

**November 21, 2019**



**WSAC GENERAL MEMBERSHIP MEETING**

**The Davenport Grand Hotel  
Spokane County  
Spokane, Washington**



## MEETING AGENDA – WSAC ANNUAL MEMBERSHIP MEETING

Thursday, November 21, 2019

3:45 p.m. - 5:00 p.m.

Spokane County

The Davenport Grand - The Grand Ballroom C

Spokane, Washington

TIME*	Encl.	PRESENTER(S)	AGENDA	TYPE
3:45 p.m.		President Hutsell	<b>CALL TO ORDER</b>	
	√	President Hutsell	1. APPROVE Agenda	Action
	√	Eric Johnson	2. Annual Association Report	Report
		President Hutsell	3. President's Message	Report
	√	Eric Johnson Mellani McAleenan	4. Litigation Update	Report
	√	President Hutsell 1 <sup>st</sup> Vice President Gelder 2 <sup>nd</sup> Vice President Largent Past President Wright  Eric Johnson Bridget Lockling	5. 2020 Proposed WSAC Budgets a) Proposed 2020 WSAC Special Fund b) Proposed 2020 WSAC Operating Budget c) Proposed 2020 WSAC Strategic Litigation and Communication Program Budget d) Proposed 2020 General, Transportation, Public Lands, Human Services, and Strategic Litigation and Communication Dues Assessment Schedules  <i>Actions: Consider Adopting Board of Directors Recommendation-</i> a. <i>Proposed 2020 WSAC Special Fund</i> b. <i>Proposed 2020 WSAC Operating Budget</i> c. <i>Proposed 2020 Strategic Litigation and Communication Program Budget</i> d. <i>Recommending 2020 WSAC General, Transportation, Public Lands, Human Services, and Strategic Litigation and Communication Program Dues Assessment Schedules</i>	Action
		Commissioner Dahlstedt Eric Johnson	6. 2020 Proposed WSAC Federal Issues Agenda <i>Presentation and Membership Discussion</i>  <i>Actions: Consider adoption of 2020 WSAC Federal Issues Agenda</i>	Action
	√	Commissioner McCart Councilmember Young Mellani McAleenan	7. 2020 WSAC Legislative Agenda Review <i>Presentation and Membership Discussion</i>	Update
	√	Commissioner McCart Councilmember Young Mellani McAleenan	8. WSAC Policy and Positions Update <i>Presentation and Membership Discussion</i>  <i>Actions: Consider adoption of WSAC Policy and Positions</i>	Action

TIME*	Encl.	PRESENTER(s)	AGENDA	TYPE
		Commissioner Dahlstedt Councilmember Wright Commissioner McCart NACo Steering Committee Members	9. NACo Reports  a. NACo Board of Directors b. NACo Western Interstate Region c. NACo Steering Committees	Report
		WSAC Members	10. WSAC Members Reports from Activities on Statewide Boards and Commissions	Report
		Commissioner Wright	11. Installation of 2019-2020 WSAC Officers	
		Commissioner Gelder	12. Incoming WSAC President Message	
5:00 p.m.		Commissioner Gelder	<b>MEETING ADJOURNED</b>	

\*Times are approximate only

## Litigation Update, November 14, 2019

### **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.

### **Unfunded Mandate**

This case will challenge that Senate Bill 5472 (Ballot Drop Box Bill) is a violation of RCW 43.135.060, Prohibition of new or extended programs without full reimbursement.

- Legal action authorized by WSAC Board of Directors, November 13, 2018.
- 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 leadership and Washington State Association of County Auditors leadership to discuss pending litigation. Briefed WSACA members during legislative session.
- WSAC Board/LSC briefed on May 8, 2019.
- Finalizing Draft Complaint – Seeking Co-Plaintiffs.

Litigation Update, November 14, 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 and Whitman County will join WSAC as co-plaintiff(s).
- One additional County is considering joining as a co-plaintiff
- Will included the claims made by 11 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 expected to be filed before December 15, 2019.
- Working on communication plan/outreach.

### 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 will Amicus on a pending 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 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, etc.
- WSAC staff will be reaching out to secure points of contact for each County regarding this potential litigation.
- WSAC staff established data/information steering committee with county budget and policy staff.

## **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.
- 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.



## **AMICUS UPDATE – Cases pending or decided in 2019**

### **November 4, 2019**

#### **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 have been scheduled for 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. A new schedule will be adopted if the case is not settled.

### 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 11/4/2019



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 are scheduled for 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 judgement 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 is set for 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.

### **7) 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 government 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.

**8) 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 is scheduled for November 12, 2019.

**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.

### **10) 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.

#### 11) **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

#### 12) **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.



**November 21, 2019**

**TO:** WSAC Members and Interested Parties

**FROM:** Lincoln County Commissioner Scott Hutsell  
President, Washington State Association of Counties

**PREPARED BY:** Eric Johnson, Executive Director

**SUBJECT:** Proposed 2020 WSAC Special Fund Budget  
Proposed 2020 WSAC Operating Budget  
Proposed 2020 Litigation and Strategic Communications Budget  
Proposed Dues Schedules for General, Transportation, Public  
Lands, Human Services, Litigation and Communications

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### **Background**

The adoption of WSAC's Annual Budgets and Dues Schedules has four primary steps – each designed to facilitate understanding of WSAC's revenue, expenditures and purpose. WSAC budget process is intended to be transparent, engaging, and educational process for WSAC leadership and members:

#### **STEP 1**

WSAC Staff, Board of Directors and Legislative Steering Committee met as part of our ongoing planning processes to outline proposed program goals and actions as well as preliminary identification of both key operational actions and Legislative Priorities. (May 2019, Benton County). Direction was provided in three areas:

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

#### **STEP 2**

Executive Board. (August 2019, Lincoln County)

- Review the 2019 Fiscal Year Budget, Goals and Actions, Programs and Services
- Review Program Status and Challenges
  - Litigation
  - Strategic Communication
  - Federal Issues
  - Operations and Administration
- Create Recommended 2020 Budgets
  - Operating Budget
  - Special Funds Budget
  - Strategic Litigation and Communication Budget
- Develop Proposed 2020 Dues Schedules:
  - General
  - Transportation
  - Public Lands
  - Human Services
  - Strategic Litigation and Communications

### **STEP 3**

Board of Directors. (September 2019, Kittitas County) The Board of Directors will review the proposals from the Executive Committee and after consideration, recommend to the WSAC Membership the following 2020 Budget Items:

- Proposed 2020 Special Fund Operating Budget; and
- Proposed 2020 Operations Budget;
- Proposed 2020 Strategic Litigation and Communication Program Budget; and
- Proposed WSAC 2020 Dues Schedules
  - i. General
  - ii. Transportation
  - iii. Public Lands
  - iv. Human Services
  - v. Strategic Litigation and Communication

### **STEP 4**

Membership. (November 2019, Spokane County) During the Annual Business Meeting, members shall consider the recommendation from the Board of Directors and take action on the following items:

- Proposed 2020 Special Fund Operating Budget; and
- Proposed 2020 Operations Budget;
- Proposed 2020 Strategic Litigation and Communication Program Budget; and
- Proposed WSAC 2020 Dues Schedules
  - i. General
  - ii. Transportation
  - iii. Public Lands
  - iv. Human Services
  - v. Strategic Litigation and Communication

### **2020 Proposed Budgets**

The WSAC Board of Directors Proposed 2020 Budgets contains a proposed general, transportation, public lands, and human services dues increase (2.8%), while still maintaining general dues collection that is only 5.5% above 2009 amounts, 12 years ago. Additionally, the Proposed 2020 Budget provides a modest increase (\$5,288) to WSAC general reserves.

The major elements of the **2020 Proposed Operations and Special Fund Budgets** are as follows:

- Slight WSAC cash reserve increase (\$5,288)
- 2.8% increase (\$38,877) in General, Transportation, Public Lands and Human Services Dues
- Continues contract services and revenues for:
  - Coastal Counties Caucus
  - Forest and Fish Policy Participation Grant
  - Office of Columbia River
  - Department of Transportation (County Transportation Metrics and Programs, Fish Passage Barrier Inventories)
  - Washington State Association of County Engineers
  - Washington State Association of Local Health Officials
  - Washington State Association of County/City Information Services Directors
  - Washington State Association of County Auditors
  - Solid Waste Affiliate

- Targeted Base Salary Adjustments to Implement 2019 Salary Study (\$14,511)
- 2.5% Employee Cost of Living Adjustment (COLA) (\$33,937)
- Estimated 3% Medical Benefits Increase (\$8,628)
- \$75,000 in Decreased Revenue from Omnia/US Communities Group Purchasing Agreement
- Not Filling Research Director Position in 2020

## **2020 Litigation and Strategic Communications Budget**

WSAC Board of Directors recommends:

- A continued dues assessment of \$400,000 to support the Strategic Litigation and Communications Program;
- Continued work with outside legal counsel to support implementation of the 2018 – 2019 Strategic Litigation and Communication Program Action Plan;
- Resource allocation to support salaries of a portion of three position that work on SLAC: Legislative Director/General Counsel, Communications and Member Services Director, Executive Director.
- Support WSAC's Current Litigation
  - a. Spokane County
  - b. Unfunded Mandate
- Support WSACs Indigent Defense Legal and Research Activities
  - a. Amicus Brief - Davison v. State of Washington and Washington State Office of Public Defense
  - b. States Constitutional Duty to Fund Indigent Defense – or the adequacy of the Indigent Defense System in Washington State
- Amicus Brief Support
- Support communication focused on policy makers and interest groups to advance our policy agenda and legal activities.



# Proposed 2020 WSAC Operations Special Fund & Litigation Fund Budgets

*As Recommended by the WSAC  
Board of Directors*

## 2020 WSAC Operating Budget Proposal

One of our primary responsibilities as Executive Committee members is to propose a 2020 WSAC Budget to the WSAC Board of Directors. We take this responsibility seriously. Throughout our deliberations and work, we have focused on four primary areas for the 2020 Recommended Budget:

1. Assure that any dues increase have a clear nexus to support retention of our greatest resource – our staff – with competitive salaries and benefits;
2. Assure appropriate resources are provided to continue the progress in the 2020 Strategic Litigation and Communication Program (SLAC);
3. Provide continued organizational fiscal stability and fulfilling our fiduciary responsibility;
4. Allocate adequate funding for our core responsibilities:
  - Advocacy for our member counties;
  - Communicating with and between members;
  - Training and education; and
  - Business services.

We are recommending a 2.8% increase (\$38,877) in WSAC dues for 2020. Even with this increase, general dues are only 5.5% more than they were in 2009, 11 years ago. We are proud of WSACs' fiscal discipline and responsiveness. We also want to remind you that for the past decade each new investment made is to assure our staff are appropriately compensated and to program investments in research, communication, advocacy or legal activities sought by the Membership.

This proposed budget implements the findings of our 2019 Salary Compensation Analysis completed by Gallagher Benefit Services. Salary adjustments totaling \$14,511 are necessary to implement the Compensation Analysis. A new salary schedule is proposed as well with the establishment of six classifications.

We have analyzed this budget in terms of its sustainability over the next four years. We are working to increase non-dues revenue through our partnership with the National Association of Counties and will be researching new opportunities with national cooperative purchasing programs in light of recent changes in structure and a significant loss in revenue (\$75,000) from Omnia, the former US Communities Cooperative Purchasing Program.

WSACs' undesignated reserves remain lower than desired: 20% of WSAC annual operations. This budget provides a break-even approach in WSAC general reserves. While our reserve allows us to maintain cash flow, it is less than what is recommended by our previous audit firm. WSAC Board of Directors has also made the cognizant choice that we should not unnecessarily build WSAC reserves at the expense of funds that counties can utilize in their individual counties.

This year we included utilizing remaining funds in our County Training Institute. There was about \$14,000 remaining from previous years earnings in this program that will be expensed in 2020 to research and make upgrades in the platform and updated curriculum. See page 22 for additional information.

Another recommended addition to the budget is an educational event for legislators and their staff. This event is meant to spur understanding of county government operations and responsibilities and creates a partnership and forum for relationship growth. Total budget impact is \$5,000. See page 23 for additional information.

For 113 years, WSAC has served Washington's 39 Counties. Our goal is to continue to see WSAC proactively meet the needs of our member counties as they provide service to over 7 million residents, our business community and visitors to our state.

**Scott Hutsell, President**  
**Lincoln County Commissioner**

**Robert Gelder, 1<sup>st</sup> Vice President**  
**Kitsap County Commissioner**

**Michael Largent, 2<sup>nd</sup> Vice President**  
**Whitman County Commissioner**

**Stephanie Wright, Past President**  
**Snohomish County Commissioner**

## 2020 BUDGET PLANNING ASSUMPTIONS

Title	Change in Est. Revenues	Change in Est. Expenses	Net NEW Effect
<b>Budget Assumptions - OPERATING FUND</b>	<b>\$ 193,358</b>	<b>\$ 119,790</b>	<b>\$ 73,568</b>
Total Change in Annual Dues (2.8%)	\$ 38,877		\$ 38,877
- Change in General Dues	27,526		
- Change in Transportation Dues	5,741		
- Change in Public Lands Dues	2,817		
- Change in Human Services Dues	2,793		
Affiliate Assessments	28,072		
Contract Services			
-Renewed DOT Grant	92,692	-	92,692
-Renewed DOE Columbia River Grant	63,717	-	63,717
-Ended DFW	(30,000)	-	(30,000)
Payroll & Benefits			
-Position Vacancy & Staffing Changes		(130,612)	130,612
-COLA (2.5%)		33,937	(33,937)
-Targeted Salary Adjustments		14,511	
-Staffing distribution to SLAC		(8,512)	8,512
-Est. Medical Benefit Increase (3%)		8,628	(8,628)
Meetings, Travel & Conference		37,250	(37,250)
Audit Services		31,000	(31,000)
Other Contract & Professional Services		139,710	(139,710)
Technology, Software, & General		(6,122)	6,122
<b>Budget Assumptions - SPECIAL FUND</b>	<b>\$ (65,000)</b>	<b>\$ 10,000</b>	<b>\$ (75,000)</b>
Changes to Endorsements & Marketing	\$ (75,000)		\$ (75,000)
- NACo LLC (Nationwide)	-		
- Omnia (US Communities)	(75,000)		
- Other Misc Programs	-		
Investment Income	10,000		10,000
Meetings & Events	-	10,000	(10,000)
<b>Budget Assumptions - SLAC FUND</b>	<b>\$ (82,000)</b>	<b>\$ 7,410</b>	<b>\$ (89,410)</b>
Less additional one time Unrestricted funds transfer	\$ (82,000)		\$ (82,000)
Staffing Changes		8,512	(8,512)
Technology/Phones	-	(1,101)	1,101

**2020 PROPOSED OPERATING & SPECIAL FUND BUDGETS COMBINED AND 3 YEARS PRIOR**

	<b>2020 Projected Budget</b>	<b>2019 Adopted Budget</b>	<b>2018 Actual</b>	<b>2017 Actual</b>
<b>Revenue</b>				
Dues	\$ 1,564,073	\$ 1,525,195	\$ 1,491,284	\$ 1,363,246
Business Partner Fees	-	-	650	300
Special Assessments	35,000	35,000	35,000	216,750
Affiliate Assessments	672,324	627,752	591,153	541,109
Contract Services	833,961	724,052	625,293	600,567
Conferences and Events	159,000	159,000	136,438	228,431
Endorsement & Marketing	154,500	229,500	194,096	209,151
Other Misc. Income	1,000	1,000	4	500
Interest and Dividend Income	15,000	5,000	6,116	3,350
<b>Total Revenue</b>	<b>\$ 3,434,857</b>	<b>\$ 3,306,499</b>	<b>\$ 3,080,034</b>	<b>\$ 3,163,404</b>
<b>Operating Expense</b>				
Payroll and Benefits - General	\$ 1,855,967	\$ 1,938,015	\$ 1,500,346	\$ 1,568,421
Meetings, Travel and Hosting	211,200	194,100	204,158	205,801
Conferences and Events	189,150	159,000	167,331	198,577
Contract Services	809,400	638,634	737,132	639,420
Professional Services Other	145,444	145,500	157,920	243,369
Technology and Telecom	48,009	55,331	51,088	45,318
General Operating	170,400	169,200	166,072	156,267
<b>Total Operating Expense</b>	<b>\$ 3,429,570</b>	<b>\$ 3,299,780</b>	<b>\$ 2,984,047</b>	<b>\$ 3,057,174</b>
<b>Budgeted Change in Net Assets</b>	<b>\$ 5,288</b>	<b>\$ 6,719</b>	<b>\$ 95,987</b>	<b>\$ 106,230</b>

<b>Key Metrics and Trends</b>				
Dues as a % of Total Revenue	45.5%	46.1%	48.4%	43.1%
Contracts as a % of Total Revenue	24.3%	21.9%	20.3%	19.0%
Period % Change in Total Revenue	3.9%	7.4%	-2.6%	26.1%
Period % Change in Total Expense	3.9%	10.6%	-2.4%	26.2%
Actual/Budgeted FTEs	14.00	14.00	12.00	12.00
Net Income as % of Revenue	0.2%	0.2%	3.1%	3.4%

## 2020 PROPOSED OPERATING BUDGET AND 3 YEARS PRIOR

	2020 Projected Budget	2019 Adopted Budget	2018 Actual	2017 Actual
<b>Revenue</b>				
Dues	\$ 1,564,073	\$ 1,525,195	\$ 1,491,284	\$ 1,363,246
Business Partner Fees	-	-	-	300
Special Assessments	35,000	35,000	35,000	216,750
Affiliate Assessments	672,324	627,752	591,153	541,109
Contract Services	833,961	724,052	625,293	600,567
Conferences and Events	159,000	159,000	136,438	228,431
Other Misc. Income	500	500	4	-
<b>Total Revenue</b>	<b>\$ 3,264,857</b>	<b>\$ 3,071,499</b>	<b>\$ 2,879,172</b>	<b>\$ 2,950,403</b>
<b>Operating Expense</b>				
Payroll and Benefits - General	\$ 1,855,967	\$ 1,938,015	\$ 1,500,346	\$ 1,568,421
Meetings, Travel and Hosting	156,200	144,100	149,894	141,609
Conferences and Events	164,150	139,000	140,191	168,577
Contract Services	809,400	638,634	737,132	639,420
Professional Services Other	137,944	138,000	150,420	235,869
Technology and Telecom	44,309	51,631	46,864	44,477
General Operating	161,750	160,550	156,668	139,951
<b>Total Operating Expense</b>	<b>\$ 3,329,720</b>	<b>\$ 3,209,930</b>	<b>\$ 2,881,515</b>	<b>\$ 2,938,326</b>
<b>Budgeted Change in Net Assets</b>	<b>\$ (64,862)</b>	<b>\$ (138,431)</b>	<b>\$ (2,343)</b>	<b>\$ 12,077</b>

Net Change from Current Year Budget    \$       73,569

### NOTES:

The Operating Budget reflects the core transactions supporting the major and routine functions of the organization. Dues revenues are supported by earnings made from affiliate support and enhanced by contracts we receive from state departments that further our mission of aligning priorities to benefit counties. The bulk of our operating expenses go to the staff that run critical services that benefit our members and also to contractors who's expertise enhance our service delivery.

### ASSUMPTIONS:

#### Revenues

- \* Dues increases are budgeted at the Seattle CPI increase for 2020
- \* Affiliate assessments rise commensurately with expenses excepting the 12% overhead that is charged
- \* Contract services have been renewed with DOT, DNR and DOE for the biennium and anticipated utilization yearly is captured in the budget

#### Expenses

- \* The Research and Data position will remain unfunded in 2020
- \* Meeting and Travel costs anticipated increase due to being fully staffed
- \* Conference expenses increases due to New Member Orientation and increased BOD meeting costs
- \* Contract Services represent full year expenses for subcontractors supporting State grants
- \* Professional services was increased for audit expenses but decreased as some other services were move to Contract Services and SLAC

## 2020 PROPOSED SPECIAL FUND BUDGET AND 3 YEARS PRIOR

	2020 Projected Budget	2019 Adopted Budget	2018 Actual	2017 Actual
<b>Revenue</b>				
Endorsement & Marketing	\$ 154,500	\$ 229,500	\$ 194,746	\$ 209,151
Other Misc. Income	500	500	-	500
Interest and Dividend Income	15,000	5,000	6,116	3,350
<b>Total Revenue</b>	<b>\$ 170,000</b>	<b>\$ 235,000</b>	<b>\$ 200,862</b>	<b>\$ 213,002</b>
<b>Operating Expense</b>				
Meetings, Travel and Hosting	\$ 55,000	\$ 50,000	\$ 54,264	\$ 64,191
Conferences and Events	25,000	20,000	27,140	30,000
Professional Services	7,500	7,500	7,500	7,500
Technology and Telecom	3,700	3,700	4,224	842
General Operating	8,650	8,650	9,404	16,316
<b>Total Operating Expense</b>	<b>\$ 99,850</b>	<b>\$ 89,850</b>	<b>\$ 102,532</b>	<b>\$ 118,848</b>
<b>Budgeted Change in Net Assets</b>	<b>\$ 70,150</b>	<b>\$ 145,150</b>	<b>\$ 98,330</b>	<b>\$ 94,153</b>

Net Change from Current Year Budget     \$            (75,000)

### NOTES:

The Special Fund Budget captures revenue from our Business Partner programs through marketing agreements and royalties on cooperative purchasing. The earnings are used to cover expenses for business meetings, catering, hospitality rooms, breakroom food amenities, and other related travel costs that show prudence and thoughtfulness in using non-dues related revenues. These funds also cover ongoing routine expenses such as support for AWC services, some software renewals, and other sponsorships.

### ASSUMPTIONS:

- \* Reduction in revenue from Omnia (US Communities) group purchasing program-revised compensation model is now flat fee for service
- \* Increasing meetings and conference expenses due to general historic rise of costs

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**2020 PROPOSED STRATEGIC LITIGATION & COMMUNICATION BUDGET AND 2 YEARS PRIOR**


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	<b>2020 Projected Budget</b>	2019 Adopted Budget	2018 Actual
<b>Revenue</b>			
Dues	\$ 400,000	\$ 400,000	\$ 399,997
Transfer from Unrestricted Reserves	\$ -	\$ 82,000	\$ -
<b>Total Revenue</b>	<b>\$ 400,000</b>	<b>\$ 482,000</b>	<b>\$ 399,997</b>
<b>Operating Expense</b>			
Payroll and Benefits - General	\$ 121,071	\$ 112,559	\$ 61,106
Meetings, Travel and Hosting	15,000	15,000	29,122
Professional Services Other	340,000	340,000	154,746
Technology and Telecom	1,968	3,069	2,397
General Operating	500	500	3,821
<b>Total Operating Expense</b>	<b>\$ 478,539</b>	<b>\$ 471,128</b>	<b>\$ 251,191</b>
<b>Budgeted Change in Net Assets</b>	<b>\$ (78,539)</b>	<b>\$ 10,872</b>	<b>\$ 148,806</b>
Net Change from Current Year Budget	\$ (89,410)		

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**NOTES:**

The SLAC fund was developed to strategically ensure an integrated and interwoven approach to legislative advocacy and government relations, communication that educates, supports and creates awareness, and legal action as appropriate.

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**ASSUMPTIONS:**

- \* Removed Research and Data Analyst position at 33%, but added in 10% of Exec Director and Communications Director each for overall net add to staffing budget

## 2021 – 2024 BUDGET PROJECTIONS (OPERATING & SPECIAL FUNDS)

**\*Budget Projection Assumptions:**

2% Annual Dues Increase; 2% Annual COLA, 8% Medical increase, 2-Year Audit (even years), 2% Annual Increase in Operating Revenues and Other Expenses, All contracts continuing as currently

	2021	2022	2023	2024
<b>Revenue</b>				
Dues	\$ 1,595,354	\$ 1,627,261	\$ 1,659,806	\$ 1,693,003
Business Partner Fees	-	-	-	-
Special Assessments	35,700	36,414	37,142	37,885
Affiliate Assessments	685,770	699,485	713,475	727,745
Contract Services	833,961	833,961	833,961	833,961
Conferences and Events	162,180	165,424	168,732	172,107
Endorsement & Marketing	157,590	160,742	163,957	167,236
Other Misc. Income	1,000	1,020	1,040	1,061
Interest and Dividend Income	15,000	15,300	15,606	15,918
<b>Total Revenue</b>	<b>\$ 3,486,555</b>	<b>\$ 3,539,607</b>	<b>\$ 3,593,720</b>	<b>\$ 3,648,915</b>
<b>Operating Expense</b>				
Payroll and Benefits - General	\$ 2,033,167	\$ 2,090,782	\$ 2,150,967	\$ 2,213,884
Meetings, Travel and Hosting	215,424	219,732	224,127	228,610
Conferences and Events	162,180	165,424	168,732	172,107
Professional Services - Contracts	809,400	809,400	809,400	809,400
Professional Services - Other	117,753	150,708	123,122	156,185
Technology and Telecom	48,969	49,948	50,947	51,966
General Operating	173,808	177,284	180,830	184,446
<b>Total Operating Expense</b>	<b>\$ 3,560,700</b>	<b>\$ 3,663,279</b>	<b>\$ 3,708,125</b>	<b>\$ 3,816,598</b>
<b>Projected Change in Net Assets</b>	<b>\$ (74,145)</b>	<b>\$ (123,671)</b>	<b>\$ (114,405)</b>	<b>\$ (167,683)</b>



## 2020 PROPOSED CASH BALANCE AND 3 YEARS PRIOR

	2020 Projected Budget	2019 Adopted Budget	2018 Actual	2017 Actual
<b>Beginning Cash Balance, Unrestricted</b>	<b>\$ 751,280</b>	<b>\$ 749,561</b>	<b>\$ 851,197</b>	<b>\$ 646,280</b>
<b>Cash Flow from Operating Activities</b>				
Net Income (Loss) from Operations	5,288	6,719	95,987	106,230
Change in Assets/Liabilities from Prior Year	-	-	(152,541)	141,582
<b>Net Cash Provided (Used) by Operating Activities</b>	<b>\$ 5,288</b>	<b>\$ 6,719</b>	<b>\$ (56,554)</b>	<b>\$ 247,812</b>
<b>Cash Flow from Investing Activities</b>				
Capital Purchases (Assets)	\$ -	\$ -	\$ (11,119)	\$ (38,047)
Annual Computer Purchases	(5,000)	(5,000)	(33,964)	(4,848)
Investment in Building Partnership - WCB	-	-	-	-
<b>Net Cash Provided (Used) by Investing Activities</b>	<b>\$ (5,000)</b>	<b>\$ (5,000)</b>	<b>\$ (45,083)</b>	<b>\$ (42,895)</b>
<b>Net Increase (Decrease) in Cash</b>	<b>288</b>	<b>1,719</b>	<b>(101,637)</b>	<b>204,917</b>
<b>Ending Cash Balance, Unrestricted</b>	<b>\$ 751,567</b>	<b>\$ 751,280</b>	<b>\$ 749,561</b>	<b>\$ 851,197</b>
 % PY Change	 0%	 0%	 -12%	 32%
\$ PY Change	288	1,719	(101,637)	204,917
<b>Designations, Unrestricted Cash</b>				
Board Designated - Building Beginning	\$ 120,000	\$ 202,000	\$ 202,000	\$ 202,000
Transfer to Litigation Fund	-	(82,000)		
Board Designated - Building End	120,000	120,000	\$ -	
Litigation Fund	81,139	159,678	\$ -	
Undesignated	550,428	471,602	547,561	649,197
	<b>\$ 751,567</b>	<b>\$ 751,280</b>	<b>\$ 749,561</b>	<b>\$ 851,197</b>
<b>Undesignated Cash as a Percentage of Expenses:</b>	<b>16%</b>	<b>14%</b>	<b>18%</b>	<b>21%</b>

### Capital Purchases

- In 2017 WSAC purchased a new pool car.
- In 2018 WSAC replaced laptop computers for all employees and remodeled the small WSAC kitchen area.
- In 2019 and 2020 budgeting for miscellaneous computer and hardware upgrades as necessary.

### Budget Projection History

Actuals	2014	2015	2016	2017	2018	2019 (Projected Actual)	2019 (Adopted Budget)
Year							
Revenues	2,546,688	2,508,384	2,753,695	3,163,404	3,080,034	3,156,499	3,306,499
Expenses	2,553,096	2,422,951	2,647,577	3,057,174	2,984,047	3,104,780	3,299,780
Net Income (Loss)	(6,408)	85,432	106,118	106,230	95,987	51,719	6,719
						801,280	751,280
							Ending Cash

#### 2014 Budget Projection Report

Year	2015	2016	2017	2018
Revenues	2,206,434	2,254,662	2,304,584	2,356,304
Expenses	2,133,212	2,210,400	2,214,740	2,295,199
Net Income (Loss)	73,222	44,262	89,844	61,105

#### 2015 Budget Projection Report

Year	2016	2017	2018	2019
Revenues	2,295,655	2,348,842	2,404,085	2,461,523
Expenses	2,209,584	2,211,316	2,288,405	2,292,467
Net Income (Loss)	86,070	137,526	115,680	169,056

#### 2016 Budget Projection Report

Year	2017	2018	2019	2020
Revenues	2,469,476	2,529,825	2,592,742	2,658,412
Expenses	2,360,758	2,462,485	2,470,823	2,582,627
Net Income (Loss)	108,717	67,340	121,919	75,785

#### 2017 Budget Projection Report

Year	2018	2019	2020	2021
Revenues	3,244,618	3,309,511	3,375,701	3,443,215
Expenses	3,198,030	3,230,960	3,331,839	3,375,529
Net Income (Loss)	46,588	78,551	43,862	67,686

#### 2018 Budget Projection Report

Year	2019	2020	2021	2022
Revenues	3,293,973	3,343,617	3,394,255	3,445,905
Expenses	3,312,700	3,398,696	3,427,118	3,519,416
Net Income (Loss)	(18,727)	(55,079)	(32,863)	(73,511)

#### 2019 Budget Projection Report

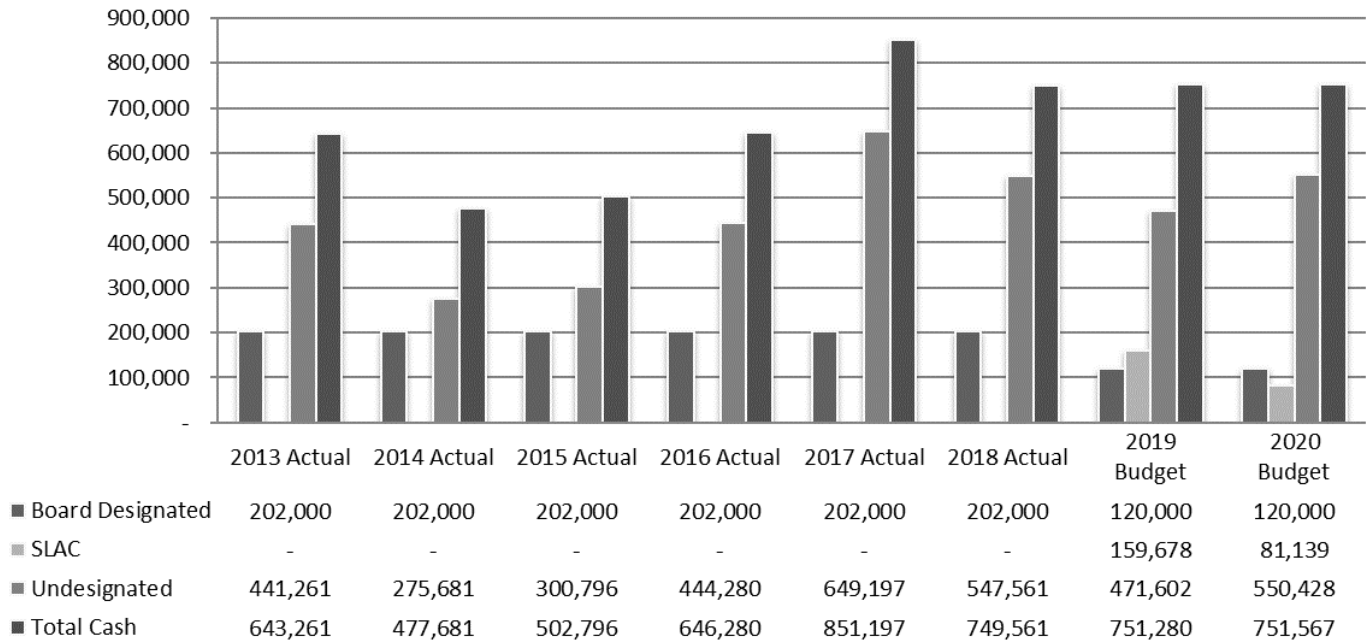
Year	2020	2021	2022	2023
Revenues	3,848,138	3,910,618	3,974,349	4,039,354
Expenses	3,876,244	3,928,210	4,043,896	4,102,284
Net Income (Loss)	(28,107)	(17,592)	(69,547)	(62,930)

#### 2020 Budget Projection Report

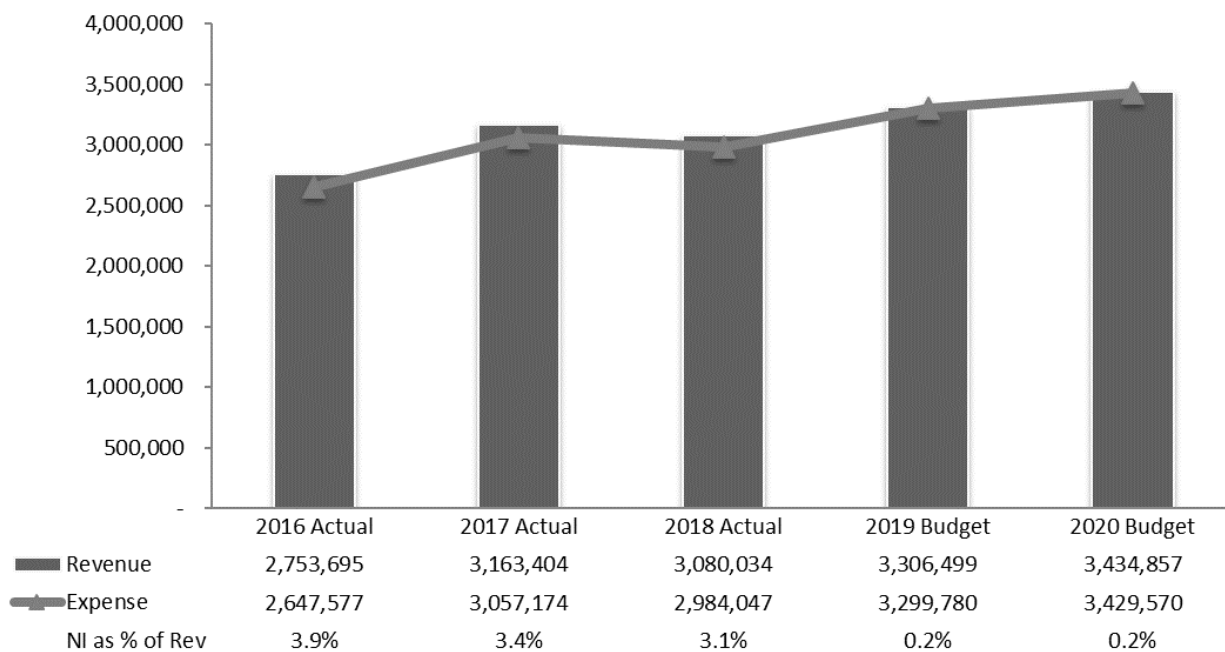
Year	2021	2022	2023	2024
Revenues	3,486,555	3,539,607	3,593,720	3,648,915
Expenses	3,560,700	3,663,279	3,708,125	3,816,598
Net Income (Loss)	(74,145)	(123,671)	(114,405)	(167,683)

## 2019 BASE BUDGET (ALL FUNDS) CHARTS

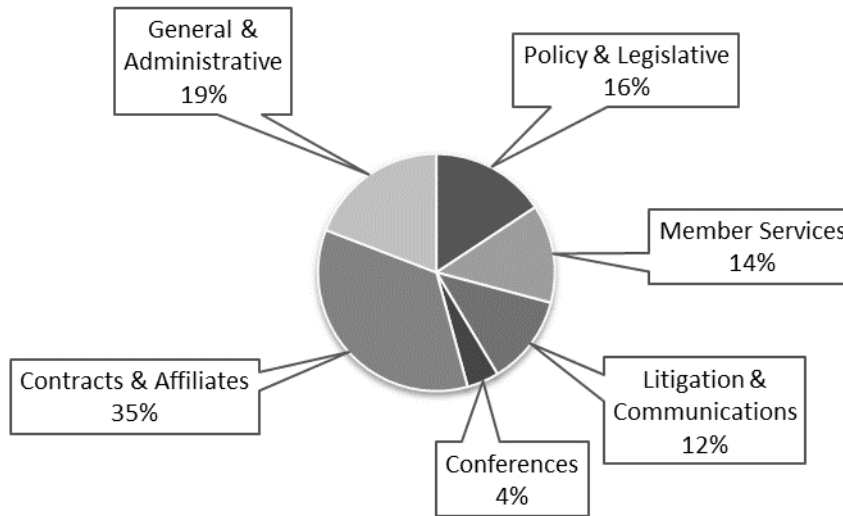
**Cash - Designated/Undesignated - 2020 Proposed Budget and 8 Year Trend**



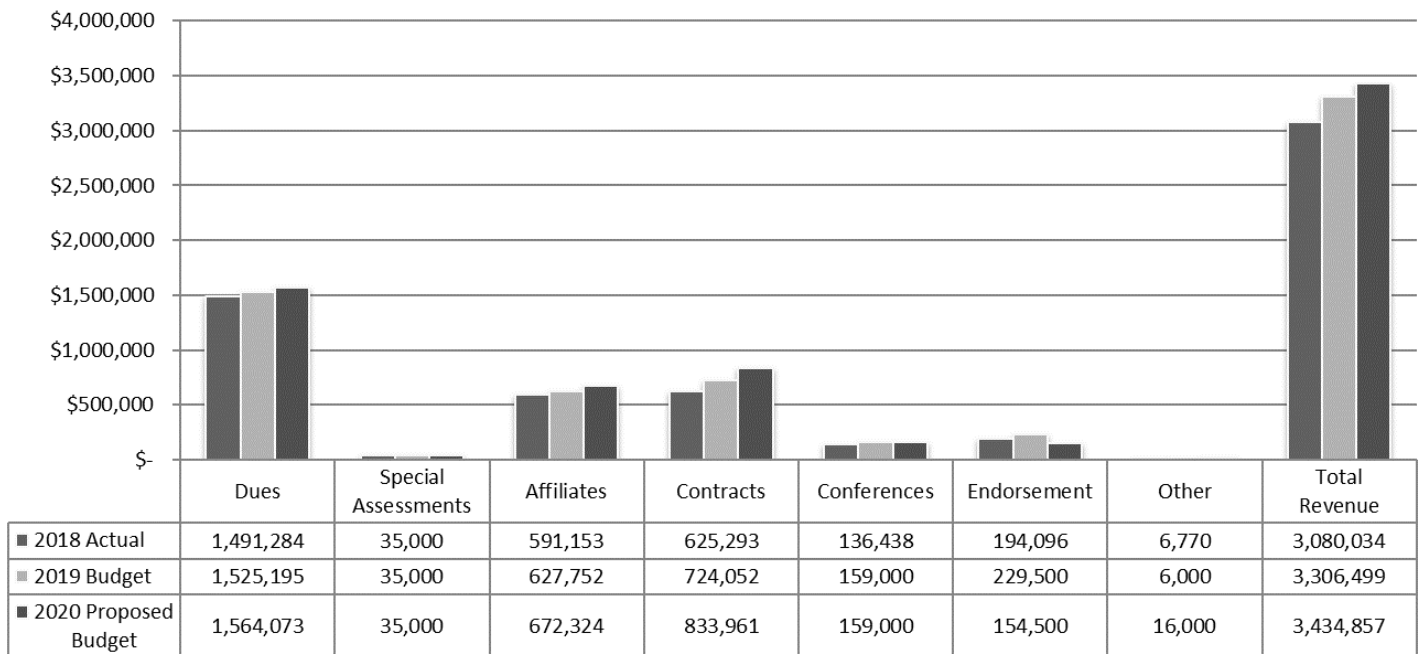
**Revenue and Expenses - 2020 Proposed Budget and 5 Year Trend**



## Operating Expenses by Cost Center - 2020 Proposed Budget



## Revenue by Source - (All Funds) 2018 Actual, 2019 Approved & 2020 Proposed Budget



## 2020 PROPOSED GENERAL DUES – 2.8% CHANGE

	2020	2019	2018	2017	2016	2015	2014	2013	2012
Total Dues	1,108,086	1,080,560	1,056,583	1,033,191	1,005,938	984,646	963,854	927,367	909,183
Basic Dues Rate:	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,000	2,000
Basic Dues Total:	97,500	97,500	97,500	97,500	97,500	97,500	97,500	78,000	78,000
Base POP Dues:	1,010,586	983,060	959,083	935,691	908,438	887,146	866,354	849,367	831,183
King Co Population Cap %:	25%	25%	25%	25%	25%	25%	25%	25%	25%
King Co Population Cap \$:	252,647	245,765	239,771	233,923	227,109	221,787	216,588	212,342	207,796
Dues Less Population Cap:	757,940	737,295	719,313	701,768	681,328	665,360	649,765	637,025	623,387
% Change	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
CPI	2.8%	2.5%	2.5%	3.0%	2.4%	2.4%	2.0%	2.0%	1.8%

County	2019 Estimated Population (OFM - June 30)				2020 Proposed Dues				Prior Year	
	All Counties		Excluding King		Basic Dues	POP/Base Share	Total Dues	Cost Per Capita	2019 Dues	% Chg.
	POP	%	POP	%						
Adams	20,150	0.27%	20,150	0.38%	2,500	2,871	5,371	0.267	5,318	0.98%
Asotin	22,520	0.30%	22,520	0.42%	2,500	3,208	5,708	0.253	5,656	0.92%
Benton	201,800	2.67%	201,800	3.79%	2,500	28,750	31,250	0.155	30,292	3.16%
Chelan	78,420	1.04%	78,420	1.47%	2,500	11,172	13,672	0.174	13,452	1.63%
Clallam	76,010	1.01%	76,010	1.43%	2,500	10,829	13,329	0.175	13,076	1.93%
Clark	488,500	6.47%	488,500	9.18%	2,500	69,595	72,095	0.148	70,002	2.99%
Columbia	4,160	0.06%	4,160	0.08%	2,500	593	3,093	0.743	3,084	0.27%
Cowlitz	108,950	1.44%	108,950	2.05%	2,500	15,522	18,022	0.165	17,607	2.36%
Douglas	42,820	0.57%	42,820	0.80%	2,500	6,100	8,600	0.201	8,429	2.03%
Ferry	7,830	0.10%	7,830	0.15%	2,500	1,116	3,616	0.462	3,595	0.56%
Franklin	94,680	1.25%	94,680	1.78%	2,500	13,489	15,989	0.169	15,527	2.97%
Garfield	2,220	0.03%	2,220	0.04%	2,500	316	2,816	1.269	2,811	0.18%
Grant	98,740	1.31%	98,740	1.86%	2,500	14,067	16,567	0.168	16,205	2.24%
Grays Harbor	74,160	0.98%	74,160	1.39%	2,500	10,565	13,065	0.176	12,863	1.58%
Island	84,820	1.12%	84,820	1.59%	2,500	12,084	14,584	0.172	14,305	1.95%
Jefferson	31,900	0.42%	31,900	0.60%	2,500	4,545	7,045	0.221	6,947	1.40%
King	2,226,300	29.50%	capped at 25%		2,500	252,647	255,147	0.115	248,265	2.77%
Kitsap	270,100	3.58%	270,100	5.08%	2,500	38,480	40,980	0.152	40,104	2.18%
Kittitas	46,570	0.62%	46,570	0.88%	2,500	6,635	9,135	0.196	8,919	2.41%
Klickitat	22,430	0.30%	22,430	0.42%	2,500	3,196	5,696	0.254	5,594	1.81%
Lewis	79,480	1.05%	79,480	1.49%	2,500	11,323	13,823	0.174	13,534	2.14%
Lincoln	10,960	0.15%	10,960	0.21%	2,500	1,561	4,061	0.371	4,022	0.99%
Mason	64,980	0.86%	64,980	1.22%	2,500	9,257	11,757	0.181	11,512	2.13%
Okanogan	42,730	0.57%	42,730	0.80%	2,500	6,088	8,588	0.201	8,482	1.25%
Pacific	21,640	0.29%	21,640	0.41%	2,500	3,083	5,583	0.258	5,515	1.23%
Pend Oreille	13,740	0.18%	13,740	0.26%	2,500	1,957	4,457	0.324	4,406	1.17%
Pierce	888,300	11.77%	888,300	16.70%	2,500	126,553	129,053	0.145	125,288	3.01%
San Juan	17,150	0.23%	17,150	0.32%	2,500	2,443	4,943	0.288	4,866	1.58%
Skagit	129,200	1.71%	129,200	2.43%	2,500	18,407	20,907	0.162	20,311	2.93%
Skamania	12,060	0.16%	12,060	0.23%	2,500	1,718	4,218	0.350	4,174	1.06%
Snohomish	818,700	10.85%	818,700	15.39%	2,500	116,638	119,138	0.146	115,841	2.85%
Spokane	515,250	6.83%	515,250	9.68%	2,500	73,406	75,906	0.147	74,007	2.57%
Stevens	45,570	0.60%	45,570	0.86%	2,500	6,492	8,992	0.197	8,839	1.73%
Thurston	285,800	3.79%	285,800	5.37%	2,500	40,717	43,217	0.151	42,157	2.52%
Wahkiakum	4,190	0.06%	4,190	0.08%	2,500	597	3,097	0.739	3,077	0.64%
Walla Walla	62,200	0.82%	62,200	1.17%	2,500	8,861	11,361	0.183	11,200	1.44%
Whatcom	225,300	2.99%	225,300	4.23%	2,500	32,098	34,598	0.154	33,520	3.22%
Whitman	50,130	0.66%	50,130	0.94%	2,500	7,142	9,642	0.192	9,428	2.27%
Yakima	255,950	3.39%	255,950	4.81%	2,500	36,464	38,964	0.152	38,327	1.66%
<b>Totals</b>	<b>7,546,410</b>	<b>100.00%</b>	<b>5,320,110</b>	<b>100.00%</b>	<b>97,500</b>	<b>1,010,586</b>	<b>1,108,086</b>	<b>0.147</b>	<b>1,080,560</b>	<b>2.55%</b>

## 2020 GENERAL DUES – HISTORICAL LOOK

	2020	2019	2018	2017	2016	2015	2014	2013	2012
Total Dues	1,108,086	1,080,560	1,056,583	1,033,191	1,005,938	984,646	963,854	927,367	909,183
Basic Dues Rate:	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,000	2,000
Basic Dues Total:	97,500	97,500	97,500	97,500	97,500	97,500	97,500	78,000	78,000
Base POP Dues:	1,010,586	983,060	959,083	935,691	908,438	887,146	866,354	849,367	831,183
King Co Population Cap %:	25%	25%	25%	25%	25%	25%	25%	25%	25%
King Co Population Cap \$:	252,647	245,765	239,771	233,923	227,109	221,787	216,588	212,342	207,796
Dues Less Population Cap:	757,940	737,295	719,313	701,768	681,328	665,360	649,765	637,025	623,387
% Change	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
CPI	2.8%	2.5%	2.5%	3.0%	2.4%	2.4%	2.0%	2.0%	1.8%

	2011	2010	2009	2008	2007	2006	2005	2004
	893,107	1,050,711	1,050,711	1,009,329	974,256	910,520	910,520	910,520
-	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000
-	78,000	78,000	78,000	78,000	78,000	78,000	78,000	78,000
-	972,711	972,711	931,329	896,256	832,520	832,520	832,520	832,520
0%	25%	25%	25%	25%	25%	25%	25%	25%
-	262,678	262,678	252,332	243,564	227,630	227,630	227,630	227,630
-	710,033	710,033	678,997	652,692	604,890	604,890	604,890	604,890
-15.0%	n/a	n/a	n/a	7.7%	0.0%	0.0%	0.0%	0.0%
0.0%	0.0%	4.1%	3.9%	n/a	n/a	n/a	n/a	n/a



## 2020 PROPOSED TRANSPORTATION DUES – 2.8% CHANGE

	2020	2019	2018	2017	2016	2015	2014	2013	2012
Total Dues	265,385	259,644	254,643	249,764	244,080	239,639	235,302	230,688	226,165
Basic Dues Rate:	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400
Basic Dues Total:	54,600	54,600	54,600	54,600	54,600	54,600	54,600	54,600	54,600
POP Dues:	210,785	205,044	200,043	195,164	189,480	185,039	180,702	176,088	171,565
King Co Population Cap %:	25.0%	25%	25%	25%	25%	25%	25%	25%	25%
King Co Population Cap \$:	52,696	51,261	50,011	48,791	47,370	46,260	45,176	44,022	42,891
Dues Less Population Cap:	158,089	153,783	150,033	146,373	142,110	138,779	135,527	132,066	128,674
% Change	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
CPI	2.8%	2.5%	2.5%	3.0%	2.4%	2.4%	2.0%	2.0%	1.8%

County	2019 Estimated Population (OFM - June 30)				2020 Proposed Dues				Prior Year	
	All Counties		Excluding King		Basic Dues	POP/Base Share	Total Dues	Cost Per Capita	2019 Dues	% Chg.
	POP	%	POP	%						
Adams	20,150	0.27%	20,150	0.38%	1,400	599	1,999	0.099	1,988	0.55%
Asotin	22,520	0.30%	22,520	0.42%	1,400	669	2,069	0.092	2,058	0.53%
Benton	201,800	2.67%	201,800	3.79%	1,400	5,997	7,397	0.037	7,197	2.78%
Chelan	78,420	1.04%	78,420	1.47%	1,400	2,330	3,730	0.048	3,684	1.24%
Clallam	76,010	1.01%	76,010	1.43%	1,400	2,259	3,659	0.048	3,606	1.46%
Clark	488,500	6.47%	488,500	9.18%	1,400	14,516	15,916	0.033	15,479	2.82%
Columbia	4,160	0.06%	4,160	0.08%	1,400	124	1,524	0.366	1,522	0.12%
Cowlitz	108,950	1.44%	108,950	2.05%	1,400	3,237	4,637	0.043	4,551	1.90%
Douglas	42,820	0.57%	42,820	0.80%	1,400	1,272	2,672	0.062	2,637	1.35%
Ferry	7,830	0.10%	7,830	0.15%	1,400	233	1,633	0.209	1,628	0.26%
Franklin	94,680	1.25%	94,680	1.78%	1,400	2,813	4,213	0.045	4,117	2.34%
Garfield	2,220	0.03%	2,220	0.04%	1,400	66	1,466	0.660	1,465	0.07%
Grant	98,740	1.31%	98,740	1.86%	1,400	2,934	4,334	0.044	4,258	1.78%
Grays Harbor	74,160	0.98%	74,160	1.39%	1,400	2,204	3,604	0.049	3,561	1.19%
Island	84,820	1.12%	84,820	1.59%	1,400	2,520	3,920	0.046	3,862	1.50%
Jefferson	31,900	0.42%	31,900	0.60%	1,400	948	2,348	0.074	2,328	0.87%
King	2,226,300	29.50%	capped at 25%		1,400	52,696	54,096	0.024	52,661	2.73%
Kitsap	270,100	3.58%	270,100	5.08%	1,400	8,026	9,426	0.035	9,243	1.98%
Kittitas	46,570	0.62%	46,570	0.88%	1,400	1,384	2,784	0.060	2,739	1.64%
Klickitat	22,430	0.30%	22,430	0.42%	1,400	667	2,067	0.092	2,045	1.03%
Lewis	79,480	1.05%	79,480	1.49%	1,400	2,362	3,762	0.047	3,701	1.63%
Lincoln	10,960	0.15%	10,960	0.21%	1,400	326	1,726	0.157	1,717	0.48%
Mason	64,980	0.86%	64,980	1.22%	1,400	1,931	3,331	0.051	3,280	1.56%
Okanogan	42,730	0.57%	42,730	0.80%	1,400	1,270	2,670	0.062	2,648	0.84%
Pacific	21,640	0.29%	21,640	0.41%	1,400	643	2,043	0.094	2,029	0.69%
Pend Oreille	13,740	0.18%	13,740	0.26%	1,400	408	1,808	0.132	1,798	0.60%
Pierce	888,300	11.77%	888,300	16.70%	1,400	26,396	27,796	0.031	27,011	2.91%
San Juan	17,150	0.23%	17,150	0.32%	1,400	510	1,910	0.111	1,894	0.85%
Skagit	129,200	1.71%	129,200	2.43%	1,400	3,839	5,239	0.041	5,115	2.43%
Skamania	12,060	0.16%	12,060	0.23%	1,400	358	1,758	0.146	1,749	0.53%
Snohomish	818,700	10.85%	818,700	15.39%	1,400	24,328	25,728	0.031	25,041	2.75%
Spokane	515,250	6.83%	515,250	9.68%	1,400	15,311	16,711	0.032	16,315	2.43%
Stevens	45,570	0.60%	45,570	0.86%	1,400	1,354	2,754	0.060	2,722	1.17%
Thurston	285,800	3.79%	285,800	5.37%	1,400	8,493	9,893	0.035	9,671	2.29%
Wahkiakum	4,190	0.06%	4,190	0.08%	1,400	125	1,525	0.364	1,520	0.27%
Walla Walla	62,200	0.82%	62,200	1.17%	1,400	1,848	3,248	0.052	3,215	1.05%
Whatcom	225,300	2.99%	225,300	4.23%	1,400	6,695	8,095	0.036	7,870	2.86%
Whitman	50,130	0.66%	50,130	0.94%	1,400	1,490	2,890	0.058	2,845	1.57%
Yakima	255,950	3.39%	255,950	4.81%	1,400	7,606	9,006	0.035	8,873	1.50%
Totals	7,546,410	100.00%	5,320,110	100.00%	54,600	210,785	265,385	0.035	259,644	2.21%

## 2020 PROPOSED PUBLIC LANDS DUES – 2.8% CHANGE

### Public Lands Dues

#### Historical

	2020	2019	2018	2017	2016	2015	2014	2013	2012
Total Dues	88,049	85,232	82,733	80,290	77,848	76,022	74,240	74,240	74,240
% Change							0.0%	0.0%	0.0%
CPI	2.8%	2.5%	2.5%	3.0%	2.4%	2.4%			

County	2020 Proposed Dues	Prior Year	
	Total Dues	2019 Dues	\$ Chg.
Adams	100	100	-
Asotin	229	206	23
Benton	1,237	1,782	(545)
Chelan	3,904	3,543	361
Clallam	6,117	5,936	181
Clark	4,181	4,280	(99)
Columbia	474	445	29
Cowlitz	1,291	1,276	16
Douglas	129	130	(1)
Ferry	1,605	1,325	280
Franklin	255	409	(154)
Garfield	302	278	24
Grant	1,065	1,044	20
Grays Harbor	2,269	2,178	91
Island	100	100	-
Jefferson	3,738	3,549	190
King	2,630	2,640	(10)
Kitsap	913	952	(39)
Kittitas	2,113	1,845	268
Klickitat	363	350	13
Lewis	6,611	6,177	434
Lincoln	205	207	(2)
Mason	3,582	3,537	45
Okanogan	4,190	3,663	527
Pacific	937	959	(23)
Pend Oreille	1,651	1,472	179
Pierce	1,057	1,003	55
San Juan	100	100	-
Skagit	8,248	8,247	0
Skamania	4,695	4,214	482
Snohomish	8,400	8,398	2
Spokane	100	100	-
Stevens	886	791	94
Thurston	5,591	5,710	(119)
Wahkiakum	940	961	(21)
Walla Walla	100	100	-
Whatcom	5,434	5,290	145
Whitman	100	100	-
Yakima	2,208	1,835	373
Totals	88,049	85,232	2,817



## 2020 PROPOSED HUMAN SERVICES DUES – 2.8% CHANGE

Historical Assessments				
	2020	2019	2018	2017
Total Dues	102,552	99,759	97,326	94,952
% Change				
CPI	2.8%	2.5%	2.5%	

	2019 Est Population (OFM-June 30)		2020 Dues	Prior Year	
	All Counties			Total	2019
County	POP	%	Dues	Dues	\$ Chg.
Adams	20,150	0.27%	274	269	5
Asotin	22,520	0.30%	306	301	5
Benton	201,800	2.67%	2,742	2,652	91
Chelan	78,420	1.04%	1,066	1,045	21
Clallam	76,010	1.01%	1,033	1,009	24
Clark	488,500	6.47%	6,638	6,440	198
Columbia	4,160	0.06%	57	56	1
Cowlitz	108,950	1.44%	1,481	1,441	39
Douglas	42,820	0.57%	582	566	16
Ferry	7,830	0.10%	106	104	2
Franklin	94,680	1.25%	1,287	1,243	44
Garfield	2,220	0.03%	30	30	0
Grant	98,740	1.31%	1,342	1,308	34
Grays Harbor	74,160	0.98%	1,008	989	19
Island	84,820	1.12%	1,153	1,126	26
Jefferson	31,900	0.42%	434	424	9
King	2,226,300	29.50%	30,254	29,416	838
Kitsap	270,100	3.58%	3,671	3,588	83
Kittitas	46,570	0.62%	633	612	20
Klickitat	22,430	0.30%	305	295	10
Lewis	79,480	1.05%	1,080	1,053	27
Lincoln	10,960	0.15%	149	145	4
Mason	64,980	0.86%	883	860	23
Okanogan	42,730	0.57%	581	571	10
Pacific	21,640	0.29%	294	288	6
Pend Oreille	13,740	0.18%	187	182	5
Pierce	888,300	11.77%	12,072	11,715	357
San Juan	17,150	0.23%	233	226	7
Skagit	129,200	1.71%	1,756	1,699	56
Skamania	12,060	0.16%	164	160	4
Snohomish	818,700	10.85%	11,126	10,814	312
Spokane	515,250	6.83%	7,002	6,822	180
Stevens	45,570	0.60%	619	605	14
Thurston	285,800	3.79%	3,884	3,783	100
Wahkiakum	4,190	0.06%	57	55	2
Walla Walla	62,200	0.82%	845	830	15
Whatcom	225,300	2.99%	3,062	2,960	102
Whitman	50,130	0.66%	681	661	20
Yakima	255,950	3.39%	3,478	3,418	60
Totals	7,546,410	100.00%	102,552	99,759	2,793

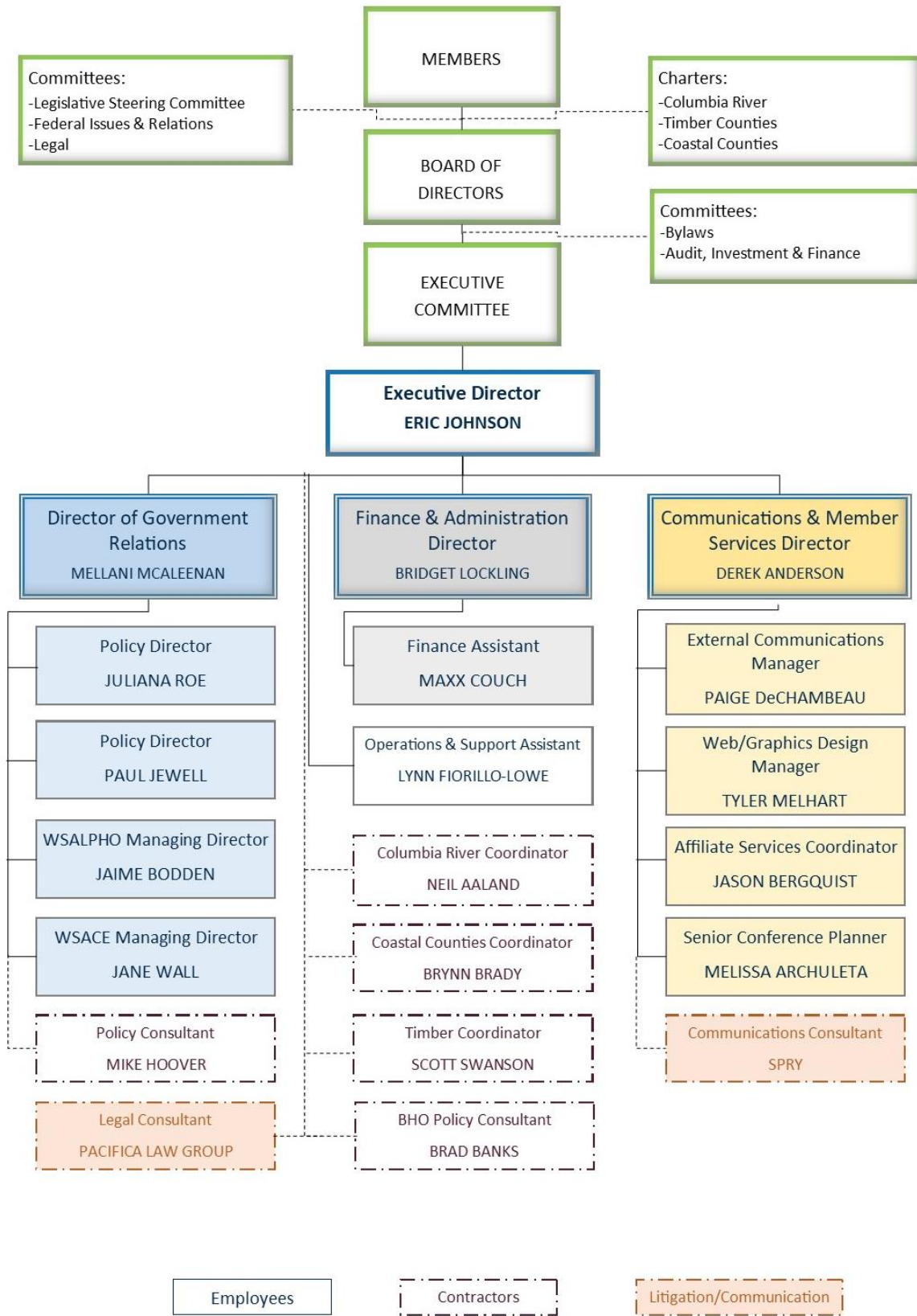
## 2020 PROPOSED SLAC DUES – 0% CHANGE

	Historical		
	2020	2019	2018
Total Dues	400,000	400,000	400,000
Basic Dues Rate:	2,500	2,500	2,500
Basic Dues Total:	97,500	97,500	97,500
Base POP Dues:	302,500	302,500	302,500
King Co Population Cap %:	25%	25%	25%
King Co Population Cap \$:	75,625	75,625	75,625
Dues Less Population Cap:	226,875	226,875	226,875

County	2019 Estimated Population (OFM - June 30)				2020 Proposed Dues				Prior Year	
	All Counties		Excluding King		Basic Dues	POP/Base Share	Total Dues	Cost Per Capita	2019 Dues	% Chg.
	POP	%	POP	%						
Adams	20,150	0.27%	20,150	0.38%	2,500	859	3,359	0.167	3,367	-0.24%
Asotin	22,520	0.30%	22,520	0.42%	2,500	960	3,460	0.154	3,471	-0.31%
Benton	201,800	2.67%	201,800	3.79%	2,500	8,606	11,106	0.055	11,052	0.49%
Chelan	78,420	1.04%	78,420	1.47%	2,500	3,344	5,844	0.075	5,870	-0.44%
Clallam	76,010	1.01%	76,010	1.43%	2,500	3,241	5,741	0.076	5,755	-0.23%
Clark	488,500	6.47%	488,500	9.18%	2,500	20,832	23,332	0.048	23,271	0.26%
Columbia	4,160	0.06%	4,160	0.08%	2,500	177	2,677	0.644	2,680	-0.09%
Cowlitz	108,950	1.44%	108,950	2.05%	2,500	4,646	7,146	0.066	7,149	-0.03%
Douglas	42,820	0.57%	42,820	0.80%	2,500	1,826	4,326	0.101	4,325	0.03%
Ferry	7,830	0.10%	7,830	0.15%	2,500	334	2,834	0.362	2,837	-0.11%
Franklin	94,680	1.25%	94,680	1.78%	2,500	4,038	6,538	0.069	6,509	0.44%
Garfield	2,220	0.03%	2,220	0.04%	2,500	95	2,595	1.169	2,596	-0.04%
Grant	98,740	1.31%	98,740	1.86%	2,500	4,211	6,711	0.068	6,717	-0.09%
Grays Harbor	74,160	0.98%	74,160	1.39%	2,500	3,163	5,663	0.076	5,689	-0.46%
Island	84,820	1.12%	84,820	1.59%	2,500	3,617	6,117	0.072	6,133	-0.25%
Jefferson	31,900	0.42%	31,900	0.60%	2,500	1,360	3,860	0.121	3,868	-0.21%
King	2,226,300	29.50%	capped at 25%		2,500	75,625	78,125	0.035	78,125	0.00%
Kitsap	270,100	3.58%	270,100	5.08%	2,500	11,518	14,018	0.052	14,071	-0.38%
Kittitas	46,570	0.62%	46,570	0.88%	2,500	1,986	4,486	0.096	4,475	0.24%
Klickitat	22,430	0.30%	22,430	0.42%	2,500	957	3,457	0.154	3,452	0.13%
Lewis	79,480	1.05%	79,480	1.49%	2,500	3,389	5,889	0.074	5,895	-0.10%
Lincoln	10,960	0.15%	10,960	0.21%	2,500	467	2,967	0.271	2,968	-0.03%
Mason	64,980	0.86%	64,980	1.22%	2,500	2,771	5,271	0.081	5,273	-0.04%
Okanogan	42,730	0.57%	42,730	0.80%	2,500	1,822	4,322	0.101	4,341	-0.42%
Pacific	21,640	0.29%	21,640	0.41%	2,500	923	3,423	0.158	3,428	-0.15%
Pend Oreille	13,740	0.18%	13,740	0.26%	2,500	586	3,086	0.225	3,087	-0.02%
Pierce	888,300	11.77%	888,300	16.70%	2,500	37,881	40,381	0.045	40,283	0.24%
San Juan	17,150	0.23%	17,150	0.32%	2,500	731	3,231	0.188	3,228	0.10%
Skagit	129,200	1.71%	129,200	2.43%	2,500	5,510	8,010	0.062	7,981	0.36%
Skamania	12,060	0.16%	12,060	0.23%	2,500	514	3,014	0.250	3,015	-0.03%
Snohomish	818,700	10.85%	818,700	15.39%	2,500	34,913	37,413	0.046	37,377	0.10%
Spokane	515,250	6.83%	515,250	9.68%	2,500	21,973	24,473	0.047	24,504	-0.13%
Stevens	45,570	0.60%	45,570	0.86%	2,500	1,943	4,443	0.098	4,451	-0.16%
Thurston	285,800	3.79%	285,800	5.37%	2,500	12,188	14,688	0.051	14,703	-0.10%
Wahkiakum	4,190	0.06%	4,190	0.08%	2,500	179	2,679	0.639	2,678	0.04%
Walla Walla	62,200	0.82%	62,200	1.17%	2,500	2,653	5,153	0.083	5,177	-0.47%
Whatcom	225,300	2.99%	225,300	4.23%	2,500	9,608	12,108	0.054	12,045	0.52%
Whitman	50,130	0.66%	50,130	0.94%	2,500	2,138	4,638	0.093	4,632	0.13%
Yakima	255,950	3.39%	255,950	4.81%	2,500	10,915	13,415	0.052	13,525	-0.81%
Totals	7,546,410	100.00%	5,320,110	100.00%	97,500	302,500	400,000	0.053	400,000	0.00%

### Combined Dues 2020 Proposed

County	General Dues	Transportation Dues	Public Lands Dues	Human Svcs Dues	SLAC Dues	Total Dues
Adams	5,371	1,999	100	274	3,359	11,103
Asotin	5,708	2,069	229	306	3,460	11,773
Benton	31,250	7,397	1,237	2,742	11,106	53,732
Chelan	13,672	3,730	3,904	1,066	5,844	28,217
Clallam	13,329	3,659	6,117	1,033	5,741	29,879
Clark	72,095	15,916	4,181	6,638	23,332	122,162
Columbia	3,093	1,524	474	57	2,677	7,825
Cowlitz	18,022	4,637	1,291	1,481	7,146	32,577
Douglas	8,600	2,672	129	582	4,326	16,309
Ferry	3,616	1,633	1,605	106	2,834	9,794
Franklin	15,989	4,213	255	1,287	6,538	28,282
Garfield	2,816	1,466	302	30	2,595	7,209
Grant	16,567	4,334	1,065	1,342	6,711	30,018
Grays Harbor	13,065	3,604	2,269	1,008	5,663	25,608
Island	14,584	3,920	100	1,153	6,117	25,874
Jefferson	7,045	2,348	3,738	434	3,860	17,425
King	255,147	54,096	2,630	30,254	78,125	420,252
Kitsap	40,980	9,426	913	3,671	14,018	69,008
Kittitas	9,135	2,784	2,113	633	4,486	19,150
Klickitat	5,696	2,067	363	305	3,457	11,887
Lewis	13,823	3,762	6,611	1,080	5,889	31,165
Lincoln	4,061	1,726	205	149	2,967	9,108
Mason	11,757	3,331	3,582	883	5,271	24,825
Okanogan	8,588	2,670	4,190	581	4,322	20,350
Pacific	5,583	2,043	937	294	3,423	12,280
Pend Oreille	4,457	1,808	1,651	187	3,086	11,190
Pierce	129,053	27,796	1,057	12,072	40,381	210,360
San Juan	4,943	1,910	100	233	3,231	10,417
Skagit	20,907	5,239	8,248	1,756	8,010	44,159
Skamania	4,218	1,758	4,695	164	3,014	13,850
Snohomish	119,138	25,728	8,400	11,126	37,413	201,805
Spokane	75,906	16,711	100	7,002	24,473	124,192
Stevens	8,992	2,754	886	619	4,443	17,695
Thurston	43,217	9,893	5,591	3,884	14,688	77,272
Wahkiakum	3,097	1,525	940	57	2,679	8,297
Walla Walla	11,361	3,248	100	845	5,153	20,708
Whatcom	34,598	8,095	5,434	3,062	12,108	63,297
Whitman	9,642	2,890	100	681	4,638	17,951
Yakima	38,964	9,006	2,208	3,478	13,415	67,071
<b>Totals</b>	<b>1,108,086</b>	<b>265,385</b>	<b>88,049</b>	<b>102,552</b>	<b>400,000</b>	<b>1,964,073</b>



COLA HISTORY		
2010	0.00%	
2011	0.00%	
2012	2.00%	
2013	0.00%	
2014	2.00%	
2015	0.00%	
2016	2.00%	
2017	2.58%	
2018	2.00%	
2019	3.00%	
2020	2.50%	(assumptions)

	2019		2020		2020 Revised	
Position/Title	Salary Range		Salary Range		Salary Range	
	Low	High	Low	High	Low	High
Executive Director	142,349	166,074	145,908	170,226	158,321	205,818
Director of Government Relations	129,325	150,879	132,558	154,650	122,691	159,498
Senior Policy Director						
WSACE Managing Director	102,380	119,443	104,939	122,429	104,579	135,952
WSALPHO Managing Director						
Finance & Administration Director	96,987	113,152	99,412	115,980		
Communications & Member Services Director	86,869	101,346	89,041	103,879	103,505	134,426
Policy Director	90,111	107,497	92,363	110,184		
Policy Director						
Data & Research Manager	75,439	96,993	77,325	99,418		
Web/Graphic Design Manager	64,663	76,011	66,280	77,911	59,390	77,207
Affiliate Services Coord.	64,663	76,011	66,280	77,911	59,390	77,207
External Communications Manager						
Finance Assistant						
Operations & Support Assistant	53,494	62,410	54,831	63,970	43,920	57,096
Meetings & Events Coordinator						

## **Budget Request: County Training Institute (CTI)**

### **Background**

At the May 2019 Board of Directors meeting, members discussed the need for continuing educational opportunities for new and current members. Shortly after this meeting, the Washington Counties Risk Pool (WCRP) requested to meet with WSAC staff to discuss the future of the County Training Institute and the Certified Public Official certification. With a renewed commitment from WCRP and direction from the WSAC Board of Directors to identify opportunities to expand education for new and current members, WSAC staff are proposing the following:

### **Proposal**

Remaining funds for the County Training Institute total \$14,000 which are currently managed by WSAC. Staff recommended that the WSAC membership authorize the expenditure of these dollars in partnership with the WCRP to invest in new technology and develop a revised curriculum that focuses on education for new members and continuing education for current members for the Certified Public Officials certification. Current needs include a new website, database, and curriculum along with revised policies for scoring trainings provided by other state agencies and organizations to determine the credit value. WCRP has committed to provide additional funds and staff to aid in the development and management of the County Training Institute.

### **Deliverables**

Upon approval of the 2020 WSAC budget, WSAC staff will begin working with WCRP on the following goals over the course of the next two years.

#### **2020 Goals:**

- Identify and invest in new database technology to track enrollment and earned credits.
- Convene a committee of county stakeholders to assist in the development of a new curriculum and credit scoring methodology.
- Assess current offering of educational opportunities by State Agencies and other organizations to reduce duplication of programming.
- Develop new branding and website for the County Training Institute that integrates with new database technology.
- Begin marketing and enrollment for 2021 courses.

#### **2021 Goals:**

- Enroll all new County Elected Officials after 2020 election into the County Training Institute Program.
- Provide regional in-person and web-based training opportunities and assess the success of these trainings.
- Engage with current elected officials who hold a Certified Public Officials certificate and enroll in continuing education programs.
- Maintain an advisory committee of county stakeholders committed to providing oversight and developing goals for WSAC and WCRP staff.



## **BUDGET REQUEST 2: Educational Event for Legislators & Staff**

At the May Board of Directors and Legislative Steering Committee meeting, members discussed the need for legislators to be better educated regarding county government and functions. To that end, policy staff developed the following proposal for an educational event that would be held jointly with the Association of Washington Cities.

### Need

Legislators, legislative staff, and executive branch staff have displayed a very limited understanding about how local governments operate and their relationship to state government. While staff spend considerable time trying to educate legislators about county government, we are not able to meet with every legislator due to time constraints and turnover. Additionally, because the amount of time with each individual legislator is limited, time spent on education is time diverted from addressing policy or fiscal needs. Similar constraints apply to legislative and executive staff.

### Proposal

Staff proposes a one-day educational conference for all interested parties. We would focus on legislators but would encourage attendance by legislative and executive branch staff, as well. Potential attendees could include agency staff, such as the Department of Commerce fiscal note writers, as well as partisan and nonpartisan legislative and executive branch subject matter staff who aid in decision-making in the legislative process.

Potential topics would include county governance structures and funding, constitutional obligations, the counties' role as an arm of state government, WSAC's legislative agenda, and innovative topics that would draw legislators' attention.

To incent attendance, we will need to hold the event at a location that is easily accessible by many and is a draw by itself. By partnering with AWC, we are able to contain costs as well as drive additional attendance from legislators who may have more of an affinity for the cities.

### Deliverables

Because this is a new event, we will need to define success in terms of attendance and whether we can discern any noticeable change in attitudes from legislators and staff after the conference. Thus, the metrics for this event will be both objective and subjective. As a new event, it is reasonable to expect an attendance rate of 15-25% for legislators, and likely higher for staff.

Ideally, legislators and staff will come away from the event with a better understanding of the county's role in providing state services and how counties carry out the goals of the legislature, along with the commensurate need for enhanced funding. In the long run, we would like to see legislators come to view counties as partners rather than just another stakeholder. This would need to be measured longitudinally, with an eye toward positive impacts on relationship building and maintenance. We may see the biggest impact on staff, who are often more sympathetic and willing to assist, but lack the knowledge regarding how to advise their members.

# Legislative Priorities

*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.*

**"Given the existing low level of state funding and the increased costs identified to date, the State should increase the funding levels to cities and counties for public defense."**

– House Judiciary Workgroup on Misdemeanor Public Defense Costs in Washington State, 2014



## 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.**



## 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.**



## Behavioral Health

Washington State is changing how it pays for delivery of physical health services, mental health services and substance use disorder services, choosing to treat the whole person - mind and body - to more effectively achieve better health outcomes and lower costs. While the Legislature has taken significant steps to strengthen and improve the current behavioral health system, counties, as partners in delivery of these services, continue to be concerned about gaps in services and adequate funding to support county responsibilities. As the state proceeds with behavioral health integration, the Legislature must fund a complete behavioral health system and ensure that counties receive the funds necessary to provide quality care.

**Ensure Washington State provides an adequately funded comprehensive behavioral health system.**



## 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.**



# Unfunded Mandates



## What is an 'Unfunded Mandate'?

Counties play an essential role in keeping Washington residents safe and secure by preserving public health and well-being, protecting public safety, and safeguarding the civil and criminal justice system.

Washington's counties are committed to working with the Legislature to find a way to serve all the residents of the state.

County revenues are simply not keeping pace with the cost of normal inflation and population growth. In comparison with cities and the state, county revenue growth lags significantly behind.

### UNFUNDED MANDATE

#### WSAC's Definition:

A true unfunded mandate is any instance where the Legislature, the courts or state agencies take action that increases the costs of running county government without compensation for the new legal requirements.

### UNFUNDED MANDATE REFORM

*RCW 43.135.060*

In 1993, the citizens of Washington State passed Initiative 601 that, in addition to establishing state spending limits, created a requirement that local governments must be reimbursed by the state for the costs of any new programs or increased services imposed on them.

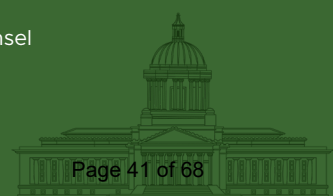
The state continues to pass legislation that increases costs for counties, refuses to adequately fund the constitutionally and statutorily required county services, and allows state agencies to adopt costly regulations or avoid paying their fair share.

Counties, as agents of Washington state, are tasked with implementing laws and court mandates on behalf of the state of Washington. Therefore, the Legislature must ensure that counties have adequate resources to perform these constitutional and statutory responsibilities.

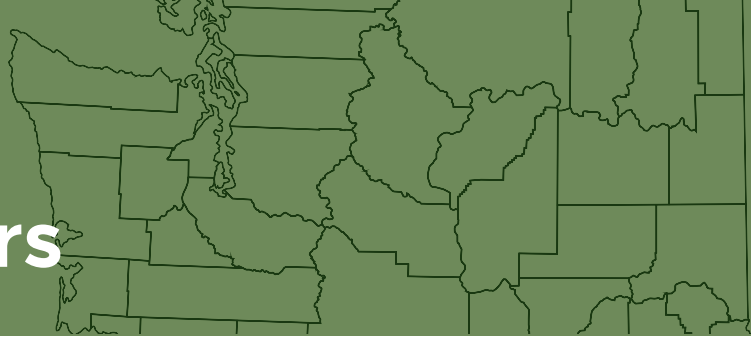
#### Examples of unfunded mandates from the Legislature are:

- Trial Court Public Defense
- Building and Servicing Ballot Drop Boxes
- Public Health Services
- Election Costs
- Court Costs
- Public Safety Regulations

The Washington State Legislature has continued to shift costs through policy changes without addressing the underlying funding problems that face county budgets. However, it is not only the Legislature that shifts costs down to counties. State agencies and the courts changing rules, regulations, and internal policies affect a county budget's bottom line.



# Fish Barriers



## Fish-Barriers: A Comprehensive Approach

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.

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 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 \$2 billion to address the 800+ barriers under state roads.

The Washington Department of Fish and Wildlife's (WDFW) inventory lists over 3,200 known county-owned fish barriers in the case area, 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 at \$4+ billion.

**No counties possess resources to address a problem of this magnitude. On average, counties can afford to upgrade 2-4 barriers per year.**



**Counties support  
a coordinated  
approach to fish  
passage barrier  
removal.**

**Now is the time to develop  
a coordinated program  
that removes state, local,  
and private barriers that  
completely open habitat  
throughout a watershed.**

**1:7**

"For every WSDOT barrier, on average, there are two other (non-WSDOT barriers) downstream and five upstream." July 2012 WDFW study

**\$4+B**

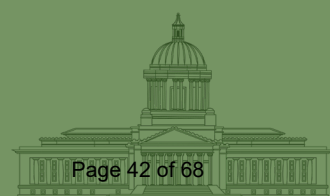
The cost to replace the **3,200** county-owned barriers in the fourteen-county case area is currently estimated at \$4+ billion.

**3,200**

3,200 county-owned barriers in the fourteen-county case area which will need to be made passable.

## What Counties Need:

- Adequate funding and a long-term commitment from the state to remove county-owned fish barriers;
- A reduction of elimination of project match requirements;
- Funding for the monitoring & maintenance of passable culverts, continued efforts to identify & inventory new barriers;
- Streamlining project permitting; and
- Tools that assist in speeding up project delivery.



# Increased Funding for Trial Court Public Defense

## Justice by Geography

The constitution ensures a defendant's right to counsel in misdemeanor and felony prosecutions. The state's financial contribution to the constitutional right for effective legal representation can only be described as wholly inadequate. Despite the Legislature's continued recognition of the state's obligation that "effective legal representation must be provided for indigent persons...consistent with the constitutional requirements of fairness, equal protection, and due process," our state has failed to make progress toward funding this obligation. See RCW 10.101.005.

It is crucial for the Legislature to understand that the absence of state revenue, for such an obvious state mandate delegated to counties, leaves counties with no other option than to cut from other public health and safety services provided to our shared communities. **Please support state funding for trial court public defense.**

***"Given the existing low level of state funding and the increased costs identified to date, the State should increase the funding levels to cities and counties for public defense."***

– House Judiciary Workgroup on Misdemeanor Public Defense Costs in Washington State, 2014

31

The number of states that provide over 50% of funding for public defense

4%

Washington State's contribution of the total amount spent for trial court public defense

\$54M

Increase in counties' costs for providing trial court public defense services from 2008-2017 (50%)

**Counties desperately need the state to back up its stated commitment** for the constitutional right to effective legal representation with real money. Counties cannot continue to fund trial court public defense alone. In order to continue effective access to justice, the Legislature must fund the full cost of trial court public defense – **an additional \$310 million in the next biennium.**

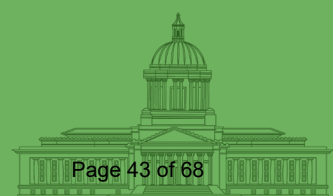
### Current Funding Structure:

- Washington counties pay over 96% of the cost of trial court public defense (\$156M /year)
- The state pays less than 4% (\$6M /year)
- This is an unbalanced approach to funding our justice system
- Washington State is the one of the lowest contributors nationally to public defense

### Growing Requirements of Counties:

- The legislature and the Supreme Court have required counties to adopt new caseload standards for public defenders
- Counties have worked hard to take incremental steps to reach staffing levels consistent with the new standards, but costs have skyrocketed
- Nationally there are 23 states that fully fund public defense and another 8 states that fund more than 50%

*\*Data cited in this document based off of 2018 reports.*



#	State	Percentage of State Funding for ALL Public Defense
1	Alaska	100
2	Arkansas	100
3	Colorado	100
4	Connecticut	100
5	Delaware	100
6	Florida	100
7	Hawaii	100
8	Iowa	100
9	Maine	100
10	Maryland	100
11	Massachusetts	100
12	Minnesota	100
13	Missouri	100
14	Montana	100
15	New Hampshire	100
16	New Jersey	100
17	New Mexico	100
18	North Carolina	100
19	North Dakota	100
20	Oregon	100
21	Rhode Island	100
22	Vermont	100
23	Virginia	100
24	West Virginia	100
25	Wisconsin	100
26	Kentucky	95
27	Tennessee	89
28	Wyoming	85
29	Kansas	74
30	Oklahoma	68
31	Alabama	54
32	South Carolina	50
33	Ohio	40
34	Georgia	37
35	Louisiana	33
36	Mississippi	29
37	Indiana	24
38	Illinois	20
39	New York	20
40	Washington	20
41	Texas	13
42	Idaho	11
43	California	10
44	Michigan	8
45	Nebraska	5
46	Nevada	1
47	Arizona	0
48	Pennsylvania	0
49	South Dakota	0
50	Utah	0

\*This chart includes all state funding for public defense and is not limited to trial court indigent defense, which is less than 4%

## Statement of Policy and Core Principles

The Washington State Association of Counties (WSAC) represents elected county commissioners, council members and executives from all of Washington's 39 counties. WSAC works with statewide elected officials, federal and state agencies, and members of the Washington State Legislature and Congress to promote positions that help counties serve their citizens. This Policy Statement guides WSAC's actions as it advocates for the common good of counties.

### Core Principles

The following core principles form the foundation for WSAC positions:

#### 1) Agents of the State

As provided in the Washington State Constitution, counties are legal subdivisions of the State. Counties serve as the agents of the state on the local level and provide many services on behalf of the state, including felony prosecution, public defense, criminal and civil court, elections, property tax assessment and collection, public health, human services, and transportation. Counties provide these services to all state residents whether in cities and towns or unincorporated areas. Counties must be equal partners with the state to determine the services offered and method of delivery to ensure that we are seamless, cost-effective, and responsive to our joint constituents. Without a strong and effective county government, the state will not succeed in achieving its own policy objectives.

#### 2) Local Control

County government is the government closest to the people. In order to be responsive to the people, and appropriately reflect the diversity of our communities, counties support the principle of local control. In general, counties will strongly resist policies that ignore the reality of statewide diversity or policies that erode local determination. Each county is unique, and this diversity requires a flexible approach to statewide policymaking. Counties need flexibility to best determine acceptable taxing and spending levels for their communities. Local control recognizes that individual counties should be free to adopt various operating and policy alternatives that may not be acceptable to other counties. Local control also embodies the principle that the people should determine its forms of government. Therefore, counties believe that any change in a citizen's form of government must be adopted by public vote. Additionally, policy, taxing, and regulatory authority should not be given to persons who are not directly accountable to the people through election. WSAC will oppose attempts to preempt local control.

#### 3) Unfunded Mandates

In adopting Initiative 601, Washington voters required the Legislature to provide adequate funding to local governments when it mandates new or expanded local responsibilities. The state has an obligation to keep local responsibilities within existing revenue sources or to provide additional funding or funding authority when it imposes new mandates.

Counties will seek appropriate and stable funding for all legislative and agency mandates on local governments in order to avoid systemic and significant funding deficiencies. Counties will oppose new or

expanded local responsibilities that are not fully funded and do not include ongoing funding for increases in costs or caseloads. State funding must ensure equal access to basic county services such as public safety, law and justice, public health, human services, transportation, property tax assessment and collection, elections, and treasury services without regard to size, location, or local taxing capacity.

#### **4) Provide Adequate State Shared Revenue**

Revenue distributions from the state and federal governments are counties' third largest revenue source. State shared revenues include items such as municipal criminal justice assistance, flexible funding for public health, streamlined sales tax mitigation, distressed city-county assistance funding, liquor profit and tax revenue, rural economic development funding, motor vehicle fuel tax, local solid waste financial assistance and others. These revenues are incredibly important to counties, because the only other legislatively provided revenue sources are property taxes and sales taxes.

The loss of county revenue from prior state cuts means that state shared revenues are more important to counties than ever before. Just as the state must provide new funding for new requirements it imposes on counties, it must also restore funding cut from vital programs and continue to provide existing funding.

#### **5) Presenting a Unified Front**

In order to be effective with the Legislature and state agencies, counties must speak with a clear and consistent voice. WSAC will engage in policy issues that have the potential to impact or set a precedent for a wide range of counties, or our collective involvement is approved by the Legislative Steering Committee. On issues not affecting a wide range of counties, WSAC will defer to the individually affected counties.

#### **6) Cooperation with Other Locally Elected Officials and WSAC Affiliates**

WSAC and the Association of Washington Cities (AWC) represent elected officials in county and city legislative and executive branches respectively. Separately elected county officials, i.e., assessor, auditor, clerk, prosecutor, sheriff, and treasurer are represented by the Washington Association of County Officials (WACO). WSAC also represents several affiliate organizations that are comprised of professional county staff who manage and operate county departments under the supervision of county elected legislative officials and County Executives. Although the three associations and various affiliates must represent their members on individual issues, those members ultimately report to a joint constituency, the public. The public interest must come first, and whenever possible WSAC will seek to cooperate with organizations representing locally elected officials including AWC and WACO.

### **Budget, Finance & Taxes**

Counties face three primary challenges with the revenue sources available to fund essential state services at the local level: lack of revenue diversity; lack of flexibility in how locally-generated revenues and state funds can be utilized; and the fact that revenue streams do not keep up with expanding population and inflation.

Cities and state government have a diverse range of revenue sources that include property taxes, sales and use taxes, business taxes and fees, utility taxes, and shared revenues. Counties' revenue streams are primarily limited to property taxes, sales and use taxes, and state and federal shared revenues. Counties do not have the authority to impose utility taxes nor any business taxes and fees.

Since 2001, property tax revenue has been limited by statute to 1% per year growth, plus new construction associated with growth. Because most services delivered by county government are unrelated, or inversely related, to economic growth (i.e. additional demands on the criminal justice system), and with inflation growth at more than 1% per year, county budgets must rely on other revenue sources for growth.

Counties also receive sales tax revenue, but most major sales tax revenue generators – big box retailers, home improvement stores, and auto dealerships – are located inside city incorporated areas, resulting in

counties receiving a much smaller percentage of sales tax revenue than the state and cities. Under the Growth Management Act, it is difficult for counties to create new commercial and retail areas to generate sales tax revenue, and significant sales tax generators often become targets for cities to annex, further reducing revenue streams to counties.



The Legislature has historically provided counties with authority to impose local option sales taxes. However, the challenge with these revenues is that they are often extremely limited in how they can be used and eliminate local decision-making authority. At times, voter approval requirements may also pose a substantial challenge in many of the state's counties, especially counties that are primarily rural. Additionally, most of the local option sales taxes are for specific uses (emergency communication systems, mental health, juvenile justice, etc.) and cannot be used generally for programs mandated under the state constitution or by statute. Furthermore, many of the statutorily authorized revenues also lack local discretion in their application. For example, the local portion of the real estate excise tax is divided into "REET 1" and "REET 2" with different definitions on how the money can be used. A common definition with local discretion to harmonize uses is desirable.

State shared revenues have become an increasingly important source of county funding. State shared revenues include items such as: municipal criminal justice assistance, flexible funding for public health, streamlined sales tax mitigation, distressed city-county assistance funding, liquor profit and tax revenue, payment in lieu of taxes (PILT), local solid waste financial assistance, rural economic development funding, an array of human service funds for mental health, chemical dependency and developmental disabilities and others. In response to state budget problems, the Legislature has recently reduced these funds or capped their growth. It has taken the full energy of WSAC to minimize these impacts.

County revenue is structurally unable to meet current and future service demands. The overdependence on property tax, coupled with a smaller share of sales and use tax and lack of flexibility in the use of other revenues, means that economic growth does not help counties as much as it helps the state and cities. County revenue sources simply cannot keep pace with the increasing demands placed on county government.

In 2007, a study requested by the Washington State Legislature found that "county revenue authority has been eroded from 2001 to 2007 to such an extent that in many counties, funding is not adequate to sustain equal access to basic services." (County Financial Health and Governance Alternatives, Department of Community, Trade, and Economic Development (now Department of Commerce)). This situation has only been exacerbated by the Great Recession. Without a change, counties will fail at delivering the services that are constitutionally and statutorily mandated by the state.

The Legislature to date has not seriously addressed the ongoing erosion of county finances.

### **WSAC Policy:**

Over the long term the county financial structure must meet the needs of modern county governments. The Legislature must assist counties by giving them authority to control their cost drivers, and with revenue sources that keep pace with costs. New local option sales tax authority should include a councilmanic option. WSAC will continue to pursue county fiscal sustainability proposals.

Counties support a diverse array of local taxing authority to ensure they have the necessary fiscal sustainability to provide the statutory and constitutional programs and services they are required to deliver.

At the same time, however, they urge caution regarding any proposed legislation that grants counties taxing authority, particularly sales and use tax, to fund programs and services that should be uniform statewide programs and services such as public health, homelessness, affordable housing, behavioral health services, trial court system, elections, etc. Data shows that collection of sales and use taxes varies widely on a county by county basis. In fact, on an annual basis, a 1/10 of one percent sales and use tax collection varies by 400% per capita from county to county. It is not fair for Washington

citizens to have inequitable service levels for core programs because of the inequity in a jurisdiction's ability to generate sales and use taxes.

Counties support statewide revenue solutions to statewide issues, and that revenue appropriately be distributed equitably across the state based on program and service needs and not on the ability to raise the funds locally. Further, the state funds should be distributed in a manner that provides flexibility to allow local governments to use the funds to tailor solutions specific to the needs of their communities.

## Tax Exemptions

Both the Legislature and counties have legitimate policy reasons for providing tax exemptions, and economic development often relies on targeted exemptions. However, given the fact that existing county revenue sources are both limited and inelastic, counties must maintain their current sources of revenue. These countervailing considerations are often in competition.

### **WSAC Policy:**

WSAC will advocate that tax exemptions be limited to the state's portion of revenue. Individual tax exemptions may be examined by the Legislative Steering Committee, but absent a decision on a specific tax exemption, WSAC will oppose tax exemptions affecting the county portion of revenue.

## **Local Fiscal Data**

Providing legislators and state agencies with reliable, trustworthy fiscal data on county costs is critical in the legislative and policy making process.

### **WSAC Policy:**

Counties will be accurate and reliable sources of data. County officials will actively assist in the development of trustworthy data for the Legislature and state agencies, whether it is on an individual basis, through WSAC, or in the local fiscal note process. The Legislature needs to take a more robust role in requesting local government fiscal notes.

## **Pension and Labor**

Unemployment, workers compensation, minimum wage, prevailing wage, pension plans and labor relations are all policies adopted by the state that have a direct impact on county personnel costs, which can comprise up to eighty percent of county budgets. Many times, these same policies are not imposed upon the state because the state has neither the time nor the resources to meet them. All public employees are required to belong to one of the state pension plans. The state sets the rate of contributions and level of benefits.

### **WSAC Policy:**

While the state sets most labor policy and all pension policy for counties, counties will continue to work toward legislation that will minimize fiscal impacts on limited local resources and provide maximum flexibility to direct the workforce. The state should not mandate any stricter labor standards for local government than it does for the state. Pension funding should not exceed the level needed to meet pension obligations, but must also be provided at a level to ensure government pension obligations can be met.

## **Law and Justice**

County governments provide staffing and facilities for the majority of the state's civil and criminal trial court system. Arrests by tribal, federal, state, and city governments impact county jails. As a result, counties are spending, on average, seventy-five percent of general fund dollars on public safety programs and services:

- Public safety within the unincorporated area;
- Superior, district and juvenile courts, including facilities, personnel salaries and benefits, and a portion of judges' salaries;
- Providing cities with regional criminal justice services that are too expensive for each small city to duplicate;
- Prosecution, public defense, and ancillary services such as interpreters and investigators;
- Jails and juvenile detention facilities;
- Inmate health services, such as behavioral health, substance use dependency (including opioid addiction), medication-assisted treatment (MAT), and smoking cessation services;
- Probation, diversion, and community services;
- E-911 and emergency management; and

- Medical examiner or coroner.

Counties believe the purpose of the criminal justice system is to minimize the cumulative personal, social, and economic impacts of crime on society. For that reason, counties take their criminal justice responsibilities very seriously. Over many years, as state funding has declined, counties have instituted numerous efficiencies and, where authorized by statute, developed innovative law and justice programs. However, in spite of efforts to be more efficient and accessible, counties lack adequate funding for mandatory criminal justice services.

### **WSAC Policy:**

Counties will work to gain adequate funding for all essential law and justice services, and to remove unnecessary or overly burdensome state requirements on the law and justice system.

As subdivisions of the state, counties believe the state must take a greater role in funding state-mandated law and justice activities that are administered at the county level, including all costs associated with the arrest, prosecution, defense, and detention of persons charged with felony crimes. Counties believe the state also should assist in funding discretionary court services, such as drug and mental health courts that reduce impacts to state prisons and juvenile institutions, jail diversion services, and other costly state programs. State agencies should also be financially responsible for their portion of arrests, medical, and prosecution.

Additionally, counties support state “extraordinary fund” assistance for counties with disproportionately high costs. Counties further support state assistance in purchasing and distributing medications to inmates, and preparing pre-release documentation to ensure inmates continue to receive needed medications and care following release from jail.

Counties support full state funding for administering the costs associated with mandated laws such as “Becca” and the Hope Act for serving at-risk youth, including providing necessary county-administered human services. Counties support the increase in flexibility of state and federal juvenile justice funds through consolidation of funds and continued use of block grant approaches. Counties support the flexibility and blending of early intervention and prevention, supervision, and treatment services in the law and justice system in order to meet local needs.

Federal and State-provided health benefits for incarcerated individuals should remain in effect unless and until a person is found guilty.

## **Human Services**

Counties are responsible for providing a variety of human services including:

- Behavioral health services;
- Local programs for persons with developmental disabilities,
- Planning and management of substance use disorder treatment, prevention programs, and programs for individuals with co-occurring substance use disorder and behavioral health issues, and
- Other state mandated or locally determined human services priorities.

Counties believe that human services are best provided at the local level. Many clients who use human services utilize more than one service. Too often, service delivery systems are highly specialized and funding streams are too specific to be maximized for efficiency. Individual program rules and regulations present complex challenges for local delivery systems, at times inhibiting effectiveness. Court rulings, such as the Washington Supreme Court’s 2014 decision banning psychiatric boarding in emergency rooms when alternative treatment beds are unavailable, also adds additional complexity and challenges.

### **WSAC Policy:**

State government must break down barriers to providing services to multi-need individuals and families. The state must remove programmatic, administrative, and regulatory barriers to local government. Local service providers must be allowed to work collaboratively to design and implement comprehensive service packages that meet all the challenges of serving the multi-needs client. Counties also support adequate funding to meet the complex needs of individuals and families with both multiple medical diagnoses and economic challenges. Counties support full state funding of all behavioral health services the state requires counties to provide, as well as for any additional state mandates and shifts in priority populations. In addition, counties advocate sound policy decisions regarding the provision of appropriate care to those with behavioral health issues based upon the best judgment of county mental health professionals and administrators.

Counties support adequate state funding for the continuation and expansion of community programs for persons with developmental disabilities, including special services and employment programs, in a continued effort to reduce institutionalization and segregation.

Counties support adequate funding for drug and alcohol treatment services for low-income persons, which will reduce costs to local communities and increase public safety.

Human services funding must be as flexible as possible. Counties oppose any reduction in funding for human services programs unless the reduction is achieved through administrative efficiencies that provide the same or a higher level of service.

Counties only support the continued reduction of inpatient resources at the state level if the necessary resources are provided up-front to increase local residential capacity and provide programs to appropriately serve those persons.

## **Housing**

Counties support and provide housing needs in a variety of ways. Counties have a direct and indirect impact on housing availability, location and cost because of our role in land-use and development regulations. Housing is also a required element of growth management plans.

In addition, some counties manage or assist in low-income housing programs. They may directly administer a residential program for those with special needs. They may run local housing authorities, which manage federally subsidized programs such as Section 8. Counties also have an increasing role in providing housing services for individuals undergoing treatment for behavioral health and/or substance use disorder issues. Additionally, counties have the responsibility to develop plans to end homelessness.

Dramatic increases in housing costs in Washington State are creating unmanageable pressure on existing private market affordable and workforce housing resources.

### **WSAC Policy:**

Counties support the elimination of duplicative planning and regulatory burdens that impact housing affordability and support the reduction of other regulatory requirements that significantly impact housing affordability without a commensurate benefit for the environment or the general welfare of our communities.

Counties also support additional sources of revenue from both the state and federal level to assist in funding housing for low-income, workforce and other specific populations. Counties support the Legislature increasing the amount of funding dedicated to the Housing Trust Fund for the needs of special populations, the elderly, those with low incomes, and workforce housing. They support increased administrative flexibility in developing housing programs and the reduction of any state organizational barriers such as multiple licensing requirements and overlapping directives. The state should enact additional protective measures to preserve housing options for low-income and workforce groups as the continued displacement of these groups directly threatens the housing of thousands of members of our communities. Increasing the state's supply of rental housing should be considered an equal strategy with homeownership for increasing the state's housing supply.

Counties also support innovative approaches to help with affordable housing. Those approaches should include the reuse of existing homes and residential materials, sweat-equity programs, green building, and energy efficiency investments.

## Public Health

County public health jurisdictions have protected the health of Washington State residents since before statehood. Public health professionals are on the front line in defending against threats to public health – communicable diseases, chronic illness, harmful environmental exposures, and man-made or natural disasters. Other public health responsibilities include assuring safe food and water, management of hazardous materials, solid waste, and safe sewage treatment.

The Public Health system has new demands imposed by emerging diseases and threats (bioterrorism, West Nile Virus, etc.), while at the same time maintaining ongoing response to the “old” diseases (tuberculosis, measles, etc.). Public health is also expected to increase its capacity to respond effectively to threats of bioterrorism and natural disasters because these events are local events first that can rapidly spread beyond jurisdictional boundaries.

The complexity and severity of today's public health threats requires a strong public health system that is accountable, accessible, and adequately funded. Without adequate and sustainable funding for local public health, our residents will be at risk of imminent harm. Local government has historically stepped up to the challenge of supporting local public health. While the state has contributed some support, the counties' ability to support public health has been dangerously eroded as a result of limited revenue and decreasing federal and state support.

### **WSAC Policy:**

WSAC supports the State's Foundational Public Health Services (FPHS) initiative and public health transformation, which aims to create a responsive and sustainable public health system to ensure healthy and economically vital communities across the state. FPHS efforts include defining a core set of public health programs and services, developing service delivery models that provide highly technical expertise to all communities, and increasing and stabilizing funding sources. WSAC supports FPHS work that maximizes efficiency and effectiveness of public health services and empowers local revenue to be spent on locally prioritized services.

Additional resources are needed at every level to address public health issues, including the integration and coordination of multi-county efforts. WSAC supports maximizing the flexibility of existing sources of funding and enhancement of both efficiency and effectiveness in service delivery. WSAC supports local board of health authority to enforce state laws and establishing local rules and regulations, and the duties of local health officers in declaring public health emergencies and interpreting administrative

rules. These powers and duties are important components of maintaining local control, recognizing the nuances of local contexts in protecting the public from health hazards, the spread of disease, and public health threats.

## Land Use Planning

All thirty-nine counties in Washington State are required to comply with some aspect of the Growth Management Act (GMA), and twenty-eight are required or have elected to prepare and implement



comprehensive plans and development regulations. Counties have spent significant local resources, not only on the preparation and implementation of comprehensive plans, but also on the defense of their legislative decisions after appeals to the Growth Management Hearings Boards (Hearing Boards) and the courts. Conflicting state and federal regulatory and environmental programs have made the task of implementing the GMA more costly than expected.

The effects of GMA implementation are beginning to be analyzed and documented. Complex issues, such as the Act's impact on county revenues, affordable housing, the provision of urban services and infrastructure concurrent with growth, the siting of essential public facilities, and the direction of new urban growth into designated urban growth areas need to be taken into consideration when changes in GMA are being debated.

### **WSAC Policy:**

Counties oppose state pre-emption of local land use policies and plans as determined by local planning processes and as adopted by county legislative authorities. The Washington State Supreme Court has recognized, and the Legislature and Hearing Boards must affirm, that deference is owed to county legislative bodies as it adopts county comprehensive plans and implementing development regulations. That deference should be extended to determining when a plan and development regulations should be updated. Control and accountability for local Comprehensive Land Use Planning must remain with local legislative bodies.

Counties support sound comprehensive land use planning as a primary responsibility of local government because, done well, it protects the environment while it promotes a strong economy. The state has as much interest in promoting this positive outcome, and therefore, must provide ongoing and adequate funding for planning, updates, implementation, compliance, and evaluation activities. Additionally, the Legislature must repeal or suspend specific GMA requirements when funding is eliminated. Counties will not support any additional GMA requirements without ongoing and adequate funding.

The state, with counties and other interested parties, must review the GMA and other environmental statutes with a goal of meeting the underlying objectives of the different statutes while eliminating duplication of planning and regulatory burdens on both county government and citizens. It also is essential to begin an ongoing process of monitoring the impacts of the GMA and related state statutes prior to the enactment of any additional planning, development or environmental law or regulation.

The state must make every effort to resolve disputes through alternative dispute resolution and by providing incentives to reach its goals. Legal challenges to local action should be used only as a last resort. The Legislature should act to ensure that Hearing Boards and the courts defer to local county comprehensive plans and implementing regulations, as well as, fund county costs in defending legal challenges.

Regarding annexations and incorporations, counties will work to support policies to ensure they do not continue to be burdened with the cost or debt of capital infrastructure, facilities or other real property following the revenue loss brought about by the annexation or incorporation of an area.

## **Columbia River**

In 2006, the state Legislature established the Columbia River Basin Water Supply Development Program (Program). The Program established has a bonding capacity of up to \$200 million to implement projects aimed

at increasing water supply in the Columbia River basin. Eastern Washington counties have been participants in the Program, with four seats on Ecology’s Policy Advisory Group (PAG) made up of various stakeholders.

While the Columbia River flows through Washington State and serves as a large portion of the state’s southern boundary with Oregon, its origins flow from British Columbia, Canada. In 1961, the United States and Canada signed an international agreement known as the Columbia River Treaty. Its intent is to coordinate flood control and electrical energy production and development and operation of the Columbia River Basin. The U.S. Department of State is currently leading the effort to negotiate with Canada to modernize the treaty regime.

**WSAC Policy:**

Counties support the Program to increase water supply in eastern Washington that is critical to the area’s effort to sustain salmon recovery efforts and provide water for human, industrial, and agricultural needs. Counties also support the Program because it provides a forum for diverse interests to discuss water supply development, regardless of differences in perspective. Counties believe the program is making incremental progress in an area of great need, particularly in making decisions and moving toward improving water supplies in Eastern Washington. They support ongoing efforts to continue funding and implementing the program.

Counties support the U.S. Department of State’s efforts to negotiate a modernized Columbia River Treaty. With that in mind, they also support maintaining flood control and the production of hydropower as the primary purposes of the treaty and oppose the inclusion of ecosystem management as a third purpose. Counties support keeping all issues related to the Endangered Species Act separate from the international treaty with Canada. Counties support that a new treaty ensure adequate water supplies are provided for current and future out-of-stream needs, including municipal, industrial, and irrigation. They support including provisions for water supplies adequate for irrigation projects that are dependent on Columbia River and Grand Coulee sources. Domestic water issues should remain outside of the treaty. Counties also support the principle of maintaining enough flexibility within the treaty to allow other implementation agreements between the United States and Canada.

**Water**

Counties have a unique perspective on water resources due to their broad authority and responsibilities in watershed planning, land use, health and sanitation, transportation, and parks and recreation. Counties are engaged in nearly every aspect of water resource management, with the key exception of water rights issuance. Even in the water rights arena, however, recent court decisions have created a greater, albeit undefined, responsibility for counties to make determinations of water availability. Some counties are taking an active role in developing water banks and other mitigation options to ensure water availability for residential water use.

**WSAC Policy:**

Counties support changes in state law and budgeting to ensure efficient water rights administration, consistent with collaborative, locally based watershed planning. Water law, financial resources, and administration must be flexible enough to recognize regional differences in water sources, water uses, and demands. A “one-size fits all” approach is not appropriate. Legislative solutions must address both urban and rural water needs by providing adequate resources, establishing priorities, and resolving conflicting roles and responsibilities. Rural areas need to continue to have the right to use exempt wells for their water supply.

The Legislature must act to ensure that water supply decisions are made. Whether made through a regional planning process or by the state, these decisions must be timely, consistent and supportive of growth management planning, sustainability, and economic development

Careful adjustments to water policy through fiscal incentives and policy directives are needed to increase

water availability using conservation, storage, water reuse and other water management tools to provide for population growth, economic growth, power generation and adequate in-stream flows for fish, wildlife and recreation. Counties believe it is critical to maintain and enhance water storage for human, industrial and agricultural needs, and instream uses. Disincentives to conservation should be eliminated so that conserved water can be used in other ways.

New state funding is needed to support county responsibilities for safe drinking water supply, storm-water management, flood damage reduction plans, and watershed planning and implementation.

The Department of Ecology's interpretation and implementation of water rules must be consistent across the state. Ecology should partner with counties in local water decisions instead of pushing the risks and liabilities solely onto counties.

## Forest Resources

At least twenty nine counties receive revenue from timber receipts generated on state or federal lands. However, all counties have an interest in the management of those lands in terms of how management practices impact listings of threatened and endangered species. Policies developed by the federal and state governments on multiple uses of these lands have an important effect on county land-use and economic development policies. The overall health of public forestlands is also of vital importance to counties for both public safety and health and economic reasons.

### **WSAC Policy:**

Counties must continue to be given a voice in management decisions on federal and state lands, particularly when those decisions impact county land use and environmental policies, as well as county revenues and socio-economic conditions. Counties also will advocate for changes in state and federal law that provide for sustainable management of forest resources while maximizing benefits to the state and local economy.

In addition to compensating counties when takings or purchases occur, counties should also be compensated for the reduced productive use of the land due to restrictive regulations from threatened or endangered species policies.

Additional investments need to be provided for forest health treatments on state and federal lands. The communities in which these lands are located are disparately impacted from the effects of wildfire. In a changing climate and with reduced funding for managing public forest land, many forested lands are experiencing, or are at significant risk for, catastrophic wildfire. Counties support prioritizing funding for forest health treatments, including but not limited to active logging where appropriate, thinning, prescribed burning, and other fuel reductions strategies.

## Puget Sound Partnership

The Puget Sound Partnership is a state agency serving as the backbone organization for Puget Sound recovery. The Partnership coordinates the efforts of citizens, governments, tribes, scientists, businesses and nonprofits to set priorities, implement a regional recovery plan, and ensure accountability for results.

The Partnership is governed by a Leadership Council, which is charged with implementing the Action Agenda- a road map that lays out the work needed to achieve an ambitious goal of restoring the health of Puget Sound by 2020. The 2014/15 Action Agenda emphasizes three region-wide priorities: Prevent pollution from urban stormwater runoff; Protect and restore habitat; and Restore and re-open shellfish beds. The Leadership Council is advised by the Ecosystem Coordination of which Counties currently have six of the twenty-seven seats on the ECB.

### **WSAC Policy:**

Counties support efforts to clean and restore Puget Sound, and take many steps through individual programs and projects to assist with that goal. By the nature of their statutory responsibilities, counties play a major role in implementing the Action Agenda. Counties want to ensure the Action Agenda recognizes and supports current county activities, as well as these future needs:

- To be effective, the Action Agenda must be coordinated with other state mandates, such as updating Shoreline Master Programs, Growth Management Act comprehensive plans and development regulations,

and NPDES Phase I and II permits.

- Ongoing and significant financial and technical support from the state will be necessary to implement the Action Agenda.

## Stormwater

Control and treatment of stormwater is an issue of increasing concern for counties. One of the challenges with stormwater is that successful management entails actions at both the basin level and the site specific level. This includes retrofitting existing facilities (e.g. roads) and managing land use development.

Some counties are affected by Ecology's issuance of National Pollution Discharge Elimination System (NPDES) Phase I and II permits. NPDES Phase I permits cover stormwater discharges from certain industries, construction sites involving more five or more acres, and municipalities with a population of more than 100,000. NPDES Phase II regulations expand the requirement for stormwater permits to all municipalities located in urbanized areas and to construction sites between one and five acres. The NPDES Phase II regulation also requires an evaluation of cities outside of urbanized areas that have a population over 10,000, to determine if a permit is necessary for some or all of these cities. Two separate NPDES Phase II general permits cover eastern and western Washington communities.

The permits, issued under Ecology's Clean Water Act authority, require jurisdictions to adopt a stormwater management program to reduce the discharge of pollutants, protect water quality, and meet the requirements of the Clean Water Act. The permits require counties to develop stormwater management programs that must include adoption of new ordinances to control stormwater runoff, public involvement, public education, a program to detect and eliminate illicit discharges, and other requirements.

### **WSAC Policy:**

Counties support improving stormwater controls to protect water quality and aquatic resources. However, federal and state requirements must recognize that success depends on implementing these controls in a rational and sustainable manner. Stormwater regulations should be coordinated with other water quality efforts, such as the Puget Sound Partnership. Counties should be given the flexibility to determine what actions are the most cost effective to achieve stormwater management goals. Counties believe that the state must share in the cost of implementing new stormwater regulations and programs. If funding is not forthcoming, liability for counties under the new permit requirements should be proportionally reduced.

## Climate Change

Washington's counties are prepared to meet the challenges posed by the potential impacts from climate change. Counties have initiated actions to reduce the effect of their own business operations and practices on greenhouse gas emissions. Some counties are initiating programs to analyze their planning and environmental review processes to ensure safe, sustainable, and vibrant communities. WSAC recognizes that:

- Washington's counties have diverse views on climate change and have differing abilities/resources to respond to potential impacts of climate change;
- Several counties in Washington State are national leaders on climate change issues;
- Several counties are taking steps to integrate the reduction of greenhouse gasses into their land use planning and environmental review processes;
- All counties are taking relevant and measurable steps to reduce greenhouse gas emissions caused by their organizational business practices;

- Existing elements of the Growth Management Act support processes to reduce and mitigate the increase in greenhouse gas emissions such as compact urban development, enhancing transportation options including non-motorized transportation facilities, commute trip reduction, transit oriented development, and protecting critical areas and natural resource lands from conversion.

### **WSAC Policy:**

Counties will work proactively with the executive and legislative branch, and work groups created from these branches, to develop climate change policy and legislation.

Counties support legislation that encourages and allows counties to adopt policies and ordinances to reduce their organizational/business practices impact on greenhouse gas emissions. Additionally, we support legislation that encourages and allows counties to incorporate into plans, policies, regulations, and ordinances that reduce greenhouse gas emissions associated with activities within the comprehensive planning and environmental review processes.

In lieu of mandated requirements, counties support the following efforts to reduce greenhouse gas emissions:

- Provide incentives and education to achieve goals;
- Provide performance outcomes and not prescriptive measures to follow;
- Create an optional climate change element in GMA. Do not make any climate change goal or element within the GMA subject to the appeals process;
- Recognizing emerging science and subjectivity of solutions;
- Fund incentive grants for counties to integrate climate change into Comprehensive Plan and Development Regulations;
- Provide funding to counties for a set of pilot programs that will illustrate how counties propose to integrate climate change into Comprehensive Plan and Development Regulations.

Any legislation that directs counties to address climate change and greenhouse gas emissions must come with adequate and ongoing state funding to support local processes to plan, implement, monitor, and evaluate the requirements.

Lastly, counties shall not be held responsible for emissions from activities governed by other governmental jurisdictions including, cities, ports, federal agencies including military and naval installations, state agencies and facilities including transportation facilities and ferries.

## **Energy**

In November 2006, Washington's voters passed Initiative 937, which requires the state's major utilities (those utilities that serve over 25,000 customers) to gradually increase the amount of "renewable energy resources" in their electric supply to fifteen percent by 2020. Renewable energy resources include energy from solar, wind, tidal, ocean wave, geothermal, bio-energy, and landfill or sewage treatment sources. Renewable energy resources do not include hydropower. In addition, Initiative 937 requires electric utilities to make investments in energy efficiency and conservation programs to reduce energy consumption within their service territories, beginning in 2010.

Because of the demand for renewable energy resources by the public and Initiative 937, more energy projects are being developed. However, energy project siting is difficult at the state and local level. A wind, solar, landfill gas, wave or tidal, or biomass project developer of any size may choose to use the local land use process or the State Energy Facility Site Evaluation Council (EFSEC) decision making process to site such a facility. The use of the EFSEC process has been controversial in several counties.

**WSAC Policy:**

Counties support the use of renewable energy and cost-effective conservation efforts to meet our growing energy needs. Counties encourage the Legislature to fund research and development efforts for biomass, bio-fuels and methane gas generation. If the Legislature amends Initiative 937, counties support modest increases in hydropower eligibility tied to a stronger renewable energy resources target.

Counties are concerned about energy facility siting processes in relation to locally adopted land use plans as required under the Growth Management Act. Counties believe that the local land use decision making process should be the sole process for siting renewable energy projects.

Counties support the need to convert public vehicle and equipment fleets to alternative fuels, however implementation must allow for the depreciation of current assets and provide incentives for conversion. Counties should not be required to convert vehicles unless and until adequate markets exist for alternative fuels.

## Public Lands

Of the state's 43.3 million upland acres, forty percent is owned by federal, state or local government and six percent is owned by Native Americans. State and federal forestland and parkland provide many benefits to the people of the state. In many rural counties, only a small amount of land available for private use and development because the area is dominated by public ownership. There is growing controversy over land purchase by state agencies for wildlife habitat and related purposes. In addition, some agencies fail to adequately maintain public land, resulting in negative impacts on neighbors from noxious weeds, fire and other public safety problems.

**WSAC Policy:**

Before acquiring new lands, especially for the purposes of habitat protection, the state should engage in a comprehensive analysis of all existing public lands and align its existing policies through capital facilities planning and proper land management. Counties should be compensated for not only the purchase or taking of the land, but also for the ongoing loss of the tax base and revenue to the county.

The Legislature also should provide adequate funding to state agencies for long-term maintenance and proper management of state land for control of noxious weeds, fire and public safety.

## Transportation

Transportation is, by definition, a multimodal statewide network provided by a number of essential partners: transit districts, cities, counties, tribes, and the state of Washington. This transportation system is a primary element of safety, economic success and quality of life for Washington citizens. Adequate funding for all transportation



modes, including roads, ferries and transit, is an ongoing issue of increasing importance to counties. Washington's transportation system has developed over many years under the direction of the Legislature through allocation of responsibilities and resources to meet ever-changing demands. Historically, resources have been inadequate to meet identified needs for virtually all modes.

### **WSAC Policy:**

Counties are uniquely capable of providing various transportation services that connect rural areas, farms to markets, ports, cities and towns. Counties support preservation and maintenance of all modes of the existing transportation network, including equitable distribution of all transportation resources to avoid weakening of any portion of the system. Counties also support innovations to improve transportation that will positively impact local economies and quality of life.

The economic vitality of the entire state – including the revenues necessary for county government -- depends upon our transportation system. Current transportation revenues are not adequate to maintain a quality transportation system and make improvements needed to enhance safety, improve local freight mobility and relieve congestion. Counties support additional resources to address the long-term need to maintain, upgrade and expand the state and local transportation system, including all transportation modes.

Counties support exploring new revenue options that will support local government transportation needs, including the improvement of fish-blocking culverts and the maintenance and repair of bridges.

## **Public Works**

Counties are responsible for funding, constructing, operating and maintaining a wide variety of public infrastructure projects and facilities, which are vital to the health, safety and welfare of county residents and the state as a whole. Included in this infrastructure are roads and streets; bridges; sewer, water and storm water facilities; parks; courthouses and other administrative facilities; public health clinics; Geographic Information Systems (GIS); dispatch and communication centers, and other technological improvements; behavioral health residential and treatment facilities; and jails and juvenile detention facilities.

Population growth, deteriorating and aging facilities, limited revenues, and emerging technologies are key factors contributing to a growing deficit in county infrastructure. Special levies and other traditional local funding sources have not been successful as funding tools for county infrastructure.

### **WSAC Policy:**

Funding to meet the infrastructure requirements of Washington's businesses and residents is a shared responsibility of state and local government. State and local policymakers must come together to find funding solutions to help pay the costs of environmental protection and maintenance of the state's quality of life as

it faces the pressures of rapid growth. At the same time, county and city comprehensive plans and capital facilities plans should be used by the state in establishing its priorities for use of infrastructure funds.

Counties support continued use of the state Public Works Assistance Account revolving loan program for local roads, streets, bridges, water systems, sewer systems and storm water facilities. Counties also support expanded use of the loan fund for county courthouse facilities, and adult or juvenile detention facilities. In addition, counties support state grant assistance for the construction and maintenance of county law and

justice facilities.

Counties also support the expansion of alternative public works methods such as county forces construction and design-build contracting to reduce the cost of infrastructure construction.

## Economic Development

As regional governments, all counties play a major role in local economic development efforts by providing membership and public funds for economic development councils. In addition, counties have positions on the Public Works Board, Community Economic Revitalization Board, the Washington Economic Revitalization Team, and local Workforce Investment Boards, all of which direct public funds toward economic development in local communities.

In recent years legislation has directed counties to play a vital role in community economic development by providing additional sales tax authority for rural counties. The Legislature has also asked the state's universities and colleges to create technologies and services that can be deployed by new businesses. Partnerships with the state's research universities, Extension programs and other colleges are encouraged for creation of new 'cutting-edge' enterprises.

### **WSAC Policy:**

Counties, in consultation with cities, ports and other local governments, will provide leadership in local economic development efforts. The state must set policies that will enable local communities, whether rural or urban, to compete for new businesses and retain existing businesses.

## Emergency Management

In addition to general public safety responsibilities, counties have specific statutory duties to provide emergency management, both individually and in partnership with state and federal agencies. Inter-county and intra-county mutual aid agreements also are becoming more prevalent and are increasingly important to ensure seamless services across jurisdictional lines. Counties engage in planning and preparedness activities, and often are the front line for response and recovery efforts. These functions involve natural disasters as well as terrorist and biological attacks.

### **WSAC Policy:**

Counties support local and regional mutual aid agreements and support continued partnerships with the state Emergency Management Division, the Federal Emergency Management Agency (FEMA), the Office of Homeland Security, tribal governments, as well as other relevant agencies and private industry to ensure seamless responses to emergencies. Counties also strongly believe that addressing terrorism must not weaken counties' traditional emergency management focus on natural disasters. We enthusiastically support an "all-hazard" approach for emergency management planning, preparation, training, and mitigation activities. Similarly, counties should be able to address preparedness for nuclear events in their local emergency planning efforts.

In order to adequately respond to increasing emergency demands, counties must receive increased state and federal funding. A new stable revenue source that would bolster local emergency management programs statewide is needed. Counties do not support matching requirements to receive new funding. Rather, counties support flexibility in the receipt and use of state and federal funds, which will allow counties to better meet unique local needs and maximize the benefits of an all-hazard approach to emergency management.

State funding should not be tied to federal FEMA funding standards because the need for state assistance occurs well before the federal assistance threshold is met.

