

**February 5, 2020**



## **BOARD OF DIRECTORS MEETING**

**Washington Counties Building  
Thurston County  
Olympia, Washington**

Count	ByLaws Ref	Population	Executive Board Seat	Title	First Name	Last Name	County
14	< Quorum						
<b>Executive Committee</b>							
1	3.4a		President	Commissioner	Robert	Gelder	Kitsap
2	3.4a		1st Vice-President	Commissioner	Michael	Larget	Whitman
3	3.4a		2nd Vice-President	Councilmember	Jamie	Stephens	San Juan
4	3.4b, 3.17.2		IP-President	Commissioner	Scott	Hutsell	Lincoln
<b>Board of Directors</b>							
			<b>Board Seat</b>	<b>Title</b>	<b>First Name</b>	<b>Last Name</b>	<b>County</b>
5	3.4b		P-President	Councilmember	Stephanie	Wright	Snohomish
6	3.4b		P-President	Commissioner	Dave	Sauter	Klickitat
7	3.4b		P-President	Commissioner	Helen	Price Johnson	Island
8	3.4f	2,226,300	King County Executive	Executive	Dow	Constantine	King
9	3.4e 1	2,226,300	King County Council	Councilmember	Joe	McDermott	King
10	3.4e 2	888,300	Pierce County	Councilmember	Jim	McCune	Pierce
11	3.4e 3	818,700	Snohomish County	Councilmember	Nate	Nehring	Snohomish
12	3.4e 4	515,250	Spokane County	Commissioner	Mary	Kuney	Spokane
13	3.4e 5	488,500	Clark County	Councilor	Eileen	Quiring	Clark
14	3.4e 6	285,800	Thurston County	Commissioner	John	Hutchings	Thurston
15	3.4e 7	270,100	Kitsap County	Commissioner	Charlotte	Garrido	Kitsap
16	3.4e 8	255,950	Yakima County	Commissioner	Vicki	Baker	Yakima
17	3.4e 9	225,300	Whatcom	Executive	Satpal	Sidhu	Whatcom
18	3.4e 10	201,800	Benton	Commissioner	James	Beaver	Benton
19	3.4d 1		Eastern Region	Commissioner	Chris	Branch	Okanogan
20	3.4d 2		Eastern Region	Commissioner	Wes	McCart	Stevens
21	3.4d 3		Eastern Region	Commissioner	Brad	Peck	Franklin
22	3.4d 4		Eastern Region	Commissioner	Doug	England	Chelan
23	3.4c 1		Western Region	Commissioner	Kenneth	Dahlstedt	Skagit
24	3.4c 2		Western Region	Commissioner	Edna	Fund	Lewis
25	3.4c 3		Western Region	Councilmember	Kathy	Lambert	King
26	3.4c 4		Western Region	Commissioner	Dennis	Weber	Cowlitz
			<b>Board Alternate Seat</b>	<b>Title</b>	<b>First Name</b>	<b>Last Name</b>	<b>County</b>
1	3.4f	2,226,300	King County Executive	Councilmember	Reagan	Dunn	King
2	3.4e 1	2,226,300	King County Council	Councilmember	Kathy	Lambert	King
3	3.4e 2	888,300	Pierce County	Councilmember	Derek	Young	Pierce
4	3.4e 3	818,700	Snohomish County	Councilmember	Terry	Ryan	Snohomish
5	3.4e 4	515,250	Spokane County	Commissioner	Josh	Kerns	Spokane
6	3.4e 5	488,500	Clark County	Councilor	Gary	Medvigy	Clark
7	3.4e 6	285,800	Thurston County	Commissioner	Gary	Edwards	Thurston
8	3.4e 7	270,100	Kitsap County	Commissioner	Ed	Wolfe	Kitsap
9	3.4e 8	255,950	Yakima County	Commissioner	Ron	Anderson	Yakima
10	3.4e 9	225,300	Whatcom	Councilmember	Rud	Browne	Whatcom
11	3.4e 10	201,800	Benton	Commissioner	Jerome	Delvin	Benton
12	3.4d 1		Eastern Region	Commissioner	Jim	Jeffords	Asotin
13	3.4d 2		Eastern Region	Commissioner	Karen	Skoog	Pend Oreille
14	3.4c 1		Western Region	Commissioner	Janet	St Clair	Island
15	3.4c 2		Western Region	Commissioner	Mark	Ozias	Clallam
<b>Affiliate Presidents</b>							
			<b>Board Affiliates (Non-voting Mbrs)</b>		<b>First Name</b>	<b>Last Name</b>	<b>County</b>
			ACCIS		Eddy	Sherman	Kitsap
			ACHS		Tamara	Burns	Chelan-Douglas
			WACCCs		Debbie	Thompson	Island
			WCAA		Mike	Thomas	San Juan
			WSACE		Eric	Pierson	Chelan
			WSACRPD		Erik	Johansen	Stevens
			WSALPHO		Theresa	Adkinson	Grant-Grant Health
			WSEMA		Sandi	Duffey	Grant
			WSUEXT		Linda	McLean	Colville Reservation
			WACSWM	Co-Chair	Brenda	Blanchfield	Chelan
				Co-Chair	Matthew	Zybas	Snohomish



## WSAC BOARD OF DIRECTORS MEETING AGENDA

Wednesday, February 5, 2020

Noon - Pre-Meeting Lunch Available

Meeting: 1:00 p.m. - 5:00 p.m.

Call in Information: 1-800-356-8278 or 206-858-8066; Conference Code 818671

Washington Counties Building

206 Tenth Avenue SE  
Olympia, WA 98501

TIME*	Encl.	PRESENTER(s)	AGENDA	TYPE
Noon			<b>Pre-Meeting Lunch Will be Available Starting at Noon</b>	
1:00 p.m.		President Gelder	<b>CALL TO ORDER and Introductions; Establish Quorum</b>	
	√	President Gelder	1. APPROVE Agenda	Action
	√	President Gelder	2. APPROVE MINUTES: November 19, 2019	Action
		President Gelder	3. President's Report	Report
<b>LEGAL AFFAIRS</b>				
1:10 p.m.	√	Eric Johnson Mellani McAleenan Paul Lawrence	4. Possible Executive Session – Potential or Pending Litigation	Report
	√	Mellani McAleenan	5. Amicus Update	Report
<b>WSAC BUSINESS</b>				
2:10 p.m.	√	Bridget Lockling	6. WSAC Conflict of Interest Policy Review <i>Actions: Certify WSAC Board of Directors were informed in writing and briefed on WSAC Conflict of Interest Policy</i> <b>Resolution 2020-01</b>	Action
	√	Bridget Lockling	7. Audit, Investment and Finance Committee Appointments <i>Actions: Consider Approving Appointments to Audit, Investment and Finance Committee</i> <b>Resolution 2020-02</b>	Action
	√	Derek Anderson	8. Statewide Boards and Commissions <i>Actions: Consider Adopting Nominations and Appointments</i> <b>Resolutions 2020-03 – 2020-05</b>	Action
	√	Eric Johnson	9. 2020 Board of Directors /Legislative Steering Committee Planning Meeting Discussion - Organizational Values - Measure What Matters	Discussion
<b>WRITTEN STAFF REPORTS</b>				
	√	Eric Johnson	10. Executive Director	Report
	√	Bridget Lockling	11. Business and Finance	Report
	√	Derek Anderson	12. Communications and Member Services	Report
	√	Mellani McAleenan	13. Policy and Legislative	Report

TIME*	Encl.	PRESENTER(s)	AGENDA	TYPE
<b>BREAK</b>				
<b>PROGRAM PRESENTATIONS AND REPORTS</b>				
3:30 p.m.		Derek Anderson	14. WSAC Business Partner Program Presentation	Report
	√	Jane Wall	15. County Transportation Study Program	Report
	√	Brynn Brady/Eric Johnson	16. Coastal Counties/Puget Sound Partnership	Report
	√	Paul Jewell/Scott Swanson	17. Timber and Public Lands Program	Report
	√	Neil Aaland	18. Columbia River Program	Report
<b>OTHER BUSINESS</b>				
		Commissioner Dahlstedt Councilmember Wright Commissioner McCart Other Members	19. NACo Reports	Report
		President Gelder	20. WSAC Board of Director Reports from activities on Statewide Boards and Commissions <i>Presentation by WSAC Board Members on Current Issues relating to Statewide Boards and Commissions they serve/represent WSAC on</i>	Report
		President Gelder	21. Other Business	Report
5:00 p.m.		President Gelder	<b>MEETING ADJOURNED</b>	
6:00 p.m.			<b>WSAC Legislative Reception Water Street Café at 6:00 p.m.</b>	

\*Times are approximate only

#### Next Regular Scheduled WSAC Board of Directors Meeting:

**TENTATIVE TIME:** Wednesday, May 6<sup>th</sup>, 5:00 p.m. – 8:00 p.m.  
Thursday, May 7<sup>th</sup>/Friday, May 8<sup>th</sup>, Legislative Steering Committee/Board of Directors Planning Meeting

**LOCATION:** Mason County, Union, Washington  
Alderbrook Inn

**Washington State Association of Counties**  
**MINUTES OF MEETING OF THE BOARD OF DIRECTORS**  
**November 19, 2019**

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**Opening**

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A regularly scheduled meeting of the Board of Directors of the Washington State Association of Counties (WSAC) was held on Tuesday, November 19, 2019 starting at approximately 12:00 p.m. at The Davenport Grand, Spokane County, Spokane, Washington. All directors had been previously notified of the meeting pursuant to the Association Bylaws.

**Board and Alternate members present:** President Scott Hutsell, 1<sup>st</sup> Vice President Robert Gelder, 2<sup>nd</sup> Vice President Michael Largent, Past President David Sauter, Past President Helen Price Johnson, Ron Anderson, Chris Branch, Rud Browne, Ken Dahlstedt, Gary Edwards, Edna Fund, Charlotte Garrido, John Hutchings, Bobby Jackson, Josh Kerns, Mary Kuney, Kathy Lambert, Wes McCart, Nate Nehring, Mark Ozias, Vickie Raines, Karen Skoog, Richard Stevens, Dennis Weber and Derek Young. A quorum was present.

**WSAC Members:** Johnna Exner, Al French, Rick Hughes, Lisa Janicki, Jim Jeffords, Bob Johnson, John Marshall, Randy Ross, Janet St. Clair, Chris Seubert, Jamie Stephens, Mike Talbott, Sharon Trask and Ron Wesen

**Staff and others present:** Eric Johnson, Mellani McAleenan, Derek Anderson, Lynn Fiorillo-Lowe, Mike Hoover, Paul Lawrence, Bridget Lockling, Marc Bollinger

**Call to Order and Approval of Agenda:** The meeting was called to order at 12:05 p.m. It was moved by David Sauter, seconded by Helen Price Johnson to approve the agenda as drafted. The motion passed.

**Approval of minutes of previous meeting:** A motion was made by Michael Largent and seconded by Vickie Raines to approve the minutes as drafted. The motion carried to adopt the minutes of the September 20, 2019 as drafted. The motion passed.

**President's Report:** President Hutsell provided an update on the conferences and activities that he has participated in.

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**WSAC Business Actions**

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**Litigation Program Update**

The Board announced an **EXECUTIVE SESSION**, in compliance with RCW 42.30. 110(1)(i), to discuss current and potential litigation at 12:15 p.m. for one hour and five minutes. The session ended at 1:20 p.m. The Board **EXTENDED** the **EXECUTIVE SESSION** for an additional 5 minutes at 1:20 p.m. WSAC's outside legal counsel, Paul Lawrence provided the updates. **EXECUTIVE SESSION** concluded at 1:25 p.m. No decisions were made.

**2020 Proposed Board of Directors Meeting Schedule:** Eric presented the proposed 2020 meeting schedule for the Board of Directors.

**Resolution #2019-17:** A motion was made by David Sauter and seconded by Ken Dahlstedt to approve Resolution #2019-17 which establishes the 2020 Regular Meeting Schedule and allows WSAC staff to publish and advise members and affiliates of the 2020 Regular Meeting Schedule. The motion was passed.

**Statewide Boards and Commissions:** Derek presented the State Boards and Commission positions up for approval.

**Resolution #2019-18:** A motion was made by Chris Branch and seconded by Charlotte Garrido, to approve Resolution #2019-18 to accept the nominations of Craig Erdman and Eric Pierson to fill the vacancy on the County Design Standard Committee. The motion passed.

**Resolution #2019-19:** A motion was made by Vickie Raines and seconded by Mary Kuney, to approve Resolution #2019-19 to appoint Derek Young to fill the vacancy on the Tax Structure Work Group. The motion passed.

**Resolution #2019-20:** A motion was made by Edna Fund and seconded by Dennis Weber, to approve Resolution #2019-20 to appoint Gary Stamper to fill the vacancy on the Washington Community Forestry Council. The motion passed.

**Washington State Association of Counties**  
**MINUTES OF MEETING OF THE BOARD OF DIRECTORS**  
**November 19, 2019**

**Resolution #2019-21:** A motion was made by Chris Branch and seconded by Kathy Lambert, to approve Resolution #2019-21 to appoint Al French to fill the vacancy on the Building Code Council. The motion passed.

**Resolution #2019-22:** A motion was made by David Sauter and seconded by Ken Dahlstedt, to approve Resolution #2019-22 to nominate Rud Browne and Pam Roach, to fill the vacancy on the State Advisory Council on Homelessness. The motion passed.

**Resolution #2019-23:** A motion was made by John Hutchings and seconded by Nate Nehring, to approve Resolution #2019-23 to nominate Viggo Forde, to fill the vacancy on the Technology Services Board. The motion passed.

**Resolution #2019-24:** A motion was made by Vickie Raines and seconded by Charlotte Garrido, to approve Resolution #2019-24 to appoint Brenda Sherman, to fill the vacancy on the Local Government Advisory Committee. The motion passed.

**Resolution #2019-25:** A motion was made by Richard Stevens and seconded by Chris Branch, to approve Resolution #2019-25 to nominate Craig Erdman, Chad Coles, Wayne Cornwall and Charles Eaton, to fill the vacancy on the Local Bridge Program. The motion passed.

A motion was made by Vickie Raines and seconded by Kathy Lambert, to approve Resolution #2019-25 to nominate Sam Low, to fill the vacancy on the Transportation Improvement Board. The motion passed.

**Business Development Opportunities – Dan Listug, Sourcewell:**

Sourcewell provides member-centered solutions that enable government, education, and nonprofit agencies to work more efficiently and leverages its resources to effectively reinvest in the communities they serve as an invaluable service cooperative partner.

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**Reports**

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**Member Reports & Staff Reports:** Member and staff reports were made available in the board packet.

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**Closing**

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**Next Meeting:** The next meeting of the Board of Directors will be on Wednesday, February 5, 2020 at the Washington Counties Building, Thurston County, Olympia, Washington.

**Adjourn:** There being no further business; President Scott Hutsell adjourned the meeting at 3:20 p.m.

**Respectfully submitted:**

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Robert Gelder, WSAC President

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Jamie Stephens, WSAC 2<sup>nd</sup> Vice-President

## Litigation Update, February 2020

### **Spokane County - Spokane County v. State of Washington 19-2-00934-32**

This case challenges the constitutionality of Senate House Bill 2887 (2018) requiring Spokane County to elect a five member, by district, Board of County Commissioners. This legislation violates the uniformity clauses of Article XI of the Washington State Constitution and creates a precedent for the legislature to impose different requirements on different counties.

- Legal action authorized by WSAC Board of Directors, November 13, 2018.
- Attorney General Ferguson declined our request to “Investigate and Institute Legal Proceedings on the Unconstitutionality of Senate House Bill 2887”.
- WSAC filed complaint for Summary Judgment in Spokane County Superior Court on February 26, 2019, that the imposition of differing systems of government violates the Constitution’s uniformity requirements. Const. art. XI, §§ 4, 5; art. II, § 28.
- Plaintiffs are Washington State Association of Counties, Spokane County, Al French, and John Roskelley (former Spokane County Commissioner).
- Communication activities:
  - Spokane County contract lobbyist Mike Burgess and Eric Johnson met with most Spokane area Legislators;
  - Eric Johnson, President Hutsell, and Spokane County Commissioner Kuney met with local media;
  - Communicated to WSAC Members.
- State’s Answer, received March 11<sup>th</sup>.
- WSAC Motion for Summary Judgment submitted April 26, 2019
- State Response Submitted May 13, 2019.
- WSAC Response Submitted May 20, 2019.
- Hearing and oral arguments heard by Spokane County Superior Court Judge Maryann Moreno on Friday, May 31, 2019.
- Judge Moreno’s ruled on August 16, 2019, in favor of the State, stating that she is “*not convinced that SHB 2887 violates the Washington State Constitution. I am not satisfied that the County has met the burden of proof beyond a reasonable doubt.*”
- WSAC and Co-Plaintiffs have 30 days to appeal.
- WSAC Board of Directors authorized direct appeal to the Washington Supreme Court, September 20, 2019.
- Spokane County, WSAC and Co-Plaintiffs filed Notice of Appeal to the Washington Supreme Court on September 26, 2019.
- State concurred with direct appeal to the Supreme Court.
- Counsel preparing WSAC’s first brief to the Supreme Court
- Acceptance of case by the Washington State Supreme Court is pending

### **Unfunded Mandate**

This case challenges Senate Bill 5472 (Ballot Drop Box Bill) as a violation of RCW 43.135.060, Prohibition of new or expanded programs without full reimbursement.

- Legal action authorized by WSAC Board of Directors, November 13, 2018.
- Briefed Washington State Association of County Auditors (WSACA) and Washington Association of Prosecuting Attorneys (WAPA) multiple times on potential litigation.

- Gary Rowe (WSAC Contractor) worked with County Auditors/Election Managers from all 39 counties regarding Ballot Drop Box installation costs, operation costs, claims filed. Cross checked with data from the Secretary of State's Office.
- Facilitated meeting with WSAC and WSACA leadership to discuss pending litigation. Briefed WSACA members during legislative session.
- WSAC Board/LSC briefed on May 8, 2019.
- Briefed WSACA on June 10, 2019. October 2, 2019.
- Briefed WAPA on June 19, 2019. October 2, 2019.
- Complaint has been reviewed by selected County Auditors and Prosecuting Attorneys.
- Snohomish County, Whitman County, Kittitas County joined WSAC as co-plaintiffs
- Highlighted claims made by other counties for unfunded mandate/ballot drop box expenses and denied by the state. Association will attempt to secure payment on behalf of those counties through standing in the case.
- Complaint filed in King County Superior Court on December 11, 2019.
- Media press release. Minimal coverage - <https://www.heraldnet.com/news/county-sues-state-to-recoup-costs-of-new-ballot-drop-boxes/>
- State response received
- Counsel and state communicating on response, briefing schedule, discovery requirements, association standing, etc.

### Indigent Defense

Potential legal action regarding the State's constitutional duty to provide trial court indigent defense funding.

- Pacifica Law Group has initiated the preliminary research and analysis regarding potential and likely claims – statutory and constitutional.
- WSAC filed Amicus Brief on a case that asks if the State of Washington or the Washington State Office of Public Defense has an actionable duty to cure claimed systemic and significant deficiencies in a county's provision of indigent defense services to juveniles charged with criminal offenses. (Davison v. State of Washington and Washington State Office of Public Defense Supreme Court, No. 96766-1)
  - In 2017, plaintiff, supported by the ACLU, sued the state alleging that Grays Harbor County systemically failed to provide constitutionally adequate indigent juvenile defense. Grays Harbor County was not named as a party to the suit. Davison asked the Thurston County Superior Court to declare that the State and OPD have a duty to act when they become aware of a systemic failure by a county to provide constitutionally adequate indigent juvenile defense.
  - The trial court ruled that the State has a duty to act if it knows of a county's systemic failure to provide constitutionally adequate indigent juvenile defense, without regard to whether the county could more appropriately remedy the problem itself.
  - The State filed a motion for direct review to the Supreme Court on January 28, 2019, and the Court accepted review.
  - Formal request by the Grays Harbor Board of County Commissioners for WSAC to submit an Amicus Curiae Brief.
  - The WSAC Executive Committee approved amicus involvement on April 7, 2019.
  - The Pacific Law Group, on behalf of WSAC, submitted Amicus Curiae Brief on September 27, 2019:
    - State of Washington has an *Affirmative Constitutional Duty* to assure adequacy of Indigent Defense.
    - Who (State or County) has the responsibility to fund indigent defense is not properly before the court and should not be ruled upon.
  - Oral arguments occurred November 12, 2019 before the Washington State Supreme Court.
- Reviewing potential concurrent or subsequent legal actions.
- WSAC initiated work on data gathering associated with indigent defense and county expenditures, systems of delivery, county revenues and expenditures, etc.
- WSAC staff will reach out to secure points of contact for each County regarding this potential litigation as necessary.

Litigation Update, February 5, 2020



- WSAC staff established data/information steering committee with county budget and policy staff.
- WSAC will need to explore/identify potential co-plaintiffs as part of potential litigation.

### **Attorney General Opinion – Appointment to Vacant State Legislative Position**

- Pacifica Law Group developed analysis of AGO Opinion 1985-01 (as well as other AGOs spanning a period of 1965-1987) which opines that a sitting county commissioner (council member) cannot be appointed to a vacancy in the legislature.
- Pacifica Law Group analysis found that, “under the Washington State Constitution and state law, a sitting county commissioner or councilmember should be eligible to be appointed to a vacant state legislative position.”
- February 22<sup>nd</sup> – WSAC Legal Committee reviewed the Pacifica Law Group legal analysis and agreed to reach out to Skagit County Prosecuting Attorney Rich Wyrich asking him to seek a new AGO on the issue.
- Both San Juan County Prosecuting Attorney Randy Gaylord and Whatcom County Prosecuting Attorney Eric Richey sought an AGO in April 2019.
- AGO accepted Prosecutor Richey’s request - <https://www.atg.wa.gov/pending-attorney-generals-opinions#richey>.
- Pacifica updated original analysis and provided to the Office of the Attorney General on behalf of WSAC.
- AGO issued an opinion consistent with WSAC position - <https://wsac.org/ago-rules-on-county-appointment-procedures/>



## AMICUS UPDATE – Cases pending or decided in 2019 and 2020 February 5, 2020

### 1) **Kittitas County v. WA State Department of Transportation**

- Div. II, Court of Appeals, No. 52329-9-II

#### Issue

Whether the state Department of Transportation must pay its share of a county's noxious weed program's costs.

#### Background

As required by state law, Kittitas County provides noxious weed services to all landowners in the county, including DOT. Kittitas County is appealing a superior court summary judgment order exempting DOT from paying for noxious weed services to DOT owned land.

The case has been appealed to the Court of Appeals. Kittitas County's brief, as petitioner, has been filed; and DOT's brief was due at the end of November; however, DOT was granted a continuance to December 21, 2018. Any amicus brief would be due 45 days after DOT's brief, approximately January 12, 2019. Kittitas County requested an amicus brief from WSAC.

#### Status

WSAC's amicus brief, drafted by Pacifica Law Group, was filed with the Court of Appeals on March 1, 2019 upon leave from the court to file late. Oral argument was heard on October 24, 2019.

### 2) **Davison v. State of Washington and Washington State Office of Public Defense**

- Supreme Court, No. 96766-1

#### Issue

Whether the State of Washington or the Washington State Office of Public Defense has an actionable duty to cure claimed systemic and significant deficiencies in a county's provision of indigent defense services to juveniles charged with criminal offenses.

#### Background

In 2017, plaintiff, supported by the ACLU, sued the state alleging that Grays Harbor County systemically failed to provide constitutionally adequate indigent juvenile defense. Grays Harbor County was not named as a party to the suit. Davison asked the Thurston County Superior Court to declare that the State and OPD have a duty to act when they become aware of a systemic failure by a county to provide constitutionally adequate indigent juvenile defense.

The trial court ruled that the State has a duty to act if it knows of a county's systemic failure to provide constitutionally adequate indigent juvenile defense, without regard to whether the county could more appropriately remedy the problem itself.

The State filed a motion for direct review to the Supreme Court on January 28, 2019, and the Court accepted review.

#### Status

The WSAC Executive Committee approved amicus involvement in March. The Pacific Law Group submitted a brief for WSAC at the end of September. Oral arguments were heard on November 12,

2019.

### 3) **Tulalip Tribes v. Smith**

- US Court of Appeals, 9<sup>th</sup> Circuit, Nos. 18-36062, 18-36075

#### Issue

Does federal law preempt the State and County's imposition of taxes on non-Indian businesses in transactions with non-Indian customers?

Do the taxes interfere with Tulalip's sovereign right to make and be governed by its own laws by depriving the Tribes of funds for education and social welfare of tribal members and those living on the reservation?

Does the Indian Commerce Clause carve out a zone of economic interests—including taxation—in which only the federal government, not state and local governments, may regulate?

#### Background

The Tribes, joined by the United States as a Plaintiff-Intervenor, sought a declaration and injunction prohibiting the State of Washington and Snohomish County from collecting retail sales and use taxes, business and occupation taxes, and personal property taxes within a part of the Tulalip Reservation known as Quil Ceda Village. The Plaintiffs argue that these taxes should not be imposed because they are preempted by federal law, violate the Indian Commerce Clause, and infringe on Tulalip's tribal sovereignty.

The US district court first granted summary judgment on one count, holding that the Plaintiffs did not state a viable claim of relief under the Indian Commerce Clause. The district court then concluded that the State and County's taxes were not preempted under that test because there is no pervasive or comprehensive federal regulatory scheme governing *retail sales* activity in the Village, and Tulalip could not demonstrate more than a basic financial interest implicated by the State and County taxation. The court also held that the taxes do not infringe on Tulalip's tribal sovereignty.

Both the Tribes and the United States have appealed to the 9<sup>th</sup> Circuit Court of Appeals. Their opening briefs on appeal are currently due on April 1, 2019. The State and County's answering briefs will be due May 1, 2019, although we anticipate seeking a 30-day extension to May 31, 2019. The earliest an amicus brief in support of the State and County would be due is therefore seven days later, June 7, 2019. If the Plaintiffs seek an extension on their briefs, the due date will be even later.

#### Status

The WSAC Executive Committee approved amicus involvement. WSAC is exploring the option of filing a joint brief with WSAMA. However, the parties reopened settlement negotiations in late April, and the briefing schedule was vacated.

Settlement negotiations proved to be successful, and the parties entered into a Memorandum of Understanding, which will be finalized by legislation. HB 2803/SB 6601 are currently pending before the state legislature.

### 4) **The Judges of the Benton and Franklin Counties Superior Court et al. v. Michael Killian, Franklin County Clerk, Superior Court of WA for Franklin County**

- Supreme Court, No. 96821-7

#### Issue

Whether courts may compel a board of county commissioners to fund expenditures absent clear, cogent, and convincing evidence that the expenditures are necessary to hold court, conduct the administration of justice efficiently, or fulfill its constitutional duties.

#### Background

Benton and Franklin County Superior Courts adopted a court rule to order the Franklin County Board of Commissioners to appropriate additional funds for the Franklin County Clerk to maintain paper records

after the electronic Odyssey record system was operational.

This case was heard by Kittitas County Superior Court Judge Scott Sparks. Plaintiff's motion for summary judgment seeking writ of mandamus was scheduled for hearing on December 7, 2018. The Kitsap County Board of Commissioners requested, and the Kitsap County Prosecuting Attorney agreed, to appear for WSAC as amicus in the case. The Kitsap County Prosecuting Attorney, by and through Chief Deputy Jacquelyn Aufderheide and Senior DPA Lisa Nickel, prepared and submitted the necessary briefing.

On December 10, 2018, Judge Scott Sparks ruled in favor of the judges, holding that it is the judges and not the clerk who decides when the timing of going paperless should occur. The Franklin County Superior Court Clerk is not authorized to disregard the authority of the court.

A petition for review was filed by the Franklin County Clerk to the Supreme Court, and WSAC was asked to continue its amicus support. Former WA Supreme Court Justice Phil Talmadge will be filing a brief on behalf of the Washington State Association of County Clerks.

#### Status

On July 26, 2019, Chief Civil Deputy Aufderheide prepared and submitted a new amicus brief similar to the one filed with the trial court, except that it responded to argument/contentions made in the Franklin County Superior Court's answer to WSAC's amicus brief and expanded WSAC's brief to describe the numerous functions county governments perform that may be impacted when judges demand extra-budget expenditures for judicial projects. Supreme Court oral arguments were heard on November 12, 2019.

#### **5) Bednarczyk, et al. v. King County**

- Supreme Court, No. 96990-6

#### Issue

Whether jurors are entitled to minimum wage as employees under the Washington Minimum Wage Act.

#### Background

Washington's counties, including King County, pay jurors within a \$10 to \$25 range pursuant to state law. Plaintiffs are hourly wage earners whose employers do not pay for jury service. They filed a claim in Pierce County Superior Court claiming that jurors should be paid minimum wage under the Washington Minimum Wage Act. They also sought a declaratory judgment on the grounds that insufficient juror pay necessitating economic hardship excusals effectively excludes jurors from services on the basis of economic status. They also included a racial disparity class and claim, but voluntarily dismissed it. While they aimed for a class action, no class was ever certified.

King County moved for and prevailed on summary judgment. Plaintiffs sought direct review, which was denied. The Court of Appeals affirmed the grant of summary judgment in favor of King County by a vote of 2-1, holding that (1) economic status is not a protected class under the Washington Law Against Discrimination, (2) an implied cause of action and remedy of increased juror pay is inconsistent with the legislative intent of the underlying statute, and (3) rejecting the argument that jurors are employees for purposes of the Minimum Wage Act.

#### Status

Plaintiffs sought review in the Washington Supreme Court, which was granted on July 29, 2019. Oral argument was heard on October 29, 2019. Pam Loginsky, of the Washington Association of Prosecuting Attorneys, drafted a joint brief for WSAC and the County Clerks, which was filed at the end of September.

#### **6) Teamsters Local 839 v. Benton County**

- Div. III, Court of Appeals, No. 36974-9-III

#### Issue

Does RCW 41.56 (public employees' collective bargaining) trump RCW 49.48.200 and .210 (collection of

overpayment of wages) such that public employers must collectively bargain the collection of overpayments?

### Background

In November 2016, the Benton County Auditor's Office discovered the accidental overpayment of wages to corrections officers and patrol deputies in the Sheriff's Office. The Auditor's Office notified the Sheriff's Office who communicated with the affected employees. The Teamsters filed a preemptive grievance, which was withdrawn, and no until members timely challenged the occurrence or amounts of the overpayments.

In lieu of litigation to recover undisputed debt owed the county, and pursuant to express statutory authority in RCW 49.48.200 and .210, the Auditor's Office had the employees served with notice and deducted the overpayments in subsequent pay periods per the statutory requirements. The Teamsters filed two Unfair Labor Practice complaints against the county alleging that they should not have dealt directly with represented employees and not providing the Teamsters with the opportunity to bargain a repayment plan.

The Teamsters and the County filed simultaneous, pre-hearing cross-motions for summary judgment. Without a full evidentiary hearing, the examiner ruled that the county committed the unfair labor practices. The county was ordered to return the overpaid funds, including interest if requested, to the employees and bargain and negotiate a payment plan with the Teamsters. PERC affirmed the examiner's decision. The county filed a petition for review of PERC's administrative decision in superior court, which affirmed the decision.

### Status

Benton County requested, and was granted, an extension of time for filing. WSAC's brief will likely be due in early 2020. Christopher Anderson, Spokane County Deputy Prosecuting Attorney, has volunteered to draft a brief on WSAC's behalf. Appellant, Benton County, filed their initial brief on December 13, 2019. Respondent's brief is due February 13, 2020.

## **7) Sandra Ehrhart et al v. King County et al**

- Supreme Court No. 96464-5

### Issue

Does WAC 246-101-505, which directs a county to "[r]eview and determine appropriate action" when it receives notice of a "notifiable condition" such as a Hantavirus infection creates a duty upon which tort liability can be imposed or does the public duty doctrine bar tort liability as a matter of law?

### Background

In December 2016, a commercial diagnostic lab notified King County that a resident of rural Redmond had tested positive for Hantavirus. Consistent with Department of Health (DOH) guidelines, King County sent a Public Health Nurse Investigator to review the case.

Health Departments send information to the public on a variety of health topics, including certain "notifiable conditions," i.e., diseases or conditions of public health importance. To that end, the Health Department's Communications office, in consultation with its Local Health Officer and condition-specific guidance from the Washington State Department of Health ("DOH"), determines when health notifications should be issued.

Due to the noncontagious nature of Hantavirus and the isolated nature of the resident, King County's Local Health Officer determined that issuing a public notice was not necessary.

In February 2017, King County was notified of Brian Erhart's unexplained death. He had been treated for flu-like symptoms at Swedish Hospital and discharged. The next day, his condition worsened, and he went to Overlake Hospital, where he later died. King County launched an investigation to determine the cause of death, which revealed he died of acute Hantavirus infection.

Mr. Erhart's estate has sued his treating physician, Swedish Health Services, and King County for negligence and wrongful death. The estate claims that the Health Department should have sent a health advisory to area healthcare providers after being notified of the December 2016 case of Hantavirus.

The trial court refused to grant King County's motion for summary judgment and instead "conditionally" granting the Estate's motion for summary judgment on the public duty doctrine dependent on the jury's factual findings at trial. The Supreme Court accepted the case on a motion for direct discretionary review.

### Status

This case has been set for oral argument on November 12, 2019. Having not found a volunteer DPA to draft this brief, WSAC general counsel, Mellani McAleenan, submitted a brief for WSAC on September 27, 2019. Oral argument was heard on November 12, 2019.

### **8) Mancini v. City of Tacoma, et al.** • **Supreme Court, No. 9758-3**

### Issue

Did the Court of Appeals err by deciding that plaintiff's negligence claim, as presented at trial, was a negligence investigation claim and thus, not cognizable (within the jurisdiction of a court), where the alleged negligent acts were the police's failure to make a controlled buy and conduct surveillance prior to obtaining a controlled substance warrant for plaintiff's home?

### Background

This is a case involving the execution of a search warrant on a suspected meth dealer in Federal Way. Unfortunately, the confidential informant misidentified the building, and the warrant was issued for, and executed on, Kathleen Mancini's apartment. Police believed that Mancini was the suspect's mother and that she was renting the apartment in her name to keep him off the grid. Mancini sued, alleged negligence, invasion of privacy, assault and battery, and false arrest, among other claims.

The case was initially dismissed on summary judgment, and Division I reversed on these four claims. The matter went to trial, and the jury found for the City on the intentional torts (invasion of privacy, assault/battery and false arrest), but found for the plaintiff on the negligence claim. The theory of negligence that plaintiff presented to the jury was that the City was negligent in how the warrant was obtained, by failing to do a controlled buy and by not conducting more surveillance prior to seeking and executing the warrant.

On appeal, in Mancini II, Division I agreed that the plaintiff's theory of liability at trial was negligent investigation, and that the claim was not cognizable. Division I reversed and directed that a verdict be entered for the City. Plaintiff brought a motion for reconsideration, which was also denied. Plaintiff then filed a petition for discretionary review in the Supreme Court, which had amicus support from the Washington State Association for Justice, and the Court accepted review.

Traditionally, courts have not recognized a claim of "negligent investigation." If the Supreme Court were to reverse Division I's decision, the potential liability is far reaching for county police agencies. Then, any time police agencies are involved in investigating a crime, a plaintiff may bring a claim that the case was not properly investigated.

### Status

Petitioner sought a 30 day extension for the supplemental briefs, which the Court granted, so the parties' supplemental briefs are due February 3, 2020. The case will be placed on the Spring term calendar for argument; date to be determined. WSAC originally believed there would be a joint brief filed with the Washington Association of Prosecuting Attorneys; however, WAPA has decided to file a standalone brief. Thus, WSAC is currently in the process of securing counsel to draft the brief.

## 9) **Edward Kilduff v. San Juan County**

- **Supreme Court, No. 95937-4**

### **Issue**

Must a public records requestor exhaust administrative remedies prior to filing a claim in superior court?

### **Background**

If a requestor of public records in San Juan County is not satisfied with the response they receive, the county code has a procedure requiring the requestor to submit a written request for review to the prosecuting attorney and allow two days for a response prior to initiating a public records lawsuit. The plaintiff in this case did not follow that procedure and filed the case without first requesting review from the prosecuting attorney.

In this case, the plaintiff filed a broad public records request with the county for a file of the prosecuting attorney. The prosecuting attorney spoke with the requestor to clarify his request and understood that the requestor/plaintiff wanted the final report issued by the prosecutor which had listed other documents the prosecutor had reviewed. If the other documents were wanted, then a follow up would occur. The public records clerk sent a follow up letter to the requestor/plaintiff stating this understanding, providing the final report and closing the request. The letter ended by saying "if you have any questions related to this request or believe we should have provided additional documents please let me know."

The requestor/plaintiff received the final report and letter but did not contact the public records clerk nor did he notify the prosecuting attorney in writing as required by the county code. Instead, he waited almost a full year following the County's response to his public records request and then went straight to court asserting he never intended to narrow his request during his telephone conversation and claiming damages. Had plaintiff followed administrative remedies and contacted the prosecuting attorney, the alleged miscommunication could have been identified and the records he sought promptly provided.

The superior court dismissed the plaintiff's claim for failure to exhaust his administrative remedies as required by the San Juan County Code.

### **Status**

The Supreme Court accepted review on July 11, and oral argument was heard on October 29, 2019. Having no DPA volunteers, WSAC engaged Pacifica Law Group to draft the brief. The Association of Washington Cities, the AWC Risk Management Service Agency, and the Washington State Transit Risk Pool joined the brief.

- The Supreme Court ruled against Snohomish County, holding that "nothing in the PRA gives local governments the right to create another layer of administrative review or to require administrative exhaustion before the public may seek judicial review."

## 10) **King County v. King County Water Districts Nos. 20, 45, 49, 90, 111, 119, 125, et al and Ames Lake Water Association, Dockton Water Association, Foothills Water Association, Sallal Water Association, Tanner Electric Cooperative, and Union Hill Water Association**

- **Supreme Court, No. 96360-6**

### **Issue**

May a county enact an ordinance that requires reasonable rental compensation for use of a county right-of-way, and may a county require minimum terms and conditions govern the use of the right-of-way in its franchise agreements?

### **Background**

King County Ordinance 1803 requires water, sewer, gas, and electric utilities to pay reasonable rental compensation through a negotiated franchise agreement for their use of county rights-of-way (ROW). To

date, public and private utilities have largely used county ROW for free. Shortly following passage of the ordinance, several district utilities declared their opposition and stated their intent to sue King County.

King County then filed an action for declaratory judgment seeking a ruling to confirm its legal authority to enact the ordinance. King County names the district utilities as defendants, and the private utilities subsequently interviewed. The utilities argued that King County lacked authority to charge reasonable rental compensation and imposed an illegal tax.

On cross-motions for summary judgment, the trial court ruled that King County did not have the authority to enact the ordinance, invalidating not only the franchise rental compensation but also ruling that the county could not require any minimum terms and conditions governing use of the ROW in its franchise agreements.

King County sought direct review by the Supreme Court and filed its opening brief on March 1, 2019.

### Status

Having found no DPA to volunteer to draft an amicus brief, WSAC engaged Arete Law Group to draft the brief, which focused largely on the issue of minimum terms and conditions, because Pacific Law Group represented King County. WSAC's brief was filed on August 9, 2019. The utilities objected to the filing, necessitating a reply by WSAC. The Court accepted the brief over the objections of the utilities on August 16, 2019. Oral argument was heard on September 17, 2019.

- The Court ruled in favor of King County, holding that King County could collect franchise compensation.

## **11) Ron Gipson v. Snohomish County**

- Supreme Court, No. 96164-6

### Issue

Did the County properly claim investigative records exempt under RCW 42.56.250(6) when the investigation into discrimination was active and on-going as of the date of the request?

### Background

This case involves a question of first impression: does an agency determine the applicability of an exemption on the date the request is received or on the date responsive records are produced? In this case, the request was received on December 1, 2014. On that date, the EEOC investigation sought was active and on-going. The investigation closed on February 2, 2015. In response to the December request, the County produced five installments of responsive records. Four were provided after the investigation was closed. The County applied the exemption found at RCW 42.6.250(6) as of the date the request was received and continued to apply it throughout the production of installments. Mr. Gipson challenged the continued use of the exemption after February 2, 2017, arguing that the exemption no longer applied once the investigation had closed and that the County violated the PRA by applying the exemption as of the date the request was received.

The trial court ruled in the County's favor, and the Court of Appeals affirmed the trial court's decision.

The Supreme Court granted review on November 27, 2018, and oral argument will be set for late February. Snohomish County requested WSAC file an amicus brief. WSAC joined the brief from the Washington State Association of Municipal Attorneys, prepared and submitted by Charlotte Archer of Inslee Best.

### Status

The brief was filed on January 11, 2019, and the case was heard on February 26, 2019.

- The Supreme Court found in favor of Snohomish County, holding that they had properly applied the "active and ongoing investigation" exemption. Installments are not new stand-alone requests but



are part of the single request and should be treated as such, with the determination regarding whether any exemption applies made at the time of the request and not at the time of the installment.

## **12) Thurston County ex rel Snaza v. City of Olympia**

- Supreme Court, No. 95586-7

### **Issue**

Whether counties may seek reimbursement from cities for a felon's pretrial medical expenses if the felon was initially arrested by law enforcement officers of the city.

### **Background**

Thurston County brought suit against the cities who refused to pay (Olympia, Lacey, Tumwater, Yelm). Tenino intervened. Mason County Superior Court ruled in favor of the cities. Found that the statute (RCW 70.480.130(6)) does not require cities to pay.

Thurston County petitioned for direct review to the Supreme Court. Cities agree that direct review is appropriate.

WSAC Board approved amicus involvement in January 2018.

### **Status**

The Supreme Court accepted direct review, and the case may be set for the winter docket. Rick Peters, Thurston County DPA is the lead attorney. John Purves, Kitsap County Deputy Prosecuting Attorney, prepared and submitted the brief for WSAC in January.

- The Supreme Court ruled against Thurston County in May, holding that the county could not seek reimbursement from the cities for the cost of medical services provided to inmates that the county held in its jail on felony charges brought by its own prosecutors because, in the absence of a prior interlocal agreement, a county is not entitled to seek reimbursement from cities for the cost of medical services provided to jail inmates who are arrested by city officers and held in the county jail in felony charges

## **13) Kittitas County v. WSLCB**

- Div. III, Court of Appeals, No. 35874-7-III

### **Issue**

Challenging LSCB's determination that it does not need to consider local development regulations when reviewing applications for cannabis licenses.

### **Background**

Kittitas County Sup. Court ruled in favor of Kittitas County. The LCB appealed to the Court of Appeals in February 2018.

### **Status**

WSAMA will be filing an amicus brief and agreed to allow WSAC to join. Lead attorney is Milt Rowland with Foster Pepper and Dan Lloyd with the City of Vancouver. However, due to the transition in staffing, WSAMA filed the brief without WSAC in early September.

- The Court of Appeals ruled against Kittitas County in April, holding that the county's zoning code did not provide grounds for the WSLCB to deny the applicant a marijuana/processor license because neither the Growth Management Act, nor Washington's marijuana licensing laws requires that licenses be issued in conformity with local zoning laws.
- Supreme Court did not accept the appeal. Court of Appeals decision stands.

**February 5, 2020**



## **BUSINESS ACTION AND REPORTS**

February 5, 2020

**TO:** WSAC Board of Directors

**FROM:** Eric Johnson, Executive Director

**PREPARED BY:** Bridget Lockling, Finance and Administration Director

**SUBJECT:** Conflict of Interest Policy

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WSAC's Comprehensive Policy Manual includes a Conflict of Interest policy specifically for the Board of Directors. WSAC has a duty (per federal 990 reporting requirements) to inform the board that this policy exists.

Highlights of the policy to note:

***This policy applies to all Directors entitled to vote in accordance with the Association Bylaws, and to Alternate Directors acting on behalf of a Director.***

*The Directors and Officers of the Washington State Association of Counties ("WSAC") owe a duty of loyalty to the Association, which requires that in serving WSAC they act, not in their personal interests or in the interests of others, but rather solely in the interests of WSAC...*

*A conflict of interest may arise when a person has an existing or potential financial interest or other material interest that impairs, or might appear to impair, his/her independence or objectivity in the discharge of responsibilities and duties to WSAC...*

*Every Director and Officer must discharge his/her duties in good faith, with the degree of care that an ordinarily prudent person in a like position would exercise under similar circumstances...*

*Each Director and Officer must protect the confidential information of WSAC and must not use confidential information of WSAC for his/her personal benefit, or use such confidential information or his/her position as a Director or Officer to the detriment of WSAC...*

*Each Director and each Officer of WSAC shall promptly disclose any direct or indirect financial or other material interest that he or she has or reasonably expects to have in any proposed or existing Arrangement with WSAC prior to the start of any negotiations with respect to such matter...*

A full copy of the policy follows this memo. The attached resolution #2020-01 is included as certification that the policy has been provided to and reviewed by the WSAC Board of Directors and Alternates.

## COMPREHENSIVE POLICY MANUAL

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### II MEMBERS

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ORIGINAL ADOPTION: May 18, 2005

BOARD APPROVED REVISION: September 16, 2011

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#### Part 2 – Conflict of Interest

***This policy applies to all Directors entitled to vote in accordance with the Association Bylaws, and to Alternate Directors acting on behalf of a Director.***

The Directors and Officers of the Washington State Association of Counties (“WSAC”) owe a duty of loyalty to the Association, which requires that in serving WSAC they act, not in their personal interests or in the interests of others, but rather solely in the interests of WSAC. Directors and Officers must have an undivided allegiance to WSAC’s mission and may not use their position as Directors or Officers, information they have about the WSAC, or WSAC’s property, in a manner that allows them to secure a pecuniary or other material benefit for themselves or their relatives [for purposes of this Policy, “relative” means spouse or significant other living in the same household (“life partner”), brothers or sisters (by whole or half-blood), life partners of brothers or sisters (by whole or half-blood), ancestors, children, grandchildren, great-grandchildren, and life partners of children, grandchildren, and great-grandchildren]. Accordingly, a Director or Officer may not use his/her position at WSAC for personal gain or to benefit another at the expense of WSAC, its mission, or its reputation.

A conflict of interest may arise when a person has an existing or potential financial interest or other material interest that impairs, or might appear to impair, his/her independence or objectivity in the discharge of responsibilities and duties to WSAC. This policy is intended to protect WSAC’s interests when it is contemplating entering a contract, transaction, or arrangement that might benefit the private interests of a member of WSAC’s Board of Directors or an Officer of WSAC. This policy is also meant to aid Directors and Officers of WSAC in performing the duties imposed upon them by the laws of the State Washington and the United States of America with respect to their management responsibilities and fiduciary obligations to WSAC. WSAC is committed to transparency and openness in its operations.

Every Director and Officer must discharge his/her duties in good faith, with the degree of care that an ordinarily prudent person in a like position would exercise under similar circumstances. This requires using common sense, being diligent and attentive to WSAC’s needs, and making thoughtful decisions in the best interest of WSAC. A Director or Officer may not take personal advantage of a business opportunity that is offered to WSAC unless the Board of Directors of WSAC first determines not to pursue the opportunity.

Each Director and Officer must protect the confidential information of WSAC and must not use confidential information of WSAC for his/her personal benefit, or use such confidential information or his/her position as a Director or Officer to the detriment of WSAC. Confidential information is information obtained through the Director’s or Officer’s position that has not become public information.

## COMPREHENSIVE POLICY MANUAL

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### **Direct or Indirect Financial or Other Material Interest**

Contracts, transactions or arrangements of WSAC in which a Director or Officer has a direct or indirect financial or other material interest are not prohibited, but are subject to scrutiny. Any such proposed contract, transaction, or arrangement (collectively, “Arrangement”) is to be reviewed to determine that it is in the best interests of WSAC.

For purposes of this Policy, a Director or Officer has a direct or indirect financial or other material interest in a proposed or existing Arrangement if he or she, or one of his/her relatives (a) has a substantial financial interest directly in the proposed or existing Arrangement; or (b) has a substantial financial interest in any other organization that (i) is a party to the proposed or existing Arrangement; or (ii) is in any way involved in the proposed or existing Arrangement, including through the provision of services in connection therewith (an “involved organization”); or (c) holds a position as trustee, director, officer, member partner, or employee in any such party or involved organization.

### **Substantial Financial Interest**

A Director’s or Officer’s financial interest will be considered substantial if it involves (a) an ownership or investment interest representing more than 1% of the outstanding shares of a publicly traded company or 5% of the outstanding shares or comparable interest of a privately owned company with which WSAC has or is negotiating an Arrangement or which is an involved organization with respect to the Arrangement; or (b) an ownership or investment interest, which produces a significant amount of income for or constitutes a significant part of the net worth of the Director or Officer, or a relative of the Director or Officer, in any entity with which WSAC has or is negotiating an Arrangement or which is an involved organization with respect to the Arrangement; or (c) a compensation arrangement of any kind with any entity or individual with which WSAC has or is negotiating an Arrangement or with any involved organization with respect to the Arrangement.

### **Disclosure of Interest and Participation in Meeting**

Each Director and each Officer of WSAC shall promptly disclose any direct or indirect financial or other material interest that he or she has or reasonably expects to have in any proposed or existing Arrangement with WSAC prior to the start of any negotiations with respect to such matter. A direct or indirect financial interest required to be disclosed under this Policy shall be disclosed in writing to the WSAC President (the “President”). Such disclosure shall include all material facts and supply any reasons why the Arrangement might be or not be in the best interest of WSAC. The President shall refer the issue to the Audit Finance & Investment Committee (the “Committee”).

The Director or Officer who discloses a direct or indirect financial or other material interest in a proposed or existing Arrangement may make a presentation and respond to questions by the Committee, but after such presentation, he or she shall leave the meeting during the discussion of, and vote on, the Arrangement that results in the conflict of interest. As part of any such presentation, the Director or Officer shall provide to the Committee any reasons why the Arrangement might be or not be in the best interests of WSAC. The Committee shall determine whether WSAC can obtain a more advantageous Arrangement with reasonable efforts from a person or entity that would not give rise to a conflict of interest. The Committee may, if appropriate, appoint a disinterested person or committee

## COMPREHENSIVE POLICY MANUAL

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to investigate alternatives to the proposed Arrangement. If a more advantageous contract, transaction, or arrangement is not reasonably attainable under circumstances that would not give rise to a conflict of interest, the Committee shall determine by majority vote of the disinterested members of the Committee whether the Arrangement is in WSAC's best interests and whether it is fair and reasonable to WSAC and shall make its decision as to whether to enter into the Arrangement in conformity with such determination.

### **Minutes of Meeting**

The names of the Directors and Officers who disclosed or otherwise were found to have a direct or indirect financial or other material interest in a proposed or existing Arrangement with WSAC, the nature of the interest, and the extent of the Director's or Officer's participation in the relevant Committee meeting on matters related to the financial or other material interest shall be recorded in the minutes for that meeting. The minutes also shall include a record of any determination as to whether the Arrangement was in the best interest of and fair and reasonable to WSAC, notwithstanding the interest, and the specific reasons supporting the determination, including any alternatives to the proposed or existing Arrangement, the names of the persons who were present for discussions and votes relating to the proposed or existing Arrangement, and a record of any votes taken in connection therewith.

### **Co-Investment Interest**

Each Director and each Officer of WSAC also shall disclose whether he or she, or one of his/her relatives, has personal funds invested with an investment manager providing, or expected to provide, investment management services to WSAC or in a professionally managed investment fund in which WSAC is invested or is considering investing (a "co-investment interest"). For the purposes of this Conflicts of Interest Policy, a "professionally managed investment fund" shall not include mutual funds or other similar investment vehicles generally available to the investing public on essentially the same terms. Such co-investment interest shall be disclosed in writing to President. Such disclosure shall include all material facts, including, but not limited to, fee arrangements and any preferential treatment received by the Director or Officer, or one of his/her relatives, and not available to other investors necessary to determine whether such co-investment interest may provide a benefit to the Director or Officer, or one of his/her relatives. If the President determines that the co-investment interest may provide some advantage to the Director or Officer, or one of his/her relatives, the President shall refer the issue to the Committee. The Director or Officer who discloses a co-investment interest may make a presentation and respond to questions from the Committee but shall not be present during the discussion of, and vote on, how to address the co-investment interest. The Committee shall determine what, if any, corrective action is required with respect to the co-investment interest, including, but not limited to, terminating the investment relationship or seeking an adjustment in fee structure.

### **Failure to Disclose**

If the Committee has reasonable cause to believe that a Director or Officer has failed to disclose a direct or indirect financial or other material interest or co-investment interest subject to this Policy, it shall inform the Director or Officer of the basis for such belief and afford the Director or Officer an opportunity to explain the alleged failure to disclose. If, after hearing the response of such individual

## COMPREHENSIVE POLICY MANUAL

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and making such further investigation as may be warranted in the circumstances, the Committee determines that the Director or Officer has in fact failed to disclose a direct or indirect financial or other material interest or co-investment interest subject to this Policy, it shall take appropriate disciplinary and corrective action.

### **Employees Covered by Policy**

This Policy shall apply to the Executive Director.

### **Policy Supplements Applicable Laws**

This Policy is intended to supplement but not replace any applicable state or federal laws or regulations governing conflicts of interest applicable to nonprofit corporations.



### **Resolution # 2020-01**

**WHEREAS**, the Washington State Association of Counties' Board of Directors is charged under its Bylaws and Policies with governance for WSAC's operations and financial interests; and

**WHEREAS**, WSAC operations follow the WSAC Conflict of Interest Policy adopted by the WSAC Board of Directors in June 2008 and updated in September 2011; and

**WHEREAS**, All WSAC Directors entitled to vote in accordance with the Association Bylaws, and Alternate Directors acting on behalf of a Director, have a duty to promptly disclose any direct or indirect financial or other material interest that he or she has or reasonably expects to have in any proposed or existing Arrangement with WSAC; and

**WHEREAS**, WSAC has a duty to inform Directors and Alternates that the Conflict of Interest Policy exists.

**NOW THEREFORE, BE IT RESOLVED** that the Washington State Association of Counties' Board of Directors and Alternates acknowledge that the WSAC Conflict of Interest Policy was transmitted to the WSAC Board of Directors on February 5, 2020; and

**BE IT FURTHER RESOLVED** that the Washington State Association of Counties' Board of Directors and Alternates received explanation and briefing on the WSAC Conflict of Interest Policy.

Approved by the Board of Directors of the Washington State Association of Counties on February 5, 2020.

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Robert Gelder, WSAC President

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Jamie Stephens, WSAC 2<sup>nd</sup> Vice-President



**February 5, 2020**

**TO:** WSAC Board of Directors

**FROM:** Eric Johnson

**PREPARED BY:** Bridget Lockling, Finance and Administration Director

**SUBJECT:** Appointment of Audit, Investment and Finance Committee

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### **Background**

WSAC Bylaws call for the following action:

#### **3.17.4 Audit, Investment & Finance Committee**

The Board of Directors shall appoint an Audit, Investment and Finance Committee from those names presented by the President. The primary function of the Audit, Investment and Finance Committee is to assist the Board of Directors in fulfilling its fiduciary, financial, investment and compliance oversight responsibilities as defined in the Audit, Investment and Finance Committee Charter. The 2nd Vice President shall Chair the Audit, Investment and Finance Committee.

WSAC Policy Manual further states:

The Board of Directors shall appoint the Audit, Investment and Finance Committee from those names presented by the President. The committee shall consist of at least five active members of the Association. Additionally, the WSAC 1<sup>st</sup> Vice-President and the 2<sup>nd</sup> Vice-President are mandatory members with two year terms. The remaining members serve a three year term.

### **Discussion**

Consistent with WSAC Bylaws and Policy the following members will serve on the 2020 Audit, Investment and Finance Committee:

Whitman County Commissioner Michael Largent, WSAC 1<sup>st</sup> Vice-President (Per WSAC Policy)  
San Juan County Commissioner Jamie Stephens, WSAC 2<sup>nd</sup> Vice-President (Per WSAC Policy)

Spokane County Commissioner Mary Kuney, Term Expires December 31, 2020  
King County Councilmember Kathy Lambert, Term Expires December 31, 2020

Additionally, WSAC President Rob Gelder makes the following nominations to the Audit, Investment and Finance Committee:

Ron Wesen, Skagit County Commissioner, Term Expires December 31, 2022  
Jim Johnson, Walla Walla County Commissioner, Term Expires December 31, 2022  
Kate Dean, Jefferson County Commissioner, Term Expires December 31, 2022

### **Staff Recommendation**

Staff recommends adoption of Resolution 2020-02 to appoint the Audit, Investment and Finance Committee as listed.



### **Resolution # 2020-02**

**WHEREAS**, the Washington State Association of Counties' Board of Directors is charged under its Bylaws and Policies with appointing the members of an Audit, Investment, and Finance Committee; and

**WHEREAS**, the Audit, Investment and Finance Committee performs the important work of assisting the Board of Directors in fulfilling its fiduciary, financial, investment and compliance oversight responsibilities; and

**WHEREAS**, WSAC President Rob Gelder recommends the appointment of the following members to the Audit, Investment and Finance Committee:

Ron Wesen, Skagit County Commissioner, Term Expires December 31, 2022  
Jim Johnson, Walla Walla County Commissioner, Term Expires December 31, 2022  
Kate Dean, Jefferson County Commissioner, Term Expires December 31, 2022

**NOW THEREFORE, BE IT RESOLVED** that the Washington State Association of Counties' Board of Directors approves President Gelder's nominees to the Audit, Investment and Finance Committee as follows:

Ron Wesen, Skagit County Commissioner, Term Expires December 31, 2022  
Jim Johnson, Walla Walla County Commissioner, Term Expires December 31, 2022  
Kate Dean, Jefferson County Commissioner, Term Expires December 21, 2022

Approved by the Board of Directors of the Washington State Association of Counties on February 5, 2020.

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Robert Gelder, WSAC President

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Jamie Stephens, WSAC 2<sup>nd</sup> Vice-President

February 5, 2020

**TO:** WSAC Board of Directors

**FROM:** Eric Johnson, Executive Director

**PREPARED BY:** Derek Anderson, Director, Member Services and Communications

**SUBJECT:** Appointments and Nominations to Statewide Boards & Commissions

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The following nominations were received for open county represented positions on statewide boards and commissions. Attached are applications and statement of interests from each candidate.

**Nominations to the Governor**

**Freight Mobility Strategic Investment Board**

Eligibility: WSAC Member – Eastern WA

Number of Positions: One

Number of Applications Received: Two

Art Swannack, Whitman County Commissioner

Cory Wright, Kittitas County Commissioner

**Transportation Improvement Board – Engineer**

Eligibility: County Engineer – Eastern WA

Number of Positions: One

Number of Applications Received: Three

Chad Coles, Spokane County Engineer

Charles Eaton, Columbia County Public Works Director

Eric Pierson, Chelan County Engineer/Public Works Director

**Transportation Improvement Board – County Elected**

Eligibility: County Elected – Eastern WA

Number of Positions: One

Number of Applications Received: Two

Charles Amerein, Columbia County Commissioner

Norm Childress, Yakima County Commissioner

**Openings Receiving No Nominations**

**Law Enforcement Officers & Fire Fighters Plan 2 Retirement Board - Employer**

*WSAC Nominates, Appointed by Governor*

*Positions available – 1*

**Transportation Demand Management Technical Committee – County Engineer**

*WSAC Nominates, Appointed by WSDOT*

*Positions available – 1*

WSAC will continue to recruit for these positions acknowledging that the Executive Board may make appointments prior to the May Board of Director's meeting if nominations/applications are received.

## Boards and Commissions

<b>Submission Date</b>	01-15-2020 11:56:30
<b>Position of Interest:</b>	Freight Mobility Strategic Investment Board
<b>Name</b>	Art Swannack
<b>Title</b>	Commissioner
<b>County:</b>	Whitman County
<b>Phone Number</b>	(509) 3975247
<b>E-mail</b>	arts@whitmancounty.net

**If elected official, your current term ends?** December 31 2020

**Have you contacted the Board or Commission of interest or visited their website to review the meeting schedule and to determine if you are able to meet their requirements?** Yes

**As an appointee or nominee of WSAC, you will represent the interests and positions of the Association and act in the best interests of all counties. You may be required to report back to the WSAC Board verbally or in writing, upon request, about activities and decisions of the Board or Commission on which you serve. Do you agree to these responsibilities?** Yes

**Statement of Interest - Why are you interested in serving on this Board or Commission? What specific expertise do you bring to the subject area(s)?**

Dear WSAC Board and Officers,

I was appointed to the FMSIB board in March of 2017 and I am nearing the end of my first term. I appreciate the opportunity you have given me to serve on FMSIB on behalf of our counties. I believe this board does a very good job of improving freight movement into and out of Washington State and helps solve freight movement problems. Many of these problems would not get fixed without FMSIB's ability to focus on the specific freight movement problem and objectively evaluate proposed projects for their ability to solve the problem. As a farmer and county commissioner, I know how important good roads, rails and port systems are to my markets and the success of all businesses in this state. I enjoy serving on this board. I believe I have done a good job representing all counties and humbly ask you to nominate me for a second term.

Sincerely,

Art Swannack

Whitman County Commissioner

## Boards and Commissions

<b>Submission Date</b>	01-23-2020 12:28:12
<b>Position of Interest:</b>	Freight Mobility Strategic Investment Board
<b>Name</b>	Cory Wright
<b>Title</b>	Commissioner
<b>County:</b>	Kittitas County
<b>Phone Number</b>	(509) 962-7508
<b>E-mail</b>	cory.wright@co.kittitas.wa.us
<b>If elected official, your current term ends?</b>	December 31 2020
<b>Have you contacted the Board or Commission of interest or visited their website to review the meeting schedule and to determine if you are able to meet their requirements?</b>	Yes
<b>As an appointee or nominee of WSAC, you will represent the interests and positions of the Association and act in the best interests of all counties. You may be required to report back to the WSAC Board verbally or in writing, upon request, about activities and decisions of the Board or Commission on which you serve. Do you agree to these responsibilities?</b>	Yes
<b>Statement of Interest - Why are you interested in serving on this Board or Commission? What specific expertise do you bring to the subject area(s)?</b>	<p>Prior to serving as county commissioner, I spent 20 years in the maritime industry including 10 years in port and terminal operations management. I have a deep understanding of the challenges at the local level around handling truck traffic on surface streets as well as a broad knowledge of regional intermodal transportation. Additionally, Kittitas County's agricultural producers are heavily dependent on access to maritime ports for exporting goods. We stand at the crossroads of the state's two major Eastern Washington interstate freeways and are the site of the critical freight chokepoint at Snoqualmie Pass. I believe I am the ideal candidate for this position.</p>

## Boards and Commissions

<b>Submission Date</b>	01-23-2020 09:09:56
<b>Position of Interest:</b>	Transportation Improvement Board - Engineer
<b>Name</b>	Chad Coles
<b>Title</b>	County Engineer
<b>County:</b>	Spokane County
<b>Phone Number</b>	(509) 477-7450
<b>E-mail</b>	ccoles@spokanecounty.org

**Have you contacted the Board or Commission of interest or visited their website to review the meeting schedule and to determine if you are able to meet their requirements?**

Yes

**As an appointee or nominee of WSAC, you will represent the interests and positions of the Association and act in the best interests of all counties. You may be required to report back to the WSAC Board verbally or in writing, upon request, about activities and decisions of the Board or Commission on which you serve. Do you agree to these responsibilities?**

Yes

**Statement of Interest - Why are you interested in serving on this Board or Commission? What specific expertise do you bring to the subject area(s)?**

The Transportation Improvement Board has an important role in influencing the direction of transportation infrastructure in Washington State. I have worked with this organization for more than 20 years gaining personal experience with the quality of the organization. I would love an opportunity to contribute to the Board.

I have been employed by Spokane County for 29 years as a Professional Engineer working in maintenance, design, construction, programming/planning and organizational management. In the course of that experience I have worked with TIB on over 15 transportation project ranging from a new 5 lane arterial corridor to providing support of regional small city chip seal project.

Thank you for considering my application.

Chad Coles, PE

## Boards and Commissions

<b>Submission Date</b>	01-24-2020 16:19:09
<b>Position of Interest:</b>	Transportation Improvement Board - Engineer
<b>Name</b>	Charles Eaton
<b>Name</b>	Charles Eaton
<b>Title</b>	PW Director
<b>County:</b>	Columbia County
<b>Phone Number</b>	(5093822534) 5093822534
<b>E-mail</b>	charles_eaton@co.columbia.wa.us

**Have you contacted the Board or Commission of interest or visited their website to review the meeting schedule and to determine if you are able to meet their requirements?**

Yes

**As an appointee or nominee of WSAC, you will represent the interests and positions of the Association and act in the best interests of all counties. You may be required to report back to the WSAC Board verbally or in writing, upon request, about activities and decisions of the Board or Commission on which you serve. Do you agree to these responsibilities?**

Yes

**Statement of Interest - Why are you interested in serving on this Board or Commission? What specific expertise do you bring to the subject area(s)?**

I have been involved in Transportation projects for going on 40 years. Having worked within DOT, small and medium size cities, Private Practice and Rural counties I have a wide range of expertise that would complement the mission of the Transportation Improvement Board. I also have extensive knowledge of ADA issues and how they relate to both urban and rural environments. I believe it is time for me to start giving back to the industry that has been great to work in and I feel the Transportation Improvement Board would be a great place for me to participate and contribute to the process.

## Boards and Commissions

<b>Submission Date</b>	01-23-2020 16:23:19
<b>Position of Interest:</b>	Transportation Improvement Board - Engineer
<b>Name</b>	Eric Pierson
<b>Title</b>	Director/County Engineer
<b>County:</b>	Chelan County
<b>Phone Number</b>	(509) 6676482
<b>E-mail</b>	eric.pierson@co.chelan.wa.us
<b>Have you contacted the Board or Commission of interest or visited their website to review the meeting schedule and to determine if you are able to meet their requirements?</b>	Yes
<b>As an appointee or nominee of WSAC, you will represent the interests and positions of the Association and act in the best interests of all counties. You may be required to report back to the WSAC Board verbally or in writing, upon request, about activities and decisions of the Board or Commission on which you serve. Do you agree to these responsibilities?</b>	Yes



**Statement of Interest - Why are you interested in serving on this Board or Commission? What specific expertise do you bring to the subject area(s)?**

In my current role as president of Washington State Association of County Engineers, I have found that volunteering for statewide boards or committees is essential to ensure our unique roadways are represented. As president, I represent all County Engineers of the state irregardless if my own county has the same situation, problem, type of facility, etc. I take pride in being fair and equitable as I would be if selected on this Board.

While Chelan County does not have the most urban arterial miles in Eastern Washington, we experience the same struggles with increased traffic and more diverse modes of travel competing over the same space of outdated infrastructure that is in need of repair. All of this with declining revenues. This is not new and is an issue across the state.

My experience of 13 years with WSDOT and 9 years at Chelan County allowed me to be involved in many types of projects in both design and construction administration. This was in rural and urban areas. These ranged from smaller channelization projects to intersection/interchanges. I have been involved in process improvements and VE studies for projects. For roadway preservation, I have designed and administered projects and moved Chelan County to a life cycle cost preservation program.

In a time of do more with less, I would hope I can bring my experiences and serve on the Board.

## Boards and Commissions

<b>Submission Date</b>	01-23-2020 15:44:39
<b>Position of Interest:</b>	Transportation Improvement Board - Engineer
<b>Name</b>	Charles Amerein
<b>Title</b>	Commissioner
<b>County:</b>	Columbia County
<b>Phone Number</b>	(509) 7303078
<b>E-mail</b>	charles_amerein@co.columbia.wa.us
<b>If elected official, your current term ends?</b>	December 31 2022
<b>Have you contacted the Board or Commission of interest or visited their website to review the meeting schedule and to determine if you are able to meet their requirements?</b>	Yes
<b>As an appointee or nominee of WSAC, you will represent the interests and positions of the Association and act in the best interests of all counties. You may be required to report back to the WSAC Board verbally or in writing, upon request, about activities and decisions of the Board or Commission on which you serve. Do you agree to these responsibilities?</b>	Yes
<b>Statement of Interest - Why are you interested in serving on this Board or Commission? What specific expertise do you bring to the subject area(s)?</b>	I feel as an elected from a county with a small population but a large road network I can bring a unique perspective. We have diverse use requirements that includes agriculture, recreation, interstate commerce and extensive alternate transportation needs.

## Boards and Commissions

<b>Submission Date</b>	01-24-2020 11:13:39
<b>Position of Interest:</b>	Transportation Improvement Board - Elected
<b>Name</b>	Norm Childress
<b>Name</b>	Norm Childress
<b>Title</b>	Commissioner
<b>County:</b>	Yakima County
<b>Phone Number</b>	(509) 8303898
<b>E-mail</b>	norm.childress@co.yakima.wa.us
<b>If elected official, your current term ends?</b>	December 31 2023

**Have you contacted the Board or Commission of interest or visited their website to review the meeting schedule and to determine if you are able to meet their requirements?**

Yes

**As an appointee or nominee of WSAC, you will represent the interests and positions of the Association and act in the best interests of all counties. You may be required to report back to the WSAC Board verbally or in writing, upon request, about activities and decisions of the Board or Commission on which you serve. Do you agree to these responsibilities?**

Yes

**Statement of Interest - Why are you interested in serving on this Board or Commission? What specific expertise do you bring to the subject area(s)?**

Hello,

My name is Norm Childress

I am currently a Yakima County Commissioner.

I am interested in serving on the Transportation Improvement Board.

I am in my 28 th year as an elected official in Yakima County. Twelve years on City Council, then fourteen years as Mayor of Grandview, Wa. and currently in my second year as a Yakima County Commissioner.

Professionally I am a retired Transportation Engineer. I retired from Benton County in 2015 after 37 years of service.

I am interested in not only the safety aspects of transportation but also freight mobility and multi-modal efficiencies.

I have listed a summary of my background. I have worked extensively on not only rural but also urban transportation issues.

There has always been huge challenges meeting transportation needs in our state and with my background and training I think I would be an asset to the TIB.

Thank you for considering me for this position.

**Norman W. Childress** as of 01/24/2020

**Work History - Professional**

Yakima County Board of Commissioners	2019 - Current
RETIRED	2015 - 2019
Benton County Public Works - Engineering Services Manager	1978 - 2015

USDA Soil Conservation Service - Irrigation System Design ( PT )

1/78 to 10/78

USDA Forest Service - Survey Crew (Summers)

1975,76,77

**Education**

Naches Valley High School	1976
Yakima Valley Community College	1976-1978
University of Washington (Technical Courses)	1981-1982
Northwestern University (Technical Courses)	1987 - 90

**Elected and Professional Affiliations**

Yakima County - Board of Commissioners	<b>Chairman</b> Current
Yakima County - Board of Commissioners	Member 2019 - Current
Yakima Valley Council of Governments - Exec. Bd.	Member 2020 - Current
Yakima County - DRYVE/TRANS-Action Exec. Bd.	Member 2019 - Current
Yakima Co. SIED ( Supporting Investments in Econ. Development) Bd.	Member 2019 - Current
Yakima Valley Office of Emergency Management Exec. Bd.	Member 2015 - Current
Yakima Co. Emergency Medical Services Admin. Bd.	Member 2016 - Current
Accident Reconstructionist Certification - ACTAR	Member 1994 - Current
City of Grandview - Chamber Commerce	Member 2002 - Current
Yakima Regional Clean Air Admin. Bd.	Member 2016 - 2019
City of Grandview -	<b>Mayor</b> 2005 - 2018
New Vision   Yakima County Development Assn. Exec. Bd.	Member 2016 - 2018
Association of Washington Cities - Board of Directors	Member 2017 - 2018
Yakima Valley Mayors Association	Member 2005 - 2018
Yakima Valley Mayors Association	<b>Chairman</b> 2013 - 2015
Washington Traffic Safety Commission Representatives	Member 1981 - 2015
UTEC (Urban Transportation Engineers Council)	Member 1982 - 2015
ITE - Institute of Transportation Engineers	Member 1982 - 2015
City of Kennewick Traffic Safety Commission	Member 2010 - 2015
Association of Washington Cities - Board of Directors	Member 2005 - 2011
Employee Benefit Trust - Board of Directors	Member 2007 - 2010
Wa. Traffic Safety Commission Representatives - Executive Bd	Member 1989 - 1995
International Municipal Signal Association	Member 1989 - 2015
Washington Association of Technical Accident Investigators	Member 1990 - 2015
City of Grandview - City Council	Member 1992 - 2005
City of Grandview - Streets Committee	<b>Chairman</b> 1992 - 2004
City of Grandview - Planning Commission	Member 1991 - 1992

**Certifications**

Traffic Studies and Analysis	University of Washington	Seattle, WA	1981
Fundamentals of Traffic Eng	University of Washington	Seattle, WA	1981
Funct Req. of Highway Safety Feat.	National Highway Institute	Richland, WA	1982
Traffic Control for Hwy Const & Maint	National Highway Institute	Yakima, WA	1982
Traffic Eng Technical Short Course	University of Washington	Seattle, WA	1982
Legal Aspects of Traffic Eng	University of Washington	Seattle, WA	1982
Traffic Control Device Handbook	National Highway Institute	Kent, WA	1984
Intro to Micro Computers	WSDOT	Olympia, WA	1985
At Scene Accident Investigation	Northwestern University	Evanston, Illinois	1987
Vehicle Dynamics	Northwestern University	Evanston, Illinois	1988
Technical Accident Investigation	Northwestern University	Evanston, Illinois	1988
Traffic Accident Reconstruction I	Northwestern University	Evanston, Illinois	1989
Traffic Accident Reconstruction II	Northwestern University	Evanston, Illinois	1989
Coaching the Experienced Driver	Wa. Counties Risk Pool	Seattle, WA	1989
Soc of Accident Reconstructionists	Texas A&M University	College Sta., Texas	1990
Risk Management	WSDOT	Olympia, WA	1991
Risk Management	Wa. Counties Risk Pool	Spokane, WA	1991
After the Collision	Evergreen Safety Council	Olympia, WA	1991
Low-Cost Improvements For 2 Lane Hwys	Northwestern University	Jackson, Wyoming	1992
Critical Speed Analysis	Wa. Ass. of Tech. Acc. Inv.	Ellensburg, WA	1992
Traffic Accident Investigation	Wa. Counties Risk Pool	Leavenworth, WA	1992

Coaching the Maint Veh. Driver	Wa. Counties Risk Pool	Seattle, WA	1992
Driver Safety Course	Pitarresi Motorsports	Portland, OR	1992
Accident Reconstructionist Cert	Accreditation Comm for Traffic Accident Reconstruction		1992
Micro-Assisted Accident Reconst.-Edcrash	Northwestern University	Evanston, Illinois	1993
Photography/Measurement of Acc. Scene	Wa. Counties Risk Pool	Leavenworth, WA	1993
Heavy Vehicle Braking and Rollover	Society of Accident Recons	College Sta., Texas	1994
Heavy Vehicle Crash Reconstruction	Northwestern University	Sunnyvale, CA	1995
Collision Analysis & Traffic Acc. Reconstr.	Society of Accident Recons	Charlottesville, VA	1995
Safety Management Systems	National Highway Institute	Olympia, WA	1995
Handling Studies- Truck/Trailer Comb.	Wa. Ass. of Tech. Acc. Inv.	Aberdeen, WA	1995
At Grade Crossing Safety	Wa. Counties Risk Pool	Wenatchee, WA	1995
Biomechanics of Injury from Traffic Coll	National Institute of Forensics	Orange, CA	1996
Collision Investigation	Wa. Counties Risk Pool	Wenatchee, WA	1996
Access Management, Location, & Design	National Highway Institute	Tacoma, WA	1996
Certificate of Municipal Leadership	Ass. of Washington Cities	Various	2007
Certificate of Adv Municipal Leadership	Ass. of Washington Cities	Various	2010
Traffic Sign Retro Reflectivity	WSDOT	Spokane, WA	2010
DOT Supervisor Training	WSDOT	Pasco, WA 2014	



### Resolution 2020-03

**WHEREAS**, the Washington State Association of Counties' Board of Directors is charged with making recommendations and/or appointments to numerous Washington State boards, commissions, and committees, and

**WHEREAS**, it is vital that county governments' interests are fully represented on statewide boards, commissions and committees; and

**WHEREAS**, there is a vacancy on the Freight Mobility Strategic Investment Board; and

**WHEREAS**, the following County Commissioners, Councilmembers, and Councilors have sought appointment for this vacancy:

Art Swannack, Whitman County Commissioner  
Cory Wright, Kittitas County Commissioner

**NOW THEREFORE, BE IT RESOLVED**, that the Washington State Association of Counties' Board of Directors nominates the following member(s) to the Freight Mobility Strategic Investment Board:

**BE IT FURTHER RESOLVED**, that WSAC staff be directed to immediately transmit the nominee's name(s) to Governor of the State of Washington; and

**BE IT FURTHER RESOLVED**, that WSAC staff is directed to contact the nominee(s) of their selection; and

**BE IT FURTHER RESOLVED**, that applicants not selected be notified and thanked for their commitment and interest in representing county government.

Approved by the Board of Directors of the Washington State Association of Counties on February 5, 2020.

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Robert Gelder, WSAC President

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Jamie Stephens, WSAC Second Vice President



#### **Resolution 2020-04**

**WHEREAS**, the Washington State Association of Counties' Board of Directors is charged with making recommendations and/or appointments to numerous Washington State boards, commissions, and committees, and

**WHEREAS**, it is vital that county governments' interests are fully represented on statewide boards, commissions and committees; and

**WHEREAS**, there is a vacancy on the Transportation Improvement Board; and

**WHEREAS**, the following County Engineers and Public Works Directors have sought appointment for this vacancy:

Chad Coles, Spokane County Engineer  
Charles Eaton, Columbia County Public Works Director  
Eric Pierson, Chelan County Engineer/Public Works Director

**NOW THEREFORE, BE IT RESOLVED**, that the Washington State Association of Counties' Board of Directors nominates the following member(s) to the Transportation Improvement Board:

**BE IT FURTHER RESOLVED**, that WSAC staff be directed to immediately transmit the nominee's name(s) to Governor of the State of Washington; and

**BE IT FURTHER RESOLVED**, that WSAC staff is directed to contact the nominee(s) of their selection; and

**BE IT FURTHER RESOLVED**, that applicants not selected be notified and thanked for their commitment and interest in representing county government.

Approved by the Board of Directors of the Washington State Association of Counties on February 5, 2020.

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Robert Gelder, WSAC President

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Jamie Stephens, WSAC Second Vice President



## Resolution 2020-05

**WHEREAS**, the Washington State Association of Counties' Board of Directors is charged with making recommendations and/or appointments to numerous Washington State boards, commissions, and committees, and

**WHEREAS**, it is vital that county governments' interests are fully represented on statewide boards, commissions and committees; and

**WHEREAS**, there is a vacancy on the Transportation Improvement Board; and

**WHEREAS**, the following County Commissioners, Councilmembers, and Councilors have sought appointment for this vacancy:

Charles Amerein, Columbia County Commissioner  
Norm Childress, Yakima County Commissioner

**NOW THEREFORE, BE IT RESOLVED**, that the Washington State Association of Counties' Board of Directors nominates the following member(s) to the Transportation Improvement Board:

**BE IT FURTHER RESOLVED**, that WSAC staff be directed to immediately transmit the nominee's name(s) to Governor of the State of Washington; and

**BE IT FURTHER RESOLVED**, that WSAC staff is directed to contact the nominee(s) of their selection; and

**BE IT FURTHER RESOLVED**, that applicants not selected be notified and thanked for their commitment and interest in representing county government.

Approved by the Board of Directors of the Washington State Association of Counties on February 5, 2020.

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Robert Gelder, WSAC President

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Jamie Stephens, WSAC Second Vice President





**February 5, 2020**

**TO:** WSAC Board of Directors

**FROM:** Eric Johnson, Executive Director

**SUBJECT:** WSAC Biennial Planning Meeting Preparation

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**BACKGROUND**

For the past 12 years, the Washington State Association of Counties' Board of Directors has met for a two day biennial planning meeting (2009, 2011, 2013, 2015, 2017, 2018, and 2019).

The first set of meetings (2009, 2011, 2013, 2015) were used to develop the preliminary goals and actions for the Association. We have used a template/process outlined in John Bryson's Strategic Planning for Public and Non-Profit Organizations. Each time, this planning process has allowed the WSAC Board of Directors to develop a set of strategies and actions that have generally resulted in good agreement and positive discourse with members of the WSAC Board of Directors.

WSAC also initiated even year Legislative Steering Committee Planning Meetings to establish a biennial legislative agenda and launched the Fiscal Sustainability Initiative from one such planning processes.

The 2017 and 2018 planning meetings – were specifically directed for members to discuss, frame, and authorize the development of a Strategic Litigation and Communications Program. This was a very methodical, deliberative and objective process with a full understanding of the potential risks and outcomes.

On May 9-10, 2019, the WSAC Board of Directors and Legislative Steering Committee met to review WSAC program activities, issues, challenges, and successes of WSAC. This meeting blended both strategic and tactical actions for both internal operations and external policy. The outcome of this meeting concluded with direction provided in three areas (See attached for complete list):

- Administration and Operations
- Communications and Member Services
- Legislative and Policy

Our 2020 Planning Meeting is set as follows:

**WHEN:** Wednesday, May 6<sup>th</sup>, 5 p.m. – 8 p.m.  
Regular Scheduled WSAC Board of Directors Meeting

Thursday, May 7<sup>th</sup> / Friday, May 8<sup>th</sup>  
Legislative Steering Committee/Board of Directors Planning Meeting

**LOCATION:** Mason County, Union, Washington  
Alderbrook Inn

## DISCUSSION

Much of our planning processes over the last 10 years have focused on actions and product delivery for the Association. This has produced very important planning outcomes and provided direction for resource allocation.

We have also utilized several of our Biennial Planning Meetings for our Legislative Steering Committee to develop a recommended and agreed upon legislative agenda.

We need to continue this focus on three areas as we plan for and prepare for our 2020 Biennial Planning Meeting.

- Legislative Agenda Development – the majority of our 2020 Biennial Planning Meeting planning time will be spent discussing potential legislative issues and priorities for the 2021/2022 legislative sessions. The goal will be to develop a set of priorities to put forward for WSAC member consideration.
- Organizational Development - As we prepare for our 2020 Biennial Planning Meeting, staff is working on two organizational aspects:
  - Objectives and Key Results (OKRs) – Measure What Matters
  - Organizational Culture and Values
  - The purpose of these two parallel processes is to assure that as we identify and agree on results and work product, we have an organizational culture that is sound, resilient, and respectful. WSAC, organizationally, must exhibit and live the identified behaviors so we:
    - Attract and retain the highest quality employees;
    - Have positive and productive interpersonal and organizational partnership relationships;
    - Have constructive dialogue on difficult issues;
    - Are solution oriented;
    - Our organizational and interpersonal actions mirror our values;
    - We are accountable to our values.

### Objectives and Key Results (OKRs)

An OBJECTIVE is the WHAT. What is to be achieved? Objectives shall be:

- Significant
- Concrete
- Action oriented
- Aspirational

KEY RESULTS are the activities we perform and monitor to get to the objective. They are:

- Specific
- Time Bound
- Aggressive
- Realistic
- Measurable
- Verifiable – you either meet a key result or you don't

### Organizational Culture and Values (OCV)

It is said that an organization's culture defines the proper way to behave within the organization. I think it also defines the way the organization will behave as well. With so many political and interpersonal interactions being conducted with destructive words and animosity today, it is imperative that WSAC members and staff state - - and follow through - - on an agreed upon culture.

We intend to define an agreed upon culture consisting of our shared beliefs and values. We intend to communicate and reinforce these values to staff and members through various means and methods, ultimately shaping employee perceptions, behaviors and understanding.

Organizational culture sets the context for everything an organization does.

During our February WSAC Board of Directors meeting – members will:

- Review a video to help you understand OKRs
- Complete two exercises that:
  - Describe what you think WSAC needs to achieve in the next two years;
  - State the results you want WSAC to gain in the next two years;
- Complete one “Values” exercise:
  - Select 3 values and why they are important for WSAC.

WSAC staff will continue to work with other WSAC members and partners as we summarize and prepare materials for the WSAC May Board of Directors Meeting to further refine our organizations OKRs and OCV.

**May 2019, Benton County****Administration and Operations**

- Research Director Position to remain vacant through 2019. Explore contract services to meet current research needs for the remaining year.
- Explore the potential consolidation of functions with like organizations
- Further investigation into event planning as a profit center
- Development of a monthly executive summary for entire WSAC Board of Directors
- Research Needs:
  - Develop data to support legislative priorities
  - Web content for those in need of county government research
  - Research pre-trial medical costs in jails

**Communications and Members Services**

- Education
  - Research webinar platforms that allow for archiving
  - Reservation Reminders
  - Explore new opportunities for Newly Elected Officials Training
  - Promoting existing resources
  - Explore other opportunities like podcasts
  - Polling for content
- Communications
  - Continue to explore and implement cost-effective tools
  - Harness partnerships and resources within counties to develop videos
- Business Partners
  - Poll to membership to better understand the current needs of counties
  - Develop new marketing tools and resources for members to utilize
  - Providing networking and educational opportunities at the conference
- Contract Services
  - Develop a draft set of policies for the board to consider in September regarding contract services with restrictions
  - Must be government related

**Legislative and Policy**

- The What
  - Stay with broad issues but look for opportunity to align with majority/executive priorities.
  - Wait to decide whether to retain public defense as a legislative priority until we have additional information regarding our potential case, the Davison case, and overall timing.
  - Stay the course on culverts.
  - Remove FPHS as a priority and add behavioral health.
  - Retain opposition to un/underfunded mandates.
  - Update messaging to align with executive/majority party priorities where possible.
- The How
  - Training for LSC members\*
  - Mentorship/Buddy system\*
  - Interim engagement with LSC\*
  - Earlier engagement with legislators\*

- Legislator education?\*
- Issue specialists/small groups within LSC\*
- Enhance productivity of Wednesday nights\*
- Fewer receptions
- Continue, but revisit, Thursday meetings\*
- Continue webinars but explore timing and presentation\*
- Brainstorm about regional meetings\*



## List of VALUES

Accountability  
Achievement  
Adaptability  
Adventure  
Altruism  
Ambition  
Authenticity  
Balance  
Beauty  
Being the best  
Belonging  
Career  
Caring  
Collaboration  
Commitment  
Community  
Compassion  
Competence  
Confidence  
Connection  
Contentment  
Contribution  
Cooperation  
Courage  
Creativity  
Curiosity  
Dignity

Diversity  
Environment  
Efficiency  
Equality  
Ethics  
Excellence  
Fairness  
Faith  
Family  
Financial stability  
Forgiveness  
Freedom  
Friendship  
Fun  
Future generations  
Generosity  
Giving back  
Grace  
Gratitude  
Growth  
Harmony  
Health  
Home  
Honesty  
Hope  
Humility  
Humor  
Inclusion  
Independence  
Initiative  
Integrity

Intuition  
Job security  
Joy  
Justice  
Kindness  
Knowledge  
Leadership  
Learning  
Legacy  
Leisure  
Love  
Loyalty  
Making a difference  
Nature  
Openness  
Optimism  
Order  
Parenting  
Patience  
Patriotism  
Peace  
Perseverance  
Personal fulfillment  
Power  
Pride  
Recognition  
Reliability  
Resourcefulness  
Respect  
Responsibility  
Risk-taking

Safety  
Security  
Self-discipline  
Self-expression  
Self-respect  
Serenity  
Service  
Simplicity  
Spirituality  
Sportsmanship  
Stewardship  
Success  
Teamwork  
Thrift  
Time  
Tradition  
Travel  
Trust  
Truth  
Understanding  
Uniqueness  
Usefulness  
Vision  
Vulnerability  
Wealth  
Well-being  
Wholeheartedness  
Wisdom

*Write your own:*

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**February 5, 2020**



## **STAFF REPORTS**

**February 5, 2020**

**TO:** WSAC Board of Directors

**FROM:** Eric Johnson, Executive Director

**SUBJECT:** Executive Director Report

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**Northwest Presidents and Executives Meeting**

WSAC President Rob Gelder and I travelled to Ketchikan, Alaska to join our peers from Alaska, Oregon, Montana, and Idaho for the Northwest Presidents and Executives Annual Meeting December 4-6. Discussions were focused on issues facing northwest counties and our associations ranging from policy development, members service programs, to association business practices, management and budget. We also met with Ketchikan officials, and toured several borough and city facilities.

**National Association of Counties (NACo)**

National Council of County Association Executives - WSAC President Rob Gelder and I attended the State Association of Counties' Presidents and Executives annual meeting in Washington, D.C., January 7-10. This meeting focused on an orientation and update on NACo activities, programs and services; legislative and agency updates; leadership training at the George Washington Leadership Institute at Mt. Vernon; and networking with peers and staff. We heard from administration officials on a variety of issues including Behavioral Health Policy. President Gelder and I were also able to meet with almost the entire Washington Congressional Delegation while we were in D.C. and shared a briefing memo on federal issues (attached). Our major focus of our delegation meetings included:

- Advocating for Infrastructure Funding;
- Thanking them for supporting Secure Rural School and Payment in Lieu of Taxes Funding – and reminding them for the need for long term/predictable funding from these programs;
- Asking for their support to eliminate the federal governments Medicaid Inmate Exclusion policy that callously strips individuals that are *still presumed innocent* of their federal benefits at the point of arrest and confinement in a county jail.

Legislative Conference – the NACo Legislative Conference is set for February 29 – March 4 in Washington, DC. To date, over 30 WSAC members have signed up to participate. If you need more information, please see <https://www.naco.org/events/2020-naco-legislative-conference>. WSAC Officers and members will meet with congressional delegation members and staff while in DC.

Western Interstate Region (WIR) – This year's NACo WIR Conference is in Fish Camp, California, Mariposa County, May 13-15. Registration is now open for this conference at <https://www.naco.org/events/2020-wir-conference>.

NACo Annual Meeting – This year's NACo Annual Conference and Exposition is set for July 17-20 in Orange County, Florida.

NACo Steering Committees – Currently, there are nearly 30 Washington State elected and appointed county officials serving on NACo Steering Committees and Caucuses. If you would like to join a NACo Steering Committee or Caucus, please contact me. A current list of Steering Committee Members is attached.



NACo County Elected Executives Forum: – was held this year in Washington, DC, and sponsored by the Harvard Kennedy School, December 11-13. King County Executive Constantine, Snohomish County Executive Somers and Pierce County Executive Dammeier were all able to attend.

#### NACo County Leadership Institute

WSAC will soon initiate recruitment for nominations for County Leadership Institute (CLI) to be held in Washington, DC, June 7-11.

<https://www.naco.org/resources/education-training/county-leadership-institute>

The Institute accepts one participant from each state. If you are interested in participating in the 2020 CLI, please contact me. For the past 16 years, WSAC has had the opportunity to have a CLI attendee.

Participants will collaborate in an intimate group setting to analyze challenges and develop real-world solutions. Through the adaptive leadership model, participants will learn how to use an innovative approach to problem-solving, led by dedicated faculty from the Cambridge Leadership Associates.

The WSAC Board of Directors established the **following criteria to guide the selection of a participant from Washington State:**

1. Member must have served at least one term and have been reelected to office.
2. Member must be in an active WSAC leadership capacity, e.g., WSAC Board of Directors, WSAC Legislative Steering Committee Member, WSAC Issues Committee Member (Timber, Coastal Counties, Columbia River, etc.), NACo Steering Committee Member, serve on Statewide Board/Commission etc.
3. Member must be willing to continue to serve in a leadership position.
4. Member will report to the WSAC membership following completion of the program.

If you, or a WSAC member you'd like to recommend meet this established criteria, and are interested and available in participating in the event, June 7 -June 11, 2020 in D.C., there will be an online nomination form that will need to be submitted to WSAC.

Candidates must be elected county officials in NACo member counties and only one candidate will be enrolled from a given state. Preference will be given to those serving at least one term and no more than eight years in office.

WSAC will cover four nights lodging and the event registration cost of \$1,800 which includes receptions, most meals and public transportation. Other program costs are supported by Institute sponsors. WSAC will also support costs to and from Washington D.C, some meals, ground transportation to/from airport, and incidentals.

The WSAC Executive Committee will select and forward nominee(s) to NACo and the member chosen will be asked by NACo to fill out an application form. NACo will announce the 2020 participants in April.

#### **Washington Voters Right Act (WVRA)**

WSAC is aware that two counties have been notified by their communities asking them to voluntarily change their electoral systems. Both requests include moving to district only based elections. One included ranked choice voting.

- Ferry County (see Attached)
- Yakima County - <https://kimatv.com/news/local/former-city-councilwoman-dulce-gutierrez-others-could-sue-county-commissioners>
- WSAC staff is working on Webinar/ MRSC/WSACA/SoS to help explain and understand the WVRA

## **Foundational Public Health Services**

I continue to participate as I can on the Foundational Public Health Services (FPHS) Steering Committee, providing input and guidance on the work underway to rebuild and transform the public health system in Washington State. Two key elements of this work is both a legislative request for replacing lost funding from vaping taxes and long term stable funding. It continues to be a priority for WSAC that a basic set of capabilities and programs must be present in every community in order to efficiently and effectively protect all people in Washington.

## **Complete Count Committee**

I am still serving on the Washington State Complete Count Committee and to facilitate with our staff disseminating and gathering information to and from Counties regarding the 2020 Census. We are assisting in establishing their own local (CCC) which will be volunteer committees established by tribal, state, and local governments and community leaders or organizations to increase awareness and motivate residents to respond to the 2020 Census. CCC's serve as state and local "census ambassador" groups that play an integral part in ensuring a complete and accurate count of the community in the 2020 Census. Success of the census depends on community involvement at every level.

## **Forest and Fish Leadership Meetings**

Washington State Counties have been an active participant in forest and fish policy for nearly three decades. There is an effort to re-engage the collaborative nature of these discussions, spearheaded by members of the environmental community, timber companies, tribal nations, Department of Natural Resources and others. Commissioner Janicki, myself, Paul Jewell and Scott Swanson have also been engaged on how to re-establish strong and on-going collaborative discussions and solutions. I will continue to play an active leadership role on behalf of Counties along with Commissioner Janicki, Commissioner Raines (new Forest Practices Board appointee), Commissioner Peach, Commissioner Lannen, Scott Swanson, Paul Jewell, and others.

## **Washington Department of Fish and Wildlife – Budget and Policy Advisory Group**

I was reappointed to continue to serve on the WDFW Budget and Policy Advisory Group to advise the WDFW Director on broad budget and policy issues including "a plan for balancing projected revenue and expenditures and improving efficiency and effectiveness of agency operations".

## **Governor's Office – Local Government Meetings**

In partnership with the Association of Washington Cities and Washington Public Ports Association, WSAC has regular meetings with Governor's top staff to discuss the need for greater coordination on major public policy initiatives and operations.

## **The Courts**

I met with the new Washington State Supreme Court Justice Debra Stephens ([https://www.courts.wa.gov/appellate\\_trial\\_courts/supreme/bios/?fa=scbios.display\\_file&fileID=stephens](https://www.courts.wa.gov/appellate_trial_courts/supreme/bios/?fa=scbios.display_file&fileID=stephens)) to discuss issues associated with court funding, operations, and the important relationship County Government has with the trial court system in Washington State. This is a very important relationship to cultivate and understand the perspectives of the courts and to collaborate to advance common policy and operational agendas.

Lincoln County Commissioner Scott Hutsell and I will be speaking to the Washington State Board of Judicial Administration (BJA) on February 21, 2020. We have been invited to discuss funding challenges for county government – and therefore the courts. WSAC staff has presented before to the BJA and believe they are an important partner for us to meet with and listen to. For more information on the Board of Judicial Administration please see:

[https://www.courts.wa.gov/programs\\_orgs/pos\\_bja/?fa=pos\\_bja.ptcprograms&program=welcome](https://www.courts.wa.gov/programs_orgs/pos_bja/?fa=pos_bja.ptcprograms&program=welcome)

## **Executive Committee Calls**

As most of you know, the Executive Committee/Executive Director has conference calls every 2<sup>nd</sup> and 4<sup>th</sup> Tuesday at 8:00 a.m. After review and analysis, we believe that since the Executive Committee has authority,

albeit limited, to act on behalf of the Board of Directors and the Association, these meetings are subject to the Open Public Meetings Act. WSAC staff has initiated activities to assure compliance with OPMA through:

- Standing Agenda Development
- Notice of Meeting on WSAC Webpage
- Posting of Meeting Minutes

The meeting location is the Washington Counties Building, and Executive Committee Members are invited to participate telephonically as permitted by WSAC Bylaw 3.7.

### **Ramblings**

- Ruckelshaus Center Advisory Board
- National Council of County Association Executives – Executive Committee
- Coordination Opportunities with Department of Defense
- Meeting new Department of Ecology Director
- Puget Sound Partnership Action Agenda Development
- Legislative Session

### **Public Records Request**

*WSAC is in receipt of the following public records request:*

*Please disclose all records of your organization's lobbying activities (see RCW 42.17A.635) related specifically to the Public Records Act, RCW 42.56 et seq. This would include but is not limited to:*

- 1. communications with any elected official or elected official's office including staff, and any legislative committee or staff;*
- 2. any internal records related to those lobbying activities or efforts – including but not limited to communications among your employees, members and officials;*
- 3. policy statements, lobbying objectives, proposals, and all drafts thereof or related communications;*
- 4. all communications with any outside person, office, agency or entity;*
- 5. all records showing time spent by your organization related to your lobbying activities, including but not limited to research, communicating, drafting and revising;*
- 6. all records showing costs or expenses associated with your organization's lobbying activities related specifically to the Public Records Act.*

*The date range of this request is January 1, 2016 to the present.*

### **WSAC Membership**

Please join me in welcoming new WSAC members, former WSAC members back, and WSAC members into new roles:

- Vicki Baker Chosen to Replace Mike Leita
  - <https://kimatv.com/news/local/vicki-baker-chosen-as-new-yakima-county-commissioner>
- New WSAC Members –
  - Girmay Zahilay, King County Council
  - Megan Dunn, Snohomish County Council
  - Kathy Kershner, rejoins the Whatcom County Council
  - Satpal Sidhu, leaves the Whatcom County Council to become Whatcom County Executive
  - Gary Medvigy, Clark County, elected following his appointment to the Council
- Ferry County Commissioner Mike Blankenship has resigned. Commissioners are anticipating making an appointment within the next 60 days.

**WSAC Staff**

Paige DeChambeau accepted a position with Department of Natural Resources, and WSAC initiated recruitment for a new Communications Manager. Over 30 applications were received, with many good candidates. The candidate field has been narrowed to two with final interviews conducted. A job offer will be delivered soon.

# JANUARY 2020

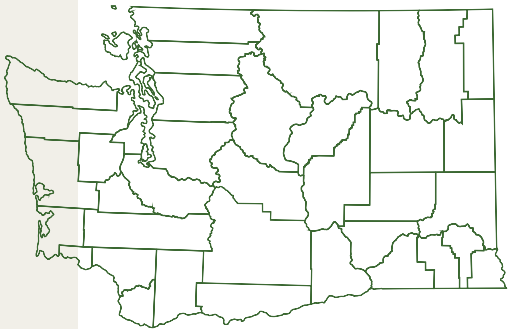
# FEDERAL ISSUES



# About WSAC

Created in 1906, the Washington State Association of Counties (WSAC) serves the counties of Washington State. WSAC members include elected county commissioners, council members and executives from all of Washington’s 39 counties. WSAC provides a variety of services to its member counties including advocacy, training and workshops, and a forum to network and share best practices.

On federal issues, WSAC works in conjunction with the National Association of Counties (NACo).



## Core Member Services

- Professional Development & Training
- Business Programs and Services
- Advocacy with the Legislature and Executive Branch Agencies

## Collaborative Opportunities

- Gather input and survey counties about your issues.
- Disseminate information.
- Coordinate response/action on common issues.
- Provide venues for presentations and dialogue amongst members.

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## Federal Issues and Relations Committee

Skagit County Commissioner, Ken Dahlstedt, Chair  
Cowlitz County Commissioner, Dennis Weber  
Franklin County Commissioner, Brad Peck  
Franklin County Administrator, Keith Johnson  
Island County Commissioner, Janet St. Clair  
Lewis County Commissioner, Gary Stamper  
Lincoln County Commissioner, Scott Hutsell  
Pend Oreille County Commissioner, Karen Skoog

Pierce County Councilmember, Derek Young  
San Juan County Councilmember, Rick Hughes  
Skamania County Commissioner, Tom Lannen  
Snohomish County Councilmember, Stephanie Wright  
Stevens County Commissioner, Wes McCart  
Thurston County Manager, Ramiro Chavez  
Eric Johnson, Executive Director

## Board of Directors

### PRESIDENT

Robert Gelder, Kitsap County Commissioner

### 1ST VICE PRESIDENT

Michael Largent, Whitman County Commissioner

### 2ND VICE PRESIDENT

Jamie Stephens, San Juan County Councilmember

### IMMEDIATE PAST PRESIDENT

Scott Hutsell, Lincoln County Commissioner

### ACTIVE PAST-PRESIDENTS

Stephanie Wright, Snohomish County Councilmember  
David Sauter, Klickitat County Commissioner  
Helen Price Johnson, Island County Commissioner

## Contact

Eric Johnson, Executive Director  
(360) 481-2241 | [ejohnson@wsac.org](mailto:ejohnson@wsac.org)

## Board Members

Chris Branch	Okanogan County Commissioner
Doug England	Chelan County Commissioner
Wes McCart	Stevens County Commissioner
Brad Peck	Franklin County Commissioner
Kenneth Dahlstedt	Skagit County Commissioner
Edna Fund	Lewis County Commissioner
Kathy Lambert	King County Councilmember
Dennis Weber	Cowlitz County Commissioner
Dow Constantine	King County Executive
Joe McDermott	King County Councilmember
Jim McCune	Pierce County Councilmember
Nate Nehring	Snohomish County Councilmember
Mary Kuney	Spokane County Commissioner
Eileen Quiring	Clark County Councilor
John Hutchings	Thurston County Commissioner
Charlotte Garrido	Kitsap County Commissioner
Ron Anderson	Yakima County Commissioner
James Beaver	Benton County Commissioner

# 2020

# State Legislative Agenda

**For the 2020 legislative session, WSAC will focus on the following LEGISLATIVE PRIORITIES:**



## Fish Passage Barrier Removal

Counties support legislation that will provide adequate funding to remove fish barriers for all jurisdictions across the state, including a long-term commitment to remove priority fish barriers - not just respond to the state's obligations under the culverts decision.

**The Legislature must provide funding to remove fish barriers at the state and local level as well as the necessary tools to meet the 2030 mandate.**



## Funding for Trial Court Public Defense

Access to a defense attorney in criminal matters is a fundamental constitutional right that the Legislature passed on to counties. Yet, the state funds less than 4% of the cost for these services. Counties currently spend approximately \$156 million annually with the state providing only \$6 million.

**For equal access to justice, the Legislature must fund the full cost of trial court public defense services.**



## Oppose New Unfunded Mandates

The Legislature has continued to shift costs through policy changes without addressing the underlying funding problems that face county budgets. Counties have been diverting funds from road maintenance, reducing investments in infrastructure, and leaving critical public safety positions unfilled to meet the obligations the state keeps piling on.

Counties believe that the legislature must comply with state law (RCW 43.135.060) that PROHIBITS the passage of any new programs or increasing services levels to existing programs unless "fully reimbursed by the state for the costs."

**Counties oppose any legislation that will increase costs for local government without funding provided by the state.**

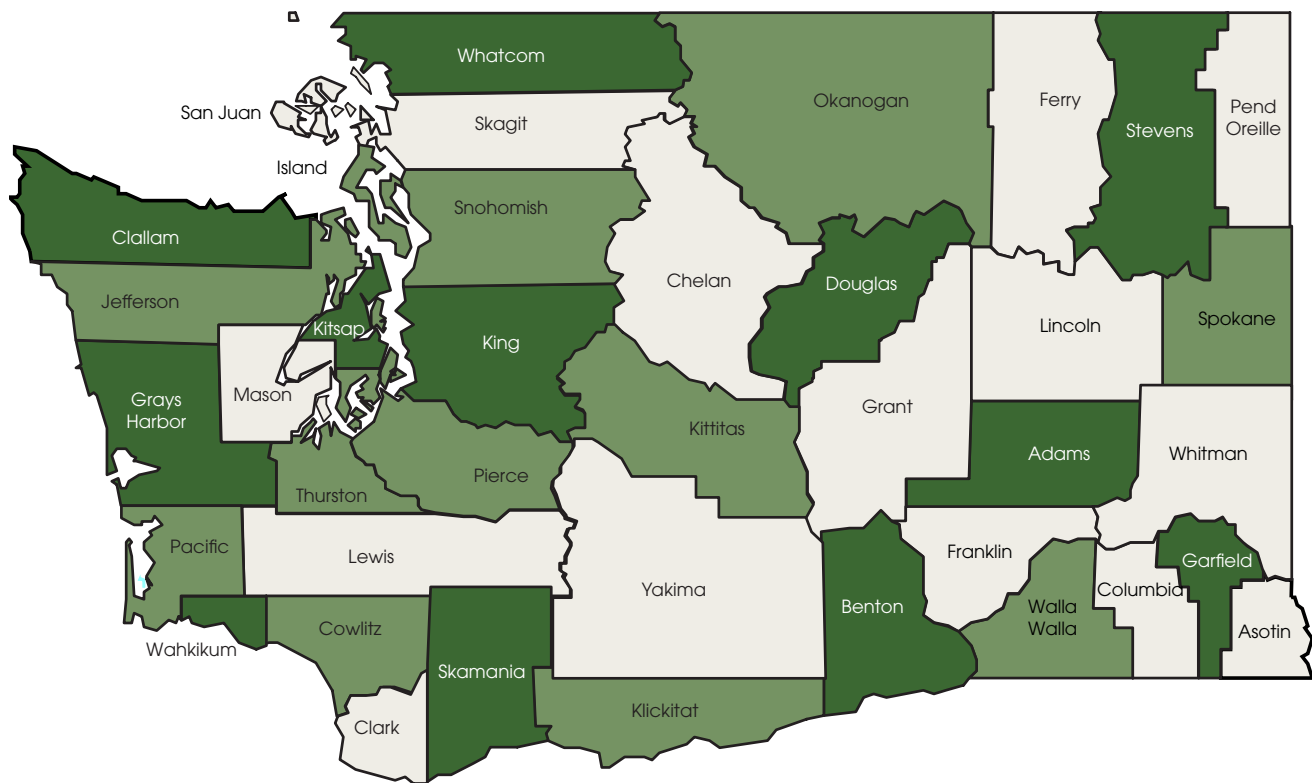


## Involuntary Treatment Act Court Funding

Washington State's Involuntary Treatment Act (ITA) allows the court to commit individuals to a free-standing behavioral health Evaluation and Treatment (E&T) facility or psychiatric hospital against their will for a limited time period. These involuntary civil commitments are meant to provide for the evaluation and treatment of individuals with a mental or substance use disorder who may be gravely disabled or pose a danger to themselves or others, and who refused or are unable to enter treatment on their own. Currently, counties fully fund the mandatory ITA court costs and related services. However, these costs are increasingly eating into the percentage of counties' overall non-Medicaid funding which takes away from the dollars that can be used for essential behavioral health treatment services. Counties request that the state establish a funding stream for ITA court costs that is separate and distinct from mental health treatment services and that the state create a fee schedule so that counties can have consistency in budgeting.

**Ensure Washington State provides an adequately funded ITA system.**





**WSAC is working to secure the fiscal sustainability of all 39 counties by advancing legislation to control cost drivers and provide adequate revenue.**

Counties are responsible for providing essential services to every resident in the State of Washington. Yet, in a time of economic prosperity and population growth, counties are faced with budget shortfalls that are leaving critical investments in criminal justice, public health, and infrastructure at risk. Enacting the Washington State Association of Counties' 2020 legislative priorities will provide needed relief to county budgets and invest in the services counties provide to all Washingtonians.

# WSAC Federal Priorities

## Infrastructure

Washington State is expected to grow by two million new residents over the next 20 years, and it will take significant infrastructure investment to assure we maintain and sustain a strong, competitive economy with thriving communities.

A collaborative project in 2017, and updated in 2019, of four Washington State associations (Business, Ports, Cities, and Counties) found “Washington’s infrastructure needs are estimated to be more than \$190 billion.” This study, *Building*

- Bridges
- Transit and Roads
- Freight Rail
- Aviation
- Wastewater
- Marine Ports
- Rural Broadband
- Water Supply
- Stormwater
- Natural Resources
- Fish Barrier Removal
- Energy
- Water Storage and Distribution
- State and Local Ferries
- Infrastructure Resiliency

*the Economy: Infrastructure Needs in Washington* found the total investment would result in an estimated 600,000 to 660,000 direct and indirect job-years. WSAC supports additional federal funding for critical public infrastructure to support a vibrant economy, public health and safety, and a sustainable environment. **Specific examples of identified critical infrastructure include:**

## Catastrophic Wildfires

Congress and the Administration must act to reduce the threat of catastrophic wildfire. A joint study conducted by the Washington State Department of Natural Resources, the United States Forest Service and The Nature Conservancy found the 2.7 million acres of eastern Washington forestland is in need of restoration. Federal lands accounted for 42 percent of the unhealthy forest identified.

Catastrophic wildfires destroy public lands, jeopardize access to vital resources, decrease biodiversity and impact public health and safety. WSAC believes that a comprehensive approach is necessary to address this growing threat to communities. **This includes:**

- Active forest management;
- Fire mitigation, preparedness, response and recovery efforts;
- Wildfire smoke impact prevention;
- Addressing regulatory burdens that hinder management activities;
- Stopping frivolous lawsuits;
- Ensuring agency budgets are adequate; and
- Avoid (electric) utility shut offs that put human health at risk by properly maintaining utility corridors.

## Opioid Dependence, Overdose, and Fatalities

WSAC seeks continued Federal support for Local and State efforts to eliminate substance use, dependence, overdose and fatalities.

Drug addiction is one of the most pressing public health and safety challenges facing Washington State today. According to the Centers for Disease Control and Prevention, prescription painkillers and heroin are driving one of the deadliest drug epidemics in the nation’s history, claiming the lives of over 776 Washingtonians in 2018. Additionally, in 2018, 531 deaths occurred from Meth and 137 from Cocaine.

The consequences of drug addiction are reverberating throughout society, devastating families and overwhelming health care providers, law enforcement, and social services with particularly dire consequences for rural and underserved communities. Turning the tide on the substance use disorder epidemic will require a coordinated and aggressive response across all levels of government, tribal, non-governmental organizations and the private sector. The Washington State Association of Counties

urge Congress and the Administration to act swiftly in addressing this national emergency by providing additional resources and taking the steps outlined below. Recognizing that government cannot tackle this issue alone, county leaders are also calling upon private sector partners — from manufacturers to pharmacies and health care providers — to be part of the solution. **That includes:**

- Federal support for comprehensive state and local efforts;
- Preventing & identifying addiction;
- Expanding access to treatment & recovery;
- Clarify 42CRF to address barriers to integrated care;
- Enhancing support for law enforcement and court systems;
- Supporting effective drug take back programs; and
- Synchronizing treatment and recovery laws with judicial mandates.

## Payments in Lieu of Taxes

Payments in Lieu of Taxes is a vital funding mechanism to assure counties receive a property tax like compensation for federal lands within their boundaries.

It is imperative that Congress extend full, predictable, and permanent mandatory funding for the Payments in Lieu of Taxes (PILT) program, which compensates counties for tax-exempt federal land within their boundaries and for the services they provide on tax-exempt public lands within their boundaries.

In Federal Fiscal Year (FFY) 2019, Washington's counties (37 of 39) received \$23 million in PILT.

**There are two other payments from the Federal Government also important to counties:**

- Refuge Revenue Sharing Act Payments are provided to 24 counties, \$608,100
- Department of Energy PILT (Hanford) 3 Counties

PILT Funds are distributed with other local taxing districts that received property tax with the jurisdiction.

## Secure Rural Schools

Equally important to PILT is permanent reauthorization and funding of the Secure Rural Schools (SRS) program. We support the concept of funding SRS via a trust fund that is established with a one-time infusion of federal funds and adding the historic 25% timber payments dollars to the trust. This would restore funding levels back to historic 25% funding level counties received with inflation built into the payment mechanism.

**In Federal Fiscal Year 2018, Washington's counties (26 of 39) received \$14.3 million in SRS funding.**

County	SRS/Fed FY 2018	PILT/Fed FY 2019	Dept of Energy FY 2019	DFW PILT 2017-2019	DNR PILT FY 2018	DNR/Timber 6Yr Annual Avg	Total	% of Total Revenue
Adams	-	57,829	-	1,909	1,176	-	60,914	0.06%
Asotin	55,096	168,566	-	36,123	-	-	259,785	0.25%
Benton	-	177,773	1,020,811	-	-	-	1,198,584	1.18%
Chelan	986,585	3,089,333	-	39,858	12,294	-	4,128,070	4.05%
Clallam	757,260	1,043,662	-	-	1,819	6,028,583	7,831,324	7.68%
Clark	3,289	2,002	-	-	2,003	5,461,088	5,468,382	5.36%
Columbia	154,988	385,583	-	20,713	-	-	561,284	0.55%
Cowlitz	106,957	22,666	-	-	1,630	1,960,960	2,092,213	2.05%
Douglas	1	162,467	-	-	322	-	162,790	0.16%
Ferry	666,000	810,960	-	22,798	-	-	1,499,758	1.47%
Franklin	-	176,273	188,268	-	692	-	365,232	0.36%
Garfield	102,291	234,090	-	12,744	-	-	349,125	0.34%
Grant	-	775,287	604,063	71,930	131	-	1,451,411	1.42%
Grays Harbor	270,444	280,524	-	-	93,493	1,508,651	2,153,112	2.11%
Island	-	2,078	-	-	-	-	2,078	0.00%
Jefferson	806,723	1,537,328	-	-	77,220	898,097	3,319,368	3.26%
King	176,377	876,011	-	-	453,083	1,924,183	3,429,654	3.36%
Kitsap	-	-	-	-	61,795	1,446,576	1,508,371	1.48%
Kittitas	558,507	1,125,355	-	382,638	367,202	-	2,433,702	2.39%
Klickitat	40,884	111,444	-	51,019	51,812	183,606	438,765	0.43%
Lewis	1,457,153	514,991	-	-	1,490	5,421,144	7,394,778	7.25%
Lincoln	-	244,852	-	13,535	376	-	258,763	0.25%
Mason	263,773	288,550	-	-	21,595	4,637,518	5,211,436	5.11%
Okanogan	1,406,716	2,611,138	-	264,036	124,901	-	4,406,791	4.32%
Pacific	-	7,161	-	-	39,699	1,962,688	2,009,548	1.97%
Pend Oreille	640,699	1,082,483	-	5,546	-	-	1,728,728	1.70%
Pierce	182,113	822,875	-	-	595	377,462	1,383,045	1.36%
San Juan	-	6,878	-	-	18,525	-	25,403	0.02%
Skagit	414,388	1,218,476	-	-	294,001	9,569,318	11,496,183	11.28%
Skamania	2,593,863	328,046	-	-	39,672	1,713,243	4,674,824	4.59%
Snohomish	553,085	1,399,040	-	-	420,088	7,450,721	9,822,934	9.64%
Spokane	-	5,635	-	-	24,548	-	30,183	0.03%
Stevens	282,846	607,964	-	-	3,366	82,940	977,116	0.96%
Thurston	1,047	1,117	-	-	101,496	4,336,230	4,439,890	4.36%
Wahkiakum	-	-	-	-	4,081	1,620,743	1,624,824	1.59%
Walla Walla	3,031	29,891	-	-	-	-	32,922	0.03%
Whatcom	756,871	1,945,407	-	-	8,495	2,805,865	5,516,638	5.41%
Whitman	-	58,733	-	-	-	-	58,733	0.06%
Yakima	1,078,423	846,781	-	186,056	28,279	-	2,139,539	2.10%
<b>Totals:</b>	<b>14,319,410</b>	<b>23,059,249</b>	<b>1,813,142</b>	<b>1,108,905</b>	<b>2,255,879</b>	<b>59,389,616</b>	<b>101,946,201</b>	<b>100.00%</b>

# Budget & Finance

## Support Authority to Collect Existing Sales Tax

The United States Supreme Court ruled that South Dakota could legally collect sales tax on out of state internet sellers. It is important that Congress maintain the authority given to state and local governments to enforce compliance with existing sales tax laws on remote purchases made over the internet. This includes rejecting legislative proposals that mandate an origin-based method of collecting remote sales taxes and in turn support bi-partisan legislation like the Marketplace Fairness Act (MFA). **There are four issues that Congress may need to provide statutory guidance on:**

- Definition of substantial nexus;
- Definition of small seller exemption;
- Rules on retroactivity; and
- Relationship to Sales Tax Streamlining Agreement.

The issue of taxing remote sales has compounded in recent years due to the extraordinary development of the internet as a retail marketplace. Washington State's 39 counties lose millions of dollars in uncollected sales taxes. At the same time main street businesses are at a significant competitive disadvantage to online retailers. This disadvantage is amplified because online merchants and their customers use local infrastructure and services without contributing to their provision. According to the State of Washington's Department of Revenue, collecting a DESTINATION BASED remote sales and use tax generated \$35 million in FY 2019 for Washington's 39 Counties.

## Secure Rural Schools (SRS)

In Federal Fiscal Year 2019, Washington's counties (26 of 39) received \$16.1 million in Secure Rural Schools (SRS) funding.

Permanent reauthorization and funding of the SRS program (P.L. 110-343) without annual reductions is needed. Existing and new SRS funding should allow flexibility in the use to meet local needs and conditions. **WSAC supports the following legislation:**

- S. 1643 Forest management for Rural Stability Act
  - Establish a permanent SRS endowment to provide a stable fund source to compliment timber harvest payments with funds to assure historic 25% funding level counties received with inflation built into the payment mechanism.
- H.R. 3048 and S.430
  - Provides 2 year SRS Funding

## Payment in Lieu of Taxes (PILT)

In Federal Fiscal Year (FFY) 2019, Washington's counties (37 of 39) received \$23 million in federal Payment in Lieu of Taxes (PILT).

Congress has recognized that PILT is a vital funding mechanism to assure Counties receive a property tax like compensation for federal lands within their boundaries.

It is necessary to extend full, predictable and permanent mandatory funding for the PILT program (P.L. 103- 379), which compensates counties for tax-exempt federal land within their boundaries and for the services they provide on tax-exempt public lands within their boundaries.

**WSAC supports the following legislation:**

- H.R. 3043 Permanently Authorizing PILT Act
- S. 2480 PILT Reauthorization Act (10 Year Mandatory PILT)

**There are two additional payments from the Federal Government also important to counties:**

- Refuge Revenue Sharing Act Payments are provided to 24 counties, \$608,100 (FFY2019)
- Department of Energy PILT (Hanford) for 3 Counties (Benton, Franklin, Grant) that receive approximately \$1.8 million (FFY2019)

***Note that PILT funds are distributed with other local taxing districts that would otherwise receive property tax.***

## Protect County Revenue and Investment Strategies - Tax-Exempt Municipal Bonds

Protect the use of tax-exempt municipal bonds. This federal policy is no “loophole.” Tax Exempt Bonds help reduce the cost of debt service and program costs to citizens. Washington’s counties support the tax-exempt status of municipal bonds to provide vital investment in public facilities from jails to roads, courthouses to parks, stormwater and wastewater treatment facilities, and other

important community infrastructure. Washington’s counties also urge Congress to restore the use of tax-exempt advance refunding bonds, which allow local governments to be good stewards of taxpayer dollars by refinancing outstanding debt. Advance refunding bonds saved the state of Washington, counties, other municipalities, and taxpayers over \$550 million from 2012 to 2016.

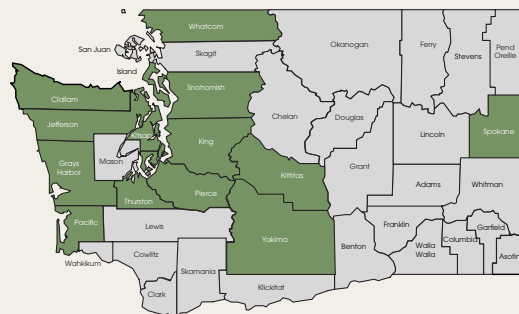
## Protect Defense Spending in Washington State

Federal military spending in Washington State is critical to the state’s economy and many of our counties. Washington State is fortunate to contain a number of significant military installations including:

- Joint Base Lewis-McChord (Pierce/Thurston Counties)
- Yakima Firing Range (Kittitas and Yakima Counties)
- Fairchild Air Force Base (Spokane County)
- Puget Sound Naval Ship Yard (Kitsap County)
- Naval Base Kitsap (Kitsap County)
- Everett Naval Station (Snohomish County)
- Whidbey Island Naval Air Station (Island County)
- Naval Undersea Weapons Engineering Station (Kitsap and Jefferson Counties)
- Camp Murray – State of Washington Military Department (Pierce County)
- Coast Guard Assets and Missions (Clallam, King, Whatcom, Pacific, Grays Harbor)

Washington’s counties seek collaboration to address military impacts to local land use and natural resources while supporting the military objectives of these installations. Mitigation strategies, stronger bilateral and transparent communication with county government, and technical support are necessary to balance the competing needs in our local communities.

In addition to the federal military installations, our Washington State National Guard and Military Department are vital to providing support and response to state and federal disasters including floods, earthquakes, catastrophic forest fires, and other emergencies that outpace the ability of local emergency responders. WSAC supports the findings of the National Commission on the Future of the Army that recommends sustainable resources for the Washington State National Guard.



## International Trade

Trade between the United State and other nations is vital to the economy of our counties and the State of Washington. Approximately 40% of jobs in Washington State are linked to international trade. **Appropriate legislation, policies, and investments are important to sustain and increase Washington’s global competitiveness in the marketplace including:**

- Programs that increase present market share or develop new product markets;
- Elimination of trade barriers that limit export of Washington based products; and
- Increasing federal, state, and local investment in freight mobility.

## Elections

Washington State’s elected County Auditors (and King County Director of Elections) conduct elections in Washington State. Our counties are responsible to provide election staff, acquire and maintain voting tabulation systems, election centers, and of course all associated cyber security. Federal funding and support, such as that provided with the Help America Vote Act, is imperative to assist in assuring fair and secure elections. **The funds allocated to Washington State through the Help America Vote Act, was often passed through to counties and used to:**

- Continuously upgrade voting systems;
- Register voters in statewide voter registration databases;
- Provide provisional voting options;
- Improve voter accessibility;
- Assure the integrity of elections; and
- Implement other improvements to the administration, outreach, and access, to voting.

# Public Safety, Health and Human Services

## Stable and Consistent Federal Funding for Public Health

Local public health has a critical and unique public safety role that is focused on protecting and improving the health of families and communities. Demand for governmental public health services has increased with the changing nature of preventable diseases, the resurgence of "historical" diseases, and the surge of new diseases and emergencies. In Washington, there is also clear diminished and inequitable funding for these services. Stable and consistent funding of key federal grants helps counties build resiliency in the event of health emergencies, outbreaks, economic changes, and natural disasters.

The Prevention and Public Health Fund (PPHF), Pandemic and All-Hazards and Preparedness Act (PAHPA), and the Maternal and Child Health (MCH) Services grants provide

local governments with funding to protect communities from threats and hazards to keep families safe and healthy.

- PPHF funds local prevention programs such as childhood immunization, communicable disease outbreaks, and chronic disease prevention.
- PHAHPA funds local public health emergency response efforts in areas such as wildfire smoke and air quality, public health emergencies, and mass casualty events.
- MCH block grant supports projects that create a system of care for children and families.

Reductions in any of these federal grants, will likely cause local programs to diminish with reduced or eliminated services to residents.

## Vaping and E-cigarettes

The Federal Drug Administration (FDA) must act to implement rules for the sale, manufacture, distribution, and marketing of electronic cigarettes and other vapor and nicotine delivery devices. Vapor products are still not regulated by the FDA or approved as cessation devices. Users do not consistently know what chemicals are in the products they are using. This includes youth and young adults using products they may assume to be nicotine free – but in fact may contain nicotine and other chemicals that become hazardous when inhaled. Emerging research indicates that flavor chemicals cause harm at the body's cellular level and vapor product use may be associated with airway and lung inflammation. The current national epidemic of lung injury associated with vaping reinforces this need to regulate these products.

In Washington, the percentage of youth reporting vaping use is growing. In 2018, nearly 30% of high school aged students reported vaping in the last month. This is cause for alarm – we know that nicotine is incredibly addictive, it adversely impacts brain development, and that youth that use vapor products are likely to use cigarettes and other tobacco products. There is strong evidence that prohibiting the sale of flavored products will likely decrease the initiation and use of vapor products in youth and young adults, further reducing the use of other tobacco and nicotine products and improve the health outcomes for this population.

Nothing in federal law should pre-empt a local public health jurisdiction from creating more stringent local ordinances that protect the public from harmful substances, promote and implement nicotine cessation services, and prevent youth access to tobacco and other nicotine products.

## Medicaid Inmate Exclusion

Congress needs to reinstate federal health care benefits for non-convicted justice involved individuals. Congress must address the crisis caused by this callous Medicaid inmate exclusion policy that strips individuals that are *still presumed innocent* of their federal benefits. The disruption in continuity of care for individuals caused by this federal regulation, especially for those with complex medical & behavioral health conditions, is of primary concern. This regulation impairs the ability to achieve good health outcomes as individual's transition in and out of our county jails and corrections system. Counties also struggle to

contain uninsured costs when inmates lose benefits, driving medical cost even further. This has caused early release and the dropping of charges to contain medical costs. **WSAC supports the following legislation:**

- H.R. 1345 Restoring the Partnership for County Health Care Costs Act
- S.2626 Restoring Health Benefits for Justice Involved Individuals Act
- S 2628 Equity in Pretrial Medicaid Coverage Act



## Behavioral Health

Elected and appointed county leaders are fully engaged in reforming the behavioral health system in Washington State. Our county jails continue to be the largest mental health institutions in the state and this is both morally and financially unacceptable.

Twenty-two counties and one city have implemented a 1/10th of one percent sales and use tax (approximately \$100 million) to support behavioral health services (accounting for approximately 90% of available revenue). Counties work with the state to expand and integrate behavioral and physical health care services, and create a seamless system of care.

### Congress and Federal Agencies can assist in focusing on several items:

- Permanently revise the federal Institutions for Mental Disease (IMD) exclusion rule to allow Medicaid to be used for brief acute behavioral health care stays or support a Section 1115 Waiver that provides for this long term in Washington State. This IMD rule prohibits Medicaid to reimburse for both mental health and chemical dependency inpatient services in facilities with more than 16 beds. If this rule was suspended/eliminated there would immediately be additional detox, triage, and inpatient treatment beds available;
- Revise confidentiality rules for federally-funded programs that treat substance use disorder (SUD) patients to align with HIPAA;
- Expand funding to implement electronic client management systems and technology to integrate with electronic health records to better integrate primary care, behavioral health and social determinants of health;
- Expand access to medication-assisted treatment and provide additional Medicaid-funded Suboxone treatment slots;
- Support federal legislation, such as the Mental Health Awareness and Improvement Act (Sen. Murray and Sen. Alexander);
- Federal legislation, programs, policies, and rules associated with behavioral health programs and services must provide flexibility to meet the most pressing local needs and the most prevalent mental health issues for clients;
- Substance use disorder services;
- Funding detox services;
- Fund supportive housing opportunities for individuals with behavioral health issues as these are foundational to people's wellbeing and ability to stabilize and seek treatment, including low barrier housing;
- Transportation is often an obstacle to sustain treatment for clients and access services;
- Opportunities to provide best practice programs and services partnering the courts, criminal justice system, and co-occurring service providers is deemed key to manage system impacts and reduce costs;
- Availability of evidence based programs for early detection and intervention of children/youth who are developing mental health issues, including psychosis; and
- National education on drug take back so citizens know why and how to dispose of their no longer needed prescription drugs.

**Our county jails continue to be the largest mental health institutions in the state and this is both morally and financially unacceptable.**

# Public Safety, Health and Human Services (continued)

## Opioid Dependence, Overdose and Fatalities

Opioid addiction is one of the most pressing public health and safety challenges facing Washington State today. We appreciate Congressional legislative efforts to address the opioid crisis. According to the Centers for Disease Control and Prevention, prescription painkillers and heroin are driving one of the deadliest drug epidemics in the nation's history, claiming the lives of over 776 Washingtonians in 2018. Additionally, in 2018, 531 deaths occurred from Meth and 137 from Cocaine.

The consequences of opioid addiction are reverberating throughout society, devastating families and overwhelming

health care providers, law enforcement, social services, and foster care, with particularly dire consequences for rural and underserved communities. Turning the tide on the opioid epidemic will require a coordinated and aggressive response across all levels of government. It is important to act swiftly in addressing this national emergency by providing additional resources and taking the steps outlined below. Recognizing that government cannot tackle this issue alone, county leaders are also calling upon private sector partners — from manufacturers to pharmacies and health care providers — to be part of the solution.

### • Ongoing Support for Comprehensive State and Local Efforts

- Provide ongoing supplemental funding to help states and communities turn the tide on the substance use disorder epidemic.
- Continue support for local and state efforts to reduce dependence on opioids and all other addictive substances, overdoses and fatalities in local communities by providing additional emergency supplemental funding through existing federal grant programs.
- Support continued legislation, like the Comprehensive Addiction and Recovery Act 2.0 (CARA 2.0) that aims to stem the substance use disorder crisis by providing federal support for local efforts to curb substance abuse. Programs authorized by CARA should be broadened in scope in eligible activities and fully funded through the annual appropriations process to provide local communities the resources they need to fight the substance crisis.

### • Preventing & Identifying Addiction

- Improve provider education and training on pain management and safe opioid prescribing.
- Improve access to and encourage the manufacture and evaluation of abuse-deterrent formulations (ADFs) of opioid painkillers.
- Support pharmacies and law enforcement agencies in establishing and expanding permanent take back programs for disposing of unneeded controlled substances.

### • Expanding Access to Treatment & Recovery

- Develop additional guidance regarding best practices for addiction treatment and the distribution of medication-assisted treatment (MAT).
- Permanently eliminate the IMD exclusion to help provide the long-term certainty that states, counties, non-governmental organizations, and private providers must have to fully expand access to inpatient treatment for Medicaid enrollees with substance use disorder.

### • Enhancing Support for Law Enforcement

- Reinstate equitable sharing payments under the Department of Justice (DOJ) Asset Forfeiture Program.
- Expand the federal Heroin Response Strategy to support coordination among regional High Intensity Drug Trafficking Areas (HIDTAs) and a public health-public safety approach to combatting all illegal trafficking of addictive substances.



## FEMA Individual Assistance

The criteria for FEMA Individual Assistance must be modified to assure rural residents are dealt with in a fair and equitable manner. FEMA should immediately pursue a change to its policies to allow communities impacted by wildfires access to the agency's Individual Assistance Programs. Current

FEMA criteria requiring "concentration of damage" unfairly denies Individual Assistance to rural residents with losses from flooding, landslides, earthquakes, and catastrophic fires.

## National Weather Service – Doppler Radar Gap

The National Weather Service's Doppler radar network has a gap in coverage along the eastern slopes of the Cascades and part of the Columbia Basin extending from the Canadian border in Okanogan County south into Klickitat County (portions of seven counties). WSAC supports resources (estimated at \$200,000) to complete a feasibility study as a first step in attempting to fill the weather radar gap and

give the National Weather Service the opportunity to alert communities when potentially devastating weather events are approaching and/or occurring. The feasibility study intends to identify the strategic locations to place new weather radar equipment to support future installation of new Doppler radar for the region.

## Dignity in Aging Act of 2019 (Older Americans Act (OAA) Reauthorization)

County Commissioners and Councilmembers in Washington State serve on the leadership of our 13 Area Agencies on Aging. The Older Americans Act (OAA) expired on September 30, 2019, which makes securing reauthorization a top priority. **Congress should act to reauthorize the OAA through HR 4344 Dignity in Aging Act and to expand the local discretion and flexibility to distribute funds as needed in these key areas:**

- Home Delivered Nutrition Services
- Case Management
- Information and Assistance Services
- Supportive Services (including Long-Term Care)
- Ombudsman Program
- Health Promotion
- Disease Prevention

## Air Ambulance

Rural, remote and island counties in Washington State depend on air ambulances as the fastest way to get patients that need emergency services, trauma care and access to burn units. Yet availability for this service and insurance companies denying coverage is a growing crisis limiting this important service. Additionally, the need for air ambulances is compounded by the growing reduction of services in rural hospitals.

**WSAC supports the following legislation as two mechanisms that Congress can pursue to assure access, affordability, and insurance coverage of this important emergency service:**

- S 1895, Lower Care Costs Act
- H.R. 3784, The Air Ambulance Affordability Act

# Transportation & Infrastructure

## Infrastructure

Infrastructure is the foundation of a strong, competitive economy and thriving communities. A collaborative project of four Washington State Associations (Business, Ports, Cities, and Counties) found “Washington’s infrastructure needs are estimated to be more than \$190 billion.” This study, *Building the Economy: Infrastructure Needs in Washington* found the total investment would result in an estimated 600,000 to 660,000 direct and indirect job-years. WSAC supports additional federal funding for critical public infrastructure to support a vibrant economy, public health and safety, community resiliency and a sustainable environment. **Specific examples of identified critical infrastructure include:**

- Bridges
- Transit and Roads
- Freight Rail
- Aviation
- Wastewater
- Marine Ports
- Rural Broadband
- Water Supply
- Stormwater
- Natural Resources
- Fish Barrier Removal
- Energy
- Water Storage and Distribution
- State and Local Ferries
- Infrastructure Resiliency

## Transportation

- Washington State’s 39 Counties operates over half of the centerline road miles in Washington State – 39,221 miles. We maintain 3,389 bridges greater than 20 feet, of which 600 are structurally deficient or functionally obsolete. Additionally, we are responsible for over 3,000 small bridges and culverts that likely impede adult salmon and other fish species from returning upstream for spawning.
- Five counties (Pierce, Whatcom, Wahkiakum, Skagit, King [passenger only]) operate ferry systems.
- King County operates the eighth largest bus transit system in the nation.
- Washington’s counties are making significant investments in light rail and transit systems.
- Many counties own airports including Boeing Field (King) and Paine Field (Snohomish).
- It is important for Congress and federal agencies to understand that counties are major owners of transportation infrastructure and as such provided levels of funding and authority that adequately reflect their role in the nation’s transportation systems
- Highway Trust Fund: Use Highway Trust Fund revenue for a total public transportation program (roadways and transit) and that Congress and the Administration should retain the existing budget treatment of the highway and mass transit accounts within the Highway Trust Fund.
- Need to assure the long-term solvency of the Highway Trust Fund by considering revenue sources that will better capture all users of the nation’s highways and account for all vehicles.
- Streamline the administrative requirements of federal grant programs, as well as federal permitting regulations (e.g. NEPA) to direct more funding toward necessary road, bridge, and highway improvements.
- Support federal funding to implement the Washington State Ferries 2040 Long Range Plan.

## Fish Passage Barrier Removal

In 2001, twenty-one Washington State Tribes filed suit in Federal District Court seeking to compel the State of Washington to repair or replace culverts that acted as barriers to fish migration. Historically, culvert designs were constructed to meet the design and permitting requirements of the US Army Corp of Engineers and Washington State Department of Fish and Wildlife Hydraulic Project Approval permit.

Dissatisfied with the state's progress, the tribes sought and won a permanent injunction in 2013 that was upheld by the U.S. Supreme Court in 2018, forcing the state to replace all offending culverts under state-owned roads in the area designated in the lawsuit (case area) by 2030. This case area includes an estimated 800 state-owned barriers within fourteen counties surrounding Puget Sound. The state has estimated costs in excess of \$3 billion to address the 800+ barriers under state roads.

Within the state case area, the Washington Department of Fish and Wildlife (DFW) inventory lists over 3200 known

county-owned fish barriers, with an estimated potential for 10,000 county-owned barriers statewide. The cost to replace county-owned barriers in the 14-county case area is currently estimated to be nearly \$5 billion (this number is subject to change as new information becomes available). Currently, it costs \$1.125 million to replace a culvert on a county road, usually with a short span bridge.

Counties do not possess the resources to address a problem of this magnitude. On average, counties can afford to upgrade 2 to 4 barriers per year. The State of Washington continues to grapple with finding the revenue to cover its own \$3 billion responsibility, and Washington Cities, who also own at least 1200 fish blocking culverts, also expect replacement cost to be several billion dollars. All combined, the State of Washington and local governments are in excess of \$10 billion dollars in repairs and replacements to fish passage barriers. A federal partnership is critical in addressing this problem of removing fish passage blockages to assist in the recovery of endangered salmon populations and the Southern Resident Killer Whale.

## Harbor Maintenance Trust Fund

The full expenditure of harbor maintenance trust fund collections needs to occur on dredging and harbor maintenance to provide equity for deep draft ports that contribute collections to the fund but do not have significant dredging needs by allowing them to utilize trust fund dollars for limited port- related uses other than dredging.

To this end, WSAC supports recent efforts by the U.S. House of Representatives who passed H.R. 2440, the Full Utilization of the Harbor Maintenance Trust Fund Act and encourages the U.S. Senate to also consider this legislation that would allow appropriators to expend all trust fund revenues each year, eliminate practices of lawmakers moving money out of the fund to projects unrelated to ports and/or port development and increase flexibility of the funds for donor ports.

Congress needs to fulfill its commitments to fully implement the deep-water port set aside to aide our deep-water ports and dredge-dependent ports on the Columbia River and within Puget Sound.

## Aviation

It is important to resource the Airports and Airway Trust Fund at levels to meet current and future infrastructure needs and allow for the steady flow of authorized funds without cuts or delays.

- Airport Rates and Charges: Assure local governments and airport operators have the full authority to impose and enforce fees, rates and charges that dedicate all airport revenue to airport development, capital financing and operations.
- Off-Airport User Fees: Continue authority of local governments and other public airports to set fees, rates, and charges for the use of airport facilities by off-airport business, with the proceeds being dedicated to airport development, capital financing and operations.
- Federal Aviation Administration – Air Traffic Control (ATC) System. Do not privatize the nation's air traffic control system as we believe privatization will have a negative impact on rural airports and communities.
- Make appropriate investment in Next Generation Air Transportation System (NextGen) to modernize our air transportation system to make flying even safer, more efficient, and more predictable.
- Increase to the Passenger Facility Charges (PFCs) as a reasonable and important funding local revenue source to pay for the significant demand and need to increase airport capacity and development in Washington State.

*Transportation & Infrastructure Continued on Next Page*

# Transportation & Infrastructure (continued)

## Stormwater

Federal funding is needed to invest in cost effective approaches to retrofitting stormwater facilities and collect stormwater runoff in separate storm sewers and discharge it to surface waters as required under the federal Clean Water Act. It is important counties receive federal funding support to implement the Municipal Stormwater Permits and National Pollutant Discharge Elimination System (NPDES) permits so these burdens do not fall solely on ratepayers.

## Water Infrastructure

Congress needs to provide programmatic and project funding to support local and state investments in initiatives such as:

- Yakima Basin Integrated Plan
- Columbia River Water Management Program
- Chehalis Basin Integrated Strategy
- Completion of Congressionally Authorized Columbia Basin Project

These programs and associated projects are designed to support salmon recovery, improve ecological conditions, and support the growing demands on water supplies to support growth for industrial, agriculture, municipal and exempt wells.

## Rural Broadband

Assure there is an appropriate level of local input in FCC decisions regarding broadband deployment, infrastructure, and funding.

- Connect America Funding Phase II funding was released through an auction without any county or local government input. Companies without a presence, and as far away as Maryland, won this funding for a few rural counties in Washington and without a physical presence to supply the needed deployment and infrastructure needs. Give first priority to locally based companies in procurement.
- FCC Maps need to be revised and reviewed on the ground to determine accuracy and reflect what is needed, relevant, realistic, and available in rural areas and areas of rural/urban mix that still experience considerable digital deserts.
- FCC needs to reconsider and revise its new 5G rule that circumvents local government control over infrastructure. This new rule puts public safety at risk and reasons to become an unfunded mandate.



# Natural Resources

## Federal Forest Health and Management

Policies and legislation, as well as pilot programs and projects, are needed to renew the federal government's commitment to manage federal forests for the benefit of counties containing federal forestland. Management should be conducted in a manner that produces a sustainable resource yield, improves forest health, and aides in the prevention of catastrophic wildfires. **Examples include:**

- Provide federal funding to communities and counties to plan and prepare for the catastrophic effects of wildfires on federal forest lands;
- Incentivize and support the use of forest products to create mass timber, e.g. cross laminated timber; and
- Direct the USFS and BLM to establish pilot programs to improve forest health and reduce the impact of catastrophic wildfires through the use of Good Neighbor Authority agreements with the Washington State Department of Natural Resources.

## Federal Lands Transfer to the States

WSAC supports a systematic and factual review of the potential benefits and risks associated with the transfer of federal lands to Washington State or its counties.

## Columbia River Treaty

Our counties along the Columbia River and within the Columbia River Basin are actively involved in participating in the update process for the Columbia River Treaty – an international agreement between Canada and the United States regarding the cooperative development and operation of the water resources of the Columbia River Basin for the current stated benefits of flood control and power.

It is imperative that the Washington State Congressional Delegation ensure that the input, participation, and decisions of local elected leaders are included in Treaty review and

update. We ask the Administration and Congress assure that a modernized Treaty is designed to meet the future regional water supply needs for irrigation, municipal and industrial use, instream flows, navigation, and recreation.

Continued communications from the lead United States negotiator to keep counties, and other key local partners, is beneficial to keep local officials apprised of progress on meeting negotiating milestones and benchmarks. It is imperative that negotiations be complete prior to 2024.

## Columbia River System Operations (CRSO) Environmental Impact Statement Development

A federal judicial ruling in 2016, for the fifth time, ordered federal agencies to look at all options to protect salmon in the Columbia River system. The Secretaries of Interior, Commerce and Energy, and the Assistant Secretary of the Army for Civil Works received a memorandum from the President directing the agencies to develop a schedule to complete the EIS and associated biological opinion by 2020 – thus initiating the Columbia River System Operations (CRSO) Environmental Impact Statement (EIS).

**In October 2019, the CRSO range of alternatives were released. According to the Army Corp of Engineers:**

*"All alternatives were designed to benefit ESA-listed fish species. The alternatives represent different ways to balance the multiple purposes of the system. For example, some of the alternatives include more actions, or measures, to benefit fish, while some put more emphasis on power generation and other water uses. This allows the agencies to assess the full effects of achieving one set of objectives over another. The impacts of all of these measures will be documented in the draft EIS."*

*Natural Resources Continued on Next Page*

# Natural Resources (continued)

## Columbia River System Operations (continued)

Any significant changes and proposals that negatively affect regional economic stability, impact flood risk management, irrigation, power generation, navigation, fish and wildlife, cultural resources, and recreation opportunities provided by the current system must be carefully considered.

**Without adequate and convincing peer reviewed science, and the following assurances, WSAC does not currently support removal of the four lower Snake River Dams:**

- Assurance of continued flood risk mitigation and reduction management;
- Replacement water storage and supply for municipal, industrial, agricultural, exempt well, and environmental benefits;
- Clean renewable replacement power production to stabilize price and power needs;
- Financially viable and adequate infrastructure to support loss of navigation and river transportation;
- Funding to repair or replace roads, bridges and other transportation infrastructure damaged by removal of the dams and lowering of water levels;
- Protection of all fish and wildlife resources;
- Protection of cultural resources; and
- Assurance from net negative impacts to agricultural production and food supply; and
- Additional options to increase salmon production and increase the health of the Puget Sound (and its species); and
- No loss in outdoor recreation opportunities or facilities.

## Waters of the United States

Washington's 39 counties maintain over 40,000 miles of roads and associated ditches, bridges, culverts, stormwater facilities, and other supporting transportation infrastructure. An updated "Waters of the U.S." rule must assure there is, at a minimum, a permit exemption for certain county road ditches.

## Water Quality Standards – Clean Water Act

**Continue the delegated authority to Washington State to develop local solutions to implement all facets of the Clean Water Act, without interference from Environmental Protection Agency, including:**

- Update to the Washington State Water Quality Standards, including human health criteria.
- Update to non-point pollution plan and Concentrated Animal Feeding Operations (CAFO) permits.

## National Flood Insurance Program (NFIP) and Biggert-Waters Act

There must be a sustainable, fiscally responsible NFIP to protect the businesses and homeowners who built according to code and have followed all applicable laws. Congress and the Administration shall keep flood insurance rates affordable to citizens while balancing the fiscal solvency of the program. Any reforms made to the program should address modernization of flood risk mapping, increased investment in mitigation activities at the county level and consumer affordability.

## Salmon Recovery and Watershed Restoration

All 39 counties are engaged in recovery of salmonid and endangered fish species and watershed planning and restoration. There shall be an equitable method to provide federal funds go to on the ground, local government projects and programs supported by local implementing organizations, local governments, tribes, and citizens. **Stable and predictable funding is needed for both Coastal, Puget Sound, and Columbia River Basin recovery activities:**

- Fish Passage Barrier Removal
- Puget Sound Nearshore Ecosystem Restoration
- National Estuary Program
- Pacific Coastal Salmon Recovery Programs
- Mitchell Act or other programs and services including appropriate hatchery activities that assist in our Regional Salmon Recovery Efforts
- Support the Congressional Puget Sound Recovery Caucus to improve the profile and standing of the Puget Sound under national restoration, conservation, recovery, and economic development programs for coastal and maritime communities.
- WSAC supports the PUGET SOS Act – Promoting United Government Efforts to Save Our Sound

## Endangered Species Act Reform

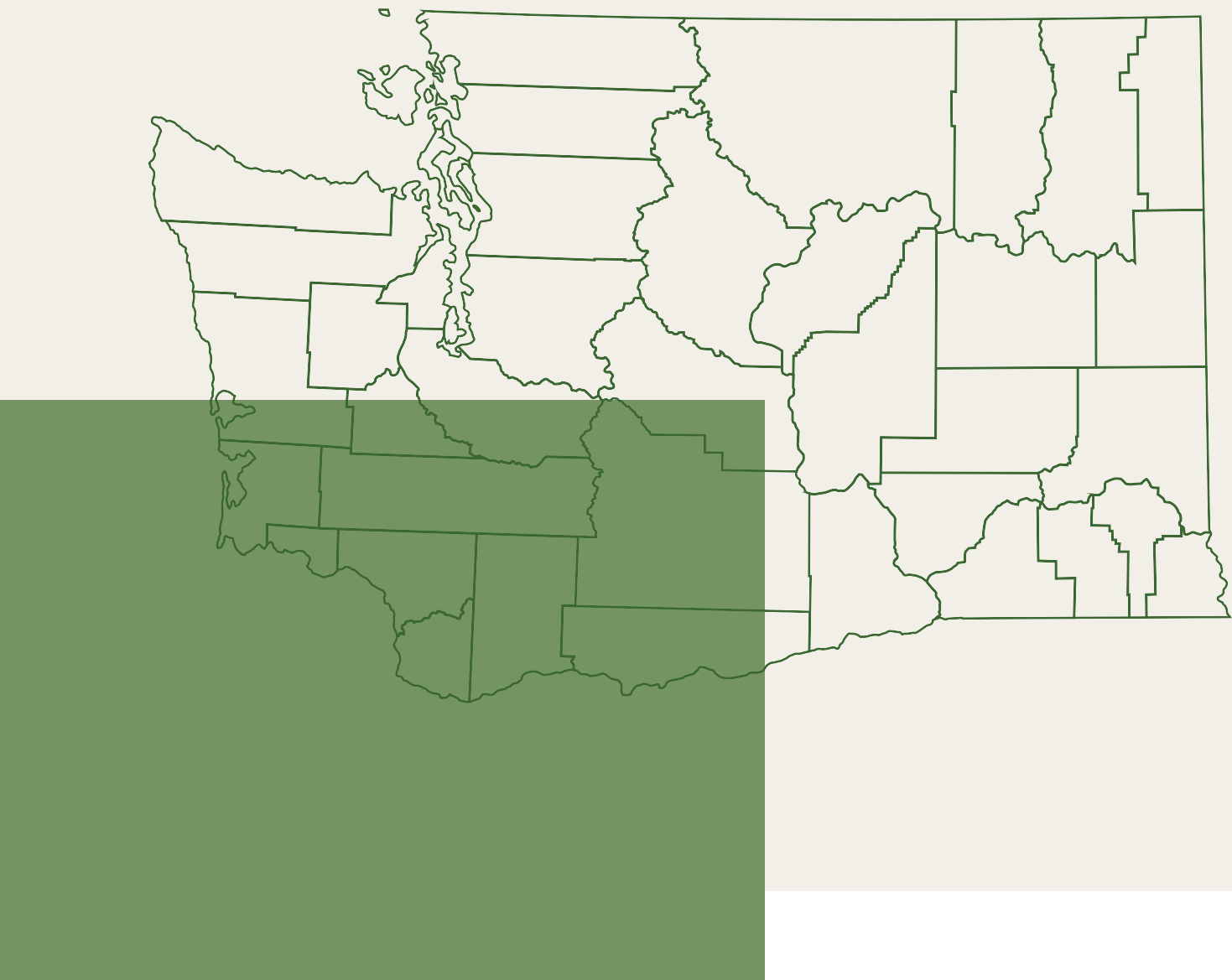
ESA reform must balance protection of fish, wildlife and plant populations, responsible land, water and resource management and local economic community impacts.

## Reauthorization of the Land and Water Conservation Fund

WSAC supports \$900 million annual funding for Land and Water Conservation Fund (LWCF). In Washington State, LWCF has provided over \$600 million to fund more than 600 projects over the past 50 years. These projects help to protect community greenspaces, builds parks and trails, and improves boating and recreational access.

WSAC supports this annual funding provided there is a restriction on the purchase of federal lands by USFS, BLM, or NPS without consent from the county legislative authority within which the property lies.





**WASHINGTON STATE  
ASSOCIATION OF COUNTIES**

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wsac.org



<b>Committee Name</b>	<b>Last Name</b>	<b>First Name</b>	<b>Organization</b>
Agriculture and Rural Affairs Steering Committee	Roach	Pam	Pierce County
Community, Economic and Workforce Development Steering Committee	Hutsell	Scott	Lincoln County
Community, Economic and Workforce Development Steering Committee	Ladenburg	Connie	Pierce County
Community, Economic and Workforce Development Steering Committee	Olson	Julie	Clark County
Community, Economic and Workforce Development Steering Committee	Spencer	Gabriel	Skamania County
Community, Economic and Workforce Development Steering Committee	Wright	Stephanie	Snohomish County
Environment, Energy and Land Use Steering Committee	Delvin	Jerome	Benton County
Environment, Energy and Land Use Steering Committee	Gelder	Robert	Kitsap County
Environment, Energy and Land Use Steering Committee	Wesen	Ron	Skagit County
Health Steering Committee	Lentz	E	Clark County
Health Steering Committee	Price-Johnson	Helen	Island County
Health Steering Committee	St. Clair	Janet	Island County
Human Services and Education Steering Committee	Kohl-Welles	Jeanne	King County
Justice and Public Safety Steering Committee	Jeffords	James	Asotin County
Justice and Public Safety Steering Committee	Lambert	Kathy	King County
Justice and Public Safety Steering Committee	Sant	Shawn	Franklin County
Public Lands Steering Committee	DeTro	Jim	Okanogan County
Public Lands Steering Committee	Exner	Johnna	Ferry County
Public Lands Steering Committee	Janicki	Lisa	Skagit County
Public Lands Steering Committee	McCart	Wesley	Stevens County
Public Lands Steering Committee	Skoog	Karen	Pend Oreille County
Telecommunications and Technology Steering Committee	Curtis	Mark	Stevens County
Transportation Steering Committee	Blom	John	Clark County
Transportation Steering Committee	Hughes	Rick	San Juan County
Transportation Steering Committee	Ryan	Terry	Snohomish County
Transportation Steering Committee	Somers	Dave	Snohomish County
Transportation Steering Committee	Stacy	Brian	Pierce County
Transportation Steering Committee	Storey	Mark	Whitman County

<b>State</b>	<b>Email Address</b>	<b>Phone Number</b>	<b>Position</b>	<b>State Date</b>	<b>End Date</b>
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WA	shutsell@co.lincoln.wa.us	(509) 725-3031	Member	7/1/2018	7/31/2020
WA	connie.ladenburg@piercecountywa.gov	(253) 798-2687	Member	8/1/2018	7/31/2020
WA	julie.olson2@clark.wa.gov	(564) 397-2232	Member	7/1/2018	7/31/2020
WA	spencer@co.skamania.wa.us	(509)427-3721	Member	8/1/2018	7/31/2020
WA	stephanie.wright@snoco.org	(425) 388-3411	Member	8/1/2018	7/31/2020
WA	jerome.delvin@co.benton.wa.us	(509) 786-5600	Member	8/1/2018	7/31/2020
WA	rgelder@co.kitsap.wa.us	(360) 337-4667	Member	8/1/2019	7/31/2020
WA	ronw@co.skagit.wa.us	(360) 416-1310	Member	8/1/2018	7/31/2020
WA	temple.lentz@clark.wa.gov	564-397-2232	Member	2/26/2019	7/31/2020
WA	h.price_johnson@islandcountywa.gov	360-679-7353	Member	8/1/2018	7/31/2020
WA	j.stclair@co.island.wa.us	(360) 679-7354	Member	7/8/2019	7/31/2020
WA	jeanne.kohl-welles@kingcounty.gov	(206) 477-1025	Member	8/1/2018	7/31/2020
WA	jjeffords@co.asotin.wa.us	(509) 243-2060	Member	7/1/2018	7/31/2020
WA	kathy.lambert@kingcounty.gov	(206) 477-1025	Member	7/1/2018	7/31/2020
WA	ssant@co.franklin.wa.us	(509) 545-3543	Member	8/1/2018	7/31/2020
WA	jdetro@co.okanogan.wa.us	(509) 422-7105	Member	8/1/2018	7/31/2020
WA	jexner@co.ferry.wa.us	(509) 754-2011 x2928	Member	7/1/2018	7/31/2020
WA	ljanicki@co.skagit.wa.us	(360) 416-1310	Member	8/1/2018	7/31/2020
WA	wmccart@stevenscountywa.gov	(509) 684-3751	Member	8/1/2018	7/31/2020
WA	kskoog@pendoreille.org	(509) 447-4119	Member	8/1/2018	7/31/2020
WA	mcurtis@co.stevens.wa.us	(509) 684-7505	Member	8/1/2018	7/31/2020
WA	john.blom@clark.wa.gov	(564) 397-2232	Member	8/1/2018	7/31/2020
WA	rickh@sanjuanco.com	(360) 378-2898	Member	4/30/2019	7/31/2020
WA	terry.ryan@snoco.org	(425) 388-3411	Member	8/1/2018	7/31/2020
WA	dave.somers@snoco.org	(425) 388-3411	Member	8/1/2018	7/31/2020
WA	bstacy@co.pierce.wa.us	(253)798-7257	Member	8/1/2018	7/31/2020
WA	mark.storey@co.whitman.wa.us	509-397-5204	Member	11/20/2018	7/31/2020

# THE CONFEDERATED TRIBES OF THE COLVILLE RESERVATION

P.O. Box 150, Nespelem, WA 99155  
T: (509) 634-2381 | F: (509) 634-2387

CERTIFIED MAIL-RETURN RECEIPT REQUESTED: 7012 1640 0001 1432 9885

January 9, 2020

Kathryn Burke  
Ferry County Prosecutor  
350 E Delaware Ave. #11  
Republic, WA 99166

RE: Washington State Voting Rights Act

Dear Ms. Burke:

In 2018, Washington passed the Voting Rights Act (WVRA), codified at RCW 29A.92, which was established to promote equal voting opportunities in certain political subdivisions; specifically, as noted in the Legislative Intent, to address "electoral systems that deny race, color or language minority groups an equal opportunity to elect candidates of their choice [which is] ...inconsistent with the right to free and equal elections as provided [in the] ...Washington state constitution."

As you know, Ferry County has both district-based and at-large systems of voting; primary elections are district based while the general election is at large. This has resulted in the dilution of the Native American vote within Ferry County.

**Pursuant to RCW 29A.92.060, this letter shall serve as notice of the Confederated Tribes of the Colville Reservation's intent to challenge Ferry County's electoral system, on behalf of Colville Tribal members residing in Ferry County.**

The Tribes proposed remedy is for the county to adopt 'in-district' voting and is hopeful that Ferry County will seek to voluntarily address this issue, in order to avoid the filing of an action in superior court, as authorized by RCW 29A.92.090.

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**Page 2**

If you have any questions regarding this information, Shannon Thomas, Senior Staff Attorney with the Office of Reservation Attorney is the point of contact on this matter; she can be reached at (509) 634-2383 or [Shannon.thomas.ora@colvilletribes.com](mailto:Shannon.thomas.ora@colvilletribes.com)

Very Truly Yours,



**RODNEY CAWSTON**  
Chairman, Colville Business Council

Cc: Marvin Kheel, Tribal Government Chair, Colville Business Council  
Lachelle Ives, Elections Coordinator, Colville Confederated Tribes

**February 5, 2020**

**TO:** WSAC Board of Directors

**FROM:** Eric Johnson, Executive Director

**PREPARED BY:** Bridget Lockling, Finance and Administration Director

**SUBJECT:** Business and Finance Report

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### **2019 Year End Financial Report**

WSAC ended 2019 with a total cash position of \$651,807. Of this amount, \$200,000 is invested in eConnectDirect CDs. In 2018 WSAC opened a sweep account as well as a money market account to earn interest on idle funds. These investments yielded \$18,026 in 2019, compared to \$6,116 in 2018 and \$3,350 in 2017. The full 2019 financial report will be available for review at the May Board of Directors' meeting in addition to the 1st quarter 2020 financial report.

### **2020 Dues**

The 2020 dues billings were sent out the 1<sup>st</sup> week of January. We've already received general dues payments from over half of the counties.

Current tracking information is as follows:

#### Dues

General Dues – 54% collected (18 counties remaining)  
Transportation Dues – 49% collected (20 counties remaining)  
Public Lands Dues – 51% collected (19 counties remaining)  
Human Services Dues – 38% collected (24 counties remaining)  
Litigation & Communication Dues – 54% collected (18 counties remaining)  
Solid Waste Dues – 0% collected (39 counties remaining) (Dues notice went out end of January)

#### Special Assessments

Coastal Counties Special Assessment – 0% collected (dues notice went out end of January)  
Marbled Murrelet Special Assessment – 81% collected (3 counties remaining)

### **F1 Public Disclosure Reports**

Staff will be preparing WSAC member public disclosure reports during the month of February. Look for F1 statements to be distributed via email sometime in March.

### **New Mileage Rates**

OFM has revised the POV Mileage Rate as of January 1, 2020. The new rate is \$0.575 per mile. Please request a **new** travel reimbursement form from WSAC staff or refer to our Board of Directors webpage. Here is a link to the worksheet: [WSAC Member Travel Reimbursement](#).

### **2020 Audit, Investment & Finance Committee**

According to the WSAC Bylaws the Audit, Investment and Finance Committee is set up to assist the Board of Directors in fulfilling its fiduciary, financial, investment and compliance oversight responsibilities as defined in the Audit, Investment and Finance Committee Charter. The committee consists of at least five active members of the Association. Additionally, the WSAC 1<sup>st</sup> Vice President and the 2<sup>nd</sup> Vice President are mandatory members with two-year terms. The remaining members serve a three-year term.

For 2020 there are three appointments needed to cover expiring terms. There is a memo providing WSAC President Gelder's nominations to fill these appointments as follows:

Whitman County Commissioner Michael Largent	WSAC 1 <sup>st</sup> Vice President (per WSAC Policy)
San Juan County Commissioner Jamie Stephens	WSAC 2 <sup>nd</sup> Vice President (per WSAC Policy)
Spokane County Commissioner Mary Kuney	Term Expires December 31, 2020
King County Councilmember Kathy Lambert	Term Expires December 31, 2020
Skagit County Commissioner Ron Wesen	Term Expires December 31, 2022
Walla Walla County Commissioner Jim Johnson	Term Expires December 31, 2022
Jefferson County Commissioner Kate Dean	Term Expires December 31, 2022

The first staff meeting to discuss audit preparations with The DOTY Group was on January 30<sup>th</sup>. A timeline of activities is being developed along with Committee meeting dates.

### **L&I Audit**

In July 2019, Labor & Industries conducted an audit of our payroll and employees to verify we were correctly paying our insurance premiums and reporting hours. They also reviewed all payments to vendors, contractors and members to test for exemption or eligibility as a covered worker. The auditor found 9 contractors did not meet eligibility as an independent contractor and requested back owed premiums for the hours worked. We sought legal advice as we did not agree with 8 of the 9 decisions. We had an Informal Hearing on December 19<sup>th</sup> with L&I and are still waiting to hear the final determination.

**February 5, 2020**

**TO:** WSAC Board of Directors

**FROM:** Eric Johnson, Executive Director

**PREPARED BY:** Derek Anderson, Director, Communications & Member Services

**SUBJECT:** Communications and Member Services Division Report

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### **County Leaders Conference Recap**

There were over 400 attendees at the annual County Leaders Conference in Spokane County. The following WSAC affiliates and partners were in attendance:

Association of County Human Services (ACHS)  
Washington County Administrative Association (WCAA)  
Washington Counties Risk Pool (WCRP)  
Washington State Association of Commission/Council Clerks (WACCC)  
Washington State Association of County Engineers (WSACE)  
Washington State Association of Local Public Health Officials (WSALPHO)  
Washington State University Extension Directors (WSU)  
Washington Association of County Solid Waste Managers (WACSWM)

A post-conference survey was conducted, and overall feedback was positive. 50 attendees participated in the survey. Here is a sample of the feedback received: *"Training was great and having so many options helped so we could attend things we are either involved in or might be hot topics in our county."*

### **2020 Legislative Session**

CMS staff is actively working with the WSAC policy team to produce materials for the 2020 Legislative Session. During the first week of session, CMS staff launched a new template for our weekly legislative publication, the *Legislative Bulletin*. The *Legislative Bulletin* is distributed electronically every Tuesday during the legislative session to over 1,300 subscribers. Bringing awareness to WSAC's legislative priorities via social media continue to be a top priority. This year, CMS staff developed an editorial calendar that provides greater focus for content on these platforms as well as provide a roadmap for Legislative Steering Committee (LSC) members to engage with. A brief overview of WSAC Communication resources was presented to the LSC and members also participated in a discussion on storytelling and assisted with developing messaging.

### **Business Partners**

CMS staff has completed most of the 2020 marketing plans with WSAC Business Partners and is in the process of creating resources to support these plans. CMS staff is also working the Association of County/City Information Systems (ACCIS) and the Washington State Association of County Auditor's (WSACA) on a joint business partners marketing campaign to begin in April 2020. The new program will generate additional non-dues revenue for each Association. The marketing plan is part of the service agreements WSAC maintains with ACCIS and WSACA.

## **Recent Appointments – Boards & Commissions**

Derek Young, Pierce County Councilmember | Sentencing Guidelines Commission

Robert Jackson, Lewis County Commissioner | Affordable Housing Advisory Board

Vioggo Forde, Snohomish County | Technology Services Board

Kathy Lambert, King County Councilmember | Forensic Investigation Council

Vickie Raines, Grays Harbor County Commissioner | Forest Practices Board





February 5, 2020

**TO:** WSAC Board of Directors

**FROM:** Eric Johnson, WSAC Executive Director

**PREPARED BY:** Mellani McAleenan, Government Relations Director

**SUBJECT:** Policy & Legislative Report

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### **Policy and Legislative Relations – Mellani McAleenan**

The WSAC membership approved the four following legislative priorities proposed by the Legislative Steering Committee:

- Funding for trial court public defense
- Fish passage barrier removal
- Oppose new unfunded mandates
- Involuntary Treatment Act court costs

WSAC staff are working hard with legislators to advance these issues as well as on a number of other issues that have arisen this legislative session.

Last fall, WSAC staff attended several county legislative briefings. While a couple had to be cancelled this year, generally, these meetings are productive discussions with legislators, and we appreciate our members inviting WSAC staff to attend.

Members of the 2020 Legislative Steering Committee have been appointed, with Councilmember Derek Young and Commissioner Wes McCart serving as co-chairs again this year. The LSC is up and running for the 2020 session, which began on January 13 and is scheduled to adjourn on March 12.

### **Public Health – Jaime Bodden**

#### Legislative Session

This legislative short session, there are a number of bills impacting local public health. Some proposed legislation would protect certain populations from public health threats, others promote positive health behaviors and practices, and others would limit local authority to protect communities from threats.

Significant bills include:

- Vaping and reduced youth access. There are several proposed bills this session that are aimed at reducing youth use and access to vapor products. Bills include banning flavored vapor products, regulating vapor ingredients, and limiting marketing of vapor and marijuana products.

- Family supports. Key bills this session are geared towards strengthening families and addressing childhood trauma and adverse childhood experiences. There are a few bills around increasing home visiting programs as well as addressing suicide, particularly in youth.
- Food safety and regulations. Several bills that have been filed this short session put food safety at risk. Several add duties to food inspections outside of the intent and purpose of the duty to reduce food borne outbreaks. We see these bills as unfunded mandates. Other bills have introduced new establishments that would exempt them from certain food safety requirements. These bills are important to mitigate as they would increase cost to local health jurisdictions and put communities at risk.

#### Foundational Public Health Services (FPHS)

In addition to the technical fix addressing the vapor tax shortfall, there is additional legislation that would further fund FPHS through taxing surpluses of insurance carriers. It is an encouraging sign that the legislature continues to identify potential revenue sources to fully funding FPHS.

Beyond the funding needs of FPHS, work continues on developing the next biennium decision package. WSALPHO, the Department of Health, State Board of Health, and tribes are coordinating efforts to submit a joint funding package for the 2021-2023 biennium. This package will include funding for local activities and capacity, new models of care and service delivery, and on-going funding for current work.

#### Strategic Plan.

WSALPHO approved an updated strategic plan in summer 2019. Focus activities for 2020 will include:

- Member survey to identify areas to increase member engagement, coordinate cross-committee work, and improve communication.
- Rebranding initiative that will include updated agency logo, style guide, and communication templates.

Relationship building with key stakeholders. The WSALPHO leadership team has begun regular meetings with DOH leadership to coordinate on statewide activities. Additional outreach is also planned with the State Public Health Association and academia to connect with public health students.

#### **Public Safety/ Human Services - Juliana Roe**

WSAC continues to push forward with its priorities including obtaining more funding for trial court public defense services. This year Rep. Irwin introduced a bill for WSAC, HB 2420, that requires the state to assume all administrative and fiscal responsibility for public defense. The bill was sent to the House Appropriations Committee and we have yet to have a hearing scheduled. Over the past couple of years, we have dropped other bills to address this issue like HB 2687(2018) which required the state to fully fund trial court public defense within 10 years, providing an additional 10% of funding each year. Similar bills were introduced by Rep. Chapman, HB 1086(2019), which was heard and passed out of the House Civil Rights & Judiciary Committee as well as the Senate companion bill, SB 5098(2019), which was introduced by Sen. Braun and referred to the Senate Law & Justice Committee (never scheduled for a hearing). So far, the impediment to these bills has been because of the significant amount of money that the bills would cost the state. Sen. Pedersen and Rep. Ormsby have continually refused to hear any version of these bills.

Behavioral health integration has been completed in all regions of the state. The Behavioral Health Organizations (BHOs) have transitioned into Administrative Service Organizations (ASOs) to manage the crisis system continuum. Ensuring this system can continue to function at the current service levels is of great importance to counties, as it is inextricably interwoven with the local criminal justice system. Because all Medicaid and a portion of the non-Medicaid dollars have been shifted to the Managed Care Organizations (MCOs), it is imperative that the state make significant investments in non-Medicaid funding to support the crisis system at their current service levels.

One of WSAC's priorities this session has to do with funding for Involuntary Treatment Act (ITA) courts. Because of the shift of funds to the MCOs, counties have fewer non-Medicaid dollars to pay for ITA court costs and the other crisis services for which they are responsible. Therefore, we are asking the legislature to create a separate account for ITA court funding that is separate and distinct from all other non-Medicaid dollars. We are also asking for the legislature to create a work group to study the court fees associated with ITA court as counties struggle to budget for these costs when they fluctuate. In addition, we are exploring the possibility of having the

legislature require the Washington State Institute of Public Policy study ITA court data as this has been something that has been incredibly difficult to obtain. For example, counties are now responsible for ITA cases that were previously state Attorney General cases. However, no entity can pinpoint how many of those state cases counties are now doing without additional funding.

Housing remains a major topic this session. There have been more than fifty bills dropped related to housing coming at the issue in different ways – from taxes/fees to land use to general housing policy. It is difficult to determine which bills will actually move forward at this time. At least one bill, HB 2797, will move forward. This is the trailer bill to HB 1406(2019) that provided counties with a portion of the state sales tax for affordable housing. As you know, there have been some setbacks due to the way the Department of Revenue has interpreted how the funding will be distributed. HB 2797 is the bill that will remedy those issues.

### **Land Use, Environment, Solid Waste – Paul Jewell**

The long-awaited report – *A Roadmap to Washington's Future* – from the Ruckelshaus Center was finally released this past summer. Despite the report not providing consensus on any substantive policy recommendations for reforms to the state's planning framework and the Growth Management Act, it is being referenced often during the 2020 legislative session. Several bills have been introduced implementing certain items that were highlighted in the report as key findings or reforms. Some of those items include adding a climate change goal to the GMA and amending the mandatory comprehensive plan update cycles for GMA-planning jurisdictions to coincide with the ten-year federal census.

The WDFW PILT Coalition continues to meet. While the bill proposed by the Coalition in 2019 did not pass, we were pleased to see some success as the program was fully funded for the first time since 2009. The State Operating Budget also implemented one of the changes proposed in the 2019 bill by moving the responsibility for making the payments to the State Treasurer's budget from WDFW's budget. This change mirrors the DNR PILT program and places these payments into the category of ongoing, maintenance-level obligations of the state from a process standpoint. We believe this will lead to more reliable funding for the program.

For the 2020 session, the WDFW PILT Coalition decided to simplify its approach. Given the nature of a short session and the fact that it's not a biennial budget year and the chances for additional funding seemed remote, a new and shorter bill was introduced. The change implemented in the budget that moved the payments to the State Treasurer will expire at the end of the biennium. The new bill, HB 2559/SB 6365, codifies that change in state law and makes it permanent.

Timber Counties saw the adoption of the final Long-Term Conservation Strategy (LTCS) for the Marbled Murrelet and the accompanying amendment to the Department of Natural Resources Habitat Conservation Plan at the end of 2019. Paul continues to work actively on the Solutions Table, along with Wahkiakum County Commissioner Dan Cothren. The Solutions Table held several meetings over the year. Solutions Table members have been struggling to develop workable and agreeable strategies to mitigate for the impacts of the LTCS on the beneficiaries, industry and local economies.

In addition to the Solutions Table activity, several member counties also agreed to fund a WSAC study to analyze the economic impacts of the LTCS. The study will evaluate the impacts on revenues from timber harvest by taxing district in the counties impacted by the LTCS. It will also measure the direct, indirect and induced impacts on the industry and the surrounding communities. Finally, the study directs that an evaluation tool be created that can be used to measure similar impacts from other proposed habitat set asides on DNR land in the future. The firm Mason Bruce & Girard has been hired and the work is expected to be completed sometime in the fall of 2020.

Housing continues to be a significant issue across the nation and here in Washington. During the interim Paul served on the Department of Commerce Manufactured Housing Communities Work Group. Over a series of several meetings that included tenants of manufactured housing communities, owners and managers of manufactured housing communities, cities, counties, the State Attorney General's office, and a variety of advocacy groups on all sides, strategies were discussed and developed that would assist in the preservation of these communities and the creation of new ones. The work group has ended, and several bills have been

introduced this session.

The Washington Association of County Solid Waste Managers (WACSWM) met for two days in April and for two days during the County Leaders Conference in Spokane. This group only formed a couple of years ago but has been making steady progress in building its ability to advocate for local solid waste programs and being recognized on a state level. During the past year the members created a policy guidance document and a strategic plan. They also met with several legislators in Olympia, Ellensburg, and Spokane. The group is very active and is meeting regularly with agency staff and serving on several statewide solid waste issue groups.

The major objective for WACSWM has been the restoration of funding for local programs. The grant program, Local Solid Waste Financial Assistance (LSWFA), formerly known as the Coordinated Prevention Grant (CPG) program, is run through the Department of Ecology. Unfortunately, LSWFA grants have been reduced over 62% since 2013. Funding for LSWFA is authorized through the Model Toxics Control Act (MTCA) and is funded by the hazardous substances tax. The MTCA Reform Act was passed by the legislature in 2019 and increased available funding for all authorized programs by well over \$100 million. However, no additional funding for LSWFA was appropriated. WACSWM members were very frustrated by that result and are planning advocacy strategies to request additional funding during the 2020 session.

Finally, water banking has been a controversial issue for the last several months since the October 27, 2019 article, *Wall Street spends millions to buy up Washington water*, appeared on the front page of the Seattle Times. This article highlighted the work of out of state investors as they were purchasing water rights in Eastern Washington to construct a private water bank. Several bills have been introduced during this session to deal with this issue, including one from the Department of Ecology.

### **Transportation and Public Works – Jane Wall**

The Washington State Association of County Engineers (WSACE) will hold its annual Professional Development conference February 5-7, 2020 in Cle Elum, WA at the Suncadia Resort. This year's theme, "Law School for Public Works," will bring together over 85 county engineers, public works directors, and their staff to hear from legal experts on liability, risk, and the legal issues county's face related to public works. Attendees can expect to hear from the Washington County Risk Pool, county prosecutors, and private sector attorney's specializing in municipal law.

A month after the Professional Development conference WSACE will hold its Spring Roundtable meetings. Meetings will take place in Olympia and Ritzville, providing engineers the opportunity share with one another the issues they are facing related to project management, funding, and road preservation.

Following the spring roundtables, WSACE Managing Director, Jane Wall, will join a delegation of Washington county engineers at the National Association of County Engineers (NACE) annual conference in Orange Beach, Alabama, April 19- 23. Jane, Washington NACE Director, Drew Woods, WSACE President, Eric Pierson, and others will represent Washington State at the conference. The NACE annual conference provides information on road maintenance, safety and other technical information.

WSACE Managing Director, Jane Wall, continues to stay actively involved with a number of boards and committees. She sits on, and regularly attends, meetings of the Capital Projects Advisory Review Board (CPARB), Fish Passage Barrier Removal Board and Infrastructure Assistance Coordinating Council (IACC). Jane is also representing counties on two Joint Transportation Committee studies for the 2019-2021 biennium. The first, a Statewide Transportation Needs Assessment, has brought together state and local governments for a sweeping assessment of Washington's transportation needs, priorities, and existing and potential transportation funding mechanisms to address those needs and priorities. The second study is an analysis of the electrification of public fleets in Washington State. The study will look specifically at the vehicle fleets owned by the State of Washington, cities, counties and transit agencies

For the 2020 legislative session, WSACE Managing Director, Jane Wall, continues to represent WSAC and WSACE on transportation and public works policy and priorities. This includes continued work on a funding solution for fish passage blocking barriers (culverts). In addition to the Fish Passage priority, WSACE is pursuing

authority for a federal fund swap exchange in our Surface Transportation (STP) Program. The fund swap would give WSDOT the authority to swap federal money for state in the STP program, allowing local governments to stretch the dollars they receive further. Federal projects are notoriously more expensive, due to cost drivers such as right of way acquisition, and other permitting and reporting requirements.

### **Elections – Mike Hoover, Policy Consultant**

WSAC continues to push the state to pay its fair share of elections. Last year, we fought for and got the state to pay for prepaid postage for ballots. This year, WSAC supports two bills—HB 2421 and SB 6134—which would have the state pay its share of election costs (not just postage) for all elections (presently, the state pays a share only for odd-year elections). There are a number of bills also aimed at changing the ways in which elections are conducted and voter outreach is accomplished. SB 6313 would require outreach to younger voters, including allowing 17-year-olds to vote on certain elections and providing student voting centers on university campuses. Another bill, HB 2529, would move almost all elections to even-years as a means of increasing turnout and consolidating costs. WSAC has concerns about the costs, operation, and unintended consequences of these bills: will multiple ballots be needed to accommodate underage voting? Who will pay for student voting centers? Will ballot measures have to wait until only even-numbered years? How do these bills affect existing county charters and organizational documents under the constitution? WSAC has testified on these matters and will continue to work to find solutions as these bills go forward.

### **Tax & Fiscal – Mellani McAleenan**

There are a number of bills relating to tax and fiscal policy - local option sales and use taxes, property tax exemptions, etc. – largely related to housing that have been introduced this year. With so many competing bills, it is difficult to determine this early in session which, if any, may pass this year. One bill worth noting is HB 2526 and its companion SB 6314, which would cost the counties over \$26 million per year in lost penalties for property tax delinquencies. WSAC has testified against each bill and is working with the prime sponsor of the House bill to determine whether any compromise can be found.

Another is HB 2230/SB 6080, which would expand upon legislation passed in 2014 that granted tribes who owned property used for economic development a property tax exemption. Instead, they are required to negotiate with the affected county and make payments in lieu of taxes. The bill only affected three counties at that time because it was limited to properties owned as of a March 2014 date. The bill also had a sunset provision that scheduled the bill to expire in 2021. This year's bill would remove all of the limiting dates so any property now owned by a tribe or purchased in the future would be eligible. WSAC testified against the bill, preferring to wait until after the required report from the Joint Legislative and Audit Review Committee is released in December 2020. There is currently much that is unknown about the potential impacts of the legislation.

February 5, 2020

**TO:** WSAC Board of Directors

**FROM:** Eric Johnson, Executive Director

**PREPARED BY:** Jane Wall, Managing Director, Washington State Association of County Engineers

**SUBJECT:** County Transportation Study Program

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WSAC received \$1,142,000 in funding in the 2019-2021 transportation budget for transportation studies. Each biennium counties receive a portion of the state fuel tax to support studies of our choosing. WSAC works closely with the Washington State Association of County Engineers to determine the use of the funding and the scope of work. For the 2019-2021 biennium WSAC will conduct the following:

1. An inventory of county-owned fish passage barriers, with priority given to barriers that share the same stream system as state-owned fish passage barriers that must be replaced per a federal injunction. The study must identify, map, and provide a preliminary assessment of county-owned barriers that need correction, and provide, where possible, preliminary costs estimates for each barrier correction. The study must provide recommendations on:
  - a. How to prioritize county-owned barriers within the same stream system of state-owned barriers in the current six-year construction plan to maximize state investment; and
  - b. How future state six-year construction plans should incorporate county-owned barriers.
2. An update the Local Agency Guidelines Manual, including exploring alternatives within the Local Agency Guidelines Manual on county priorities
3. A study analyzing the current state of county transportation funding, identifying emerging issues, and identifying potential future alternative transportation funding sources to meet current and future needs.

**1) Inventory assessment:** WSAC has contracted with an independent contractor to work on behalf of the association with the Washington Department of Fish and Wildlife (WDFW) and the Washington Department of Transportation (WSDOT). The contract is \$75,000 for the 2019-2021 biennium.

With the contractor's oversight, WSAC has initiated a \$667,000 contract with the WDFW to inventory and assess fish passage barriers associated with county roads located within as many of the counties as possible within U.S. v Washington case area. The project allows for the inventory and assessment of a small number of counties outside the case area as well. Under the contract WDFW will hire 1.5 teams to conduct the assessments, commencing on, or around, March 1, 2020. WDFW estimates the teams will be able to evaluate between 1500-1900 sites for the 16 month contract period.

**2) Local Agency Guidelines Manual:** The Local Agency Guideline (LAG) Manual overview and updates work will be pushed to the latter half of the biennium and conducted with the revenue remaining from the \$1,142,000 appropriation. The LAG provides policies and standards for local agencies to follow when using Federal Highway Administration funds for transportation projects. The Managing Director of the Washington State Association of County Engineers will work with the WSDOT Director of Local Programs on this effort.

- 3) County Transportation Funding Study:** WSAC has issued an RFP seeking a consultant to complete the study. Specifically, WSAC is seeking an assessment of the transportation funding challenges faced by counties in Washington, and an identification of potential future alternative transportation funding sources to meet current and future needs.

The goal of the study is to better inform Washington counties and the Legislature of the current and future funding needs of counties in Washington. WSAC will utilize the study's findings to assist in the building of WSAC's 2021-2023 transportation policy and budget agenda.

WSAC is prepared to allocate up to \$100,000 on the study. A final report will be due to WSAC by September 1, 2020.



**February 5, 2020**

**TO:** WSAC Board of Directors  
**FROM:** Eric Johnson, WSAC Executive Director  
**PREPARED BY:** Brynn Brady, Policy Consultant  
**SUBJECT:** Coastal Counties Caucus

### **Coastal Counties Caucus**

The Washington State Association of Counties created the Coastal Counties Caucus, comprised of 14 counties bordering Puget Sound, Strait of Juan de Fuca, and the Pacific Ocean shortly before the creation of the Puget Sound Partnership in 2007. The Caucus created a forum for Counties to interact, engage and recommend WSAC positions on issues relating to the waters of Puget Sound, Hood Canal and the Pacific Ocean.

Upon the creation of the Puget Sound Partnership (PSP), WSAC immediately entered into an agreement with PSP to assure counties were actively engaged, coordinated with, and seen as partners in the protection and restoration of Puget Sound. Through the state operating budget, PSP provided the financial resources to WSAC to manage the coordination, communication and outreach to County and City elected and appointed officials and coordinating comments on Partnership plans and activities. Through 2016, WSAC and PSP were contractually bound to assure that County and City perspectives and priorities were presented and accurately represented to PSP. Starting in late 2016, PSP no longer had the funds to be able to support this agreement and the 14 Coastal Counties decided to self-assess a voluntarily contribution of \$2500 per county.

This past year, the PSP has led numerous updates and studies, including the administration of the Governor's Southern Resident Orca Recovery Task Force, which required local government participation and or input. In instances that a local government elected official could not participate, the WSAC contractor would fill the vacancy and solicit feedback or input through the appropriate channel, either directly from WSAC policy staff, elected officials and /or staff from specific jurisdictions.

### **Program Status**

WSAC has invoiced the 14 coastal counties for the 2020 assessment. The assessment allows the Coastal Caucus program to have greater flexibility to collectively operate in delivering specific county perspectives and priorities directly to the legislature, a level of advocacy that was not permitted under the PSP contract. It also affords the ability to sustain and increase internal communications to members on regular and frequent updates on issues that are unique to the waters of Puget Sound, Hood Canal and the Pacific Ocean. The proposed assessment would continue the specific work of Ms. Brady on behalf of the coastal counties and assure that Counties independently deliver a cohesive and consistent message to state agencies and tribal nations beyond just PSP activities.



Appointed in 2014, San Juan County Councilmember Jamie Stephens continues to serve as Chair of the Coastal Caucus. The following WSAC members serve on the following Boards or Councils:

- Jamie Stephens, San Juan (Chairman Ecosystem Coordinating Board, Salmon Recovery Council)
- Helen Price Johnson, Island (Ecosystem Coordinating Board, Salmon Recovery Council)
- Ron Wesen, Skagit (Ecosystem Coordinating Board)
- Derek Young, Pierce (Ecosystem Coordinating Board)
- Charlotte Garrido, Kitsap (Ecosystem Coordinating Board)
- Dow Constantine, King (Ecosystem Coordinating Board)
- Kate Dean, Jefferson (Ecosystem Coordinating Board)
- Ken Dahlstedt, Skagit (Salmon Recovery Council)
- \* Several other WSAC members serve as alternates on these Boards/Councils

In 2019, the following items were accomplished to ensure coastal county interests and priorities were brought forward to the coastal counties, Legislative Steering Committee, state and federal agencies, tribal nations and other key stakeholders:

- Supported WSAC members serving on Puget Sound Partnership (PSP) Boards and Councils
- Distributed the Southern Resident Killer Whale (SRKW) Task Force recommendations and other items of interest to CC members.
- Solicited input, coordinated and drafted official WSAC responses and recommendations to the SRKW Task Force
- Assisted staff from Senate Agriculture, Water, Natural Resources and Parks Committee on a tour in Jefferson County that included several County project sites/programs.
- Represented and/or coordinated representation in PSP meetings and other state efforts that impact communities along the Puget Sound and Pacific coast
- Monitored and reported on PSP efforts that involved county policy interests to WSAC policy staff and the CC members including the SRKW Task Force recommendations, discussions of the Ecosystem Coordination Board land use subcommittee and development of state agency legislative priorities
- Planned and coordinated the CC annual meeting at the WSAC Leaders Conference
- Participated in national Puget Sound Day on the Hill
- Prioritized Puget Sound Recovery and Protection in WSAC Federal Issues Agenda

Continuing efforts from 2018, the Southern Resident Killer Whale Task Force (task force) continued to convene and delivered a second round of recommendations to the Governor and some have turned into legislative proposals and are under consideration in the 2020 legislative session. The Coastal Caucus reviewed and commented on the draft recommendations, most of which were not incorporated. Several of the recommendations directly impact counties and continued representation and participation will be critical to ensure County interests are better understood by the other stakeholders. It is anticipated that a variety of matters will need County attention during legislative session and beyond including increasing environmental standards ("net ecological gain") in multiple statutes, integrating salmon recovery in the GMA, establishing riparian buffer widths, revising stormwater/contaminant standards and programs and prioritizing fish barrier removal projects.

Additionally, the ECB will be considering a revision to the National Estuary Program's funding model that counties will want to ensure their projects qualify for. The ECB will consider restructuring the roles, responsibilities and funding model of Local Integrating Organizations in effort to increase the capacity and better utilize the local expertise. The ECB will also continue work through a Land Use subcommittee to better understand land use decisions that impact or can enhance salmon recovery efforts. The ECB will also be involved with the next Action Agenda update.

The Coastal Caucus will also take interest in the Governor's Salmon Recovery Office effort to update the Statewide Strategy to Recover Salmon. They will also be interested in the work plan priorities being considered by the Salmon Recovery Council including:

- Determining whether existing Chinook recovery priorities are the most effective and efficient means of advancing salmon recovery efforts, and revise them if necessary;
- Mobilizing Funding recommendations to maintain and diversify sources of funding that support salmon recovery, in preparation for a potential new "ask" in the 2021 state legislative session; and
- Continuing to leverage orca recovery efforts for the benefit of our shared interests in Chinook recovery.

**February 5, 2020**

**TO:** WSAC Board of Directors

**FROM:** Eric Johnson, Executive Director

**PREPARED BY:** Scott Swanson, Timber Program Coordinator

**SUBJECT:** Timber and Public Lands Program

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### **Background**

The WSAC Timber and Public Lands program was implemented and re-configured to encompass all 39 counties that receive at least one state or federal payments associated with public lands:

- FEDERAL – Secure Rural Schools
- FEDERAL – Payment in Lieu of Taxes (PILT)
- STATE – WDFW Payment in Lieu of Taxes (PILT)
- STATE – DNR Payment in Lieu of Taxes (PILT)
- STATE – Forest Board Timber Revenues

This program assessment and associated activities reflects the comprehensive nature of activities and services affecting all 39 counties and is a forum for counties to interact on issues relating to timber and public lands and give feedback to WSAC, as a liaison to state and federal agencies. WSAC engages and advocates to state and federal elected officials and representatives of the Department of Natural Resources, the Department of Fish and Wildlife, US Fish and Wildlife Service, US Forest Service, Bureau of Land Management, National Park Service and the National Association of Counties.

Skamania County Commissioner Tom Lannen chairs the Timber Counties Committee. The Timber and Public Lands program meets at the Annual County Leaders Conference, and in Olympia during the legislative session and other times as needed to address current issues. The Timber Counties Charter is available upon request.

### Department of Natural Resources

WSAC has a Cooperative Agreement with the Department of Natural Resources (DNR) to facilitate the active participation by county governments in natural resource issues under the jurisdiction of the DNR. Activities include technical expertise to the counties' representatives to the Board of Natural Resources and the Forest Practices Board, and to provide and assure active and productive communication between DNR and WSAC timber counties on issues of mutual interest. WSAC staff meets monthly with DNR staff to update current issues.

Board of Natural Resources – By statute, a county commissioner or councilmember represents a subset of counties on the Board of Natural Resources. Clallam County Commissioner Bill Peach (elected December of 2015 by forest board counties) currently represents Counties. Commissioner Peach was selected vice chair of the Board of Natural Resources in 2017.

Forest Practices Board – By statute, the Forest Practices Board has a representative from a county legislative authority. Commissioner Lisa Janicki from Skagit County resigned during 2019 and the Governor was given four different names as possible appointed representative for counties. As of this time, the Governor has just recently appointed Grays Harbor County Commissioner Vickie Raines as the County Representative on the Forest Practices Board.

## Timber and Public Lands Program Revenue

2020 Public Lands Assessment Revenue: \$88,049 (If all counties pay dues)

Timber Counties – Staff or Contractors	\$40,000
Timber Counties – Operations	\$28,600

2017 was the first time counties were included in participation grants for the policy advisory committee to the Forest Practices Board, called the Timber Fish and Wildlife policy team. Several caucuses are represented from state and federal agencies, large and small forest landowners, the environmental community and counties. WSAC contractor, Scott Swanson, represents counties and interacts with our elected representative on the Forest Practices Board and with our timber counties members. Kendra Smith from Skagit County continues to participate and with her background and experience, provides cover when needed. Scott Swanson served as Co-Chair of this TFW committee in 2017-2018 and continues as the counties' voting member.

Department of Natural Resources Forest Practices Forest and Fish Participation Grant Information:

Contracted amount:	\$82,500 (FY20) \$82,500 (FY21)
Contract Initiated:	July 1, 2019
Contract Expires:	June 30, 21

## **Program Elements**

### STATE – Forest Board Timber

Annual Revenue to 19 Counties - \$60,219,324 (6 Year Average)

The Washington State Department of Natural Resources (DNR) manages over 625,000 acres of forest board land within 20 counties for multiple purposes, including timber revenue for local governments. In many counties, this is a major revenue source in providing basic public health, safety, and other vital county services. The 2008 economic crisis and subsequent economic depression, on top of the amount of state timber land encumbered by the Endangered Species Act (ESA) created more losses to counties already strapped by reduced federal timber sales. In Southwest Washington and the Olympic Experimental State Forest, timber sales have been severely limited due to the spotted owl and marbled murrelet endangered species habitat. Counties are very involved in the Sustainable Harvest Calculation and Marbled Murrelet HCP planning efforts ongoing at DNR.

DNR and WSAC members worked together to support successful legislation to allow “encumbered” lands to be transferred into a conservation designation and other timbered lands purchased to fulfill the fiduciary duties of the DNR trust lands. State funding has been limited and less than requested by DNR. WSAC staff continues to work with DNR staff, Skamania, Pacific and Wahkiakum counties regarding this program and advocate for continued state funding.

With budgetary reductions and revenue shortfalls affecting DNR, it is possible that DNR could request a change to the administrative fee on all timber sales. WSAC has met with the Lands Commissioner, Hilary Franz, to ensure that the administrative fee is not raised without the involvement and consent of the trust beneficiaries.

### STATE – WDFW Payment in Lieu of Taxes (PILT)

Annual Revenue to 14 Counties - \$3,993,000 (2020-2021)

PILT is a reimbursement for the loss of property tax of publicly owned land. Fourteen counties receive funding for Washington Department of Fish and Wildlife (WDFW) owned game and recreation land within their boundaries. WDFW PILT was frozen at 2009 levels since 2012. WSAC staff and members worked with a broad coalition of conservation and recreation groups such as The Nature Conservancy, Trout Unlimited, Rocky Mountain Elk Foundation and others to advocate for full funding. This coalition was successful in getting increased funding in 2017 and 2018, though not full funding. Full funding was finally secured through the efforts of the coalition in the 2019 session for the 2020—2021 biennial budget.

## STATE – DNR Payment in Lieu of Taxes (PILT)

Annual Revenue to 30 Counties - \$1,989,851 (2019)

DNR PILT is a reimbursement to 30 Counties for the loss of property tax on over 217,000 acres managed by the Department of Natural Resources as either a Natural Area Preserve, Natural Resource Conservation Area or Community Forest.

## FEDERAL – Payment in Lieu of Taxes (PILT)

Annual Revenue to 37 Counties – \$23,059,249 (FY 2018)

Thirty seven counties receive Federal PILT payments to local governments to offset losses in property tax due to nontaxable federal lands within their boundaries. The PILT Act passed in 1976 after the passage of the Federal Land Policy and Management Act that established that disposal of public lands would largely cease. So in lieu of a future, in which lands could continue to pass from federal ownership to private ownership, Congress opted to reimburse local governments for land that would remain in federal ownership. The payments are made annually, subject to appropriation, to help local governments carry out vital services such as fire, police, public education, roads, and search and rescue. Payments are for federal lands administered by the National Parks Service, the Bureau of Land Management (BLM), U.S. Fish and Wildlife (all agencies of the Department of the Interior) and the U.S. Forest Service (an agency of the U.S. Department of Agriculture).

Prior to 2008, PILT had never been fully funded, as it was discretionary spending within the Federal budget. From 2008, to date, PILT has been fully funded and is authorized within the Federal budget, yet still needs appropriation by Congress. The Department of the Interior has administrative authority over the program and makes payments based on the formula in law, and since payments started in 1977, have paid out more than \$5.9 billion dollars.

WSAC continues to work with the National Association of Counties (NACo) to advocate for appropriation of PILT, modifications to improve the program for a working forest landscape and determine better formulas for stable funding for the future.

## Federal Secure Rural Schools and Community Self Determination Act (SRS)

Annual Revenue to 26 Counties – \$14,319,410 (FY 2018)

SRS was reauthorized in March 2018 for FYs 2017 and 2018. However, it is not authorized beyond FY 2018 and will expire at the end of FY 2018 without congressional action. The expiration of SRS will create dramatic budgetary shortfall if Congress fails to renew this long-standing federal obligation to counties. Both NACo Public Lands Steering Committee and the Western Interstate Region (WIR) board continue to work on this issue federally. 26 Washington Counties receive SRS funding.

## Other Federal Land Payments

WSAC also monitors and advocates for two additional Federal land payment programs:

- Refuge Revenue Sharing Act Payments are provided to 24 counties, \$608,100 (FFY2019)
- Department of Energy PILT (Hanford) for 3 Counties (Benton, Franklin, Grant) that receive approximately \$2.5 million (FFY2019)

## USDA/USDI Agreement

At the annual conference in 2014, WSAC Executive Director, Eric Johnson and Regional Forester Jim Pena signed a Memorandum of Agreement between WSAC and the Washington USDI Bureau of Land Management and the USDA Forest Service for cooperation and communication.

**February 5, 2020**

**TO:** WSAC Board of Directors

**FROM:** Eric Johnson, Executive Director

**PREPARED BY:** Neil Aaland, WSAC Program Consultant

**SUBJECT:** Columbia River Program

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## **BACKGROUND**

The Columbia River Basin Water Supply Development Program was initiated by the state Legislature in 2006. The purpose of the program is to seek out and develop new water supply in eastern Washington. New water supplies are intended for both in-stream and out-of-stream use; water from projects funded by the program are allocated 1/3 for in-stream use and 2/3 for out-of-stream use.

WSAC receives funding from the Department of Ecology to provide staff support to eastern Washington county commissioners (above the Bonneville Dam). This allows commissioners to participate as full partners in the program. Part of the funding is used to hire contract staff to support county participation. General program activities include:

- Organizing quarterly meetings of county commissioners (called the Columbia River Caucus);
- Assisting the four commissioners who are county members of the overall Columbia River Policy Advisory Group (CR-PAG); and
- Serving as a point of contact for county commissioners and staff about Columbia River issues.

The Columbia River program was authorized for a ten-year life, beginning in 2006. The legislature authorized \$200 million in state bonding capacity for implementation. This original funding was fully allocated by the end of the 15-17 biennium (June 30, 2017). Since that time, the Office of Columbia River (OCR) has requested and (and largely received) appropriations for each biennium for specific projects.

## **CURRENT ACTIVITIES**

- We continue to follow how negotiations between the U.S. and Canada (the Columbia River Treaty); this may affect the provision of additional water supply.
- We continue to work to ensure that counties have a voice in Ecology's management of the CR Program.
- We are tracking the Environmental Impact Statement process for the Columbia River System Operations Review, a process that started up in late 2016 with a scoping process announcement. During February – June of 2020, draft and final Environmental Impact Statements will be issued. During the same time period there will be section 7 consultations with the National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS) to ensure compliance with the Endangered Species Act. A Record of Decision is expected to be issued by September 30, 2020.
- Quarterly meetings of the Commissioners' PAG continue to be held and are key to ensuring a flow of information both to county commissioners and from them to the CR-PAG and the Department of Ecology.
- Regular discussions and meetings with the Director of the Office of Columbia River occur several times a year.

## **PROGRAM CHALLENGES**

- As noted earlier, the original allocation of \$200 million for the CR Program was fully allocated by June 2017. OCR requested a new authorization of \$300 million for the subsequent biennium, which was not granted. Instead, new funding is requested each biennium for a smaller specific slate of projects. To date, this has been a successful approach for continued funding (which most stakeholders agree is needed). WSAC will need to track this.
- Our partnership with the British Columbia Local Governments Committee (LGC) was dormant but has recently been renewed. A joint meeting with some LGC members was held in conjunction with the WSAC Annual Conference in Spokane last November. We will continue to connect with them periodically.
- The U.S. Department of State has been engaging with Canada about revising the Columbia River Treaty during 2019, and these meetings are continuing in 2020. Counties continue to hope that the possibility of increasing water supply will be included as a topic of negotiation.

## **2020 ACTIVITIES**

- Continued involvement in efforts to implement the current CR Program and to support requests for funding continued project work.
- Continued regular engagement with British Columbia local governments, if opportunities arise.
- Monitoring and engaging in deliberations around the Columbia River Treaty.
- Monitoring and engaging in the process for the Columbia River System Operations Review.

### Staff Contact Information:

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