

November 16, 2021



BOARD OF DIRECTORS MEETING

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

Count	ByLaws Ref	Population	Executive Board Seat	Title	First Name	Last Name	County
14	< Quorum						
Executive Committee							
1	3.4a		President	Commissioner	Michael	Largent	Whitman
2	3.4a		1st Vice-President	Councilmember	Jamie	Stephens	San Juan
3	3.4a		2nd Vice-President	Commissioner	Mary	Kuney	Spokane
4	3.4b, 3.17.2		IP-President	Commissioner	Robert	Gelder	Kitsap
Board of Directors							
			Board Seat	Title	First Name	Last Name	County
5	3.4b		P-President	Commissioner	Scott	Hutsell	Lincoln
6	3.4b		P-President	Councilmember	Stephanie	Wright	Snohomish
7	3.4b		P-President	Commissioner	David	Sauter	Klickitat
8	3.4f	2,226,300	King County Executive	Executive	Dow	Constantine	King
9	3.4e 1	2,226,300	King County Council	Councilmember	Joe	McDermott	King
10	3.4e 2	888,300	Pierce County	Councilmember	Ryan	Mello	Pierce
11	3.4e 3	818,700	Snohomish County	Councilmember	Megan	Dunn	Snohomish
12	3.4e 4	515,250	Spokane County	Commissioner	Josh	Kerns	Spokane
13	3.4e 5	488,500	Clark County	Councilor	Eileen	Quiring O'Brien	Clark
14	3.4e 6	285,800	Thurston County	Commissioner	Tye	Menser	Thurston
15	3.4e 7	270,100	Kitsap County	Commissioner	Charlotte	Garrido	Kitsap
16	3.4e 8	255,950	Yakima County	Commissioner	LaDon	Linde	Yakima
17	3.4e 9	225,300	Whatcom	Executive	Satpal	Sidhu	Whatcom
18	3.4e 10	201,800	Benton	Commissioner	Will	McKay	Benton
19	3.4d 1		Eastern Region	Commissioner	Ron	Anderson	Yakima
20	3.4d 2		Eastern Region	Commissioner	Chris	Branch	Okanogan
21	3.4d 3		Eastern Region	Commissioner	Al	French	Spokane
22	3.4d 4		Eastern Region	Commissioner	Cory	Wright	Kittitas
23	3.4c 1		Western Region	Councilmember	Nate	Nehring	Snohomish
24	3.4c 2		Western Region	Councilmember	Kathy	Lambert	King
25	3.4c 3		Western Region	Commissioner	Janet	St. Clair	Island
26	3.4c 4		Western Region	Commissioner	Vicki	Raines	Grays Harbor
			Board Alternate Seat	Title	First Name	Last Name	County
1	3.4f	2,226,300	King County Executive	Councilmember	Reagan	Dunn	King
2	3.4e 1	2,226,300	King County Council	Councilmember	Vacant	Vacant	King
3	3.4e 2	888,300	Pierce County	Councilmember	Derek	Young	Pierce
4	3.4e 3	818,700	Snohomish County	Councilmember	Vacant	Vacant	Snohomish
5	3.4e 4	515,250	Spokane County	Commissioner	Vacant	Vacant	Spokane
6	3.4e 5	488,500	Clark County	Councilor	Temple	Lentz	Clark
7	3.4e 6	285,800	Thurston County	Commissioner	Gary	Edwards	Thurston
8	3.4e 7	270,100	Kitsap County	Commissioner	Vacant	Vacant	Kitsap
9	3.4e 8	255,950	Yakima County	Commissioner	Vacant	Vacant	Yakima
10	3.4e 9	225,300	Whatcom	Councilmember	Rud	Browne	Whatcom
11	3.4e 10	201,800	Benton	Commissioner	Jerome	Delvin	Benton
12	3.4d 1		Eastern Region	Commissioner	Chris	Seubert	Asotin
13	3.4d 2		Eastern Region	Commissioner	Wes	McCart	Stevens
14	3.4c 1		Western Region	Commissioner	Mark	Ozias	Clallam
15	3.4c 2		Western Region	Commissioner	Dennis	Weber	Cowlitz
Affiliate Presidents							
			Board Affiliates (Non-voting Mbrs)		First Name	Last Name	County
			ACCIS		Mary	Thomas	City of Mukilteo
			ACHS		Mari	Clark	Benton
			WACCC		Julie	Kjorsvik	Kittitas
			WCAA		Mike	Thomas	San Juan
			WSACE		Josh	Thomsen	Okanogan
			WSACRPD		Lynn	Deitrick	YVCOG
			WSALPHO		Keith	Grellner	Kitsap
			WSEMA		Chandra	Fox	Spokane
			WSUEXT		Carrie	Backman	Wahkiakum
			WACSWM	Co-Chair	Deb	Geiger	Spokane
				Co-Chair	Travis	Dutton	Clark



MEETING AGENDA

Tuesday, November 16, 2021
 WSAC Board of Directors Regular Meeting
 2021 County Leaders Conference
 Spokane County
 The Davenport Grand Hotel - Cedar Room

Noon - 3:00 p.m.
 Lunch provided starting at 11:30 a.m.

Join Zoom Meeting: <https://wsac-org.zoom.us/j/96847090035?pwd=eEFpTzVicGEyMUTlZ2RUZ0lxWGdDQT09>

TIME*	Encl.	PRESENTER(s)	AGENDA	TYPE
Noon		President Largent	CALL TO ORDER and Introductions; Establish Quorum	
	√	President Largent	1. APPROVE Agenda	Action
	√	President Largent	2. APPROVE MINUTES: September 16, 2021 & October 8, 2021	Action
		President Largent	3. President's Report	Report
WSAC BUSINESS				
12:20 p.m.	√	Eric Johnson Mellani McAleenan Paul Lawrence David Hackett	4. Litigation Program Update Regarding Current and Pending Litigation – Possible Executive Session - Unfunded Mandate - Indigent Defense - Blake Decision - Amicus Brief Update	Update Possible Action
1:15 p.m.	√	Eric Johnson	5. Proposed 2022 WSAC Board of Directors Meeting Schedule <i>Action: Consider Adopting 2022 WSAC Board of Directors Meeting Schedule</i> <i>Resolution 2021-29</i>	Action
1:30 p.m.	√	Eric Johnson	6. Reviewing 2022-2023 WSAC Goals, Objectives, and Strategies	Review
STAFF REPORTS – SUBMITTED IN WRITING				
	√	Eric Johnson	7. Executive Director	Report
	√	Bridget Lockling	8. Business and Finance	Report
	√	Mellani McAleenan	9. Policy and Legislative Relations	Report
MEMBER REPORTS				
2:00 p.m.	√	Commissioner Gelder Councilmember Wright Commissioner Weber Others	10. NACo Reports	Report
		President Largent Board Members	11. WSAC Board of Director Reports from activities on Statewide Boards and Commissions <i>Presentation by WSAC Board Members on Current Issues relating to Statewide Boards and Commissions they serve/represent WSAC on</i>	Report
OTHER BUSINESS				
3:00 p.m.		President Largent	Adjourn	

*ALL times are approximate only

NEXT MEETING of the WSAC Board of Directors – TENTATIVE DATE & TIME:
Wednesday, February 2, 2022, 1:00 p.m. – 5:00 p.m.
Washington Counties Building – Thurston County – Olympia/Hybrid

Washington State Association of Counties
MINUTES OF MEETING OF THE BOARD OF DIRECTORS

September 16, 2021

Opening

The Board of Directors of the Washington State Association of Counties (WSAC) meeting was held on Thursday, September 16, 2021, starting at approximately 8:00 a.m. at The Hal Holmes Community Center, Kittitas County Ellensburg, Washington. All directors and alternates were appropriately notified of the meeting, according to the Association Bylaws.

Board members present: President Michael Largent, 1st Vice President Jamie Stephens, 2nd Vice President Mary Kuney, Immediate Past President Robert Gelder, Past President Scott Hutsell, Past President Stephanie Wright, Past President David Sauter, Chris Branch, Megan Dunn, Al French, Charlotte Garrido, Kathy Lambert, LaDon Linde, Wes McCart, Will McKay, Ryan Mello, Tye Menser, Nate Nehring, Mark Ozias, Eileen Quiring O'Brien, Janet St. Clair, and Chris Seubert. A quorum was present.

Staff and others present: Eric Johnson, Mellani McAleenan, Bridget Lockling, Jaime Bodden, Lynn Fiorillo-Lowe, Paul Jewell, Mitch Netzer and Juliana Roe.

Other Attendees: Jamie Lisagor and Kymberly Evanson, Pacifica Law Group.

Call to Order and Approval of Agenda: The meeting was called to order at 8:00 a.m. It was moved by Scott Hutsell, seconded by Chris Branch, to approve the agenda as proposed. The motion passed.

Approval of Minutes of the previous meeting: It was moved by David Sauter and seconded by Will McKay to approve the minutes as drafted. The motion was carried to adopt the minutes of the May 5, 2021 meeting as outlined. The motion passed.

President's Report: President Largent provided an update on the conferences and activities he participated in.

WSAC Business Actions

The Board announced an **EXECUTIVE SESSION**, in compliance with RCW 42.30. 110(1)(i), to discuss current and potential litigation at 8:17 a.m. for thirty minutes. WSAC's legal counsel, Paul Lawrence, was present and provided updates. No decisions were made. The **EXECUTIVE SESSION** concluded at 8:44 a.m. A second **EXECUTIVE SESSION** was held to discuss potential litigation on the Blake Decision. The session began at 8:45 a.m. and ended at 9:00 a.m.

Mellani McAleenan updated the members on the current Amicus Brief requests (report included in board packet) that WSAC is involved.

2022 Proposed WSAC Budgets: President Largent, Vice President Stephens, Second Vice President Kuney, Immediate Past President Robert Gelder, Eric Johnson, and Bridget Lockling presented the Proposed WSAC 2022 Budgets, which include the Proposed 2022-23 Goals, Objectives, and Strategies, Proposed 2022 Special Fund Budget, Proposed 2022 Operating Budget, Proposed 2022 WSAC Strategic Litigation and Communication Program Budget, Proposed 2022 General, Transportation, Public Lands, Human Services, and Strategic Litigation and Communication Dues Assessment Schedules.

Resolution #2021-18: A motion was made by Rob Gelder, seconded by Al French, to approve Resolution #2021-18, which recommends approval of the 2022-23 Goals, Objectives, and Strategies, recommends approval of the 2022 Special Fund Operating Budget, urges the support of the 2022 WSAC Operating Budget, recommends approval of the 2022 WSAC Strategic Litigation and Communication Program Budget, and recommends the approval of the 2022 WSAC General, Transportation, Public Lands, Human Services, County and Regional Planning; and Strategic Litigation and Communication; Option B. The recommendations will be presented to the WSAC membership for consideration and approval at the November 18, 2021, annual membership meeting. The motion passed, with four abstentions.

Proposed 2021-2022 Legislative Steering Committee Roster: President Largent and Eric Johnson presented the Board with an amended roster for the 2021-2022 Legislative Steering Committee.

Resolution #2021-19: David Sauter made a motion and was seconded by Kathy Lambert to approve **Resolution #2021-19** to confirm the 2021-2022 Legislative Steering Committee Roster, as proposed by President Largent, as presented to include the names of 33 representatives and alternates and also authorizes President Largent or the incoming WSAC President, with confirmation from the Executive Committee, to fill remaining roster vacancies. The motion passed.

Federal Issues and Relations Committee Roster: President Largent and Eric Johnson presented the membership composition criteria and the nominees for consideration by the Board.

Resolution #2021-20: Al French made a motion and was seconded by Scott Hutsell to approve **Resolution #2021-20**, which approves the slate of nominees as recommended in the resolution and authorizes President Largent or the incoming WSAC President, with confirmation from the Executive Committee, to fill roster vacancies. The motion carried.

Statewide Boards and Commissions: Eric Johnson presented the State Boards and Commissions positions up for approval.

Resolution #2021-21: Rob Gelder made a motion, seconded by Will McKay, to approve **Resolution #2021-21** to transmit the nominee's name, Jani Hitchen, to the Public Health Advisory Board – Western Washington County to the Washington State Secretary of Health. The motion passed.

Resolution #2021-22: A motion was made by Chris Branch, seconded by Chris Seubert, to approve **Resolution #2021-22** and transmit appointee's names, Tye Menser, Thurston County Commissioner, Heidi Eisenhour, Jefferson County Commissioner, and Gary Edwards, Thurston County Commissioner, county alternates, to the Director of the Washington State Environmental and Land Use Hearings Office (ELUHO), Washington State Shorelines Hearings Board. The motion unanimously passed.

Resolution #2021-23: Wes McCart made a motion, seconded by Jamie Stephens, to approve **Resolution #2021-23** and nominate Rob Jones, Grant County Commissioner, to the Snowmobile Advisory Committee. Motion passed.

Resolution #2021-24: A motion was made by Rob Gelder, seconded by Wes McCart to approve **Resolution #2021-24** and nominate to the Governor's Office Julie Olson, Clark County Councilor, to the Forensic Investigations Council. The motion unanimously passed.

Resolution #2021-25: Chris Branch made a motion, seconded by Scott Hutsell, to approve **Resolution #2021-25** to transmit Greg Brotherton, Jefferson County Commissioner's name, to the Governor's Office to fill the vacancy on the House Finance Commission. The motion passed.

Resolution #2021-26: Mary Kuney made a motion that Rob Gelder seconded to approve **Resolution #2021-26** to nominate Jani Hitchen, Pierce County Councilmember to the President of the Senate and the Speaker of the House Representative, to the Task Force for Missing and Murdered Indigenous Women and People (MMIWP). Motion unanimously passed.

Resolution #2021-27: A motion was made by Jamie Stephens, seconded by Wes McCart, to approve **Resolution #2021-27** nominate Peter Browning, Skagit County Commissioner, to fill the vacancy on the E-911 Advisory Committee – Alternate. The motion passed.

Resolution #2021-28: David Sauter made a motion, seconded by Scott Hutsell, to approve **Resolution #2021-28** to transmit the nominee's name, Chris Branch, to the Public Health Advisory Board – Eastern Washington County to the Washington State Secretary of Health. The motion passed.

Reports

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

Closing

Next Meeting: The next meeting of the Board of Directors will be on Tuesday, November 16, 2021

Adjourn: There being no further business, President Michael Largent adjourned the meeting at noon.

Respectfully submitted:

Michael Largent, WSAC President

Mary Kuney, WSAC Second Vice President

Washington State Association of Counties
MINUTES OF MEETING OF THE BOARD OF DIRECTORS

October 8, 2021

Opening

The Board of Directors special meeting of the Washington State Association of Counties (WSAC) was held on Friday, October 8, 2021, starting at approximately 3:30 p.m., conducted via Zoom. All directors and alternates were appropriately notified of the meeting, according to the Association Bylaws.

Board members present: President Michael Largent, 2nd Vice President Mary Kuney, Immediate Past President Robert Gelder, Past President Scott Hutsell, Past President David Sauter, Chris Branch, Megan Dunn, Al French, LaDon Linde, Wes McCart, Will McKay, Ryan Mello, Nate Nehring, Mark Ozias, Eileen Quiring O'Brien, Vickie Raines, Janet St. Clair, and Dennis Weber. A quorum was present.

Staff and others present: Eric Johnson, Mellani McAleenan, Bridget Lockling, Lynn Fiorillo-Lowe, Paul Jewell, Mitch Netzer, and Axel Swanson.

Other Attendee: David Hackett, King County Senior Deputy Prosecutor.

Call to Order and Approval of Agenda: The meeting was called to order at 3:35 p.m. It was moved by Dennis Weber, seconded by Chris Branch, to approve the agenda as proposed. The motion passed.

Executive Session to Consider Pending and Potential Litigation

The Board announced an **EXECUTIVE SESSION**, in compliance with RCW 42.30. 110(1)(i), to discuss current and potential litigation at 3:37 p.m. for thirty minutes. King County Senior Deputy Prosecutor David Hackett provided a briefing on the potential declaratory judgment action against the State regarding the State's responsibility for legal, financial obligations under the **Blake** decision. Executive Session ended at 4:07 p.m.

Following the Executive Session, Al French made a motion for WSAC to join the lawsuit, Janet St. Clair seconded, unanimously passed.

A second motion was made by LaDon Linde, seconded by David Sauter, to approve the Blake dues assessment for joining the lawsuit. Motion passed unanimously.

Closing

Adjourn: There being no further business, President Michael Largent adjourned the meeting at 4:17 p.m.

Respectfully submitted:

Michael Largent, WSAC President

Mary Kuney, WSAC Second Vice President

November 16, 2021



BUSINESS ACTION AND REPORTS

ACTIVE LITIGATION

Unfunded Mandate – WSAC, Snohomish County, Kittitas County, Whitman County v. the State of Washington

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

- Legal action authorized by WSAC Board of Directors, November 13, 2018.
- Regular and ongoing briefings with the Washington State Association of County Auditors (WSACA), Washington Association of County Officials, and Washington Association of Prosecuting Attorneys (WAPA) on potential and pending litigation.
- Gary Rowe (WSAC Contractor) worked with County Auditors/Election Managers from all 39 counties regarding Ballot Drop Box installation costs, operation costs, claims filed. Cross-checked with data from the Secretary of State's Office.
- February 2019. Facilitated meeting with WSAC and WSACA leadership to discuss pending litigation. Briefed WSACA members during the 2019 session.
- WSAC Board/LSC briefed on May 8, 2019, regarding litigation options.
- Updated WSACA on June 10, 2019. October 2, 2019.
- Briefed WAPA on June 19, 2019. October 2, 2019. December 12, 2019. April 21, 2020. October 5, 2020.
- Complaint reviewed by selected County Auditors and Prosecuting Attorneys for feedback and comment
- Snohomish County, Whitman County, Kittitas County joined WSAC as co-plaintiffs.
- Highlighted claims made by other counties for unfunded mandate/ballot drop box expenses and denied by the State. Association will attempt to secure payment on behalf of those counties through standing in the case.
- Complaint filed in King County Superior Court on December 11, 2019.
- Media press release. Minimal coverage - <https://www.heraldnet.com/news/county-sues-state-to-recoup-costs-of-new-ballot-drop-boxes/>
- State response received.
- Counsel and State are communicating on response, briefing schedule, discovery requirements, association standing, etc.
- Updated WACO Board of Trustees, March 5, 2020.
- Working on Schedule for Discovery/Trial – WSAC and State confirm financial/budget/expenditure information.
- Data gathering/fact-checking on County costs and claims information and data.
- Determining the effect of HB 2421 - Concerning state reimbursement of election costs on the case. This will likely be the subject of the first court hearing.
- WSAC (Pacifica) submitted on August 14, Motion for Partial Summary Judgment, declarations, and other materials.
- Pacifica is updating claims and expenditures on Ballot Drop Box Installation and Operating Costs required by HB2421.
- King County Superior Court Judge Nelson K. H. Lee heard oral arguments on October 2, 2020.
- On October 14, 2020, Judge Lee ruled in a Partial Summary Judgment that SB 5472, which mandated County Auditors to significantly increase the number of ballot drop boxes statewide at an estimated capital cost of over one million dollars plus yearly operating and maintenance costs, **"is an unfunded mandate pursuant to RCW 43.135.060."**
- <https://www.seattletimes.com/opinion/editorials/ballot-drop-box-ruling-shows-legislature-must-accept-fiscal-reality/>
- <https://www.heraldnet.com/news/state-demanded-more-drop-boxes-and-now-it-must-pay-for-them/>

- Case schedule amended for remaining issues to be settled in King County Superior Court on April 19, 2021.
- The State sought discovery. Co-Plaintiff counties and counties who submitted claims included in our litigation are having to produce information and provide responses.
- WSAC is reminding other counties to continue to submit claims for ballot box installation and operations to the State.
- State appealed Summary Judgement directly to the State Supreme Court. WSAC's brief opposed proceeding to the State Supreme Court but articulated the issues to consider if the Court accepted.
- On January 29, 2021, the Washington State Supreme Court granted the State's motion for discretionary review and retained the case for a decision on the merits.
- The State sought a brief delay in the court schedule, with Supreme Court oral arguments now set for November 16, 2021.

AUTHORIZED LITIGATION

Indigent Defense

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

- Pacifica Law Group conducted research and analysis regarding potential and likely claims – statutory and constitutional.
- WSAC filed Amicus Brief on a case that asks if the State of Washington or the Washington State Office of Public Defense has an actionable duty to cure claimed systemic and significant deficiencies in a county's provision of indigent defense services to juveniles charged with criminal offenses. (Davison v. State of Washington and Washington State Office of Public Defense Supreme Court, No. 96766-1)
 - In 2017, plaintiff, supported by the ACLU, sued the State alleging that Grays Harbor County systemically failed to provide constitutionally adequate indigent juvenile defense. Grays Harbor County was not named as a party to the suit. Davison asked the Thurston County Superior Court to declare that the State and OPD have a duty to act when they become aware of a systemic failure by a county to provide constitutionally adequate indigent juvenile defense.
 - The trial court ruled that the State has a duty to act if it knows of a county's systemic failure to provide constitutionally adequate indigent juvenile defense, without regard to whether the County could more appropriately remedy the problem itself.
 - The State filed a motion for direct review to the Supreme Court on January 28, 2019, and the Court accepted review.
 - Formal request by the Grays Harbor Board of County Commissioners for WSAC to submit an Amicus Curiae Brief.
 - The WSAC Executive Committee approved amicus involvement on April 7, 2019.
 - The Pacific Law Group, on behalf of WSAC, submitted Amicus Curiae Brief on September 27, 2019:
 - State of Washington has an *Affirmative Constitutional Duty* to assure adequacy of Indigent Defense.
 - Who (State or County) has the responsibility to fund indigent defense is not properly before the court and should not be ruled upon.
 - Oral arguments occurred November 12, 2019 before the Washington State Supreme Court.
 - Supreme Court Ruling 6/25/20 - <https://www.courts.wa.gov/opinions/pdf/967661.pdf>
 - Washington Supreme Court confirmed that ultimately the State bears the duty to provide indigent defense services as required under the U.S. and Washington Constitutions. While the State has discretion to delegate to local governments responsibility for providing these services, *in so doing the State must provide local governments with the authority and means necessary to furnish constitutionally adequate indigent defense*. The Court remanded for consideration of whether the systemic and structural deficiencies in the current state system, as alleged by the plaintiffs and described in WSAC's amicus brief, violate the State's constitutional duties.
 - Plaintiff sought Supreme Court Re-Consideration.
 - WSAC prepared Amicus Brief to support Re-Consideration.
 - Supreme Court asked the State to respond for the request for re-consideration (9/1/2020).
 - Supreme Court denied re-consideration on 10/20/2020.
- Reviewing potential concurrent or subsequent legal actions.
- WSAC initiated work on data gathering associated with indigent defense and county expenditures, systems of delivery, county revenues and expenditures, etc.
- WSAC staff will reach out to secure points of contact for each County regarding this potential litigation as necessary.
- WSAC staff established data/information steering committee with county budget and policy staff.
- WSAC contractor established indigent defense data set and dashboard for Counsel to refer to.
- WSAC exploring/identify potential co-plaintiffs as part of potential litigation including individual counties.
- WSAC Counsel working on indigent defense complaint.
- WSAC doing political and environmental scan on filing complaint – and timing.
- WSAC will need to consider intervening in Davison v. State of Washington and Washington State

Litigation Update, November 2021

Office of Public Defense Supreme Court, No. 96766-1 on remand in Thurston County Superior Court should it proceed.

- WSAC Legal Committee and Legislative Steering Committee both recommend the following to the WSAC Board of Directors:
 - There are merits and reasonable grounds to support a legal challenge to require the State to fully fund constitutionally required trial court indigent defense services; and
 - The WSAC Legislative Steering Committee and the Board of Directors should consider, respectively, recommending and authorizing a legal challenge to require the State to fully fund constitutionally required trial court indigent defense services.
- On May 5, 2021, the WSAC Board of Directors authorized a legal challenge to require the State to fully fund constitutionally required trial court indigent defense services.
- WSAC and Pacifica Law Group are identifying and meeting with potential Co-Plaintiffs (Individual Counties, Groups, Organizations, Associations, Individuals)
- Updating data and information.
- WSAC is working with an expert on public defense to assist in providing context to the lawsuit from a state and national perspective.
- Identifying potential "budget" coordinator to aid in the litigation.

Blake Decision

On October 3, 2021, WSAC formally joined 21 Counties as a co-plaintiff against the State to establish that the State is solely responsible for all costs associated with the Blake Decision, including the cost of vacations, re-sentencings, and for all Legal Financial Obligation LFO refunds. The desired outcome is a declaration from the court that the State is required to indemnify counties for all Blake expenses, including all LFO refunds and the administrative costs to implement this Washington State Supreme Court decision (judicial, clerk, prosecutor, public defense, administration and operations) that counties will incur in implementing the Blake Decision.

CLOSED LITIGATION

Spokane County - Spokane County, et al v. State of Washington 19-2-00934-32

This case challenged the constitutionality of Senate House Bill 2887 (2018) requiring Spokane County to elect a five member, by district, Board of County Commissioners. WSAC alleged that this legislation violated the uniformity clause 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 were 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 response to complaint submitted March 11.

Litigation Update, November 2021

- 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 Board of Directors authorized direct appeal to the Washington Supreme Court, September 20, 2019.
- Spokane County, WSAC and Co-Plaintiffs filed Notice of Appeal to the Washington Supreme Court on September 26, 2019.
- State concurred with direct appeal to the Supreme Court.
- Counsel submitted Spokane/WSAC's brief to the Supreme Court.
- Washington State Supreme Court accepted case on direct appeal.
- Oral Arguments occurred on June 25:
 - <https://www.tvw.org/watch/?clientID=9375922947&eventID=2020061173&startStreamAt=38>
- On August 20, 2020, the Washington Supreme Court ruled that:
 - "We hold that SHB 2887 is constitutional under article XI, sections 4 and 5. Under article XI, section 4, SHB 2887 properly sets forth a "uniform system" such that any noncharter county that exceeds 400,000 people in population will be subjected to SHB 2887's requirements. Further, under article XI, section 5, the legislature may classify counties by population for any purpose that does not violate other constitutional provisions, and SHB 2887 is a general law that properly implements district-only elections for noncharter counties of a certain size."

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, 2019 – WSAC Legal Committee reviewed the Pacifica Law Group legal analysis and agreed to reach out to Skagit County Prosecuting Attorney Rich Wyrich asking him to seek a new AGO on the issue.
- Both San Juan County Prosecuting Attorney Randy Gaylord and Whatcom County Prosecuting Attorney Eric Richey sought an AGO in April 2019.
- AGO accepted Prosecutor Richey's request - <https://www.atg.wa.gov/pending-attorney-generals-opinions#richey>.
- Pacifica updated original analysis and provided to the Office of the Attorney General on behalf of WSAC.
- AGO issued an opinion consistent with WSAC position - <https://wsac.org/ago-rules-on-county-appointment-procedures/>

Washington State Auditor's Office - .09 Rural Economic Development Uses

RCW 82.14.370 authorizes "rural" counties to impose a sales and use tax up to 0.09 percent for specific purposes, provided certain statutory criteria. WSAC (Pacifica) prepared an opinion on behalf of Benton County, Washington State Association of Counties, and Washington Public Ports Association (WPPA), to address concerns raised by the State Auditor's Office (SAO) regarding county distribution of revenues received under RCW 82.14.370 directly to port districts to (1) finance certain port facilities and/or (2) finance certain port district personnel.

The SAO believes counties may be barred from distributing revenues collected under RCW 82.14.370 directly to port districts for qualifying projects. Specifically, the SAO contends:

Under RCW 82.14.370 Counties can use these monies to finance public facilities serving economic development purposes however we don't see where transferring the money directly to the ports is an allowable use. Ports do not have the authority to collect these types of tax revenues and therefore are unable to receive the funds directly; however the County is able to finance the projects as described in the RCW.

WSAC put forth a legal analysis based on the plain language of the statute, its legislative history, Attorney General Opinions, prior SAO treatment of direct funding schemes under the statute, and actual county practice -- direct county distribution to port districts for port facilities and personnel that otherwise meet the statutory criteria for funding is permissible under RCW 82.14.370.



AMICUS UPDATE – Cases pending or decided in 2020-2021 November 10, 2021

CASES PENDING

1) Conservation Northwest v. Commissioner Franz

- Supreme Court, No. 99183-9

Issue

Conservation Northwest is seeking a decision from the Washington Supreme Court that would require Washington's federally granted lands to be managed for the public as a whole, rather than for the designated beneficiaries, including common schools, universities, and other state institutions identified in Washington's Enabling Act. The lawsuit also threatens RCW 79.22.010 and .040, which create the "county trust lands" and revenue derived from there, which is then distributed to junior taxing districts under RCW 79.64.110.

Background

A coalition of conservation organizations and individuals, led by Conservation Northwest, filed litigation challenging the Board of Natural Resources' Resolutions 1559 and 1560, the December 2019 decisions adopting the long-term conservation strategy for the marbled murrelet (amending the State Upland's 1997 Habitat Conservation Plan and Endangered Species Act Incidental Take Permit), and setting the 2015-2024 sustainable harvest calculation. The primary focus of this litigation is a challenge to the State's "trust mandate" for the management of its federally granted lands.

Status

Conservation Northwest filed its litigation in January 2020, and its claims were dismissed by Thurston County Superior Court in October 2020. A coalition of trust beneficiaries and advocacy groups intervened and are parties to the litigation. The intervenors include five counties, seven taxing districts, the American Forest Resource Council, and the City of Forks. The Washington Supreme Court granted direct review of the trial court's decision to dismiss the challenge, and oral arguments were on October 21, 2021.

Counsel

Zach Pekelis Jones and Paul Lawrence, Pacifica Law Group

2) Rasmussen v. Dashiell

- Div. III, Court of Appeals, No. 37812-8-III

Issue

Stevens County requested amicus support on the following questions: (1) whether a cause of action exists to hold a county commissioner individually liable on his/her bond for funding decisions made by the larger Board of Commissioners, and (2) whether the doctrine of immunity protects a commissioner from such claims.

Background

On March 21, 2019, Stevens County Prosecutor Rasmussen filed suit against the Stevens County Commissioners, alleging they had made unconstitutional gifts of public funds for expenditures of homelessness funds. The trial court ruled orally on summary judgment in favor of the prosecutor that there was strict accountability for the county commissioners and that they were liable on their bond.

Status

The commissioners appealed on October 21, 2020. The court set an oral argument for December 6, 2021, but the respondent requested an extension of time.

Counsel

Paul Lawrence, Pacifica Law Group

CASES DECIDED

3) Fite v. City of Puyallup and Mudd

- Div. II, Court of Appeals, No. 54325-7-II

Issue

Did the trial court err in giving a jury instruction stating, “Whether a roadway or crosswalk is reasonably safe for ordinary travel must be determined based on the totality of the circumstances. A roadway or crosswalk can be unsafe for ordinary travel even when there is no violation of statutes, regulations, or guidelines concerning roadways and crosswalks.” because the two sentences appear to be contradictory and misstate the law in favor of one party?

Background

An allegedly intoxicated skateboarder and a pickup truck collided in a marked crosswalk in the City of Puyallup. The crosswalk complied with national, state, and city road-design standards. The jury awarded the skateboarder \$6.5 million. The City appealed, citing the jury instruction and excluding evidence of the skateboarder’s intoxication and eyewitness evidence under a ruling that the skateboarder did not need to look both ways before entering the intersection.

There is an unacceptable trend that municipalities are in effect becoming insurers of persons using crosswalks. Jury awards and settlements are becoming a huge tax on crosswalks paid with public funds despite driver and pedestrian fault. The Court of Appeals should reinstate the standard that municipalities and users of crosswalks have a duty to exercise ordinary care.

Status

WSAC’s amicus brief was due on October 26, 2020. The court heard an oral argument on May 11, 2021.

- On November 9, 2021, the Court of Appeals ruled in favor of the City of Puyallup, reversed the trial court, and remanded the case back for a new trial in line with the ruling. Specifically, the court ruled that Puyallup should have been allowed to present the affirmative defense of evidence of Fite’s intoxication, and the trial court erred by submitting the jury instruction that overemphasized Fite’s theory of the case by omitting language regarding compliance with statutes and regulations being evidence of the city meeting its duty of care.

Counsel

Jacquelyn M. Aufderheide, Kitsap County Chief Civil Deputy Prosecuting Attorney
Elizabeth Doran, Kitsap County Senior Deputy Prosecuting Attorney

4) Butts v. Constantine

- Supreme Court, No. 98985-1

Issue

Did the trial court err in finding a provision of the King County charter that allocates residual and implied powers in the executive unconstitutional because they were not explicitly granted by the council to the executive? Did the trial court err in ruling that county inquests cannot exceed the scope of the 1854 Coroner’s Statue, RCW 36.24, despite a charter county’s ability to utilize inquest procedures that exceed the state process?

Background

Petitions for extraordinary writs (mandamus/prohibition/review) and petitions for declaratory and injunctive relief were filed by several parties in Superior Court contesting the King County Executive’s executive orders

on inquests which were substantially re-vamped beginning in late 2018. The change in the policy was a response to growing community concern that the inquest process was a rubber stamp for police use of force. Families of 3 decedents killed by law enforcement officers argued that the policy changes didn't go far enough, and cities and individual police officers (police parties) argued that the policy changes went too far.

The Supreme Court's decision, in this case, will determine the ability of counties to adopt home rule charter provisions that establish a strong executive form of government. If such charter provisions are precluded under the Washington Constitution, a common government structure open to charter cities (*i.e.*, a strong mayor-type government) would no longer be possible for home rule county governments. Whereas charter counties may currently rely on implied executive authority to execute the laws, the Superior Court's notion that laws must be "specific, not general" in specifying executive authority would require extremely long ordinances to detail each power an executive could exercise in carrying out each particular law. For charter counties with a strong executive form of government, this case will resolve what amounts to a constitutional crisis over the proper scope of county executive authority.

Status

The Supreme Court accepted King County's request for direct review. Amicus briefs were due the first week of December, and oral arguments were heard on January 19, 2021.

- On July 15, 2021, The Supreme Court "reaffirm[ed]" the executive's "authority" to "issue executive orders establishing policies and procedures for coroner's inquests as necessary to fill 'gaps in the [Coroner's Act],' so long as those orders 'do not create any direct conflict' with the Coroner's Act." In holding that the executive had the authority to act, the Court necessarily rejected the trial court's conclusion that the executive did not have that authority. Nevertheless, the Court stated in a footnote that the Court "need not—and therefore do not—address these broad constitutional questions in resolving the issues before us today." The Court did what WSAC needed it to do: it vacated the trial court's erroneous decision. It did not make any constitutional pronouncements about a county's citizenry's ability to vest all executive power in an executive.

Counsel

Tim Leyh, Tyler Farmer, Randall Thomsen, Kristin Ballinger, and Caitlin Pratt of Harrigan, Leyh, Farmer, and Thomsen

5) Mancini v. City of Tacoma, et al.

- Supreme Court, No. 97583-3

Issue

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

Background

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

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

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

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

Status

The petitioner sought a 30-day extension for the supplemental briefs, which the Court granted, so the parties' supplemental briefs were due February 3, 2020. WSAC filed a joint brief with the Washington Association of Sheriffs and Police Chiefs, filed the brief on March 27, 2020. The Supreme Court heard oral arguments on May 5, 2020.

- On January 28, 2021, the Supreme Court reversed the Court of Appeals and reinstated the jury's verdict, stating, "the Washington State Legislature has enacted a broad waiver of sovereign immunity. Consistent with that waiver, we hold that the standard tort duty of reasonable care applies with full force to police executing a search warrant." The Court did not reach the question regarding whether police may be separately liable for the tort of "negligent investigation."

Counsel

DPA Doug Mitchell of Kittitas County
DPA Dan Hamilton of Pierce County

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, which communicated with the affected employees. The Teamsters filed a preemptive grievance, which was withdrawn, and not until members timely challenged the occurrence or amounts of the overpayments.

Instead of litigation to recover the undisputed debt owed the county, and according 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 they should not have dealt directly with represented employees and should have provided 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 the county committed 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 to review PERC's administrative decision in superior court, which affirmed the decision.

Status

Appellant, Benton County, filed their initial brief on December 13, 2019. WSAC joined with the Washington State Association of Municipal Attorneys in filing an amicus brief. The Court of Appeals' arguments were set for September 18, 2020, but were rescheduled.

- On November 12, 2020, Division III of the Court of Appeals ruled, with all three judges concurring, against Benton County and in favor of the Teamsters. The court held that recovery of overpaid wages from a union member's future paychecks or accrued leave is a mandatory subject of bargaining.

Counsel

DPA Christopher Horner of Kittitas County for WSAC
Charlotte Archer of Inslee Best for WSAMA

7) Davison v. State of Washington and Washington State Office of Public Defense

- Supreme Court, No. 96766-1

Issue

Does the State of Washington or the Washington State Office of Public Defense have 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, the plaintiff, supported by the ACLU, sued the state, alleging Grays Harbor County systemically failed to provide a 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 the state and OPD have a duty to act when they become aware of a systemic failure by a county to provide a 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. Pacifica Law Group submitted a brief for WSAC at the end of September. The Court heard oral arguments on November 12, 2019.

- As WSAC argued in its amicus brief, the Washington Supreme Court confirmed that, ultimately, the State bears the duty to provide indigent defense services as required under the U.S. and Washington Constitutions. While the State has the discretion to delegate to local governments responsible for providing these services, in so doing, the State must provide local governments with the authority and means necessary to furnish constitutionally adequate indigent defense. The Court remanded for consideration of whether the systemic and structural deficiencies in the current state system, as alleged by the plaintiffs and described in WSAC's amicus brief, violate the State's constitutional duties.
- The plaintiffs filed a motion for reconsideration to the Supreme Court in July, and WSAC filed an amicus brief supporting the review. The Court denied the motion for reconsideration.

Counsel

Pacifica Law Group

8) Colvin v. Inslee

- Supreme Court, No. 98317-8

Issue

May the Supreme Court compel the state executive branch – specifically the Governor and secretary of the Department of Corrections (DOC) – to release prison inmates immediately to reduce the spread of COVID-19?

Background

Columbia Legal Services and the American Civil Liberties Union filed a Petition for a Writ of Mandamus with the state Supreme Court, later seeking an amendment to include Habeas Corpus and/or Personal Restraint Petition, on behalf of five named inmates and all similarly situated inmates - approximately 11,700 persons - seeking their release from state custody due to the global pandemic, without regard to the risk of dangerousness, victims' rights, or supervision requirements.

The petitioners initially filed in late March, seeking an emergency motion to accelerate review, the appointment of a special master, and immediate relief on April 9. After the reply brief was submitted on April 10, the Court directed the Governor and Secretary Sinclair to immediately take all necessary steps to protect the health and safety of the named petitioners and all DOC inmates and report to the Court on April 13 an update required on April 17. On April 10, Governor Inslee and Secretary Sinclair submitted to the Court a plan to release up to 950 inmates, considering the crimes for which they were convicted, scheduled release dates, and approved release plans.

The April 10 order did not appoint a special master; however, three of the justices dissented, stating they would have ruled to release the named petitioners immediately.

Status

Deputy prosecuting attorneys for Skagit and Kitsap Counties volunteered to draft an amicus brief on WSAC opposing the release due to fiscal and health-related concerns. WASPC is also submitting an amicus brief, as is WAPA – with each brief focused on specific matters. The briefs are due April 16, 2020.

- The Court heard oral argument via videoconference on the morning of April 23, 2020. Respondent's counsel referenced WSAC's amicus brief in his argument. On the afternoon of April 23, the Court ruled, in a 5-4 oral decision, against the petitioners on both counts. The Court released the written decision in July.

Counsel

Haley W. Sebens, Skagit County Senior Deputy Prosecuting Attorney

Nathaniel Block, Skagit County Deputy Prosecuting Attorney

Jacquelyn M. Aufderheide, Kitsap County Chief Civil Deputy Prosecuting Attorney

9) Kittitas County v. WA State Department of Transportation

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

Issue

Must the state Department of Transportation 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.

Kittitas County appealed the case to the Court of Appeals and 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. The court heard oral argument on October 24, 2019.

- On April 21, 2020, the Court of Appeals held that a weed assessment is a special assessment, and the County lacks the explicit authority to impose the weed assessments against the Department and affirmed the ruling of the trial court.

Counsel

Pacifica Law Group

10) 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, create 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 the 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 various 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 it was not necessary to issue a public notice.

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 sued his treating physician, Swedish Health Services, and King County for negligence and wrongful death. The estate claims 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. Instead, “conditionally” granted 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 was set for oral argument on November 12, 2019. Having not found a volunteer DPA to draft this brief, WSAC general counsel submitted a brief for WSAC on September 27, 2019. Oral argument was heard on November 12, 2019.

- On April 2, 2020, the Court ruled King County owed no individual tort duty to Ehrhart and remanded the case back to the trial court to enter summary judgment in favor of King County on its affirmative defense asserting the public duty doctrine.

Counsel

Mellani McAleenan

11) Tulalip Tribes v. Smith

- US Court of Appeals, 9th 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 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—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 argued 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 the plaintiffs did not state a viable claim of relief under the Indian Commerce Clause. The district court then concluded 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 the taxes do not infringe on Tulalip's tribal sovereignty.

Both the Tribes and the United States appealed to the 9th Circuit Court of Appeals. Briefs were drafted, and settlement negotiations ensued.

Status

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

- Settlement negotiations proved to be successful, and the parties entered into a Memorandum of Understanding, which was finalized by SHB 2803, which allows the Governor to enter into the compact.

Counsel

WSAMA, but no brief was filed due to settlement

12) 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

May a court compel a board of county commissioners to fund expenditures absent clear, cogent, and convincing evidence those expenditures are necessary to hold court, conduct the administration of justice efficiently, or fulfill the court's 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.

Kittitas County Superior Court Judge Scott Sparks heard the case. The court scheduled the plaintiff's motion for summary judgment seeking a writ of mandamus 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.

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

Status

On July 26, 2019, Chief Civil Deputy Aufderheide submitted a new amicus brief similar to the one filed with the trial court, except 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, which may be affected when judges demand extra-budget expenditures for judicial projects. The Supreme Court heard oral arguments on November 12, 2019.

- On March 19, 2020, the Supreme Court held the Franklin County Superior Court abused its authority in using rule-making to resolve a dispute in the court's favor with another elected official. Instead, the superior court should have sought a declaratory judgment ruling so a neutral arbitrator could decide the dispute.

Counsel

Jacquelyn M. Aufderheide, Kitsap County Chief Civil Deputy Prosecuting Attorney

13) 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 according to state law. The plaintiffs are hourly wage earners whose employers do not pay for jury service. They filed a claim in Pierce County Superior Court claiming 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 based on economic status. They 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. The plaintiffs sought direct review and were denied. The Court of Appeals affirmed the grant of summary judgment in favor of King County by a vote of 2-1, holding (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

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

- The Supreme Court ruled on April 9, 2020, that jurors are not employees entitled to the minimum wage under the Minimum Wage Act because no employer-employee relationships exist statutorily under RCW 49.46.010(3)(d) or otherwise. The Court stated the solution for low juror pay rests with the legislature, not the courts.

Counsel

Pam Loginsky, Washington Association of Prosecuting Attorneys

November 16, 2021

TO: WSAC Board of Directors

FROM: Eric Johnson, Executive Director

SUBJECT: Proposed 2022 WSAC Board of Directors Meeting Schedule

BACKGROUND

The Washington State Association of Counties Board of Directors historically schedules four Regular Meetings per year:

- One during the legislative session in conjunction with a Legislative Steering Committee Meeting
- One in the spring in conjunction with Legislative Steering Committee or Board of Director's biennial planning session
- One in the fall to review and approve the proposed annual operations and special fund budgets
- One in November in conjunction with WSAC Annual County Leaders Conference.

The WSAC Bylaws provide the following guidance on meetings of the Board of Directors:

3.7 Meetings

Meetings of the Board shall be open to all members of the Association, except for personnel matters or consideration of an emergency, which requires otherwise.

3.7.1 Regular Meetings

By resolution, the Board may specify the date, time, and place for the holding of regular meetings without other notice than such resolution.

3.7.2 Special Meetings

Special meetings of the Board or any committee designated and appointed by the Board may be called by or at the written request of the President or two-thirds of the Directors in office, or, in the case of a committee meeting, by the chairperson of the committee. The person or persons authorized to call special meetings may fix any place as the place for holding any special Board or committee meeting called by them.

RECOMMENDATION

1. The February 2022 WSAC Board of Directors meeting shall be conducted in person with a Zoom option unless otherwise directed by the WSAC Executive Committee.
2. The May 2022 WSAC Board of Directors meeting shall be conducted in person with a Zoom option unless otherwise directed by the WSAC Executive Committee. A Legislative Steering Committee Planning meeting will be held in conjunction with this meeting.
3. The September 2022 WSAC Board of Directors meeting will be conducted in person with a Zoom option unless otherwise directed by the WSAC Executive Committee to review and recommend the 2023 Budget and Dues Assessments.
4. The November 2022 WSAC Board of Directors meeting will be held in conjunction with the WSAC Annual County Leaders Conference in King County.

The following dates are recommended for 2022 Regular Meetings of the WSAC Board of Directors:

Date	Day	Tentative Time(s)	Location
February 2, 2022	Wednesday	1:00 p.m. – 5:00 p.m.	In-person with Zoom option Washington Counties Building Thurston County Olympia, Washington
May 11, 2022 LSC Planning Meeting May 12, 2022 May 13, 2022	Wednesday Thursday Friday	5:00 p.m. – 8:00 p.m. 9:00 a.m. – 5:00 p.m. 8:00 a.m. – noon	TENTATIVE: Alderbrook Inn Mason County Union, Washington
September 22, 2022	Thursday	8:30 a.m. – noon	TENTATIVE: Hal Holmes Center Kittitas County Ellensburg, Washington
November 15, 2022	Tuesday	Noon – 3:00 p.m.	In-person with Zoom option WSAC Annual County Leaders Conference Hyatt Regency Lake Washington at Seattle's Southport King County Renton, Washington

In advance of our Board meeting on **Tuesday, November 16, 2021**, please check your calendars, other organizational events and activities to ensure we have avoided potential conflicts

Approve the attached Resolution to establish the 2022 WSAC Board of Directors Regular Meeting Schedule and distribute and publish the Regular Meeting Schedule to WSAC Members and the public.



Resolution # 2021-29

WHEREAS, the Washington State Association of Counties Board of Directors desires to provide notice to WSAC members and the public of the 2022 Regular Meetings of the Washington State Association of Counties Board of Directors, and

WHEREAS, the WSAC Bylaws permits the Board of Directors to specify the date, time, and place for holding regular meetings, and

WHEREAS, the following dates are proposed for 2022 Regular Meetings of the WSAC Board of Directors:

Date	Day	Tentative Time(s)	Location
February 2, 2022	Wednesday	1:00 p.m. – 5:00 p.m.	In-person with Zoom option Washington Counties Building Thurston County Olympia, Washington
May 11, 2022 LSC Planning Meeting May 12, 2022 May 13, 2022	Wednesday Thursday Friday	5:00 p.m. – 8:00 p.m. 9:00 a.m. – 5:00 p.m. 8:00 a.m. – noon	TENTATIVE: Alderbrook Inn Mason County Union, Washington
September 22, 2022	Thursday	8:30 a.m. – noon	TENTATIVE: Hal Holmes Center Kittitas County Ellensburg, Washington
November 15, 2022	Tuesday	Noon – 3:00 p.m.	In-person with Zoom option WSAC Annual County Leaders Conference Hyatt Regency Lake Washington at Seattle's Southport King County Renton, Washington

NOW THEREFORE BE IT RESOLVED that the WSAC Board of Directors establishes the following 2022 regular meeting schedule as provided for in Article 3.7.1 of the WSAC Bylaws:

Date	Day	Tentative Time(s)	Location
February 2, 2022	Wednesday	1:00 p.m. – 5:00 p.m.	In-person with Zoom option Washington Counties Building Thurston County Olympia, Washington
May 11, 2022 LSC Planning Meeting May 12, 2022 May 13, 2022	Wednesday Thursday Friday	5:00 p.m. – 8:00 p.m. 9:00 a.m. – 5:00 p.m. 8:00 a.m. – noon	TENTATIVE: Alderbrook Inn Mason County Union, Washington
September 22, 2022	Thursday	8:30 a.m. – noon	TENTATIVE: Hal Holmes Center Kittitas County Ellensburg, Washington
November 15, 2022	Tuesday	Noon – 3:00 p.m.	In-person with Zoom option WSAC Annual County Leaders Conference Hyatt Regency Lake Washington at Seattle's Southport King County Renton, Washington

BE IT FURTHER RESOLVED that WSAC staff is directed to publish and advise WSAC members and affiliates of the 2022 Regular Meeting schedule.

Approved by the Board of Directors of the Washington State Association of Counties on November 16, 2021.

Michael Largent, WSAC President

Mary Kuney, WSAC 2nd Vice President



THE COLLECTIVE VOICE OF WASHINGTON'S COUNTIES SINCE 1906

2022-2023 STRATEGIC PLAN

VISION

Healthy, safe, vibrant counties across Washington State.

MISSION

To be a voice for the Washington State's 39 counties through advocacy, education, programs, services, and collaboration.

CORE VALUES

- 1. LEADERSHIP:** We are the go-to organization for counties in Washington State. We seek to boldly represent counties as they build strong communities. We endeavor, whenever possible, to collaborate to advance our mission.

2. **INTEGRITY:** We build and establish strong foundations of trust and credibility in order to work together effectively and be a valued partner for counties.
3. **ETHICS:** We seek to make decisions that show respect for each other and our communities.
4. **TRUST:** We trust each other's good intentions and seek to understand diverse positions in order to support each other.
5. **COLLABORATION:** We strive to strengthen our collective voice by being inclusive of and acknowledging diverse ideas, solutions, viewpoints, interests, and perspectives. When working together to advance our mission, we focus on solutions that strengthen the "whole." We focus on areas where collaboration and concurrence are most possible.
6. **FINANCIAL STABILITY:** We manage the organization responsibly and efficiently. We focus on building the resources needed to fulfill the mission and ensure the value of the organization is sustainable.
7. **VISION:** We keep our vision at the forefront of everything we do to remain proactive in our work. It is paramount that we remember who we serve.
8. **RESPECT:** We work to earn each other's respect and value each other's efforts. We seek to listen, understand, and assume positive intentions.

STRATEGIC FOCUS AREAS

I. INCREASE AND STRENGTHEN MEMBER ENGAGEMENT IN WSAC

GOALS & OBJECTIVES

- A. County officials acknowledge the value of membership in WSAC.
 - 1. Increase the number of counties who have all Commissioners/Councilmembers participating in at least one or more WSAC activities.
 - 2. Increase repeat attendance in activities and events.
- B. New WSAC members are intentionally integrated into WSAC programs, services, committees and activities.
 - 1. 100% Participation in Newly Elected Officials Training.
 - 2. Increase participation in County Development Institute.
 - 3. Increase percentage of new members who continue regular participation with WSAC.
 - 4. Increase new member satisfaction of orientation and inclusion.
- C. WSAC offers substantial opportunities for member networking, relationship building, collaborations, and ongoing learning.
 - 1. Increase numbers/variety of networking and training opportunities.
 - 2. Increase attendance and participation in networking and training opportunities.

STRATEGIES

	<i>Lead</i>	<i>Participants</i>	<i>Timeframe</i>	<i>Details</i>
1. Establish performance metrics for member engagement.	WSAC Staff	WSAC members, affiliates	2022 & biennial review	Define what should be measured Define adaptive management strategies policy/procedure
2. Create tool to systematically measure: <ul style="list-style-type: none"> - member and county participation and engagement. - Member satisfaction in programs and services. 	Eric	Tyler, Mitch	2023	Dashboard to show member activity and participation by county, affiliate group, elected officials, etc.

	<i>Lead</i>	<i>Participants</i>	<i>Timeframe</i>	<i>Details</i>
3. Implement a communication strategy about the value of WSAC's programs and services		Mitch		Create short, easy to understand videos that communicate the value of participation in WSAC.
4. Create additional, ongoing, and intentional virtual and in-person activities and opportunities: <ul style="list-style-type: none"> - Formal/structured and informal/social networking. - Learning opportunities into WSAC's events, programs, and services. 	WSAC Staff	Executive Committee	By fall conferences	<p>Networking ideas: mix-up mealtime groups, have a variety of activities, include ice breakers that help people get to know each other, speed-dating, structure down time at conferences/meetings, assign a small cohort of people to get to know each other, give people a sign to put at their table asking others to join them, include low pressure networking opportunities.</p> <p>Learning ideas: Teach networking skills/tips/hints for people who may be less experienced, training on building local partnerships, industry specific training, renewed focus on specific areas (i.e. water, GMA, etc.) especially for new members and as continuous education, broaden existing trainings to all members (i.e.. CRAB, state audit, etc.), offer CLE's or certified county official program.</p>
5. Evaluate the effectiveness and content of courthouse briefings and determine future implementation methods.	Eric	WSAC Executive Committee	By April 2022	<p>Can virtual be an option at times?</p> <p>Every other year in person?</p> <p>Is content appropriate?</p>
6. Conduct data collection to evaluate barriers and impediments associated with minimal or non-participation or counties and members.				
7. Establish a mentoring and advising program to create bilateral connections between members.	Eric	Executive Committee	March 2022	
8. Consider conducting an annual county lobby day that includes all county officials.	Mellani	LSC Co-Chairs	2023 Legislative Session	
9. Establish path to leadership positions, leadership succession plan, maintain institutional memory.				

	<i>Lead</i>	<i>Participants</i>	<i>Timeframe</i>	<i>Details</i>
10. Review WSAC Boards and Commissions Appointment Process to reflect need to incorporate newly elected officials and address participation of more members, diversity of member nominees and appointments, length of representation, etc.	Eric	Executive Committee		
11. Operationalize Justice, Equity, Diversity and Inclusion Policy	Mellani			

II. INCREASE AND STRENGTHEN WSAC ENGAGEMENT WITH AFFILIATE ORGANIZATIONS AND EXTERNAL PARTNERS

GOALS & OBJECTIVES

- A. There are clear paths of communication and engagement with state agencies.
 - 1. Develop collaboration and cooperation agreements, memorandum of understandings, that reflect the important partnership between county government, the State of Washington, other organizations and associations.
 - 2. Complete and implement the Ruckelshaus Center's County/Health Care Authority Communication Framework
- B. There are strong, supportive connections between and among WSAC members and affiliate organizations.
 - 1. Increase in awareness about the roles of affiliate organizations among WSAC and affiliate members.
 - 2. 100% of affiliate organizations are integrated into WSAC's organizational structure by 2023.
- C. WSAC regularly engages with external partners, groups, and committees to engage in creating a unified voice and developing solutions for shared interests.
 - 1. Identify external partners to develop shared policy agendas with.

STRATEGIES

	<i>Lead</i>	<i>Participants</i>	<i>Timeframe</i>	<i>Details</i>
1. Support and communicate partner positions with WSAC membership regularly.	Mellani Policy Staff			
2. Conduct outreach campaign with affiliates and external partners to invite them to engage with WSAC in creating "one agenda, one	Mellani Policy Staff			

	<i>Lead</i>	<i>Participants</i>	<i>Timeframe</i>	<i>Details</i>
voice” together on agreed upon issues.				
3. Implement quarterly listening sessions with affiliates.	Policy Staff			
4. Create a Board and Commission clearing house for those - WSAC nominates or appoints - with front facing data to show upcoming openings.	Bridget			
5. Establish plan for services to affiliate organizations.	Eric			

III. STRENGTHEN THE FINANCIAL STABILITY AND SUSTAINABILITY OF WSAC

GOALS & OBJECTIVES

- A. WSAC’s financial resources support and align with the advancement of the mission.
 1. 100% of Washington’s counties are “Active Members” as provided for in WSAC Bylaws
 - Pay all Dues
 - Pay all Assessments
- B. WSAC’s administration, programs, and services are supported by a variety of funding sources that reduce dependence on a single source.
 1. Increase the portion of the annual budget made up of non-dues revenue.
 2. Increase the percentage of programs that have more than one fund source.

STRATEGIES

	<i>Lead</i>	<i>Participants</i>	<i>Timeframe</i>	<i>Details</i>
1. Review and revise if necessary WSAC’s current dues structure through a transparent process that fosters and highlights the value provided by WSAC to members.	Executive Committee, officers	Bridget, Eric	August 2023	Research re: other models Run scenarios recommendation
2. Establish a policy on the management of financial reserves.	Bridget	Eric,	Winter 2022	

	<i>Lead</i>	<i>Participants</i>	<i>Timeframe</i>	<i>Details</i>
		Audit, Finance and Investment Committee		
3. Identify potential ala carte/caucus, committee, affiliate initiatives				Example: Marbled Murrelet Study
4. Sell marketable services (i.e. data, research services, regional program coordination)	Eric	Mellani	Fall 2022	Define product Understanding market
5. Conduct succession planning	Eric & Leadership	Board	Summer 2023, getting it started	Defining succession planning
6. Identify and increase resources, grants, and non-governmental funding sources (i.e. grants, etc.)		Budget, policy	Ongoing	- Identify alternative resources to support program initiatives. - Check with other assoc. - Research potential opportunities and sources

IV. BUILD CAPACITY FOR DATA COLLECTION, TRACKING, POLICY AND DATA ANALYSIS, AND SHARING

GOALS & OBJECTIVES

- A. WSAC maintains a foundation of consistent, useful data and measures that help tell the story of Washington's counties and WSAC's efforts in an effective and informative way.
 1. Build capacity to develop data and information to support counties, policy development and analysis, legislative agenda and legal activities.
 2. Measurable progress on advocacy goals can be easily shared and viewed.
 3. Publish research, data and information.

STRATEGIES

	<i>Lead</i>	<i>Participants</i>	<i>Timeframe</i>	<i>Details</i>
1. Identify and prioritize what data to collect based on issues, needs, and narrative we want to tell.	WSAC Staff, LSC, Members	Legislation, members, counties, Board, affiliates, partners	Ongoing	Framework for decision making & prioritization Tools to transform data into support for the story

	<i>Lead</i>	<i>Participants</i>	<i>Timeframe</i>	<i>Details</i>
2. Increase knowledge, information, and outreach about current data related to policy decisions.	WSAC Leadership, Board, LSC	WSAC Staff, Partners	Ongoing, as needed	
3. Implement regular updates and progress reporting with built in feedback loops.	Communications Staff	Other WSAC staff, members	Ongoing	
4. Develop a data profile that highlights the partnership counties have with state and federal agencies.	WSAC Staff	LSC, counties, state agencies, external partners	Ongoing	Coordinated with LSC legislative strategy Where will data reside? How will it be displayed/communicated/etc. Who has permission to use it? Policies development Efficiency
5. Present and communicate data using methods that are user friendly and easily accessible.	Communications Staff	Other WSAC staff, LSC, Board	Ongoing	Create the basic framework & branding Understanding timelines Additional training? Tools? (including for member leads if necessary) Consultants? Communications subcommittee?
6. Invest in data capacity building (staff, technology, etc.)	Eric	Other WSAC Staff	2022, then ongoing	Build a data/research plan that coordinates with communications plan
7. Implement dashboard for legislative bill progress/success scoring.	Mellani and Communications Staff			

V. ENSURE THE EFFECTIVE RETENTION OF CURRENT STAFF EXPERTISE

GOALS & OBJECTIVES

- A. WSAC is considered an employer of choice in Washington State who recruits and retains high quality employees committed to the mission and vision.
1. Staff turnover is less than 10% annually.
 2. Employee satisfaction

STRATEGIES

	<i>Lead</i>	<i>Participants</i>	<i>Timeframe</i>	<i>Details</i>
1. Review, revise, and implement policies to create and maintain a quality, supportive work environment.	Eric	Mellani, Bridget, WSAC staff	By WSAC Executive Committee August Planning Meeting	<p>Present a suite of staff recruitment and retention policies and activities for consideration by the WSAC Executive Committee and Board of Directors:</p> <ul style="list-style-type: none"> - Review existing Retention Policy to assure tools are available to create and maintain quality work environment - Association Employer of Choice <p>COMPENSATION</p> <ul style="list-style-type: none"> - Budget for and Prepare Biennial Compensation Study *Consider Step Increase Plan *Consider Longevity Compensation *Consider mid year 2021 dues increase to provide COLA for staff <p>BENEFITS</p> <ul style="list-style-type: none"> - Increased alternatives, provide flexibility in what options can be chosen - Consider compensation alternatives - Potential alternatives: <ul style="list-style-type: none"> *Sabbatical Policy *Leave policy options - PTO *Education/School Assistance (time or \$) *School Loan Payments *Flexible/remote work *Hiring Bonus

	<i>Lead</i>	<i>Participants</i>	<i>Timeframe</i>	<i>Details</i>
2. Salary Adjustments: Budget a one-time lump sum to align employee compensation with market levels.				
3. Conduct biennial salary/compensation study to stay competitive with the market.				
4. Establish internship program that works with WSAC programs and affiliates.				
5. Restore previous staffing levels.	Eric	Bridget	To WSAC Executive Committee at August Planning Meeting	Staff shall prepare information, alternatives, and recommendation on appropriate staffing resource needs to include restoring the Research Director position
6. Create a directory of staff and program responsibilities	Bridget	Mitch, Tyler	Spring 2022	Create print and online staff directory that provides information to assure member understanding of the program responsibilities of each staff member

November 16, 2021



STAFF REPORTS

November 16, 2021

TO: WSAC Board of Directors and Alternates

FROM: Eric Johnson, Executive Director

SUBJECT: Executive Director Report

WSAC Officers and Board of Directors Election

The 2021-22 WSAC Board of Directors and 2nd Vice President election is open until noon on Thursday, November 18, during the 2021 County Leaders Conference. Eastern Region ballots and Western Region ballots were emailed to our 139 Active Members containing voting information and online ballot instructions.

Results will be announced during the WSAC Annual Membership Meeting, Thursday, November 19, 2020.

Changes – WSAC Members by the Numbers

WSAC is comprised of 135 County Commissioners/Councilors and four County Executives. Several counties had elections this year, and three other counties saw changes in their county legislative authority. This year we acknowledge and thank five county officials that complete their service to their county:

- Cowlitz County Commissioner Joe Gardner (Resigned September 3, 2021)
- Lewis County Commissioner Gary Stamper (Passed away September 19, 2021)
- King County Councilmember Kathy Lambert
- Pend Orielle County Commissioner Mike Manus (Resigned July 15, 2021)
- Whatcom County Councilmember Rud Browne

Activities

In addition to participating and supporting other work outlined in other WSAC division reports, my primary activities have focused on the following since the September WSAC Board of Directors Meeting:

- Member Communication
 - Working on ARPA questions and guidance
 - Webinars/calls for WSAC Members and affiliate groups:
 - WSAC Members – Monday Virtual Assembly
 - Local Public Health - Weekly
 - County Administrators - Every other week
 - County and Regional Planners - Monthly
 - County Engineers/Public Works - Monthly
 - Solid Waste Managers - Monthly
 - Human Services – Monthly
- Technical assistance to county elected officials
- Newly Elected Official MeetUp, September 17
- County/HCA Behavioral Health Communication Framework
- Blake Decision issues and implementation

- Working with Federal Issues and Relations Committee on developing the 2022 Federal Issues Priorities and Policies
- Courthouse Briefings with President Largent
- Preparations for the 2021 County Leaders Conference
- WACO Annual Conference Participation/Presentations
- Preparation for WSAC Special Board Meeting, October 8, 2021
- Preparation for November WSAC Board of Directors Meeting
- Preparation for WSAC Annual General Membership Meeting
- National Council of County Association Executives Annual Meeting
- Preparations for Newly Elected Officials Training
- Continued participation in Foundational Public Health Services Committee
- Partnership Meetings
 - Washington State Auditor's Office
 - Washington Association of Prosecuting Attorneys
 - Association of Washington Cities
 - Washington Association of County Officials
 - Association of Washington Business
 - Washington Department of Fish and Wildlife
 - Washington Public Ports Association
 - Washington Department of Natural Resources
 - Office of the Governor
 - Washington Counties Risk Pool
 - Ruckelshaus Center Advisory Board
 - Washington State Re-Districting Commission
 - Washington State Association of County Auditors
 - Office of Financial Management
 - Administrator of the Courts
 - Board of Judicial Administration
 - Washington State Association of County Engineers
 - Washington State Association of Local Public Health Officials

WSAC Staff

Since 2020, WSAC staff has been working with Amy Leneker, our team coach/facilitator/trainer, to understand better how we can communicate effectively within this virtual work environment and put into action the "5 Behaviors of a Cohesive Team". This has been an important tool to help us stay connected and communicate throughout the pandemic and during this transition to a hybrid de-centralized work environment.

This year, WSAC saw its first staffing transition in two years with the departure of three staff members. We greatly appreciate their service to WSAC members and our affiliates:

- Derek Anderson, Communications and Member Services Director
- Jane Wall, Managing Director, Washington State Association of County Engineer
- Jason Bergquist, Member Services Coordinator

WSAC Staff continues to excel and grow into their roles, with many staff members having to cover for three vacancies as decisions are made regarding organizational structure and budget. We are supported by several excellent contractors that specialize in areas to support our business and organizational goals.

WSAC is in the final recruitment stages for three positions:

- Foundational Public Health Policy Advisor (West)
- Foundational Public Health Policy Advisor (East)
- WSAC Operations Coordinator

Please join me in thanking your WSAC staff and contractors:

Eric Johnson, Executive Director

Administration and Operations

Bridget Lockling, Administration and Operations Director
Lynn Fiorillo-Lowe, Operations, and Support Assistant
Vacant, Operations Coordinator
Mitch Netzer, External Communications Manager
Tyler Melhart, Web/Graphics Design Manager
Melissa Archuleta, Senior Conference Planner

Legislative and Policy

Mellani McAleenan, Director of Government Relations/General Counsel
Juliana Roe, Policy Director
Paul Jewell, Policy Director
Jaime Bodden, Managing Director, Washington State Association of Local Public Health Officials
Axel Swanson, Managing Director, Washington State Association of County Engineers

Contractors

Mike Hoover, Policy Consultant, Legislative Affairs
Brynn Brady, Policy Consultant, Coastal Counties Caucus
Court Stanley, Policy Consultant, Timber Counties, Timber, Fish, and Wildlife Policy
Mark Meleason, Forest and Fish, CMER Representative
Brad Banks, Policy Consultant, Behavioral Health Organizations/Policy
Pacifica Law Group, Outside Legal Counsel
Harrigan Leyh Farmer and Thomsen, Outside Legal Counsel (Blake)
Spry Communication

November 16, 2021

TO: WSAC Board of Directors

FROM: Eric Johnson, Executive Director

PREPARED BY: Bridget Lockling, Business and Financial Services Director

SUBJECT: September 30, 2021 Finance Report

Cash

WSAC ended the third quarter of 2021 with a total cash position of \$1,644,507. Cash reduction is the usual trend as dues are paid the first quarter and the balance is used up throughout the year to pay expenses. The cash position is \$460k more than compared to last year and \$132k more than last quarter. Receivables are down by \$162k and \$424k respectively, so the cash increase is largely due to timing of payments from state contracts and lower expenses.

Liabilities

Total liabilities are highest at the beginning of the year due to booking deferred revenue for annual dues billed in January and not “earned” until the year progresses. September financials reflect 75% earnings of deferred revenue.

Current liabilities are \$600 less than last year and \$411k less than last quarter.

Budget to Actual Activity

The combined All Funds Actual vs. Budget Summary 2021 report shows a positive bottom line, \$309,946. This positive trend will continue as expenses are reduced slightly on travel and significantly from staff vacancies. We developed the budget with much less travel expected but with room for conference attendance if some resumed. Variances highlighted in the financial report include:

- Payroll and Benefits – The YTD difference is mainly due to vacancies of three positions. With one of these vacancies in WSACE, this also affects the Affiliate revenue from this cost-reimbursement contract.
- Meetings & Travel - This item is underspent from activities during the legislative session but higher in other areas due to travel resuming late Spring and Summer.
- Conferences and Events – This is higher year to date because of additional costs for the May BOD meeting from added A/V and tech costs for the hybrid meeting.
- Contract Services – Higher spending in contracts also results in higher revenue earnings. This is primarily due to the Department of Transportation project as subcontractors had higher 2nd quarter spending since it was the end of the biennium contract period.
- General Operating costs are higher from write-offs of underpaid dues in 2021.

2021 Dues

Current tracking information is as follows (updated as of 10/31/21):

Dues

General Dues – 100% collected* (1 county partially collected)

Transportation Dues – 100% collected
Public Lands Dues – 97% collected (1 county remaining)
Human Services Dues – 97% collected (1 county remaining)
Litigation & Communication Dues – 97% collected (1 county remaining)
Solid Waste Dues – 95% collected (2 counties remaining)

Special Assessments

Coastal Counties Special Assessment – 94% collected (1 county remaining)

Staffing Changes

WSAC is currently in the final phases of recruitment for an Operations Coordinator. This position will have some bookkeeping duties focused on accounts payable, accounts receivable, and vendor management. This will help shift work from Bridget and tighten separation of duties.

Cloud-Based Financial Software System

We transitioned the MIP Fund accounting software to the Cloud in September. This transition was smooth, with minimal downtime. Remote access to the accounting program is now much faster and updates are made in real time rather than scheduled with our IT vendor.

2022 Medical Insurance

Insurance premiums for the medical plans that WSAC provides to staff will increase by nearly 10% in 2022. This increase was expected and budgeted. Staff have through November to make any changes during our open enrollment period.

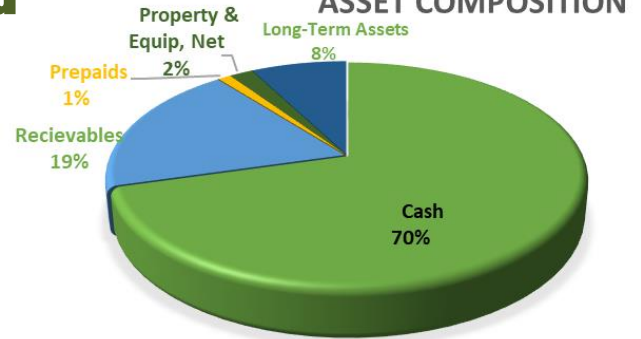
Sept 30, 2021 Financial Dashboard

STATEMENT OF FINANCIAL POSITION

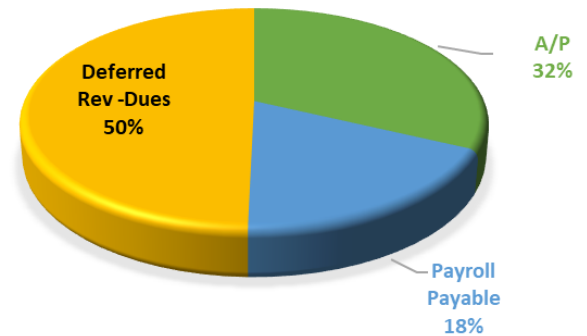
AS OF 9/30/2021

Litigation \$347,109	Litigation \$179,416	Litigation \$167,694
Special \$856,546	Special \$854,675	Special \$1,870
Operating \$1,126,623	Operating \$347,421	Operating \$779,201
Total Assets, \$2,330,278	Net Assets/Equity, \$1,293,300	Total Liabilities, \$1,036,978

ASSET COMPOSITION

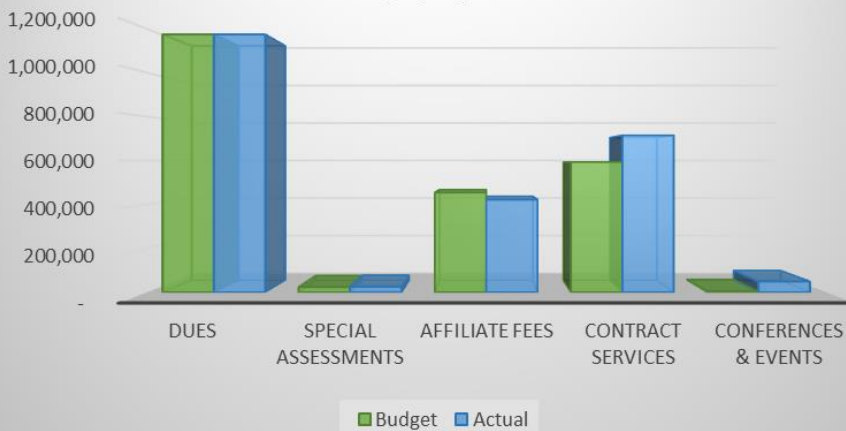


LIABILITIES COMPOSITION



2021 Revenues Budget to Actual

as of 9/30/2021



2021 Operating Fund

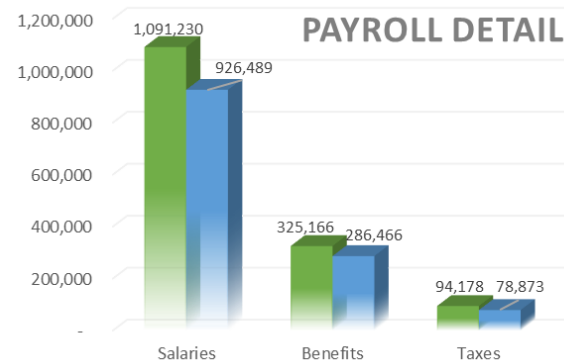
Revenues are 106% of Budgeted YTD
Expenses are less than 96% of Budgeted YTD
Savings highest in salaries and benefits from staff vacancies and one less FTE than budgeted.

2021 Expenses Budget to Actual

as of 9/30/2021



PAYROLL DETAIL



Statement of Financial Position, by Fund
For the Current Ending Period and 3 Years Prior

	Operating Fund	Special Fund	Litigation Fund	Total 9/30/2021	12/31/2020	12/31/2019	12/31/2018
Assets							
Cash & Cash Equivalents	\$ 485,555	\$ 823,546	\$ 335,406	\$ 1,644,507	\$ 661,591	\$ 651,808	\$ 749,560
Receivables & Other Current Assets	403,535	33,000	2,594	439,129	499,586	442,365	645,315
Prepays	15,066	-	9,109	24,175	41,698	36,861	4,973
Property & Equipment, Net	43,591	-	-	43,591	43,669	61,581	81,703
Long-Term and Other Assets							
Counties Building Partnership	178,814	-	-	178,814	172,771	155,142	167,943
NACo RMA LLC Partnership	62	-	-	62	62	62	62
Total Assets	\$ 1,126,623	\$ 856,546	\$ 347,109	\$ 2,330,278	\$ 1,419,376	\$ 1,347,818	\$ 1,649,556
Liabilities & Unrestricted Equity							
Accounts Payable	\$ 229,190	\$ 1,870	\$ 12,594	\$ 243,654	\$ 163,393	\$ 133,611	\$ 397,400
Payroll Payable	135,354	-	55,100	190,454	185,453	154,185	112,704
Deferred Revenues-Dues	414,657	-	100,000	579,034	55,627	72,000	-
Net Assets							
Undesignated	347,421	734,675	97,416	1,179,512	812,903	786,022	937,451
Board Designated	-	120,000	82,000	202,000	202,000	202,000	202,000
Total Net Assets	\$ 347,421	\$ 854,675	\$ 179,416	\$ 1,381,512	\$ 1,014,903	\$ 988,022	\$ 1,139,451
Total Liabilities & Unrestricted Equity	\$ 1,126,623	\$ 856,546	\$ 347,109	\$ 2,330,278	\$ 1,419,376	\$ 1,347,818	\$ 1,649,556

*This financial statement is produced directly from WSAC's MIP Fund Accounting Software through DrillPoint Reports.

Key factors for changes in WSAC's Assets and Equity between 2018 and 2021:

- Litigation Fund - a new fund based on the 2018 budget adopted by the members at the November 2017 General Board Member Meeting.
- Cash –Cash flow is higher in the beginning of the year and is reduced as it is used throughout the year on general expenses. Cash remained stable from previous year as expenditures were lower than anticipated.
- Receivables & Other Current Assets - The receivables in the third quarter are mostly from state contracts.
- Liabilities – Deferred Revenues will decrease throughout the year as Dues are earned quarterly.

Actual vs. Budget in Summary
 For the Current Ending Period and 3 Years Prior

Operating Fund	Total Budget	Budget 9/30/2021	Actual 9/30/21	Variance (unfavorable)	12/31/2020	12/31/2019	12/31/2018
Revenue							
Dues	\$ 1,564,072	\$ 1,173,054	\$ 1,173,054	\$ -	\$ 1,564,077	\$ 1,525,193	\$ 1,491,284
Business Partner Fees	-	-	-	-	-	-	-
Special Assessments	32,500	24,375	26,250	1,875	127,000	35,000	35,000
Affiliate Assessments	605,134	453,851	421,282	(32,569)	601,977	596,107	598,051
Contract Services	744,051	592,955	713,949	120,994	747,908	407,451	632,793
Conferences and Events	25,000	5,000	49,470	44,470	32,000	205,781	136,438
Other Miscellaneous Revenues	-	-	-	-	-	-	4
Total Revenue	\$ 2,970,757	\$ 2,249,235	\$ 2,384,005	\$ 134,770	\$ 3,072,962	\$ 2,769,532	\$ 2,893,570
Operating Expense							
Payroll and Benefits	\$ 1,890,240	\$ 1,398,454	\$ 1,205,153	\$ 193,301	\$ 1,839,677	\$ 1,799,807	\$ 1,500,345
Meetings, Travel and Hosting	87,250	68,961	51,428	17,533	33,333	174,567	149,894
Conferences and Events	20,500	12,450	48,711	(36,261)	7,878	190,090	140,191
Contract Services	685,400	546,050	621,338	(75,288)	865,089	442,959	737,132
Professional Services Other	103,000	77,900	73,887	4,013	133,999	119,595	150,420
Technology and Telecom	44,387	36,723	31,365	5,358	52,962	47,442	46,865
General Operating	166,110	132,381	154,704	(22,323)	155,415	184,008	177,039
Total Operating Expense	\$ 2,996,887	\$ 2,272,919	\$ 2,186,586	\$ 86,333	\$ 3,088,353	\$ 2,958,468	\$ 2,901,886
Changes in Net Assets	\$ (26,130)	\$ (23,684)	\$ 197,419	\$ 221,103	\$ (15,391)	\$ (188,936)	\$ (8,316)
Dues as a % of Total Revenue	52.6%		49.2%		50.9%	55.1%	51.5%
# of Permanent Staff	15		11		14	12	12
Payroll Exp as % of Total Exp	63%		55%		60%	61%	52%
Net Income as % of Revenue	-1%		8%		-1%	-7%	0%

*This financial statement is produced directly from WSAC's MIP Fund Accounting Software through DrillPoint Reports.

Actual vs. Budget in Summary For the Current Ending Period and 3 Years Prior

Special Fund	Total Budget	Budget 9/30/2021	Actual 9/30/2021	Variance (unfavorable)	12/31/2020	12/31/2019	12/31/2018
Revenue							
Business Partner Fees	-	-	-	-	-	650	650
Marketing and Royalties	139,500	104,625	103,807	(818)	176,197	198,413	194,096
Other Miscellaneous Revenues	500	250	-	(250)	-	-	-
Interest Earnings	10,000	7,500	3,228	(4,272)	10,273	18,436	6,116
Total Revenue	\$ 150,000	\$ 112,375	\$ 107,035	\$ (5,340)	\$ 186,470	\$ 217,499	\$ 200,862
Operating Expense							
Meetings, Travel and Hosting	55,000	20,750	2,750	18,000	26,791	40,824	54,302
Conferences and Events	10,000	-	-	-	-	4,096	27,140
Professional Services Other	7,500	7,500	-	7,500	7,500	19,406	7,500
Technology and Telecom	3,700	3,700	2,626	1,074	4,414	11,380	4,224
General Operating	8,650	5,275	7,627	(2,352)	10,663	17,784	9,404
Total Operating Expense	\$ 84,850	\$ 37,225	\$ 13,003	\$ 24,222	\$ 49,368	\$ 93,490	\$ 102,570
Changes in Net Assets	\$ 65,150	\$ 75,150	\$ 94,032	\$ 18,882	\$ 137,102	\$ 124,009	\$ 98,292
Dues as a % of Total Revenue	0.0%		0.0%		0.0%	0.0%	0.0%
# of Permanent Staff	14		11		14	12	12
Payroll Exp as % of Total Exp	0%		0%		0%	0%	0%
Net Income as % of Revenue	43%		88%		74%	57%	49%

*This financial statement is produced directly from WSAC's MIP Fund Accounting Software through DrillPoint Reports.

Actual vs. Budget in Summary For the Current Ending Period and 3 Years Prior

Litigation Fund	Total Budget	Budget 9/30/2021	Actual 9/30/2021	Variance (unfavorable)	12/31/2020	12/31/2019	12/31/2018
Revenue							
Dues	\$ 400,000	\$ 300,000	\$ 300,000	\$ -	\$ 399,999	\$ 400,003	\$ 399,997
Total Revenue	\$ 400,000	\$ 300,000	\$ 300,000	\$ -	\$ 399,999	\$ 400,003	\$ 399,997
Operating Expense							
Payroll and Benefits	\$ 151,558	\$ 112,120	\$ 86,674	\$ 25,446	\$ 120,582	\$ 81,065	\$ 61,106
Meetings, Travel and Hosting	15,000	9,500	148	9,352	-	1,377	28,273
Conferences and Events	-	-	-	-	-	2,500	849
Contract Services	-	-	-	-	-	-	-
Professional Services Other	295,000	221,000	186,407	34,593	326,047	337,686	154,746
Technology and Telecom	2,202	1,650	1,200	450	-	315	2,397
General Operating	500	375	7,081	(6,706)	-	311	3,821
Total Operating Expense	\$ 464,260	\$ 344,645	\$ 281,510	\$ 63,135	\$ 446,629	\$ 423,254	\$ 251,192
Changes in Net Assets	\$ (64,260)	\$ (44,645)	\$ 18,490	\$ 63,135	\$ (46,630)	\$ (23,251)	\$ 148,805
Dues as a % of Total Revenue	100.0%		100.0%		100.0%	100.0%	100.0%
# of Permanent Staff	14		11		14	12	12
Payroll Exp as % of Total Exp	33%		31%		27%	19%	24%
Net Income as % of Revenue	-16%		6%		-12%	-6%	37%

*This financial statement is produced directly from WSAC's MIP Fund Accounting Software through DrillPoint Reports.

Actual vs. Budget in Summary
 For the Current Ending Period and 3 Years Prior

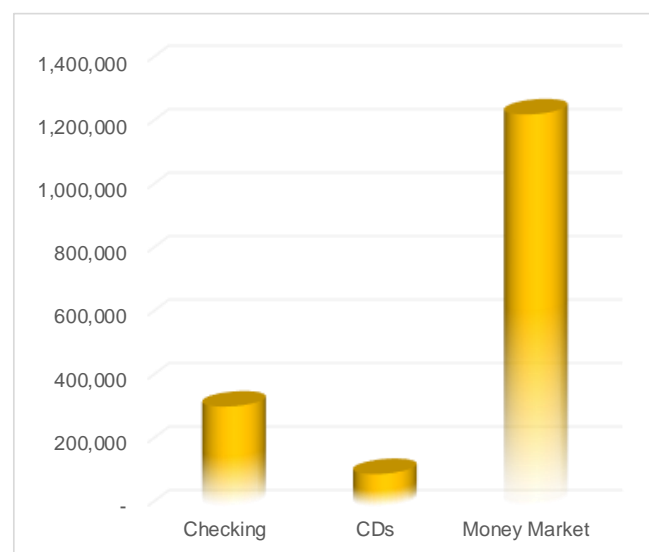
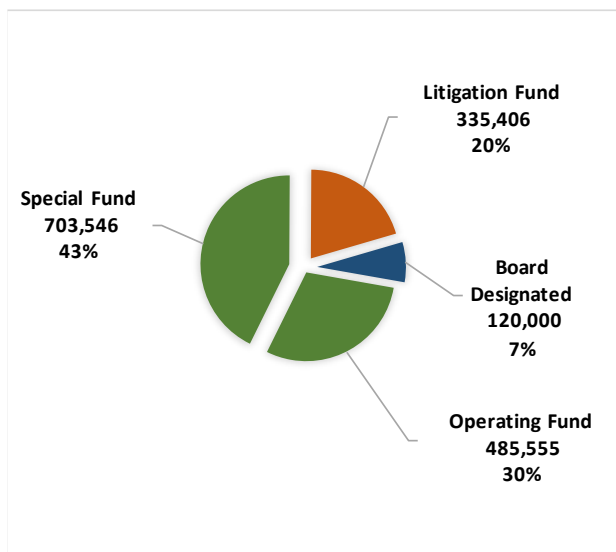
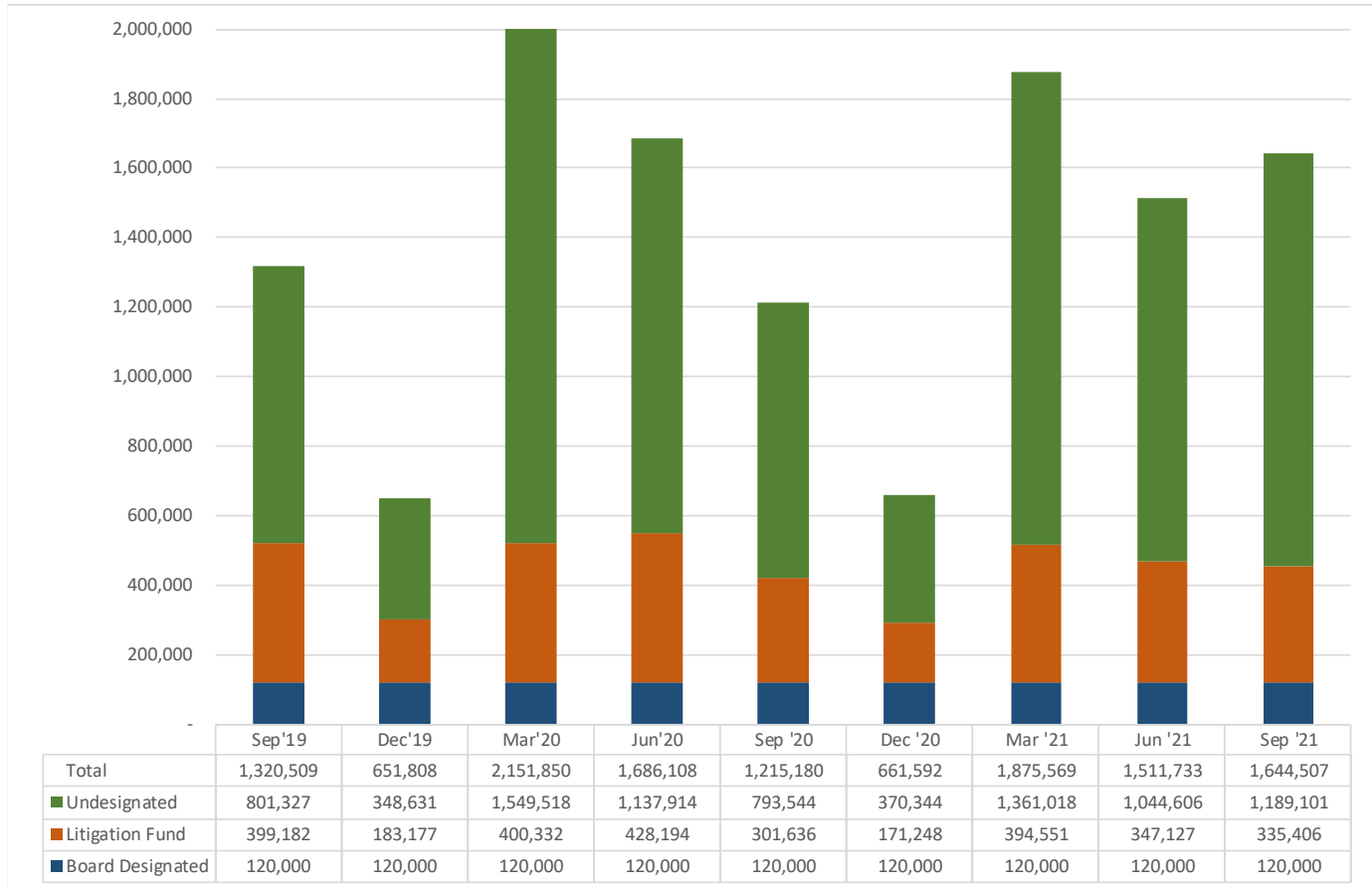
	Total Budget	Budget 9/30/2021	Actual 9/30/2021	Variance (unfavorable)	12/31/2020	12/31/2019	12/31/2018
Revenue							
Dues	\$ 1,964,072	\$ 1,473,054	\$ 1,473,054	\$ -	\$ 1,964,076	\$ 1,925,196	\$ 1,891,281
Business Partner Fees	-	-	-	-	-	650	650
Special Assessments	32,500	24,375	26,250	1,875	127,000	35,000	35,000
Affiliate Assessments	605,134	453,851	421,282	(32,569)	601,977	596,107	598,051
Contract Services	744,051	592,955	713,949	120,994	747,908	407,451	632,793
Conferences and Events	25,000	5,000	49,470	44,470	32,000	205,781	136,438
Marketing and Royalties	139,500	104,625	103,807	(818)	176,197	198,413	194,096
Other Miscellaneous Revenues	500	250	-	(250)	-	-	4
Interest Earnings	10,000	7,500	3,231	(4,269)	10,273	18,436	6,116
Total Revenue	\$3,520,757	\$2,661,610	\$2,791,043	\$ 129,433	\$3,659,431	\$3,387,034	\$3,494,429
Operating Expense							
Payroll and Benefits	\$2,041,798	\$1,510,573	\$1,291,827	\$ 218,746	\$1,960,258	\$1,880,872	\$1,561,451
Meetings, Travel and Hosting	157,250	99,211	54,326	44,885	60,124	216,767	232,468
Conferences and Events	30,500	12,450	48,711	(36,261)	7,878	196,686	168,181
Contract Services	685,400	546,050	621,338	(75,288)	865,089	442,959	737,132
Professional Services Other	405,500	306,400	260,293	46,107	467,546	476,687	312,666
Technology and Telecom	50,289	42,073	35,190	6,883	57,375	59,137	53,486
General Operating	175,260	138,031	169,412	(31,381)	166,078	202,103	190,264
Total Operating Expense	\$3,545,997	\$2,654,788	\$2,481,097	\$ 173,691	\$3,584,348	\$3,475,211	\$3,255,648
Changes in Net Assets	\$ (25,240)	\$ 6,822	\$ 309,946	\$ 303,124	\$ 75,083	\$ (88,177)	\$ 238,781
Dues as a % of Total Revenue	55.8%		52.8%		53.7%	56.8%	54.1%
# of Permanent Staff	15		11		14	12	12
Payroll Exp as % of Total Exp	58%		52%		55%	54%	48%
Net Income as % of Revenue	-1%		11%		2%	-3%	7%

*This financial statement is produced directly from WSAC's MIP Fund Accounting Software through DrillPoint Reports.

Key factors for changes in WSAC's income and expenses between 2018 and 2021:

- 2021 Dues revenue increases from 2018 are a result of the addition of the SLAC program in 2018 and small COLA adjustments each year.
- Affiliate assessment revenues are based on actual expenses from the affiliates WSAC manages (recorded within Operating Expense) with a 12% overhead charge added.
- Payroll and Benefits - The reduced expense in 2018 was a result of four positions that remained unfilled for anywhere from one to four months. 2019 had 1 vacant position not filled and another position vacant for 2.5 months. 2020 was fully staffed with some minor changes in the 4th quarter. 2021 is under budget due to staff vacancies.
- Professional Services Other –Professional service increases in 2019 are mostly from the SLAC legal and communication expenses.

Total Cash & Investment Position - All Funds
For The Quarter Ended September 30, 2021



November 16, 2021

TO: WSAC Board of Directors and Alternates

FROM: Eric Johnson, Executive Director

PREPARED BY: Mellani McAleenan, Director of Government Relations & General Counsel

SUBJECT: Policy and Legislative Relations Report

Jaime Bodden - Managing Director, Washington State Association of Local Public Health Officials

COVID-19 Response

- WSAC and WSALPHO continue to convene and connect local public health to state agencies, partner associations, and additional stakeholders. WSAC's weekly webinar with local elected officials continues to focus on keeping local governments connected to state response efforts. WSALPHO holds weekly calls with local health officials and participates in several weekly webinars with health officers, guidance and enforcement teams, businesses, and policymakers.
- Local public health response work continues, focusing on working with school districts, coordinating state vaccine plans, and continuing with ongoing outbreak response and control. As the local resource for guidance interpretation, local public health is also working with implementing control measures for businesses, daycare, long-term care facilities, and other high-risk settings.
- Local health jurisdictions and WSALPHO are also working with DOH and healthcare partners to address crisis care measures (access to treatment, isolation, quarantine, and care coordination), as statewide cases and rates indicate community and widespread transmission are likely. Public health is also looking closely at influenza and other respiratory illness rates to maintain sufficient healthcare capacity.
- Recent federal and state vaccination mandates have added further work to counties. Counties and local health will be navigating these requirements to fulfill obligations for county operations and local businesses. WSAC and WSALPHO will be working with the Governor's Office, state agencies, and the Legislature to ensure that any additional work to counties, particularly local health jurisdictions, is funded through federal ARPA funding and provide more clarity to guidance and operations for counties.

Legislative and Policy

While a short session, it will likely be another busy one for public health. There will likely be carryover bills from the previous session and additional budget and policy issues in response to the ongoing needs of the pandemic. A couple of key bills and budget items of particular note:

- Box in the Virus Request: this is a Department of Health request to fill activities related to the pandemic response, including testing, contact tracing, care coordination, and vaccine administration. This would be funded through ARPA and include support for local health jurisdiction work.
- Micro-enterprise home kitchens: a carryover from the 2021 session, this bill would require local health jurisdictions to regulate home kitchens for commercial use. There are several concerns related to this bill, including regulating private homes, local capacity, and food safety.
- State and local emergency powers: another carryover from 2021, there were several bills seeking to limit or strengthen state or local emergency powers. WSAC and WSALPHO's position on this issue is to maintain local authority and control for disasters and emergencies.
- Public health impacts in omnibus bills. An overarching theme to housing, police reform, climate, and other bills will be to promote the public health role and impact to policies. WSAC will work to ensure that public health considerations that are included in these bills are sufficiently funded.

Additionally, there are several rules that are in process of updates and revisions which impact local public health. Health Officers, directors, and environmental health staff have been actively engaged in the drafting and feedback process for these rules.

- Chapter 246-101 WAC: Notifiable Conditions
 - Updates and extension of the State Board of Health's emergency rule on Covid-19 reporting are ongoing as the pandemic's response continues.
 - Updates to sections of the rule in response to the passage of HB 1551 in 2019 are also undergoing public comment. It is expected that the State Board will be approving proposed changes at their November meeting.
- Chapter 246-290 WAC: Group A (PFAS)
 - Rule revisions were made and approved by the State Board at their October meeting. Local health jurisdictions will be working with the Department of Health and municipal Group A water systems in implementation. While the rule does not address Group B water systems or private wells, local health jurisdictions anticipate the need also to address PFAS concerns for these homeowners. In the 2021 session, WSALPHO secured ongoing Group B funding in anticipation of this work. While the current proviso is limited, there is legislative interest to maintain and expand this funding to address the increased need for local drinking water programs.
- Chapter 246-272A WAC: On-site Sewage Systems
 - The rule is undergoing significant revisions and establishes standards for the siting, design, installation, use, care, and management of on-site sewage systems. Similar to food establishments, local health inspects and approves on-site systems and have provided a lot of feedback and comment throughout the revision process.

Local Board of Health Expansion

The State Board of Health joined WSAC in late September to update their draft rules for HB 1152. This informal input gathering was used to create the first draft for feedback which was sent out to WSAC members at the end of October. Comments on this draft will be used for a final proposed rule which will be open for public comment in early 2022. No changes to the effective dates of HB 1152 have been made – local health jurisdictions which need to expand board membership must do so by July 1, 2022, and local health jurisdictions with existing advisory councils have until January 1, 2022, to meet requirements in HB 1152. Staff is working to set a Monday Assembly meeting with the American Indian Health Commission to get an update on their local board of health member appointment process.

Foundational Public Health Services (FPHS)

WSAC and WSALPHO received notification from the Office of Financial Management of the authorization of local Foundational Public Health Services funding. The next step is for local health jurisdictions to receive funding from the Department of Health. Once received, funds will be able to be used for FPHS activities outlined in the statement of work created through the concurrence process. Funds are to be used for the state fiscal year beginning July 1, 2021, through June 30, 2022.

Two new subject matter groups will join the FPHS steering committee to begin planning efforts for the upcoming biennium. Recognizing the need to turn public health work towards community resiliency and recovery, the system has convened a group focused on addressing health issues through the Lifecourse (maternal and child health, chronic disease, injury prevention, and access to care) and another group to focus on emergency preparedness and response.

Axel Swanson – Managing Director, Washington State Association of County Engineers (WSACE)

The Washington State Association of County Engineers (WSACE) has been busy this Fall tracking state and federal legislation, meeting with agencies and partners, updating their Strategic Plan and Legislative Priorities, finalizing plans for the County Leaders Conference (CLC), and working with Communications & Member Services (CMS) staff on future conferences. Specifically, WSACE has been focused on the following projects and activities in each priority area:

WSACE Board/Managing Director Update

A sub-committee of current and past Board members has been meeting with staff to review and update the Association's Strategic Plan. This process has resulted in a revised document with updated goals and critical actions moving forward into 2021–2023. The WSACE Board will review this document with the membership during a work session at the CLC and likely take up re-adoption of the plan at their Board meeting immediately following the work session.

- WSACE staff continues to host COVID-19 Roundtable meetings for members to share information and provide feedback to one another regarding the ongoing challenges presented by the pandemic.
- The Managing Director, Board members, and WSAC CMS staff are working together on conference planning for the CLC, Professional Development Conference this Winter, and the WSACE Annual Conference this Summer.
- The Managing Director and Board have requested an update from WSAC staff regarding the WSACE budget. The Board will receive a financial update at CLC and make any necessary or recommended changes at that time.
- As an example of our continued partnership with the County Road Administration Board (CRAB), the WSACE Board has agreed to hold a joint meeting with them to provide feedback and input into their Strategic Planning process. This meeting will take place in December.
- WSACE staff continue to field questions and requests for information from member counties on a weekly basis and remain increasingly impressed by the number of responses received and overall effort members put forward to help one another out.

Agency Outreach & Presentations

So far this Fall, the Managing Director has given presentations to the Washington State Transportation Commission, Washington Chapter of the American Public Works Association (APWA), CRAB, and the Joint Transportation Committee (JTC). The topics have ranged from a general WSACE update to the specific and continuing impacts of COVID-19 on County Road Departments.

- The Managing Director and/or WSACE members continue to participate on many boards, committees, and workgroups related to county transportation and infrastructure. Examples with current projects underway include the Capital Projects Advisory Review Board, Fish Barrier Removal Board, UTC's Rail State Action Plan, Washington State Highway Systems Plan Update, Pedestrian and Bicycle Program (PBP) and Safe Routes to School Program (SRTS) Update, and the State Transportation Innovation Council (STIC).

Regulatory Issues

- WSACE continues to track and provide feedback regarding several regulatory issues and processes. To name a couple, these currently include the Department of Ecology's Bridge and Ferry Terminal Washing Permit and the implementation of the L&I Wildfire Smoke Rules.

Legislative Affairs

- The Managing Director has stayed engaged with and updated on the recent discussions regarding a potential State Special Legislative Session to consider a State Transportation Package. WSACE is currently working on updating the Legislative Priorities for the 2022 Legislative Session and hopes to re-adopt them at the upcoming Board meeting during the CLC.
- On November 5, Congress passed the Infrastructure Investment and Jobs Act (IIJA). As described by a recent National Association of County Engineers press release:

"This bipartisan bill represents much of what NACE's federal priorities have sought to accomplish, namely increased funding for road and bridge programs as well as more opportunities for counties to apply for funds directly, as opposed to through their respective states. Additionally, new programs will provide substantial funding for competitive grants, which would include off-system bridges. Additionally, over \$3 billion

in grant funding has been provided for rehabilitating or replacing bridges, including culverts. Of equal importance, a new, 5-year surface transportation reauthorization is included in this bill, providing additional funding and programs that counties will benefit from. This funding, totaling \$273.15 billion, represents a near 20% increase from levels set in the FAST Act."

The Managing Director is actively researching the IIJA and will continue to provide information and updates to the WSACE/WSAC membership on the benefits and impacts to County Road Departments moving forward. WSACE will host an informational session at the CLC where a panel will discuss the specifics of the IIJA and the programmatic opportunities and improvements it will provide for Counties.

Juliana Roe – Policy Director, Human Services, Justice, and Public Safety

- Participated in multiple meetings per week with county partners, legislators, and other stakeholders related to all aspects of the Blake decision.
- Held bi-monthly meetings with Association of County Human Services (ACHS) members related to COVID-19 and ongoing county-related human services issues.
- Participated in various ACHS committee meetings – Behavioral Health, Housing and Homelessness, Veterans, and Developmental Disabilities.
- Participated in discussions surrounding rental assistance and eviction moratorium issues.
- Participated in various other WSAC lead COVID-19 meetings.
- Participated in discussions related to HB 1310 use of force implementation.
- Monitored the progression of the implementation of 988 and the creation of a work group.
- Participated in DOH's behavioral health response webinars throughout the interim.
- Participated in ongoing meetings of the Reentry Work Group and the jail Community Reentry Operations Work Group.
- Participated in the Behavioral Health System Coordination Committee meetings led by the Health Care Authority (HCA)
- Participated in the Behavioral Health Model Ordinance Advisory Committee led by the Department of Commerce.
- Participated in Criminal Justice Treatment Account meetings led by the Health Care Authority.
- Participated in the Board of Judicial Administration Court Recovery Task Force meetings led by the Board for Judicial Administration.
- Participated in Eviction Moratorium Workgroup Meetings led by the Governor's office.
- Worked on issues related to police reform with various legislators, stakeholders, advocates, agencies, and associations.
- Participated in monthly behavioral health stakeholder meetings.
- Participated in regional, statewide legislative listening sessions.
- Monitored issues related to affordable housing and homelessness, public safety, behavioral health, developmental disabilities, veterans, and other associated topics.
- Attended various housing conferences virtually.

Paul Jewell – Policy Director, Water, Land Use, and Natural Resources

- Worked with the Washington Association of County Solid Waste Managers (WACSWM) to update their short-term strategic plan.
- Worked with WACSWM to update their policy document with a comprehensive policy on Extend Producer Responsibility (EPR) programs.
- Served on the statewide Organics Workgroup.
- Served on the statewide Plastics Recycling Workgroup.
- Met with Senator Das and stakeholders numerous times regarding a proposal for a statewide EPR program for product packaging and paper products.
- Presented to Clark County Solid Waste Advisory Committee on legislative issues.
- Held monthly meetings with WACSWM members for various updates.

- Serving on the Roadmap Phase III Task Force considering updates to the GMA.
- Presented to the House Local Government Committee on county planning and permitting responsibilities.
- Presented to the Senate Housing and Local Government Committee on LAMIRDs, housing, transportation, and economic development issues in the GMA.
- Presented to the Franklin County Board of Commissioners on GMA issues.
- Represented counties with the Washington Solar Advisory Committee.
- Appointed to the Low Carbon Siting Taskforce by the Department of Ecology.
- Attended the annual Planning Director's Conference and provided a legislative update presentation.
- Acquired a contract with the Department of Ecology to perform the feasibility analysis for establishing soil banks and to develop model codes to assist local governments in complying with the legacy pesticide working group's model remedy.
- Worked with the Timber Counties Caucus to create a report responding to the Trust Land Performance Assessment completed by Department of Natural Resources (DNR).
- Convened quarterly meetings of the Timber Counties Caucus.
- Hired a contractor to represent WSAC members as part of the Cooperative Monitoring, Evaluation, and Research Committee that is a component of DNR's Adaptive Management Program (AMP).
- Oversaw the creation of WSAC's amicus brief in the Conservation NW v. Hilary Franz Supreme Court case.
- Continue to meet regularly with Court Stanley and Mark Meleason to receive updates on DNR's AMP.
- Attended the Carbon Friendly Forestry conference and presented on the Wildland Urban Interface.
- Represented WSAC on the Forest Sector Workforce Coalition.
- Attended water law conference and provided a presentation on legislative issues.
- Presented to Lewis County Board of Commissioners on water banking.
- Took over responsibilities for facilitating the Columbia River Caucus upon Neil Aaland's retirement.
- Secured contract authorization to develop and implement a new training program for WSAC members focusing on water law, water-related issues, and the Columbia River Program as part of WSAC's funding contract from the Department of Ecology.

Mike Hoover – Contract Lobbyist

- Worked with legislators and executive staff on proclamations and extensions of Open Public Meeting Act (OPMA) remote-work waivers and Public Records Act (PRA) remote-work waivers.
- Worked with stakeholders to develop legislation to allow remote meetings in both emergency and non-emergency situations for upcoming Session (modify OPMA/PRA).
- Worked with legislators and stakeholders to report on efficacy of new fiscal flexibility law.
- Worked with legislators and stakeholders on wrongful death and other tort issues for upcoming Session.
- General legislative engagement and monitoring for upcoming 2022 Session.
- Regular meetings with WSAC members and staff on emergent and continuing issues.

Mellani McAleenan – Director of Government Relations

- Secured speakers for and host weekly Virtual Assemblies.
- Hosted bi-weekly meetings with county administrators.
- Attended weekly, then bi-weekly, meetings with Office of Financial Management (OFM) and Governor Inslee's staff on coronavirus matters.
- Reviewed agency-proposed legislation and local government fiscal notes.
- Attended regular meetings with "city-county champion" legislators.
- Legislative agenda planning and 2022 session preparation.
- Engaged in routine meetings and communication with single county and contract lobbyists, WACO, and other interested parties, local government associations, etc.
- Attendance and participation at Public Works Board, State Broadband Office, Tax Structure Work Group meetings.

- Updated Policy Statement.
- Regular communications with Association of Washington Cities (AWC) policy staff.
- Policy team coordination.
- Worked with stakeholders to develop legislation to allow remote meetings in both emergency and non-emergency situations for upcoming Session (modify OPMA/PRA).
- Worked with attorneys and others on *Blake* and *Civil Survival* matters.
- Worked with legislative staff on various committee work sessions.
- Engaged in various discussions with state attorney general on opioids litigation.
- Attended Challenge Seattle and other coronavirus-related, CARES, and ARPA meetings.
- Filled in as needed when WSACE position was open.
- Met regularly with Dept of Commerce.
- Managed amicus brief program.
- Attended executive committee retreat.