, and I carefully evaluated the concerns of many passionate citizens who contacted us during the review process," Locke said. "I thoroughly weighed the technical issues analyzed by our experts along with the perspectives I heard from people on both sides of the issue and the border. After careful consideration, I believe this energy plant is safe and is in the best interests of our state and region. I'm satisfied that Sumas Energy 2 has substantially modified its application to include a number of key environmental safeguards for people in Washington and British Columbia," Locke said.

Department of Agriculture Offers Grants

The Washington State Department of Agriculture (WSDA) has opened round two of a grant program designed to increase sales for small-scale food and agriculture producers. The goal of the grants is to improve the economic viability of small-scale agriculture. Non-profit organizations, public entities and farm organizations are invited to submit proposals by the October 4 deadline.

Each project requires a 10 percent cash match or 50 percent in-kind match support. Successful grant awards generally involve a variety of collaborators and support increased sales for small farms. The recommended range for grants falls between $5,000 to $30,000. Grant funding will be provided on a "reimbursement for funds expended" basis. Funding will start in December and projects are to be completed by January of 2004.

September County Calendar:

2 Labor Day - Legal Holiday    RCW 1.16.050
2 By this date, the Department of Revenue must submit to each county assessor a preliminary indicated ratio for each county.    RCW 84.48.075
3 County auditor is to submit the preliminary budget to the county legislative authority.    RCW 36.40.050 (For alternate date on budget hearing, see RCW 36.40.071)
16 Between the first and third Monday of September, the Department of Revenue shall review the county's preliminary ratio with the county assessor, if requested by the assessor.    RCW 84.48.075
16 After this date, the Department of Revenue shall certify to the county assessor the real and personal property ratio for the county.    RCW 84.48.075 The county assessor has fifteen days after the date of certification to file an appeal.    RCW 82.03.130
17 Nominating primaries shall be held where required for November general election.    RCW 29.13.070
30 By this date, the Department of Revenue certifies its assessments of public utility operating properties to each county assessor.    RCW 84.12.370
30 By this date, the Department of Revenue shall transmit to each county assessor a transcript specifying the amount to be levied for state purposes.    RCW 84.48.110
30 The county assessor shall certify assessed valuations to the taxing districts.    RCW 84.48.130
Sept/Oct The Department of Revenue shall equalize the value of all property in the state and levy the state taxes authorized by law, sometime during the months of September or October.    RCW 84.48.080
### Calendar of Events

#### 2002 Meetings

- **September 4–6**  
  WAPA Drug Training Program—Icicle Inn, Leavenworth. 15 hrs of CLE.

- **September 5-6**  
  WSAC Western District Meeting, Red Lion Vancouver Inn at the Quay, Vancouver

- **September 6**  
  County Auditors’ Legislative Meeting  
  Washington Counties Bldg, Olympia

- **September 8–10**  
  WAPA Juvenile Training Program  
  Icicle Inn, Leavenworth. 15 hrs of CLE.

- **September 10–13**  
  City/County Planning Directors, Lake Chelan

- **September 12**  
  WSALPHO Meeting, Spokane

- **September 18-19**  
  County Treasurers’ Legislative Conference, Summit Inn, Snoqualmie

- **September 18–20**  
  ACHS, Leavenworth

- **September 19**  
  WCIF/CPA Boards/Insurance Advisory Committee (All Day Meeting), SeaTac

- **September 26**  
  L&I Retrospective Rating Pool, Ellensburg

- **September 30–October 4**  
  WACO/WSAC Annual Conference, WestCoast Hotel & Convention Center, Wenatchee

- **October 1**  
  CPO Personnel/Human Resources—Understand the Laws; Maximize Your Personnel System, Wenatchee—Cost: $120, CPO  
  Credits: 4 (Core Course)

- **October 2**  
  CPO The Class-Act County Government Official—Building Courthouse Partnerships, Wenatchee—Cost TBD, CPO  
  Credits: 2 (Elective Course)

- **November 14**  
  WCIF Board Meeting, 9:00 a.m.–noon, Eastern Washington Location

- **November 18–21**  
  WASPC Annual Fall Conference, Red Lion Hotel at the Quay, Vancouver

- **November 20–22**  
  ACHS, Seattle

- **December 3–4**  
  WAPA Newly Elected Prosecutor Course  
  WAPA Conference Room, Olympia

- **December 5**  
  WSALPHO Meeting, SeaTac

- **December 10–13**  
  CPO Newly Elected Officials Training—Understanding Your New Job at the Courthouse, Olympia—Cost: TBD, CPO  
  Credits: All newly elected officials must attend to become certified.

- **December 12–13**  
  WAPA Winter Meeting & Banquet  
  Crowne Plaza Hotel, Seattle.

#### 2003 MEETINGS

- **May 5-8**  
  County Auditors’ Elections Conference  
  Yakima

- **May 19–22**  
  WASPC Spring Conference, WestCoast Grand Hotel, Spokane

- **June 10-12**  
  Washington State Association of County Auditors’ Annual Conference, Sun Mountain Lodge, Winthrop

- **June 16-20**  
  Washington State Association of County Treasurers’ Annual Conference, Davenport Hotel, Spokane

- **June 23-27**  
  Washington State Association of County Clerks’ Annual Conference, Silverdale Hotel, Silverdale

- **June 24–27, 2003**  
  WSAC Summer Convention, Spokane

- **July 11–15, 2003**  
  NACo Annual Conference, Milwaukee County, Milwaukee, WI

- **September 29–October 3, 2003**  
  Joint WACO/WSAC Conference, Doubletree Hotel Seattle Airport

- **November 17–20**  
  WASPC Fall Conference, Campbell’s Resort, Chelan

#### 2004 MEETINGS

- **May 24–27**  
  WASPC Spring Conference, Yakima Convention Center, Yakima

- **June 22–25, 2004**  
  WSAC Summer Convention, Sheraton Tacoma, Pierce County

- **July 16–20, 2004**  
  NACo Annual Conference  
  Maricopa County, Phoenix, AZ

- **October 4–8, 2004**  
  WACO/WSAC Joint Legislative Conference, WestCoast Grand Hotel at the Park, Spokane

- **November 15–18**  
  WASPC Fall Conference, Shilo Inn, Ocean Shores

#### 2005 MEETINGS

- **May 23–26**  
  WASPC Spring Conference, West Coast Wenatchee Center Hotel, Wenatchee

- **July 15–19, 2005**  
  NACo Annual Conference, City & County of Hawaii, Honolulu, HI
In our effort to hold down costs and save timber, we are asking for your help. You may submit a job opening to us for publication in the CHJ using MS Word. When submitting an article for the Courthouse Journal’s Employment Opportunities section we ask that you use the following format and thank you for your help.

 COUNTY or Agency Name

 Position Title

 Compensation – Salary/Hourly and Amount

 A brief description of duties and responsibilities (4-6 lines)

 Minimum requirements (2-3 lines)

 Application requirements (Resume, Cover Letter, Application, Etc.)

 Where to submit application and submission deadline

 Where to go for more information (Web page, phone, etc)

 CHELAN COUNTY: Dept. of Building, Fire Safety and Planning. Plans Examiner/Building Division, Salary: $34,771 (Step 3) + Benefits. Work includes: Reviewing building plans to assure compliance with State Codes and County Resolutions as they relate to building construction; field inspections as assigned; interpreting codes; keeping detailed records and inspection reports; verifies flood plain locations; and, performs other duties as assigned under the supervision of the Building Official. Qualifications: Five years of relevant work experience in various phases of building construction plan review and building inspections. Formal training in reviewing construction plans may be substituted for up to two years of experience. ICBO Plans Examiner Certification and a strong public service orientation are required. Request application forms from Sherry Meadows (509) 667-6225, E-mail sherry.meadows@co.chelan.wa.us or by writing to the Chelan County Planning Department, 411 Washington St, wenatchee WA 98801. Closing date: August 30, 2002. EOE

 FRANKLIN COUNTY: Deputy Prosecuting Attorney. Assignments: Duties may include District Court, Juvenile Court or Superior Court caseload responsibilities. Salary: $42,812-$48,438, actual salary will depend on position filled, experience and qualifications. Minimum Qualifications: Member of the Washington State Bar Association in good standing. Must possess a valid drivers license. Experience: One year directly related experience, or any combination of education and experience, which would provide the applicant with the skills, knowledge and ability to perform the job. Application procedure: Submit cover letter, resume, writing sample and references to Steve M. Lowe, 1016 N Fourth Av, Pasco WA 99301. Selection procedure: Candidates selected for personal interviews will be contacted by telephone. Contact Person: Jennifer Peterson, Office Administrator, (509) 545-3543. Closing Date: Open until filled. EOE

 PIERCE COUNTY: Commercial Appraiser 2, Assessor-Treasurer’s Office. Salary: $21.48 to $27.22 per hour. Closes September 6, 2002. Technical Appraisal work of real and/or personal property, establish fair and equitable market value using Mass Appraisal modeling. Two plus years experience as real or personal property appraiser. Accredited by Department of Revenue. Additional education or experience may substitute. Valid Washington State Driver’s license. Union membership required within 30 days of employment. Pierce County Government Personnel, 615 S Ninth St – Suite 200, Tacoma WA 98405, www.co.pierce.wa.us/jobs or (253) 798-7480 or TDD (253) 798-3965. EOE

 PIERCE COUNTY: Civil Engineer 2 (Two vacancies: A) Consultant Engineering/Environmental Section and B) Program Development Section. (Job #2557) $55,352 - $68,348 Annually. Closes: September 13, 2002. Public Works & Utilities Department. A) Perform advanced engineering duties associated with corridor studies, transportation infrastructure improvements, environmental documentation, and selecting and managing consulting engineering firms. B) Perform project scopeing and cost estimating; project prioritization; grant application preparation; establishing traffic impact fees, preparing inter-agency agreements, and other related civil engineering work pertaining to transportation issues and capital improvement projects. Requires three years of progressive responsible experience related to the position and either a four year degree with major course work in civil engineering or closely related field or substituting for the degree, registration as an Engineering-In-Training with the State of Washington. Experience using AASHTO and Washington Design manual or similar publication/manual is highly desired. Experience with Auto-CAD, Land Development Desktop 2000, Stormshed, GIS or other related engineering software program is desired. Union membership is required within 30 days of employment. Apply to or for more information: Pierce County Personnel Dept., www.co.pierce.wa.us/jobs, or (253)798-7480 or TDD (253)798-3965. EOE

 PUGET SOUND REGIONAL COUNCIL: Position: Transportation Planning Director. Seeking an experienced Transportation Planning Director to help plan and implement the region’s growth management and transportation strategy. The ideal candidate will be a proven manager, with at least ten years of experience dealing with complex urban transportation and growth management planning issues. We are seeking a leader who can address the issues of the region and has the ability to bring all parties together on sensitive and controversial issues. The Puget Sound Regional Council serves as the Metropolitan Planning Organization and the Regional Transportation Planning Organization for the central Puget Sound region. Located in downtown Seattle, it is an association of cities, towns, counties, ports, and state agencies, with a mission to preserve and enhance the quality of life in the central Puget Sound region. Candidates are encouraged to apply before October 1, 2002. For more information and an application packet, please see www.psrc.org, e-mail gforest@psrc.org, phone 206-464-7090, fax 206-587-4825, or contact us at: Puget Sound Regional Council, 1011 Western Avenue, Suite 500, Seattle, WA 98104. The Puget Sound Regional Council is an equal opportunity employer.
Courierhouse Ramblings

Congratulations to Wahkiakum County on the completion of their new landscape project. The project was completed with volunteer labor bringing the community closer in the process. They will be having cake and coffee at a garden party in the downtown park September 5 from 4-6 pm to show off their accomplishment. Please feel free to join in their celebration.

News Clippings

Guest Editorial from the Peninsula Daily News

Friday, August 23, 2002, by Chris Shea

Clallam County Prosecuting Attorney/Coroner "Don't expect changes," I was forewarned some months ago by a member of the Clallam County Charter Review Commission.

Sure enough, without much fanfare, my blueprint for establishing an independent coroner has been put on the shelf for at least another five years.

In this year of declining revenues, I knew the decision was inevitable.

So how did it come about that this curious responsibility of investigating questionable deaths fell into the hands of the prosecuting attorney? (It's the same in Jefferson County - Juelianne Dalzell is prosecutor and coroner.)

The coroner emerged from the 12th century maneuvers of a weak king of England.

His power struggle was with the mighty county sheriffs. The king won out, and it was decreed that only a representative of the crown - hence, "coroner" - could investigate questionable deaths throughout the realm.

Not surprisingly, he was authorized to transfer the property of convicted defendants into the king's treasury and, as a bonus, keep a little for himself.

On this foundation, the institution of coroner carried over to Anglo-American law with formation of the colonies. Even today, as strange as it seems, only the coroner can arrest the sheriff!

As might be expected, the coroner fell into disfavor by the early 1900s and was replaced in urban areas by a medical examiner, with a forensic pathologist or other specialist at the helm.

Clallam County has grown to the point where, statutorily, had we chosen, we, too, could have set up an independent coroner.

But the established order proved resilient. The coroner's job has traditionally been a prosecutor function in Washington's smallest counties, and our home rule charter maintains that status quo.

The community, as well, voted not to change to a more sophisticated system some years ago.

And why should we? It costs taxpayers $20,000 to $30,000 a year to fund the shoestring budget of the coroner, mostly for autopsy services.

These are lean times, and skepticism abounds about the growth of government. To set up an independent shop is to jump to $200,000 a year.

Financially, it's a great deal. Besides, we are fortunate enough to have a law enforcement network which has signed on to do the hard work in the field, at no additional cost.

The on-duty deputy prosecutor mainly takes information over the phone before consulting me. Lacking a county morgue, local funeral directors assist as well. They store human remains for months, draw blood so that we can run toxicology screens and volunteer their time and materials for the occasional pauper's burial.

When you add the human element of caring and support to the bereaved surviving family, which these volunteers all provide, it's a pretty decent system. But can we continue to rely on this team?

Our method of doing things does have its flaws. At times, with little sophisticated medical training, mistakes are made.

We're criticized for not hiring professionals or for not exercising independent judgment over agencies that our office represents in other capacities.

In those circumstances, when questions are asked or a possible conflict of interest arises, we look to outside help. The Kitsap County coroner agreed to investigate the last two jail suicides. Hopefully this contract assistance will remain free of charge.

Kitsap has suggested that we hire a "real" coroner who has the expertise. They suggest themselves or even Island County. Snohomish thinks our best bet is to align in a regional system. These possibilities take money, plus we forfeit local control.

Meanwhile, we will carry on with our ancient role. One day, as the county grows and the economy is flush, we will change to a new, improved model. For now, we will continue doing the best job we can.

Klickitat County Case Highlights Ongoing 'Rails-to-Trails' Dispute

Monday, August 26, 2002, from the Seattle Post PI, by Mike Lewis

Stroup is a mountain biker. Or he's a criminal trespasser. He's a college senior working on a project to honor his grandfather. Or, he's a confrontational interloper invading people's yards.

Which is it? It depends on who offers the description. This much is true: When the 19-year-old Stroup went mountain biking in May on a former railway posted as owned by the state, he didn't expect to be stopped and eventually charged by Klickitat County authorities with criminal trespass. In doing so, he has become the poster boy for one of Washington's long-running disputes over which land is public and which is private.

County authorities say the former Burlington Northern line cuts across private land, making it private property. At the very least, they argue, the state hasn't proved that the trail is a public right of way. The state, backed by the attorney general, says just the opposite.

The case is set for a hearing.

(Continued on page 8)
"What's happening (in Washington) is happening in other places," said Maryann Fowler, a senior vice president with the Rails-to-Trails Conservancy. "You have land that is public and, for whatever reason, people don't believe it or think they can fight to keep the public away."

Klickitat County Prosecutor Timothy O'Neill, who filed the charges against Stroup and is representing claims by private landowners, agreed that the dispute extends beyond his county.

"This isn't the only place it is happening. Other places in the state had had similar disputes," he said.

As more prime land across the country is developed into private lots, the developments begin to push against rural public lands, including forests and beaches, legal experts say. The issue becomes more complex with former railways, because government-granted easements and titles for the long, narrow swaths of land date back more than 100 years.

In King County, for example, a similar issue flared over the county's attempt to open a portion of the East Lake Sammamish Trail through the city of Sammamish. There, a group of wealthy property owners has vowed to fight anyone who tries to use the public easement as a trail. The issue became so heated one owner of a million-dollar home threatened to shoot anyone who used the trail cutting through his back yard.

The issue has yet to be resolved, although the landowners lost a recent court battle with King County over a legal challenge to the county's environmental impact study of the trail.

Similar cases have erupted over Forest Service land in Eastern Washington, parkland on the eastern seaboard, fishing holes in Florida and the coastline in California.

In Southern California, media billionaire David Geffen has blocked access to a public beach in Malibu after he had promised to allow access in exchange for a permit to expand his multimillion-dollar compound. The legal battle has prompted his opponents to compose "This Sand Is Our Sand," a derisive anthem directed at the man who made billions in the music industry.

"Some people don't think the public should have access to public land," Seattle attorney Peter Goldman said.

Goldman, who is working with the Rails-to-Trail Conservancy in the Klickitat County fight, says the cases tend to have a similar pattern: People with little-used public land near their homes get angry when the public starts to use it.

In Eastern Washington along the Wenatchee-Okanogan Forest, private landowners and forest managers have fought over the forest boundaries, arguing over whether landowners can expand their homes or sell timber.

"It's a very predictable issue of the perception of private-property rights," said Bill Jolly, the environmental program manager for Washington State Parks.

Jolly said the disputes have two primary elements: "A failure to understand what the law is and, beyond that, it's philosophical: Regardless, the law is wrong and I don't recognize it. "I think both of these elements are present in Klickitat County."

According to police and court records, Stroup was riding his mountain bike on a stretch of trail between Klickitat and Lyle, a 10-mile swath along the Klickitat River through Pitt, a residential neighborhood. He passed Lori Zoller's home. Zoller yelled at Stroup as he rode by, records indicate. When he didn't stop, she called her neighbor Brent Dewalt. DeWalt confronted the bicyclist, who said he had a right to be on the trail because it is state property.

Zoller was out of town and could not be reached for comment. DeWalt didn't return calls seeking comment.

Zoller called the police. A Klickitat County deputy sheriff later stopped the University of Oregon student. Stroup told the deputy he was on the trail to ride and to work on his architecture project for school -- a bike trail design he was doing to honor his grandfather who once lived nearby. According to the police report, the deputy told him he was on private property.

Two months later, while Stroup was on a summer trip to Europe, the county filed formal criminal trespassing charges against him. There was a problem, though: Since 1995, the state park department, the attorney general and private trail activist groups all have told the county that the land is indeed public, although the state has yet to complete a trail.

It had been first banked under the 1983 federal Rails to Trails Act and later bought by the Rails-to-Trails Conservancy and donated to the state park department in 1995. Since then, nearby landowners have resisted public use of the trail, saying the state never has proved where the land it owns starts and where it ends.

They have said they fear trespassers and the problems they bring. The state says private landowners have gone so far as to put gates and "no trespassing" signs on public land.

"That's all I have asked for," said O'Neill, the Klickitat County prosecutor. "The state won't provide proof."

Not so, state attorneys say. O'Neill has had proof all along.

"It is unfortunate that you didn't respond to my Jan. 22, 2002, letter before filing charges against Mr. Stroup," Assistant Attorney General Barbara Herman wrote to O'Neill in a July 24 letter contained within court files.

"I am not sure how I could have been clearer in communicating that the state parks own the trails and permit public use of that trail. Had you read the materials I sent, you would know that your predecessor Mr. Rife already advised the sheriff's office that trail use was permitted and that the sheriff had no authority to cite users of the trail."

Eventually, the county asked to have the charges dropped with the provision that they could be refiled against Stroup at any time.

That isn't enough for Charles Montagna, a rails-to-trails attorney who wants the charges dropped with prejudice and sanctions against the local prosecutor for pushing the case. A hearing is set for Wednesday.

Montagna said other counties, including Lewis in southwestern Washington, have tussled with the state over trails that abut private property but eventually begin to work with the state on the issue. Klickitat County, he said, is the only one to send police to arrest people who legally are on public land.

"This is just garbage. They are the only county in the whole state that has
new contract, this year's charge will be $77.37, up from $71. Each year, the rates will increase 5.8 percent.

The 600 or so city offenders in county jails each day will drop to zero by 2012. The first reduction is required in 2004. In the meantime, the county will double-bunk inmates at the Regional Justice Center in Kent if needed.

"It's a gradual ramp-down," said Steve Thompson, director of the county's Department of Adult and Juvenile Detention. "This has been a very intensive and well thought-out process by all parties."

King County Councilman Larry Gossett, who chairs the Law, Justice and Human Services Committee, said he was surprised to see that the county is agreeing to transfer land as part of the deal.

"I know that the County Council will scrutinize it closely," he said. His committee is expected to discuss the contract at its Sept. 20 meeting.

"I'm hopeful that this can also be an impetus to us working closer with the cities on developing jail policy and alternatives to incarceration," Gossett said.

Kittitas County May Blow Off Wind Power for Now

"What about mine and other people's property rights?" asked Amy Oslund, who owns a horse farm above Zilkha's proposed wind project.

"Our gorgeous views would be gone."