

the Courthouse Journal

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

January 23, 2009
Issue No. 2

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*Washington Association of County Officials
Washington State Association of Counties*

WSAC 2009 Legislative Rally Set for Early February

Washington State Association of Counties members are encouraged to register for the 2009 WSAC Legislative Rally by Monday, January 26. Legislative Rally is an opportunity for county Commissioners, Councilmembers and Executives to collectively forward the WSAC legislative agenda and visit with their state legislators. *Contact your legislators as soon as possible to set up meeting times as their schedules are filling up quickly.*

This year's event will be held on February 5 and 6 in Olympia and includes: **Governor's Reception - Thursday, February 5, 5:30 p.m. - 7:00 p.m.** Please join us at the **Governor's Mansion** on the Capitol Campus on Thursday evening, February 5, from 5:30 p.m. to 7:00 p.m. This is a great way to meet informally with elected county leaders from throughout Washington State.

A couple of reminders from the Governor's Mansion Staff and the Washington State Patrol:

You must pre-register as explained below. WSAC must provide a list of attendees in advance. Also, please remember to bring photo ID. It is important that we honor the security procedures of the Governor's Mansion Staff and the Washington State Patrol.

WSAC Legislative Latte Cart - Friday, February 6, 7:30 a.m. - 9:30 a.m.

Please join us in the Cherberg Building - Conference Rooms ABC, for conversation and an overview of WSAC's legislative agenda. Beverage and pastry provided.

The cost for members is \$25 for one or both events. To register for either event or if you have any questions, please contact Sarah Bright at WSAC at 360-753-1886 / sbright@wacounties.org.

Legislative Committee Schedules and Agendas:

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

Bill Information: www.leg.wa.gov

Job announcements & links to County Employment pages at:

<http://wacounties.org/>

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(WSAC) wacounties.org/wsac

We welcome your suggestions and contributions. The weekly / bi-weekly deadline is noon Wednesdays. Direct inquiries and correspondence to - *The Courthouse Journal*, 206 Tenth Av SE, Olympia, WA 98501

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Thomas Mark, Integrated Permitting and Mitigation Project (IPRMT)

Tom Robinson, Timber Program Manager

Gary Rowe, WSACE Managing Director

Tonia Sugarman, County Training Institute (CPO) and L&I Retro Project Manager



Julie Murray has accepted the Director of Legislative Affairs position with the Office of Financial Management. She will start her new position on Monday, January 26.

The WSAC staff is excited for her and at the same time we are disappointed to see her leave. Her knowledge and wit will be difficult to replace. She has been a valuable member of our team and will be missed.

This will be a great opportunity for her to learn about the budget and policy development inside the Governor's office. We are also hoping that she will continue to care about the county family with her new role.

Please join us in congratulating Julie with her new job.

Legislative Committee Schedules and Agendas:

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

Bill Information: www.leg.wa.gov

Budget, Finance and Taxes

Many Many Property Tax Related Bills

It is the end of the second week and the cavalcade continues. Some Assessor-related property tax bills have had hearings, and some are still in the queue. In some instances, similar bills have been proposed dealing with the same issues.

Of note, the Assessors Annual Reval bills, **HB 1056/SB 5099**, have not had hearings as yet, although the Senate version appears to be headed for a hearing January 28 at 1:30 P.M. in Ways & Means. A similar bill, but with a different funding mechanism, has been introduced by Senator Prentice. Her bill, **SB 5368**, involves using recording fees to finance the move to Annual Revaluation. Other than that, the two bills are identical. **SB 5425** would require a Property Revaluation, presumably in a cyclical county, when market values have decreased. This could represent problems with uniformity issues and expense to those counties that may be involved. Those issues will probably be addressed during the hearing.

Another bill, **HB 1092**, received a favorable hearing. This was not a WACO priority bill, but it was a bill of interest to many Assessors. It would allow for the listing of only the gross total value on Revaluation Notices sent by the county Assessors on property that has been inspected during a reval cycle and whose value changed.

HB 1057 was heard in State Government and Tribal Affairs. This bill refers to what is required on property tax-related ballot titles. The hearing itself was favorable, but may require a little more work on the bill language to allay concerns of some parties. The Senate version, **SB 5099**, requiring annual revaluations of property for property tax purposes, is awaiting further scheduling.

Undoubtedly many more bills will be dropped, and perhaps receive hearings prior to the cut off date.

Stay tuned for more next week.

Courts, Public Safety, Law & Justice

Forensic Investigations Council

HB 1497, eliminating boards and commissions, was introduced today and includes the repeal of RCW 43.103.030, Forensic Investigations Council. No hearing has been set but the bill is part of an effort to downsize government and generate cost savings. Representative Ross Hunter is the sponsor. **SB 5039** would expand the membership of the Forensic Investigations Council to include two defense attorneys and one scientist. The bill was heard last week.

Skeletal Human Remains

HB 1090, human remains, the sequel to last session's **HB 2624** dealing with discovery of human skeletal remains, was heard today in the House State Government and Tribal Affairs Committee. **HB 1090** is likely to pass, but only if it is watered down to simply allow rule making authority for the Department of Archaeology and Historical Preservation. As is, it would simply die of its own weight. The bill has a \$2.9 per biennium fiscal note and does five things: 1) creates a presumption that all ancient skeletal remains are Indian and non-forensic; 2) provides that Indian non-forensic remains will be reinterred at the site of discovery unless the tribe determines otherwise; 3) creates an amnesty period for the relinquishment of nonforensic skeletal remains under certain circumstances; 4) directs the director of the Department of Archaeology and Historic Preservation (DAHP) to develop a landowner incentive program for the reinterment of access to Indian nonforensic human remains; and 5) authorizes the DAHP to adopt rules to implement the Human Remains Program.

The hefty fiscal note is the result of costs associated with DNA and radiocarbon testing considered necessary to determine if the remains are Indian and/or ancient; an attorney and staff to develop the rules named above; and taking challenges linked to reinterment of remains. Estimates included testing of mitochondrial DNA on a living person (\$500) and on remains (\$1500) to determine lineage. The fiscal note also includes incentive programs for property owners and the bill directs that tribal remains are reinterred at the place of discovery unless the tribes say otherwise. Public works, roads and other projects may be put on hold when remains are discovered. No figures were available regarding the impact to local governments when discoveries are made during construction, expansion of facilities, etc. Ancient is defined in an amendment to the bill as “skeletal human remains that existed prior to the first European contact in Washington.” The amendment will be offered if the bill is scheduled for executive session.

Missing Persons

SB 5012, enhances the “amber alert” to assist in recovering abducted children and also directs the Washington State Patrol to develop and implement a plan, commonly known as an “endangered missing person advisory plan,” for voluntary cooperation between local, state, tribal, and other law enforcement agencies, state government agencies, radio and television stations, and cable and satellite systems to enhance the public’s ability to assist in recovering endangered missing persons who do not qualify for inclusion in an “amber alert.” **SB 5012** is scheduled for hearing today in Senate Judiciary Committee.

Environment, Land Use & Resources

Want To Save Time And Money On Your Aquatic Permits?

On January 12, 2009 the Governor’s Office of Regulatory Assistance (ORA) issued a substantially revised and updated Joint Aquatic Resource Permit Application (JARPA) for use throughout the state (see <http://www.epermitting.wa.gov/>). Local, state and federal agencies worked together with ORA to improve the overall usability and efficiency of the JARPA process. JARPA 2009 is required to receive some state permits and ORA is working hard to ensure that all cities and counties in Washington State are aware of and have access to the updated JARPA. ORA highly recommends that applicants use the updated JARPA for their state and federal permitting needs, even if their local governments require a different application for local permits.

Key usability improvements include:

- updated questions and information requirements to meet today’s regulatory requirements;
- easier to understand questions and greater use of “plain talk” language;
- improved question sequence and logic flow; larger font size; more white space;
- increased space for applicant information and applicant answers;
- and updated help and assistance information (instruction, checklists, contacts,

Improvements are intended to make JARPA less intimidating, more approachable, more usable, and result in increased submittal of more complete and “ready-for-review” applications. JARPA 2009 is designed to save applicants and agencies time and money in the permitting process.

Revising JARPA was the result of Governor Gregoire’s commitment to streamlining and improving the efficiency of key governmental decision-making processes. The Governor, through her Government Management Accountability and Performance initiative (<http://www.accountability.wa.gov/>), identified an efficient JARPA process as essential to the state’s economic vitality.

JARPA 2009 is the product of a multi-agency JARPA Workgroup comprised of representatives of the U.S. Army Corps of Engineers (Corps), WA State Department of Ecology (Ecology), WA State Department of Fish and Wildlife (WDFW), WA State Department of Natural Resources (DNR), WA State Department of Transportation (WSDOT), and ORA. The JARPA Workgroup was aided by representatives from several local governments who helped in piloting and testing earlier versions of the JARPA. JARPA Workgroup agencies will continue to meet periodically to review the performance of JARPA 2009 and update the form and informational materials as needed.

The JARPA is used to apply for aquatic environmental permits and approvals including:

Federal

- US Army Corps of Engineers Section 10 Permits (<http://apps.ecy.wa.gov/permithandbook/permitdetail.asp?id=36>).
- US Army Corps of Engineers Section 404 Permits (<http://apps.ecy.wa.gov/permithandbook/permitdetail.asp?id=37>).
- US Coast Guard General Bridge Permits (<http://apps.ecy.wa.gov/permithandbook/permitdetail.asp?id=106>).
- US Coast Guard Private Aids to Navigation Permits (<http://apps.ecy.wa.gov/permithandbook/permitdetail.asp?id=98>).

State

- WA Department of Ecology 401 Water Quality Certifications (<http://apps.ecy.wa.gov/permithandbook/permitdetail.asp?id=43>).
- WA Department of Fish and Wildlife Hydraulic Project Approvals (<http://apps.ecy.wa.gov/permithandbook/permitdetail.asp?id=25>).
- WA Department of Natural Resources Use Authorizations for State-Owned Aquatic Lands (<http://apps.ecy.wa.gov/permithandbook/permitdetail.asp?id=31>).

Local (City or County)

- Shoreline Conditional Use Permit (<http://apps.ecy.wa.gov/permithandbook/permitdetail.asp?id=44>).
- Shoreline Substantial Development Permit (<http://apps.ecy.wa.gov/permithandbook/permitdetail.asp?id=38>).
- Shoreline Variance (<http://apps.ecy.wa.gov/permithandbook/permitdetail.asp?id=45>).
- Shoreline Exemption.
- Shoreline Revision.
- Floodplain Development (<http://apps.ecy.wa.gov/permithandbook/permitdetail.asp?id=47>).
- Critical Areas approvals.

Contact: ORA Information Center

Phone Number: 1 800-917-0043

Email: help@ora.wa.gov

General Government Issues

Peninsula News Article

From Eric Johnson, WSAC Executive Director:

Thought you would like to read this article – on whether a meeting with all council members for “team building” is or is not subject to the Open Public Meeting Act:

<http://www.peninsuladailynews.com/article/20090122/news/301229988>

(A copy of this article is attached to the Courthouse Journal)

Public Health & Human Services

Budget continues to be focus for Human Services

Budget issues continue to be the focus for human service programs this week. Legislative committees held work sessions to learn about the Governor's budget proposals, and the Department of Social and Health Services (DSHS) has begun implementation of the reductions in the Governor's proposed FY 09(current) budget. County Chemical Dependency, Developmental Disabilities and Regional Support Networks (RSN) have received fiscal information and rate reductions and are beginning to receive contract amendments.

The current reductions are based on cuts required between now and the end of the 2009 fiscal year (June 30, 2009). Keep in mind that this is the beginning of reductions in human service programs. Some programs may receive further reductions after the revenue forecast in March, and the Governor's proposed FY 09-11 budget proposes much deeper cuts. As an example, the FY 2009 budget reductions to the mental health system are based on approximately \$8.5 million dollars in cuts, with another \$34 million in reductions proposed for the upcoming biennium.

WSAC staff continues to work with DSHS and the legislature to allow for the maximum flexibility possible with the remaining funds. We are also in contact with DSHS on a regular basis, working to improve the timeliness of communication and access to complete and correct information.

Association News

Josh Weiss Appointed as WSAC General Counsel/Policy Director



Washington State Association of Counties' (WSAC) Executive Director Eric Johnson is pleased to announce the appointment of Josh Weiss to the WSAC staff. This appointment is effective February 1, 2009.

Since 2004, Josh has served as the Director of Environmental Policy with the Washington Forest Protection Association engaged in a number of forest, wildlife and natural resource issues. Josh's educational and professional experience includes environmental law, water resources, land use and GMA, Endangered Species Act, salmon recovery, mining, grazing, hunting, fishing, hydraulic permits, and other natural resource issues.

Josh possesses a solid background in representing private and public organizations on Natural Resource issues. Josh is active in Forests and Fish Policy, Land Use & Climate Change discussions, Spotted Owl Litigation and Recovery Planning, Forest Practices Board Wildlife Policy, Washington Biodiversity Council, and the Washington Wildlife

and Recreation Coalition. His experience and education include:

- *Director of Environmental Policy*, Washington Forest Protection Association
- *Associate*, Gordon, Thomas, Honeywell, Malanca, Peterson & Daheim LLP
- *Legislative Policy Director*, Washington Department of Fish & Wildlife
- *Counsel*, Washington State House of Representatives, Natural Resources Committee
- *Sole Practitioner*, Environmental and Land Use Consulting
- *Real Estate Specialist*, AT&T Wireless Services
- *Law Clerk*, Washington State Attorney General's Office
- *Vermont Law School - JD*, 1996

Central Washington University - BA, Geography/Environmental Resource Management, Magna Cum Laude, 1993

WSAC Announces New Legislative Steering Committee Co-Chair

WSAC President Lynda Ring Erickson has appointed Clark County Commissioner Steve Stuart as WSAC Legislative Steering Committee (LSC) Co-Chair. Commissioner Stuart joins existing LSC Co-Chair Spokane County Commissioner Todd Mielke.

Commissioner Stuart replaces Snohomish County Councilmember John Koster who was elected WSAC Secretary-Treasurer in November.

Boards & Commissions

WANTED: WACO Representative on Barn Preservation Advisory Board

The 2007 State Legislature passed **HB 2115** – creating the Heritage Barn Preservation Program. The legislation, among other things, created the Barn Preservation Advisory Board. The Board is responsible for determining the types, qualities, conditions and needs of Washington's heritage barns and to provide those barns with recognition and opportunities for support. Paula Holloway, Wahkiakum County Treasurer, served as WACO's representative on the Board, but will be stepping down. The Board meets 3-4 times per year in various locations around the state. For more information, or to indicate your interest in serving, please contact Judi Morris, Jefferson County Treasurer, or WACO.

Statewide Board and Commission Seats Need County Representation

Quite a few seats have opened up on statewide boards and commissions as a result of WSAC members leaving office. WSAC is seeking interested members, and others where indicated, to submit their names for consideration for one or more of the following positions. It is expected that the WSAC Executive Committee will take action quickly to appoint or nominate members for the following open seats:

County Road Administration Board

Must be filled by a County Commissioner or Councilmember from a County with population between 20,000 and 125,000; this is to fill an unexpired term which ends in June, 2010.

<http://www.crab.wa.gov/newabout.asp>

Emergency Management Council

One county representative seat; indeterminate term

<http://www.governor.wa.gov/boards/profiles/059.asp>

Farmland Preservation Task Force

One Westside county representative seat; fulfilling a term that ends 1/1/11

<http://www.governor.wa.gov/boards/profiles/059.asp>

Oil Spill Advisory Council

One representatives of county government from counties bordering Puget Sound, the Columbia river/Pacific Ocean, and the Strait of Juan de Fuca/San Juan Islands

<http://www.governor.wa.gov/boards/profiles/241.asp>

Shorelines Hearings Board

http://www.eho.wa.gov/Boards_SHB.aspx

Snowmobile Advisory Committee

<http://www.parks.wa.gov/winter/snomobilecom.asp>

State Building Code Council

One each Western and Eastern seats (2) available; three year terms; must be filled by a County Commissioner, Councilmember or Executive.

<http://www.governor.wa.gov/boards/profiles/019.asp>

<http://www.sbcc.wa.gov/sbccindx.html>

Winter Recreation (Sno-Park) Advisory Committee

<http://www.parks.wa.gov/winter/snoparkcom.asp>

One position for unfilled terms is open due to WSAC members who needed to step down for other commitments:

Sex Offender Policy Board

http://www.sgc.wa.gov/SOPB_Information/Sex_Offender_Policy_Board.htm

**Note that the Invasive Species Council position, previously reported as open, will be filled through the current term by the member after all so is not available at this time.*

In addition, the following position is being advertised per WSAC policy. Councilmember Dave Gossett, who currently serves in his first term, has expressed his interested in being reappointed to the seat.

Affordable Housing Advisory Board, Westside

<http://www.cted.wa.gov/site/718/default.aspx>

Training & Upcoming Events

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

County Training Institute – www.countytraininginstitute.org

Courthouse Ramblings

WACO sends its best wishes to retired Garfield County Clerk **Linda Bartels** and newly appointed Garfield County Clerk **Terrilee Cox**. Linda retired on December 31, 2008. She was appointed to the office and was sworn in on May 1, 1998. Terrilee had served as Chief Deputy.

* * * * *

Retired Douglas County Sheriff **Dan LaRoche** checked in with WACO earlier this week and let us know he is 3 ½ years cancer-free. Sheriff LaRoche spent most of 2005 battling lymphoma and now spends his time with his family or training his golden retriever puppy - but mostly enjoying his good health!

WSAC Financial Services Corporation



WSAC Financial Services Corporation Meets

The WSAC Financial Services Corporation met on Wednesday, January 18, to discuss the current status of the County Inmate Program. Some of the current program highlights include:

- 11 Active Counties Participating
- Over \$1 million in claims since the program's inception
- 29 Counties participating in the Actuarial Study associated with developing a self-insured pool for county inmates
- Actuarial Study due at the end of February
- WSAC FSC will initiate discussion on how to proceed with a self-insured pool or continue the discount program for both medical and prescription drugs
- Bill Vogler will complete his work with WSAC FSC at the end of February

If you have questions regarding WSAC FSC or the County Inmate Program, please contact either Eric Johnson or Karlyn Parten at WSAC.

Attachments

Welcome to the U.S. Communities Purchasing & Finance Agency

(U.S. Communities) website <http://www.uscommunities.org/>

The Association of School Business Officials International (ASBO), the National Association of Counties (NACo), the National Institute of Governmental Purchasing (NIGP), the National League of Cities (NLC), and the United States Conference of Mayors (USCM), jointly sponsor the

U.S. Communities Government Purchasing Alliance (U.S. Communities)

Designed in cooperation with an Advisory Board of local government purchasing officials, U.S. Communities pools the purchasing power of public agencies, achieves bulk volume discounts on behalf of public agencies, competitively solicits quality products through a lead public agency and provides a purchasing forum for public agencies nationwide.

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"Results from our internal customer satisfaction survey show that our customers want two things from Purchasing. First save us time in the procurement process and second save us money. When Kansas City, Missouri uses a U.S. Communities contract we save both time and money for our customers."

Ray Burnett,
Commissioner of Purchases and Supplies
Kansas City, MO.

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Article published Jan 22, 2009

Don't call it a meeting: Sequim City Council to 'team-build'

By Diane Urbani de la Paz

Peninsula Daily News

SEQUIM -- They will meet, but the Sequim City Council members won't call this Friday's get-together a meeting.

At least they'd better not, if they want to keep it legal.

The council members -- long-timers Bill Huizinga, Walt Schubert and Paul McHugh, and relative newcomers Susan Lorenzen, Ken Hays, Erik Erichsen and Mayor Laura Dubois -- are headed for a half-day "team building" at 1 p.m. Friday in the John Wayne Marina banquet room.

The event will include the seven elected officials plus Interim City Manager Linda Herzog and City Attorney Craig Ritchie -- but the public and reporters will be barred.

Open meetings law

Washington's Open Public Meetings Act, RCW 42.30, guarantees that "all meetings of the governing body of a public agency shall be open and public."

Sure, there are scenarios when the law doesn't apply, such as when the council discusses real estate transactions, possible lawsuits and "matters affecting national security."

Those and a few other exceptions warrant an "executive session," also known as a meeting from which the council can kick out the public and press.

But team building isn't listed under the legal exceptions. And Friday's gathering hasn't been labeled an executive session.

The grounds for shutting spectators out on Friday, Ritchie said, are simple.

"It's not a meeting," he said. "It isn't a meeting if there isn't action. Discussing city business would be action."

Ritchie emphasized that the council will not be talking about official business.

The team building will be a discussion of "how everybody can operate in the best interests of the city."

This may sound like legal and linguistic slipslop, but in the face of a reporter's questioning, Ritchie stood firm, citing the definitions section of the open meetings law.

"Meeting means meetings at which action is taken," reads the final clause of RCW 42.30.020.

Ritchie vows that the council will take no action, at least by his definition, during the team building. Therefore "it's not a meeting the open meetings act applies to."

A call to state Attorney General Rob McKenna's office affirmed Ritchie's assertion.

"Even if there's a majority of [council members] present, that would be true," said Tim Ford, the attorney general's open government ombudsman.

"If they all went to, say, a Mariners baseball game and didn't discuss any official business," he added, "so long as there is no action that relates to official business of the city, it's not a meeting, and it wouldn't fall under the Open Public Meetings Act."

But the council members will have to watch what they say, Ford added. "They just have to be careful that when they engage in these team-building skills, there is absolutely no discussion of official business, because if there is even some minor discussion, it transforms into a public meeting -- and because it's a closed meeting, it's automatically a violation."

Council briefed

The council members have been briefed on this.

They know they must not debate city park planning, proposed subdivisions, fee hikes, Sequim's budget and contracts with agencies such as the Boys & Girls Clubs of the Olympic Peninsula.

The group of seven has spent much of the past year arguing about those things.

No, this team building is an effort to get along better.

Schubert, a former mayor who's been on the council for nearly eight years, has more than once called the newcomers "you four."

Dubois, the mayor who succeeded Schubert in January 2008, has protested his use of that phrase.

And that's just a nibble off the full plate of things that have fed long bickering sessions during the council's Monday meetings.

But what would be the harm of having the public at the team building? Perhaps people could learn something about group dynamics and diplomacy.

And the session, with professional facilitator Richard Cushing from Waldron & Co. of Seattle, is costing the city \$2,000.

With an audience, "we would feel constrained," said Dubois. "If you had an argument with your husband, would you want to have it in an open public meeting?"

Sharing ideas

Team building can happen, Dubois believes, if there's "a free and open sharing of opinions, and maybe a few expletives deleted."

She hopes the team building will move the council to a point where they can "learn to respect one another . . . to be a group that's efficient, instead of sniping and trying to one-up each other and point fingers and make long-winded speeches."

Such a council "would be a whole lot better for the city. We would have shorter meetings and we would get things done."

Schubert likewise doesn't think the council members would feel free to express themselves if the public were watching.

"My feeling is we need a new beginning," he said. "We're all either part of the solution or part of the problem. We all need to make a decision to be part of the solution."

Cushing has run team-building workshops for other city councils, including Medina's; some were public and others weren't.

When the public is not allowed in, "the participants feel safer," he said. "They feel like they can be more candid."

Friday's \$2,000 non-meeting could be the start of a less-turbulent 2009.

Last year was rocky for the council and staff, with the firing of longtime City Manager Bill Elliott and a welter of struggles over fee increases, affordable housing and other hot buttons.

Along with the \$2,000 for team building, the council agreed in late 2008 to pay Waldron \$20,000 to recruit a new city manager.

Cushing has advised the council to team build first, so that it can present a united front to the city manager candidates Waldron will begin searching for by March.

Sequim-Dungeness Valley Editor Diane Urbani de la Paz can be reached at 360-681-2391 or at diane.urbani@peninsuladailynews.com.

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