

February 5, 2025



BOARD OF DIRECTORS MEETING

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

Count	ByLaws Ref	Population	Executive Board Seat	Title	First Name	Last Name	County
12	< Quorum						
1	3.4a		President	Commissioner	Robert	Coffman	Lincoln
2	3.4a		1st Vice-President	Commissioner	Mark	Ozias	Clallam
3	3.4a		2nd Vice-President	Commissioner			
4	3.4b, 3.17.2		IP-President	Commissioner	Lisa	Janicki	Skagit
			Board Seat	Title	First Name	Last Name	County
	3.4f	2,347,800	King County Executive		INACTIVE MEMBERS		
	3.4e 1	2,347,800	King County Council		INACTIVE MEMBERS		
5		946,300	Pierce (<i>Jaime Smith</i>)	Executive	Ryan	Mello	Pierce
6	3.4e 2	946,300	Pierce	Councilmember	Jani	Hitchen	Pierce
7		859,800	Snohomish (<i>L.Harper / A.Vaughn</i>)	Executive	Dave	Somers	Snohomish
8	3.4e 3	859,800	Snohomish	Councilmember	Megan	Dunn	Snohomish
9	3.4e 4	554,600	Spokane	Commissioner	Mary	Kuney	Spokane
10	3.4e 5	527,400	Clark	Councilor	Matt	Little	Clark
11	3.4e 6	303,400	Thurston	Commissioner	Tye	Menser	Thurston
12	3.4e 7	283,200	Kitsap	Commissioner	Katie	Walters	Kitsap
13	3.4e 8	261,200	Yakima	Commissioner	Amanda	McKinney	Yakima
14	3.4e 9	235,800	Whatcom	Executive	Satpal	Sidhu	Whatcom
15	3.4e 10	215,500	Benton	Commissioner	Will	McKay	Benton
16	3.4d 1		Eastern Region	Commissioner	Mark	Burrows	Stevens
17	3.4d 2		Eastern Region	Commissioner	Dan	Sutton	Douglas
18	3.4d 3		Eastern Region	Commissioner	LaDon	Linde	Yakima
19	3.4d 4		Eastern Region	Commissioner	Art	Swannack	Whitman
20	3.4c 1		Western Region	Councilmember	Jane	Fuller	San Juan
21	3.4c 2		Western Region	Commissioner	Sean	Swope	Lewis
22	3.4c 3		Western Region	Commissioner	Carolina	Mejia	Thurston
23	3.4c 4		Western Region	Commissioner	Sharon	Trask	Mason
			Board Alternate Seat	Title	First Name	Last Name	County
	3.4f	2,347,800	King County Executive	#N/A	INACTIVE MEMBERS		
	3.4e 1	2,347,800	King County Council	#N/A	INACTIVE MEMBERS		
1	3.4e 2	946,300	Pierce	Councilmember	Robyn	Denson	Pierce
2	3.4e 3	859,800	Snohomish	Councilmember	Jared	Mead	Snohomish
3	3.4e 4	554,600	Spokane	Commissioner	Al	French	Spokane
4	3.4e 5	527,400	Clark	Councilor	Glen	Yung	Clark
5	3.4e 6	303,400	Thurston	Commissioner	Vacant		Thurston
6	3.4e 7	283,200	Kitsap	Commissioner	Christine	Rolfes	Kitsap
7	3.4e 8	261,200	Yakima	Commissioner	Vacant		Yakima
8	3.4e 9	235,800	Whatcom	Councilmember	Kaylee	Galloway	Whatcom
9	3.4e 10	215,500	Benton	Commissioner	Michael	Alvarez	Benton
10	3.4d 1		Eastern Region	Commissioner	Chris	Seubert	Asotin
11	3.4d 2		Eastern Region	Commissioner	Scott	Hutsell	Lincoln
12	3.4c 1		Western Region	Commissioner	Vicki	Raines	Grays Harbor
13	3.4c 2		Western Region	Commissioner	Janet	St. Clair	Island
Affiliate Presidents			Board Affiliates (Non-voting Mbrs)		First Name	Last Name	County / City
			ACHS		Malissa	Adame	Pierce
			WACCC		Carlye	Baity	Douglas
			WACSWM	Co-Chair	Becci	Piepel	Douglas
			WACSWM	Co-Chair	Margo	Gillaspy	Skagit
			WCAA		Trisha	Logue	Skagit
			WSACE		Doug	McCormick	Snohomish
			WSACRPD		Michelle	Mercer	Benton
			WSALPHO		Cindan	Gizzi	Tacoma-Pierce
			WSEMA		Chandra	Fox	Spokane
			WSUEXT		Kristine	Perry	Clark



WSAC BOARD OF DIRECTORS MEETING

Wednesday, February 5, 2025
Meeting: 1:00 pm – 5:00 pm
Lunch Provided: Noon – 1:00 pm

Washington Counties Building
Thurston County
Olympia, Washington

Zoom Option:

<https://wsac-org.zoom.us/j/89287784078>

Meeting ID: 892 8778 4078

Dial by your location

• +1 253 215 8782 US (Tacoma)

• 833 548 0276 US Toll-free

Meeting ID: 892 8778 4078

Passcode: 641608

Find your local number: <https://wsac-org.zoom.us/u/kvflVVcAS>

TIME*	Encl.	PRESENTER(s)	AGENDA	TYPE
1:00 p.m.		President Coffman	CALL TO ORDER and Introductions; Establish Quorum	
	√	President Coffman	1. Review and Approve Meeting Agenda	Action
	√	President Coffman	2. Approve Minutes: November 19, 2024	Action
		President Coffman	3. President's Report - Executive Director Recruitment Update from Glick Davis	Report
		President Coffman	4. Public Comment - Limited to Items on the WSAC Board of Directors Agenda	
LEGAL AFFAIRS				
1:30 p.m.	√	Derek Young	5. Potential or Pending Litigation Update	Report
	√	Derek Young	6. Amicus Update	Report
WSAC BUSINESS				
2:15 p.m.	√	Bridget Lockling	7. WSAC Conflict of Interest Policy Review Action: <i>Certify WSAC Board of Directors were informed in writing and briefed on WSAC Conflict of Interest Policy</i> Resolution: #2025-01	Action
2:25 p.m.	√	Derek Young	8. Audit, Investment and Finance Committee Appointments Action: <i>Consider Approving Appointments to Audit, Investment and Finance Committee</i> Resolution: #2025-02	Action
2:30 p.m.	√	Jessica Strozewski	9. Statewide Boards and Commissions Action: <i>Consider Adopting Nominations and Appointments</i> Resolutions: #2025-03~#2025-07	Action

3:20 p.m.		Break		
3:30 p.m.			10. Encumbered Lands Proviso <i>Action: Consider Adopting the ELP Working Group Recommendations Resolution: #2025-08</i>	
3:50 p.m.		Derek Young	11. WSAC Solutions Lab	Discussion
WRITTEN STAFF REPORTS				
	√	Derek Young	12. Executive Director	Report
	√	Bridget Lockling	13. Business, Finance and Operations	Report
	√	Paul Jewell	14. Policy and Legislative	Report
WRITTEN PROGRAM REPORTS				
	√	Court Stanley Paul Jewell Mark Meleason	15. Timber and Public Lands Program	Report Only
	√	Axel Swanson	16. County Transportation Study Program	Report Only
	√	Brynn Brady	17. Coastal Counties/Puget Sound Partnership	Report Only
	√	Paul Jewell	18. Columbia River Program	Report Only
OTHER BUSINESS				
4:30 p.m.		Commissioner Kuney President Coffman Commissioner McKinney Other Members	19. NACo Reports	Report
		President Coffman	20. The WSAC Board of Directors reports from activities on Statewide Boards and Commissions <i>Presentation by WSAC Board Members on Current Issues relating to Statewide Boards and Commissions they serve/represent WSAC on</i>	Report
		President Coffman	21. Other Business	Report
5:00 p.m.		President Coffman	MEETING ADJOURNED A Legislative Reception follows from 6:00 pm – 8:00 pm. Uptown Grill (514 Capitol Way S, Olympia, WA 98501)	

***Times are approximate only**

Next Regular Scheduled WSAC Board of Directors Meetings

TENTATIVE TIMES: May 8, 2025 – Thursday – Board Meeting

TBD

Radisson SeaTac – 18118 International Blvd. – SeaTac, WA – King County

In-person with Zoom options for this meeting will be available

September 18, 2025 – Thursday – Board Meeting

Hotel Windrow – Ellensburg, WA – Kittitas County

November 18, 2025 – Tuesday – Board Meeting

The Davenport Grand – Spokane, WA – Spokane County

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

November 19, 2024

Opening

The Board of Directors of the Washington State Association of Counties (WSAC) met on Tuesday, November 19, 2024, starting at noon at the Hilton Vancouver, Vancouver, Washington, and via Zoom. According to Association Bylaws, all directors and alternates were notified of the meeting appropriately.

Board members present: President Lisa Janicki, 1st Vice President Rob Coffman, 2nd Vice President Mark Ozias, Immediate Past President Scott Hutsell, Immediate Past President Mary Kuney, Immediate Past President Michael Largent, Megan Dunn, Al French, Kaylee Galloway, Jani Hitchen, LaDon Linde, Wes McCart, Joe McDermott, Will McKay, Amanda McKinney, Carolina Mejia, Tye Menser, Christine Minney, Nate Nehring, Vickie Raines, Janet St. Clair, Danny Stone, Dan Sutton, Art Swannack, Glen Sharon Trask, Yung, Katie Walters, and Dennis Weber. A quorum was present.

Staff and others present: Derek Young, Bridget Lockling, Brad Banks, Amy Cruver, Lynn Fiorillo-Lowe, Mike Hoover, Mike Janicki, Paul Jewell, Tom McBride, Joe McDermott, Todd Mielke, Mitch Netzer, Mike Shaw, Curtis Steinhauer, Rob Gelder, Axel Swanson, Annika Vaughn, Josh Weiss, Ron Wesen, and Michael White.

Call to Order and Approval of Agenda: The meeting was called to order at 12:05 p.m. President Janicki determined a quorum was present to conduct business. It was moved by Councilmember Jani Hitchen, seconded by Commissioner Sharon Trask to approve the agenda as proposed. The motion passed.

Approval of Minutes of the Previous Meeting: A motion was made by Commissioner Michael Largent and seconded by Commissioner Amanda McKinney to approve the minutes of September 19, 2024, WSAC Board of Directors Regular Meeting as drafted. The motion passed.

President's Report: President Janicki welcomed those in attendance and encouraged the attendees to take advantage of the network opportunities for the next few days. President Janicki expressed her thanks to Derek Young for taking over the Interim Executive Director position, as well as the challenges that WSAC was facing.

WSAC Business Actions

An opportunity for public comment was provided—no public comments.

2025 Proposed WSAC Board of Directors Meeting Schedule: Derek Young presented the 2025 meeting schedule for the Board of Directors.

Resolution #2024-29: A motion was made by Commissioner Dan Sutton and seconded by Commissioner Art Swannack to approve **Resolution #2024-29**, which establishes the 2025 Regular Meeting Schedule and allows WSAC staff to publish and advise WSAC members and affiliates of the 2025 Regular Meeting schedule. The motion carried.

Statewide Boards and Commissions: Derek Young reported on the nominations received for open county or local government-represented statewide boards and commissions positions.

Resolution #2024-30: A vacancy on the Capital Projects Advisory Review Board exists. Commissioner Art Swannack made a motion seconded by Commissioner Sharon Trask to approve **Resolution #2024-30** and transmit the name of Robert Blaine, Director of Operations and Capital Programs, Benton County. The motion passed, and the name will be submitted to the Capital Projects Advisory Review Board.

Resolution #2024-31: There are two vacancies on the County Design Standards Committee. A motion was made by Commissioner Sharon Trask, seconded by Commissioner LaDon Linde, to approve **Resolution #2024-31:** and nominate Wesley Anderson, Assistant County Engineer, Lewis County and Doug Ranney, County Engineer, Whatcom County and transmit the appointee names to the Washington State Department of Transportation Local Programs. The motion unanimously passed.

Resolution #2024-32: The State Council on Aging has a vacancy. A motion was made by Commissioner Art Swannack and seconded by Commissioner Sharon Trask to approve **Resolution #2024-32** and transmit the name of Paul Lacey, County Engineer, Whatcom County, and transmit the nominee's name to the Governor's Office. The motion carried.

WSAC Proposed Bylaws Amendments Discussion

Derek Young and President Janicki provided the bylaws review update. The proposed amendment will be considered at the WSAC Annual Membership Meeting at this year's County Leaders Conference.

Reports

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

Closing

Next Meeting: The next meeting of the Board of Directors will be on Wednesday, February 5, 2025.

Adjourn: There being no further business, President Mary Janicki adjourned the meeting at 1:50 p.m.

Respectfully submitted:

Rob Coffman, WSAC President

AUTHORIZED AND ACTIVE LITIGATION**DCYF Intake Suspension – Pierce County et al. v. Washington State Department of Children, Youth, and Families – King Co. no. 24-2-17331-5**

On July 5, 2024, without prior notice, DCYF stated its intention to stop complying with its statutory obligation to admit juvenile offenders into Juvenile Rehabilitation (JR) facilities “effective [that day].” As a result, youth have been forced to remain indefinitely in county detention facilities that vary in their capacity levels and program capabilities from county to county and often lack the treatment and enrichment programs the Juvenile Justice Act requires. The result risks the safety of youth in the justice system and transfers the current overcrowding and safety issues experienced in JR facilities directly to the counties. While DCYF has admitted that it acted “too abruptly” and “did not adequately consider the entire juvenile justice system as a whole,” it has nonetheless continued to violate its clear statutory obligation. Because DCYF’s conduct will result in irreparable harm to the affected youth and the counties, WSAC and co-plaintiff counties filed a motion for preliminary injunction in King County Superior Court on July 31, 2024, asking the court to require DCYF to comply with its statutory obligations. While there are many reverberating costs and complications related to this act, the main legal arguments included are:

- DCYF has a duty to comply with its statutory and legal obligations.
- Courts do not have the discretion to directly commit juvenile offenders to county facilities.
- The Juvenile Justice Act specifically obligates only DCYF to provide required rehabilitative facilities to juvenile offenders, and DCYF is denying them necessary rehabilitation, and public safety is negatively impacted by this suspension.

The preliminary injunction hearing was scheduled for August 14, 2024, in front of King County Superior Court Judge Whedbee. Once the suit was filed, the State reached out and asked if WSAC and its co-plaintiff counties would be willing to strike the preliminary injunction and come to an agreement on juvenile admissions to JR. On August 8, 2024, an agreed order was filed in which DCYF agreed to initiate the admission of juvenile offenders to DCYF facilities on or by August 9, 2024, and to provide transportation for such offenders, to the extent possible, to these facilities within three business days. DCYF also agreed to provide advance notice of at least ten judicial days to WSAC and its co-plaintiff counties of any future restrictions on admissions.

Since then, WSAC staff has continued to communicate with DCYF and the Governor's Office to ensure continued compliance with the agreement.

Civil Conversion – Pierce County et al. v. DSHS et al., No 3:23-cv-5775

Following repeated violations of court orders by the State, a coalition of 28 counties (Coalition) and WSAC (represented by Pacifica Law Group) filed a lawsuit in Pierce County Superior Court against the Washington Department of Social and Health Services (DSHS) on August 23, 2023, over DSHS's decision to stop providing initial evaluation and subsequent treatment for a rising number of patients in need of behavioral health support when exiting the criminal legal system.

The Coalition has also filed a motion for preliminary injunction to compel DSHS's immediate compliance with state law and court orders. The Coalition includes Asotin, Clallam, Cowlitz, Douglas, Grant, Grays Harbor, Island, Jefferson, King, Kitsap, Klickitat, Lewis, Lincoln, Pacific, Pierce, Skagit, Skamania, Snohomish, Spokane, Thurston, Whatcom, and Yakima Counties. Six additional counties have now joined the Coalition, including Chelan, Clark, Columbia, Garfield, Stevens, and Okanogan Counties, representing over 7 million of the State's residents.

When a person with a severe mental health condition or cognitive disability has their charges dismissed because they cannot understand the charges, DSHS is ordered by the Court to evaluate that individual and, if necessary, provide effective behavioral health treatment. This system, called a civil conversion commitment, focuses on people with severe behavioral health conditions whom the crisis and outpatient behavioral health system have not adequately served.

Despite court orders and state laws requiring them, DSHS has asserted that it is no longer obligated to evaluate or treat patients whose criminal charges are dismissed, citing a federal judge's orders in a separate case. To date, the agency has repeatedly argued that it will not follow what appear to be precise statutory and court-ordered legal requirements, leaving hundreds of individuals across the State to lose their chance for mental health treatment that might break the cycle of re-offense.

Charges are dropped against individuals when they are determined incompetent to stand trial, and the State fails to provide restoration services or cannot restore their competency. The individuals are then released into the community without facing justice or receiving the treatment courts have ordered. When DSHS fails to provide restoration services, individuals are referred back to their home counties to designated crisis responders, placing the burden of care on counties despite a state law requiring the State to do so. These releases compound a harmful cycle where the State does not meet its responsibility of care and leaves individuals at risk of re-offending, repeating the legal process without any interruption for care and treatment.

In the *Trueblood* case, after failing to follow its legal obligations, DSHS was held in contempt, and the Federal Court imposed a \$100 million fine. DSHS now claims that its refusal to follow state law with conversion patients is the fault of the Federal Court. However, nothing in the Court's order interferes with DSHS's obligation or ability to provide evaluations and restorative services.

While the State invested heavily in behavioral health in the 2023 legislative session and purchased a former behavioral health hospital in Tukwila to address a capacity shortage, DSHS has refused to provide the care ordered by courts and required by state law.

The request for preliminary injunction filed on the 23rd asked the Court to immediately order DSHS to comply with its obligations under state law. It created a pathway for the Court to instantly determine the underlying legal issue and restore the civil conversion commitment process.

The Coalition's motion for preliminary injunction was scheduled to be heard in front of Judge Alicia Burton on September 8, 2023, in Pierce County Superior Court. However, the State filed a notice of removal that moved this case to the federal court, which, in turn, canceled the September 8th injunction hearing to sort out jurisdictional issues with the federal court. In response to the notice of removal, the Coalition and WSAC moved to remand the matter back to Pierce County Superior Court as we believed the State improperly removed the matter to federal Court. Removal to Federal Court is only permitted when the complaint is founded on a claim or right that arises under federal law. However, our complaint was based solely on the State's causes of action for declaratory judgment, injunctive relief, and mandamus based on DSHS's violation of duties under a state statute and court orders. DSHS argued that the complaint was subject to removal because its defense rested on its interpretation of the recent *Trueblood* contempt order. However, we believed the case was not subject to removal from state court because DSHS planned to raise a federal claim in defense of state law action. Thus, the federal court was not the appropriate venue.

Because of the impacts of DSHS's improper delay tactics on patient well-being and public safety, WSAC filed an emergency motion for remand or, in the alternative, a temporary restraining order pending the determination of the motion for remand. This was filed on August 31, 2023. The case was assigned to Judge Pechman (the *Trueblood* judge), who declined to address the motion for remand on an emergency basis and noted the motion on her regular schedule, set for September 22, 2023. The Court refused to consider the interim request for a temporary restraining order.

On September 26, 2023, US District Court Judge Pechman granted Counties an Emergency Motion to remand the case:

“to Pierce County Superior Court for resolution of the underlying dispute between the Counties and DSHS. The issues presented in the Counties’ lawsuit have only tangential relation to the rights at issue in Trueblood. Without a federal claim or substantial federal question, the Court lacks jurisdiction to preside over this lawsuit. The discrete and unique state law issues concerning civil commitment evaluation and notice must instead be decided by the Pierce County Superior Court, the forum in which the Counties initially filed this lawsuit. For these reasons, the Court GRANTS Plaintiffs’ Motion to Remand and REMANDS this action to Pierce County Superior Court.”

On October 6, 2023, Pierce County Superior Court Judge Michael Schwartz granted the Counties' Motion for a Preliminary Injunction. Under the terms of the order, DSHS was immediately required to perform its statutory obligation under RCW 10.77.086 to evaluate all new conversion patients. These are patients for whom criminal charges were dismissed after they were found incompetent and non-restorable. The Court further enjoined DSHS from releasing existing conversion patients without providing statutorily sufficient notification. The

Court indicated that it would have issued a Writ of Mandamus if injunctive relief was unavailable. DSHS immediately asked the court to stay the injunction for 90 days. The Court denied this request because the harm to patients and the community caused by DSHS's "dilatatory" actions was ongoing.

The preliminary injunction will stay in place until after a trial on the matter. Because there are no disputed facts, subsequent proceedings are really a formality.

In January 2024, the Coalition and the State were working on a Memorandum of Understanding (MOU) to settle the case that includes the following elements:

1. The receipt of patients by the State referred there by court order under RCW 10.77.086(7);
2. Advance notice by the State of the release of committed persons under RCW 71.05.425;
3. Assistance to the State by the Counties to limit or avoid overcrowding of state hospitals, regional treatment facilities, and other facilities and to improve the State's ability to meet its obligations under state law, federal law, and federal court orders;
4. The Counties' providing information and documents under RCW 10.77.075 to the State to improve the State's ability to proceed under RCW 10.77.086(7); and
5. Assistance is given to DSHS evaluators who seek good cause extensions from the court for time, under RCW 10.77.068(5), to conduct competency evaluations.

All counties signed the MOU by the deadline.

WSAC staff are monitoring legislation that violates parts of this agreement and will enforce it if necessary.

Indigent Defense - Washington State Association of Counties et. al. v. State of Washington, No. 23-202911-24

In 2018, WSAC began to study the feasibility of potential legal action regarding the State's constitutional duty to provide trial court indigent defense funding.

- Pacifica Law Group researched and analyzed potential and likely claims – statutory and constitutional.
- WSAC filed an Amicus Brief on a case that asks if the State of Washington or the Washington State Office of Public Defense (OPD) has an actionable duty to cure claimed systemic and significant deficiencies in a county's 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)X
- In 2017, the plaintiff, supported by the ACLU, sued the State, alleging that 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 Thurston County Superior Court to declare that the State and OPD must 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 must act if it knows of a county's systemic failure to provide constitutionally adequate indigent juvenile defense without regard to whether the County could remedy the problem more appropriately.
- The State filed a motion for direct review to the Supreme Court on January 28, 2019, and the Court accepted the review.
- The Grays Harbor Board of County Commissioners formally requested WSAC to submit an Amicus Curiae Brief.
- The WSAC Executive Committee approved amicus involvement on April 7, 2019.
- The Pacifica Law Group, on behalf of WSAC, submitted an Amicus Curiae Brief on September 27, 2019, that made the following points:
 - The State of Washington has an *affirmative constitutional duty* to ensure the adequacy of indigent defense; and
 - The Court should not rule on who (State or county) is responsible for funding indigent defense because it was improperly before the Court.
- On November 12, 2019, oral arguments were made before the Washington State Supreme Court.
- The Supreme Court filed its ruling on 6/25/20 - <https://www.courts.wa.gov/opinions/pdf/967661.pdf>.
- The Washington State Supreme Court confirmed that the State must ultimately 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 the case to consider 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 plaintiff sought Supreme Court reconsideration.
 - WSAC prepared an amicus brief to support reconsideration.
- The Supreme Court asked the State to respond to the request for reconsideration (9/1/2020)
 - The Supreme Court denied reconsideration on 10/20/2020.
- WSAC reviewed 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 expenses, etc.
- WSAC staff reached out to secure contact points for each county regarding this potential litigation as necessary.
- WSAC staff established a data/information steering committee with county budget and policy staff.
- WSAC contractor established an indigent defense data set and dashboard for counsel to refer to.
- WSAC explored/identified potential co-plaintiffs as part of potential litigation, including individual counties.
- WSAC counsel worked on an indigent defense complaint.
- WSAC completed a political and environmental scan on filing complaints and timing.

- WSAC considered intervening in Davison v. State of Washington and Washington State 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 recommended 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 trial court indigent defense services; and
 - The WSAC Legislative Steering Committee and the Board of Directors should consider recommending and authorizing a legal challenge requiring the State to fully fund trial court indigent defense services.
- On May 5, 2021, the WSAC Board of Directors authorized a legal challenge requiring the State to fully fund trial court indigent defense services.
- WSAC and Pacifica Law Group identified and met with potential co-plaintiffs (individual counties, groups, organizations, associations, and individuals).
- WSAC updated data and information.
- WSAC worked with a public defense expert to provide context for the lawsuit from a state and national perspective.
- WSAC identified potential "budget" coordinators to aid in the litigation. WSAC was in discussions with the potential contractor and in contact with Stellar Associates to provide support on budget analysis.
- In 2022, Kitsap County, Lincoln County, and Yakima County joined as co-plaintiffs.
- Pacifica Law Group worked with co-plaintiff counties on the final preparation for filing the complaint.
- WSAC prepared communication materials for the case to provide to both members and the media.
- A decision was made to file the complaint in Thurston County Superior Court.
- In late November 2022, Kitsap County informed WSAC it would no longer be a co-plaintiff in the case. WSAC staff discussed with the WSAC Executive Committee and counsel the need to postpone filing the complaint and take time to discuss and potentially locate another co-plaintiff county.
- WSAC staff discussed with several western Washington counties about joining as a potential co-plaintiff.
- In June 2023, Pacific County joined as a co-plaintiff in the case.
- On October 31, 2023, the State of Washington filed its response seeking to dismiss the Counties' lawsuit based on the argument that counties lack standing and cannot assert claims on behalf of indigent criminal defendants.

The Court set a schedule to hear the State's request to dismiss the case:

- 8/6/24 – Disclosure of Fact Witnesses
- 9/5/24 – Disclosure of Plaintiff's Expert Witnesses
- 10/5/24 – Disclosure of Defendant's Expert Witnesses
- 11/4/24 – Disclosure of Rebuttal Witnesses
- 1/3/25 – Discovery Cutoff
- 3/7/25 – Dispositive Motions Heard (on or before this date)
- 3/7/25 – Mediation/ADR Settlement Conference (on or before this date)

- 5/2/25 – Pre-Trial Conference
- 6/2/25 – Non-Jury Trial

Informal Settlement Discussions began in January 2024.

At the Motion to Dismiss hearing held on March 22, 2024, Thurston County Superior Court Judge Allyson Zipp dismissed WSAC's lawsuit. WSAC and its co-plaintiff counties had 30 days from the date the decision was finalized to appeal Judge Zipp's ruling.

- On April 18, 2024, WSAC appealed the ruling directly to the Supreme Court.
- WSAC's Statement of Grounds for direct review was submitted May 3, 2024.
- WSAC Board of Directors authorized continuing the appeal on May 15, 2024.
- The Supreme Court declined our request for direct review and remanded to the Appeals Court Division II. We don't yet have a hearing scheduled but are expecting it to be in the first two weeks of May 2025.

AUTHORIZED AND ACTIVE AMICUS CURIAE

Pub. Util. Dist. No. 1 of Snohomish County v. State, No. 84166-1-I, 2023 WL 5695704 (Wash. Ct. App. Sept. 5, 2023).

In 1999, in implementing the historic Forest and Fish agreement, the Washington Legislature enacted RCW 76.09.330 to grant broad immunity to landowners if trees that are left standing during a timber harvest fall and cause damages. This grant of immunity was made in recognition that although leaving trees standing may create dangerous conditions on a landowner's property, those same trees provide critical environmental benefits and that landowners should not be punished for taking actions to protect the environment. In September 2023, an appellate court issued an opinion that renders this immunity meaningless in practice. The issue on appeal is correcting the misinterpretation of RCW 76.09.330.

The Washington State Department of Natural Resources (DNR) filed a Petition for Discretionary Review to the Washington Supreme Court on November 27, 2023, to have the Supreme Court take the case and correct the Court of Appeals opinion. Amicus Curiae may file independent briefs supporting that petition on or before January 26, 2024. Amicus briefs have been prepared by outside counsel with no cost to WSAC as part of a larger coalition of interests.

On March 5, 2024, the Supreme Court granted the Petition for Review and will consider the case. In September, WSAC joined a coalition with timber, conservation, and land trust interests to file a joint amicus brief.

On January 16, 2025, the Supreme Court ruled unanimously in our favor. The decision:

1. Preserves the immunity for tree falls created by Forest and Fish.
2. It extends that immunity to all trees identified to be left in a harvest permit for environmental reasons and prevents plaintiffs from retroactively challenging those permitting determinations. This means that if the FPA (permit) is not appealed within 30 days, the FPA's determination of which trees need to be left is final, and the landowner becomes immune to leaving those trees. This prevents a plaintiff from arguing that minimum standards were not applied to create a liability loophole.

3. It determines that timberland owners (DNR), purchasers (SPI), and loggers (Precision) all fall within the statutory definition of a timberland owner for purposes of claiming immunity. This is particularly important to WSAC members who rely on trust lands because it closes the loophole of a plaintiff going after purchasers of timber held in trust for the counties.

City of Sammamish v. John Titcomb, Jr. and Linde R. Behringer, Washington State Supreme Court, Number 101894-1.

The City of Sammamish filed for condemnation of Mr. Titcomb's and Mrs. Behringer's property on July 21, 2021, and subsequently moved for an order adjudicating public use and necessity. In February 2022, the superior court denied the city's motion and dismissed the condemnation action. On March 13, 2023, Division One of the Court of Appeals reversed the superior court's decision. The Washington State Supreme Court granted review which has been tentatively scheduled for oral argument during the 2024 Winter Term. King County prepared the amicus brief.

State of Washington, et. al., Respondents, vs. DSHS, COA No. 57573-6-II.

The WSAC Board of Directors authorized an amicus curie brief in State of Washington, et. al., Respondents, vs. DSHS, COA No. 57573-6-II. The issue is whether counties can seek compensatory contempt sanctions against the Washington State Department of Social and Health Services (DSHS) when DSHS fails to timely transport Trueblood class members from jail, for admission at a state hospital for competency restoration, leaving counties to cover the costs of incarceration until the class members are transported. There is also a question as to whether a county may intervene in an underlying matter in order to pursue contempt sanctions against DSHS. The new schedule for this case is as follows:

- 12/4/23 – Opening Brief of Appellant
- 1/3/24 – Opening Brief of Respondent
- 2/17/24 – Brief of Amicus Curiae – After a motion under RAP 10.6 granting permission to file the brief, the brief must be filed no later than 45 days after the filing of the last brief of Respondent.

On February 28, 2024, Appellant (DSHS) and the Respondent-Cross-Appellants (45 individual defendants) filed their opening briefs. Pierce County will likely file its brief on June 28, 2024.

METHOW VALLEY CITIZENS COUNCIL v. OKANOGAN COUNTY, COA No. 407471

The WSAC Board of Directors authorized an amicus curie brief in METHOW VALLEY CITIZENS COUNCIL v. OKANOGAN COUNTY, COA No. 407471, and joined the Washington State Association of Municipal Attorneys (WSAMA) to file.

The Public Records Act, Chapter 42.56 RCW (the“PRA”), serves an important public interest: providing the public with access to public records in furtherance of government transparency and

accountability. But that transparency is not absolute, and in adopting the PRA, the legislature struck a balance between transparency and the needs of Washington's public agencies to engage with and rely on confidential legal advice.

As a result, the PRA does not permit the public to access records protected by the attorney-client privilege. Washington's public entities are permitted to consult with attorneys and obtain legal advice to best serve the public by understanding and evaluating the legal risks associated with their policies and decisions and to preserve that advice from disclosure under the PRA.

Based on the plain language of the PRA as interpreted and applied by the courts, legal advice given to public entities is not subject to the watered-down protections urged by MVCC. Instead, the PRA confirms that a confidential attorney-client relationship is fundamental to the efficient and effective function of government and the same protections afforded to advice given an individual or business.

The County's redactions to the Memorandum for attorney-client privilege are fully consistent with the PRA's directives and policies. By contrast, MVCC's arguments ignore the PRA and the law governing attorney-client privilege. Accepting MVCC's theories would erode public agencies' ability to obtain protected legal advice to the public's detriment.

Motion and brief filed November 7, 2024.

Jamie Beenen, Appellant v. Lewis County, et al. No. 59591-5 (Wash. Ct. App. Jan. 17, 2025)

WSAC Executive Committee authorized filing an amicus brief because of the possibility of a negative outcome dramatically increasing liability to counties as property owners and lessors. Jamie Beenen was in a skydiving accident with a company operating out of an airport owned by Lewis County. Beenen asserts that Lewis County, as a government agency, has a special premises liability duty that would turn existing law and precedent on its head.

The trial court correctly dismissed on summary judgment, and we are asking the Appeals Court for the same.


Motion and brief filed January 17, 2025. See attached.

FILE

IN CLERK'S OFFICE
SUPREME COURT, STATE OF WASHINGTON
JANUARY 16, 2025


CHIEF JUSTICE

THIS OPINION WAS FILED
FOR RECORD AT 8 A.M. ON
JANUARY 16, 2025


SARAH R. PENDLETON
ACTING SUPREME COURT CLERK

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

PUBLIC UTILITY DISTRICT NO. 1 OF
SNOHOMISH COUNTY, BARRY
CHRISMAN, and KERRY
CHRISMAN,

Respondents,

v.

STATE OF WASHINGTON, SIERRA
PACIFIC INDUSTRIES DBA SIERRA
PACIFIC INDUSTRIES, INC., and
PRECISION FORESTRY, INC.,

Petitioners.

No. 102586-6
En Banc

Filed: January 16, 2025

GONZÁLEZ, J.—Barry Chrisman was seriously injured when a tree blew down on his work vehicle. The forestland around the accident had been recently logged, except for a band of trees in a riparian management zone (RMZ). RMZs are buffers of trees left standing on either side of a river or creek to benefit wildlife and water quality. The Forest Practices Act of 1974 immunizes forestland owners from liability when a tree required to be left standing in an RMZ falls and causes damage or injury. RCW 76.09.330. The tree that injured Chrisman was in an RMZ.

Chrisman and his employer sued the State, the lumber company Sierra Pacific Industries, and the logging company Precision Forestry Inc., for negligence. The defendants

contend they are immune under RCW 76.09.330. The plaintiffs contend that the defendants are not forestland owners and, therefore, cannot claim immunity under the statute. The plaintiffs also contend defendants are not immune on the theory that the RMZ was improperly drawn, and thus, the tree that struck Chrisman was not required to be left standing.

We hold that the defendants are immune in this case under the plain language of the statute. RCW 76.09.330 provides broad immunity when a tree required to be left standing blows down and causes injury or property damage. This immunity applies not only to the State but also to forestland owners, who must comply with the State's designation of the RMZ. The defendants in this case are forestland owners as defined by the act because they were in actual control of the forestland and had a right to sell or otherwise dispose of the timber on the land. We also hold that immunity under the Forest Practices Act is not dependent on the accuracy of a final RMZ designation.

FACTS

The State of Washington manages approximately 2.4 million acres of forestland, which it periodically harvests for public benefit. *Forest and Trust Land*, WASH. ST. DEP'T OF NAT. RES., <https://www.dnr.wa.gov/managed-lands/forest-and-trust-lands> [<https://perma.cc/FVL4-BW9F>]. In 2016, the Washington Department of Natural Resources (DNR) applied to harvest the state-owned Lugenut timber area in Snohomish County. Because the forestlands in question are state-owned, DNR had two different roles in this exchange. One branch of DNR designed the timber map and applied for the permit, while a separate branch reviewed the application and approved the permit. The Lugenut

timber sale map developed by DNR designates certain areas as RMZs. RMZs are buffers of trees left standing on either side of a river or creek to benefit wildlife and water quality.

RCW 76.09.330; WAC 222-16-010. When DNR approves a permit to harvest timber, the right to harvest RMZ trees or trees in other protected areas is not included. DNR approved the map of the Lugnut timber sale area. No member of the public commented on the Lugnut timber sale application, and the decision became final in 2016. No one timely challenged the final decision.

Sierra Pacific Industries successfully bid for the right to harvest the timber in one section of the Lugnut area: Lugnut Unit 2. The Lugnut Unit 2 timber area includes the Olney Creek RMZ. Sierra contracted Precision Forestry to log the area. The timber sale contract required Precision to abide by the approved forest practice application, including the prohibition on harvesting in the RMZ. Precision began harvesting operations in February 2018.

March 13, 2018, was an extremely windy day. That day, Chrisman drove a Public Utility District No. 1 of Snohomish County (PUD) vehicle on Sultan Basin Road, which passes through the Olney Creek RMZ. Precision had clear-cut the timber in the area one week prior and left the RMZ trees standing. This left a roughly 100-foot-wide strip of timber standing next to Sultan Basin Road. As Chrisman passed through the RMZ, a tree fell over the road, smashing the car and seriously injuring him. Precision employees on the scene called 911, and Chrisman was taken to the hospital. Counsel states that Chrisman was in inpatient care for nearly four months and will have disabilities for the rest of his life.

PUD sued the State, Sierra, and Precision, alleging negligence, gross negligence, and

nuisance. PUD sought reimbursement for workers' compensation benefits it paid to Chrisman and damage to its property. Chrisman and his wife filed a separate lawsuit against the same defendants shortly after, alleging negligence, gross negligence, corporate negligence, strict liability, and nuisance. The trial court consolidated the suits.

The defendants moved for summary judgment dismissal, which the trial court granted. The court held that the immunity statute applied to all defendants because they were forestland owners as defined by the statute and were required to leave the RMZ trees. The Chrismans and PUD (plaintiffs) appealed.

The Court of Appeals reversed. *Pub. Util. Dist. No. 1 of Snohomish County v. State*, 28 Wn. App. 2d 124, 534 P.3d 1210 (2023). It held that Sierra and Precision were not forestland owners because they did not have the right to harvest RMZ trees, and therefore, the statute's grant of immunity did not apply to them. *Id.* at 130-32. It also held that only entities with the authority to determine the parameters of an RMZ are entitled to immunity. *Id.* at 132-34. However, even though the State was potentially entitled to immunity for its RMZ designation, the court found that the plaintiffs could sue the State for the separate decision to allow Sierra and Precision to clear-cut the trees next to the RMZ. *Id.* Finally, the Court of Appeals held that immunity attaches only if an RMZ is properly drawn, and it found a genuine issue of material fact as to whether the RMZ was properly drawn in this case. *Id.* at 136-38.

We accepted review. Washington State Association for Justice Foundation filed an amicus brief, as did Washington Forest Protection Association, in coalition with a variety of Washington landowner groups.

ANALYSIS

We review motions for summary judgment de novo. *Davies v. MultiCare Health Sys.*, 199 Wn.2d 608, 616, 510 P.3d 346 (2022) (citing *DeWater v. State*, 130 Wn.2d 128, 133, 921 P.2d 1059 (1996)). This case asks us to interpret RCW 76.09.330, the Forest Practices Act immunity statute. The goal of statutory construction is to interpret and carry out the legislature's intent. *Dep't of Ecology v. Campbell & Gwinn, LLC*, 146 Wn.2d 1, 9, 43 P.3d 4 (2002). If the meaning of a statute is plain on its face, our analysis stops there. *State v. Gray*, 174 Wn.2d 920, 927, 280 P.3d 1110 (2012). This court considers the statutory scheme as a whole and related statutes when determining plain meaning. *Campbell & Gwinn*, 146 Wn.2d at 11-12.

1. FOREST PRACTICES ACT IMMUNITY

The legislature enacted the Forest Practices Act with the express purpose of creating comprehensive forest practices regulations that encourage timber growth and harvesting while also protecting public resources. LAWS OF 1974, 1st Ex. Sess., ch. 137, § 1 (codified as amended at RCW 76.09.010). Later, the legislature gave landowners immunity when trees that were required to be left standing in riparian areas fall or otherwise cause damage. LAWS OF 1987, ch. 95, § 7 (codified as amended at RCW 76.09.330). The current version of the immunity statute reads:

The legislature hereby finds and declares that riparian ecosystems on forestlands in addition to containing valuable timber resources, provide benefits for wildlife, fish, and water quality. The legislature further finds and declares that leaving riparian areas unharvested and leaving snags and green trees for large woody debris recruitment for streams and rivers provides public benefits including but not limited to benefits for threatened and endangered

salmonids, other fish, amphibians, wildlife, and water quality enhancement. The legislature further finds and declares that leaving upland areas unharvested for wildlife and leaving snags and green trees for future snag recruitment provides benefits for wildlife. *Forestland owners may be required to leave trees standing in riparian and upland areas to benefit public resources. It is recognized that these trees may blow down or fall into streams and that organic debris may be allowed to remain in streams.* This is beneficial to riparian dependent and other wildlife species. *Further, it is recognized that trees may blow down, fall onto, or otherwise cause damage or injury to public improvements, private property, and persons. Notwithstanding any statutory provision, rule, or common law doctrine to the contrary, the landowner, the department, and the state of Washington shall not be held liable for any injury or damages resulting from these actions, including but not limited to wildfire, erosion, flooding, personal injury, property damage, damage to public improvements, and other injury or damages of any kind or character resulting from the trees being left.*

RCW 76.09.330 (emphasis added). In short, the legislature enacted a policy in favor of leaving riparian areas unharvested to benefit biodiversity and water quality. It intended for falling trees to enhance habitat, and it anticipated that leaving these trees could cause personal injury or property damage. The legislature created broad immunity “[n]otwithstanding any statutory provision, rule, or common law doctrine to the contrary.” *Id.* The statute immunizes the landowner, the department, and the State of Washington from liability for a broad range of possible hazards.

This immunity statute is plain and unambiguous. The statute protects forestland owners from liability when a tree required to be left standing in a riparian area falls and causes injury or damage to property. This is in harmony with the larger purposes of the act, which are to encourage timber growth and harvesting while also protecting public resources.

This interpretation is consistent with the only prior case interpreting the Forest Practices Act immunity statute: *Ruiz v. State*, 154 Wn. App. 454, 225 P.3d 458 (2010). The facts of *Ruiz* are very similar to the case before us. A man was injured when a tree fell on his vehicle as he drove through the RMZ of a recently logged area. *Id.* at 456-57. The Court of Appeals concluded that the statute’s grant of immunity was “completely clear” and that it had a “very broad sweep,” covering both the State and “those required to obey its dictates in the area of forest practices.” *Id.* at 459-60. Although the legislature has amended the immunity statute twice since 1987, it did not do so in response to *Ruiz*. This suggests that the legislature acquiesced to the Court of Appeals’ interpretation of the immunity statute. *See State v. Otton*, 185 Wn.2d 673, 685-86, 374 P.3d 1108 (2016) (defining legislative acquiescence (quoting *City of Federal Way v. Koenig*, 167 Wn.2d 341, 348, 217 P.3d 1172 (2009))).

Plaintiffs argue that the statute grants immunity in derogation of the common law and therefore must be strictly construed. Under strict construction, ambiguities in a statute are resolved in favor of a narrow, restrictive construction. *Pac. NW. Ann. Conf. of United Methodist Church v. Walla Walla County*, 82 Wn.2d 138, 141, 508 P.2d 1361 (1973). In this case, the statute is unambiguous. Therefore, regardless of whether we apply strict, liberal, or normal construction, the analysis is the same.

We conclude that the statute’s plain language immunizes the State and forestland owners when a tree required to be left standing in an RMZ falls and causes injury or damage. Accordingly, we must consider whether Precision and Sierra are forestland owners under the statute. We conclude that they are.

“Forestland owner” is defined broadly in Title 76 RCW as

any person in actual control of forestland, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner. However, any lessee or other person in possession of forestland without legal or equitable title to such land shall be excluded from the definition of “forestland owner” unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forestland.

RCW 76.09.020(16) (emphasis added). This definition extends to people who do not have title to the land and specifically includes those who have an interest in the timber. The definition hinges on “actual control.” A person has “actual control” of land if (among other things) they have an interest entitling them to dispose of any timber on that land. Here, Sierra and Precision are both forestland owners under the statute even though neither party owned the land. Sierra had a contractual right to harvest and sell the timber in the Luginut Unit 2 area, and Precision, as Sierra’s agent, had the same contractual right to sell or otherwise dispose of the timber. The defendants, therefore, had actual control of the land and fit squarely within the definition of forestland owners under the statute.

Plaintiffs argue that Sierra and Precision are not forestland owners because they did not have the right to harvest the RMZ trees, only trees on the land adjacent to the RMZ. It is true that neither Sierra nor Precision had the right to fell RMZ trees. However, being in actual control of a unit of forestland not only includes the right to harvest timber but also any obligation to leave timber standing.

Requiring that defendants have the right to cut RMZ trees to be considered forestland owners would gut the immunity statute because *no one* has the right to harvest

in an RMZ. *See* RCW 76.09.170; *Johnson Forestry Contracting, Inc. v. Dep't of Nat. Res.*, 131 Wn. App. 13, 16-18, 126 P.3d 45 (2005) (forestry company fined for cutting timber within an RMZ). Rather than exclude defendants from immunity, a requirement to leave trees standing is one of the *conditions* of immunity. To claim immunity, forestland owners must be required to leave trees standing. RCW 76.09.330 ("Forestland owners may be required to leave trees standing."). Approving timber sale maps that delineate RMZs and other protected areas is the mechanism by which the State requires forestland owners to leave these trees standing.

Finally, a person is a forestland owner when they have the right to dispose of *any* of the timber in a unit of forestland. Defendants undoubtedly had that right. Sierra and Precision are forestland owners of the Lugnut Unit 2 area even though they do not have the right to harvest RMZ trees.

The plain language of the statute immunizes forestland owners from suit when they are required to leave trees standing for environmental benefit and those trees are blown down, causing property damage or personal injury. Because that is precisely what happened in this case, the State, Sierra, and Precision are immune from suit.¹

¹ The parties disagree about the scope of immunity provided by the statute. The State argues that the statute immunizes *any* injury caused by left RMZ trees. Plaintiffs counter that a too-broad reading of the statute could lead to a lack of liability in situations beyond what the legislature intended. For example, they contend, under the State's approach, if a logger were to improperly secure equipment that rolls downhill and topples an RMZ tree, they may be immune from suit merely because the tree that fell was in an RMZ. While this is an interesting hypothetical, it is not an issue raised by this case and we leave it for another day.

Plaintiffs also argue that defendants are not immune under the statute because the statute immunizes only the act of leaving trees standing. Plaintiffs contend that the defendants are liable for a *separate* act: cutting the trees adjacent to the RMZ, which made the RMZ trees more vulnerable to windthrow. They contend that defendants are liable for not leaving more trees to act as a wind buffer for the RMZ trees.

However, the defendants had no duty to protect RMZ trees from windthrow. The legislature anticipated that trees left in an RMZ would be vulnerable to being blown down and stated that these blown-down trees produce environmental benefits. Therefore, the statute immunizes forestland owners who are required to leave the trees standing. Regardless of whether we characterize defendants' actions as leaving RMZ trees or cutting adjacent trees, they were required to leave the trees in the RMZ standing. Defendants cannot be held liable for injury or property damage that resulted when the RMZ trees they were prohibited from harvesting fell.

Further, plaintiffs fail to provide this court with any workable rule that forestland owners can follow going forward. At various points in their briefing, plaintiffs argue that defendants left too many trees standing per the regulations and that defendants left too few trees standing where there should have been a wind buffer. In addition to resolving disputes between parties, the courts should seek to provide clear guidance on what the law is. Plaintiffs' interpretation of the law does not make clear how forestland owners can avoid liability going forward. In addition to being contrary to legislative intent, adopting plaintiffs' interpretation would lead to uncertainty among forest practitioners about how to comply with the law.

Instead, we hold that forestland owners are immune from suit where, as here, the State required them to leave trees standing for environmental benefit, those trees blew down in a windstorm, and personal injury and property damage occurred.

2. PROPRIETY OF THE RIPARIAN MANAGEMENT ZONE

Finally, plaintiffs argue that the court improperly granted summary judgment because there was an issue of material fact about whether the RMZ was properly drawn. This argument hinges on the word “require.” Plaintiffs argue that if an RMZ was improperly designated, the forestland owners were not truly *required* to leave those trees standing. To challenge the propriety of the RMZ, the Chrismans and PUD each provided reports by expert witnesses who testified that the RMZ was improperly drawn.

But the immunity statute does not say that an RMZ designation must be properly drawn for immunity to apply. Instead, immunity applies when forestland owners are required to leave the trees standing. Regulations specify where to designate an RMZ and how wide to make it, but DNR is charged with administering the forest practices rules and forestland owners must follow DNR’s interpretations. RCW 76.09.040(1)(c); WAC 222-46-015; *see* WAC 222-30-021. After a landowner submits a forest practices application, DNR reviews it for compliance with the regulations. RCW 76.09.050. Once the RMZ becomes final, forestland owners are required to leave those trees standing regardless of whether the designation is correct.

Plaintiffs argue that this interpretation gives the State too much power to determine the bounds of its own immunity. However, DNR’s interpretation of the regulations is subject to timely appeal. The act provides a 30-day period when parties

may appeal forest practice decisions to the Pollution Control Hearings Board. RCW 76.09.205, .020(2). However, if there is no successful appeal, the final order is binding and not subject to collateral challenge. RCW 76.09.110. As the State points out, it is not unusual for individuals to learn they are affected by an administrative decision only after the window to challenge the decision has passed. Nonetheless, the State has embraced a policy of finality for these administrative decisions, particularly for land-use decisions.

Samuel's Furniture, Inc. v. Dep't of Ecology, 147 Wn.2d 440, 454, 54 P.3d 1194 (2002) (referencing “the policy in Washington favoring administrative finality of land use decisions”). The legislature knows that finality runs against nonparties and has chosen not to change the law. *See id.* at 462; *see also Habitat Watch v. Skagit County*, 155 Wn.2d 397, 407, 120 P.3d 56 (2005).

The RMZ designation in this case was not properly challenged. Therefore, it was binding on all, including the defendants. Even an improperly drawn RMZ, if unchallenged, is binding on forestland owners who are required to leave those trees standing. Therefore, the statute provides immunity for parties who leave trees standing in an RMZ *even if* there is a question of fact about the propriety of the RMZ. Whether the RMZ was properly drawn is not material here.

The same logic disposes of another argument. Plaintiffs assert that they may raise the propriety of the RMZ in this tort suit because their claim falls into an exception of the Administrative Procedure Act: a court can review agency action when “the sole issue is a claim for money damages or compensation and the agency whose action is at issue does not have statutory authority to determine the claim.” RCW 34.05.510(1). However,

assuming they are permitted to raise this issue, a judicial finding that the RMZ was improperly drawn would not change the fact that the defendants were required to leave the trees standing at the time of the accident. Therefore, an improperly drawn RMZ is not an issue of material fact and summary judgment was proper.

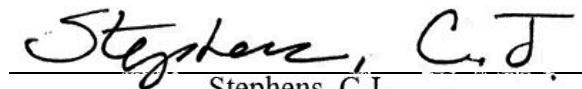
Plaintiffs argue that they have no meaningful way to object to the RMZ designation if the only way to challenge the RMZ is by an administrative process that was finalized several years before the accident occurred. But that was a decision made by the legislature. Under the law set down by the legislature, the defendants had a duty to leave these trees standing. Defendants cannot be held liable for complying with the State's requirement to leave the trees standing. We recognize Barry Chrisman suffered a great harm. But the law gives him no remedy in tort against these defendants.

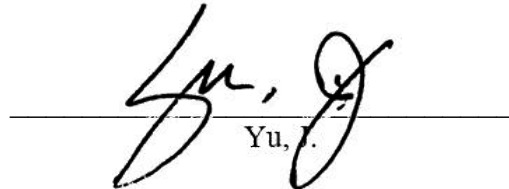
CONCLUSION

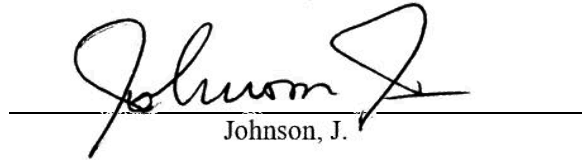
We hold that the State, Sierra, and Precision are immune from suit under the Forest Practices Act immunity statute. Defendants are forestland owners who were required by law to leave RMZ trees standing and immunized by law when those trees fell. The plaintiffs' challenge to the RMZ is untimely. The trial court properly dismissed this case at summary judgment. We therefore reverse the Court of Appeals and affirm the trial court.


González, J.

WE CONCUR:

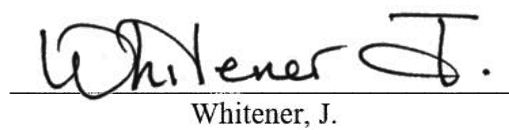

Stephens, C.J.


Yu, J.


Johnson, J.


Montoya-Lewis, J.


Madsen, J.


Whitener, J.


Gordon McCloud, J.


Toynbee, J.P.T.

Word count: 3,594 / 5,000 limit

No. 59591-5-II
(Consolidated)

COURT OF APPEALS, DIVISION II,
OF THE OF WASHINGTON

JAIME BEENEN, an individual,

Appellant,

v.

LEWIS COUNTY d/b/a ED CARLSON MEMORIAL FIELD-
SOUTH LEWIS COUNTY AIRPORT, a public entity,

Respondent,

and

SKYDIVE TOLEDO, a Limited Liability Company in the State
of Washington; and HEATHER WHITTAKER, an individual;
JOSEPHINE AIR, a Limited Liability Company in the State of
Washington,

Defendants.

BRIEF OF *AMICUS CURIAE*

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A. INTRODUCTION

_____, *amicus curiae*, provides this brief to the Court because appellant Jaime Beenen offers an argument on the nature of local government premises liability that are extremely troubling to Washington local governments. Beenen's assertion that local governments have some sort of special premises liability duty cannot go unchallenged.

Moreover, Beenen glosses over the common law principle of implied primary assumption of risk that bars her claim where she is an adult who consciously assumed the risk of the highly dangerous adventure sport of skydiving; any problem with the proper deployment of a parachute was necessarily an inherent risk of that sport.

This Court should affirm the trial court's grant of summary judgment to Lewis County ("County") accordingly,

B. INTEREST OF *AMICUS CURIAE*

The interest of *amicus* _____ is set forth in detail in the motion for leave to file this brief.

C. STATEMENT OF THE CASE

_____ adopts the statement of the case set forth in the County's brief. Resp't br. at 1-5.

A critical factual point, however, is not addressed in any detail by either party. Skydiving is a highly risky adventure sport, as its proponents readily acknowledge. The United States Parachute Association indicated that in 2022 there were 20 fatal skydiving accidents, and 6% of its members reported injuries requiring medical attention in 2023. Concerns about the function of the main parachute mean that skydivers, like Beenen, are equipped with a reserve parachute. 12% of WSPA members reported using their reserve parachutes in 2023. *See Appendix.*

Organizations promoting skydiving acknowledge that the inherent risks of this adventure sport are parachute malfunctions, hard landings, mid-air collisions, and medical concerns during the jump; parachute malfunctions are the main risk of skydiving with about 1 in 1,000 parachute openings not going to plan. <https://www.theskydivingcompany.com/blog/the-truth-about->

skydiving-safety/. *See generally*, <https://pmc.ncbi.nlm.nih.gov/articles/PMC9859333/> (skydiving fatality/injuries data).

Beenen has admitted that skydiving is an inherently dangerous adventure sport:

...skydiving – jumping out of a flying airplane with an unopened parachute and falling towards the ground before opening the chute to land – is an action recognized by a reasonable person to have the potential to cause injury.

Reply Br. at 8.

Simply put, skydiving is a highly risky adventure sport.

D. ARGUMENT

(1) The County Does Not Owe a Special Governmental Premises Liability Duty to Beenen and Beenen Fails to Establish Liability on the County's Part Under Traditional Premises Liability Principles

Describing the relationship between the County and Whittaker as “symbiotic” at times, *e.g.*, app. br. at 1, 12, and specifically contending that the County owed her an enhanced duty as a government, app. br. at 5, 40-41; reply br. at 12 n.3, Beenen claims that the County owed her a duty as a possessor of

land. She is wrong. There is no such “enhanced duty” for governmental premises liability in Washington and the County did not “possess” premises in which any liability-causing activity occurred.

(a) There Is No “Enhanced” Premises Liability for Governments in Washington

Beenen attempts to argue an *enhanced* premises liability duty on governments as premises lessors in this case that is unsupported in Washington law. Beenen relies principally upon comment g to the *Restatement (Second) of Torts* § 343A for her argument. But that provision explicitly applies to governmental possessors, not lessors. The Supreme Court in *Iwai v. Emp. Sec. Dep’t*, 129 Wn.2d 84, 94-95, 915 P.2d 1089 (1996) referenced comments in passing as a justification for rejecting the natural accumulation rule as to snow and ice on premises. Division I in *Millson v. City of Lynden*, 174 Wn. App. 303, 316, 298 P.3d 141 (2013) applied the principle to sidewalks, premises obviously owned by governments, and noted that comment g itself cautions

against any special treatment of governmental possessors who “may reasonably assume that members of the public will not be harmed by known or obvious dangers which are not extreme, and which any reasonable person exercising ordinary attention, perception, and intelligence could be expected to avoid.” Beenen voluntarily chose to encounter the obvious risks of skydiving, as will be noted *infra*.

But this principle has no basis in Washington; an argument that government premises lessors have an enhanced duty is contrary to the Legislature’s waiver of sovereign immunity as to local governments in RCW 4.96.010 that makes governments liable only “to the same extent as if they were a private person or corporation.”

Moreover, such a policy, were it to exist in Washington, would be pernicious. Washington local governments often lease premises to a variety of individuals, businesses, and public groups. To, in effect, make governments the insurers of liability arising from the lease of such premises would vastly expand the

scope of governmental liability in Washington. That is *not* Washington's public policy, and such a policy would significantly impact governmental claims and insurance budgets.

Rather, local governments are liable under premises liability principles like any other premises possessors in our State.

(b) The County Did Not Possess the Premises Here

The initial factor in the analysis of premises liability is whether the County, or any other government, is a “possessor” of the premises. Ordinarily, once a property owner leases premises to another,¹ that owner no longer “possesses” such

¹ A lease generally conveys a possessory interest in land. *Preugschat v. Hedges*, 41 Wn.2d 660, 663, 251 P.2d 166 (1952). The defining feature of a tenancy is exclusive control: a lease gives the tenant the right to exclusive control of the premises for a definite period, which may be asserted against the world, including the landlord. *Conaway v. Time Oil Co.*, 34 Wn.2d 884, 893, 210 P.2d 1012 (1949); *Lamken v. Miller*, 181 Wash. 544, 549-51, 44 P.2d 190 (1935); *Barnett v. Lincoln*, 162 Wash. 613, 618-19, 299 P. 392 (1931). The conveyance of exclusive control of the premises is the touchstone of a tenancy. *Regan v. City of Seattle*, 76 Wn.2d 501, 504, 458 P.2d 12 (1969).

premises, having conveyed possession of the premises to the tenant for a determinate time period, unless the owner contractually retains control over some portion of the premises or use of the premises. *Hughes v. Chehalis Sch. Dist. No. 302*, 61 Wn.2d 222, 377 P.2d 642 (1967); *Restatement (Second) of Torts* § 328E (defining possessor of land generally as “a person who is in occupation of the land with intent to control it.”). *Accord, Adamson v. Port of Bellingham*, 193 Wn.2d 178, 187, 438 P.3d 522 (2019). Once a landlord transfers possession of the leased premises to the tenant, the landlord generally is not subject to liability to a tenant for injuries caused by a condition on the land because the landlord does not “possess” the premises having relinquished control of the leased premises to the tenant. *Regan*, 76 Wn.2d at 504; *Hughes*, 61 Wn.2d at 224-25.²

² This Court in *Pruitt v. Savage*, 128 Wn. App. 327, 115 P.3d 1000 (2005) rejected premises liability in a case where a roller blader was injured by a falling garage door in a neighboring house as to its owner and property manager because they were not its possessors – the house had been leased to tenants.

There are exceptions to this general rule. For example, a landlord who has conveyed exclusive possession to a tenant may still be held liable for a tenant's injuries, or injuries to the tenant's invitee, caused by a hidden or latent defect that existed at the commencement of the lease. *Frobig v. Gordon*, 124 Wn.2d 732, 735-36, 881 P.2d 226 (1994); *Teglo v. Porter*, 65 Wn.2d 772, 399 P.2d 519 (1965); *Hughes*, 61 Wn.2d at 226. Such defects are those a tenant should not be expected to discover by reasonable inspection of the premises. *Hughes*, 61 Wn.2d at 225.

A landlord may also be responsible for specific areas, such as common areas, over which it retains control, *Musci v. Groach Assocs., Ltd. P'ship No. 12*, 144 Wn.2d 847, 862-63, 31 P.3d 684 (2001). A lessor remains the possessor of premises to the extent that it covenants to repair them. *Adamson*, 193 Wn.2d at 185; *Rossiter v. Moore*, 59 Wn.2d 722, 370 P.2d 250 (1962) (covenant to repair); *Estep v. Security Savings & Loan Soc.*, 192 Wash. 432, 73 P.2d 740 (1937) (same).

In the context of commercial leases, commercial tenants

stand upon a somewhat different footing from residential tenants. There are “significant differences between commercial and residential tenancies and the policy considerations appropriate to each.” *Humphrey v. Byron*, 850 N.E.2d 1044, 1048 (Mass. 2006). In many jurisdictions, including Washington, commercial landlords continue to enjoy a greater freedom from liability from injuries to persons on the leased premises. 3 LANDAU & MARTIN, PREMISES LIABILITY LAW AND PRACTICE § 9A.01, at 9A-6.

This rule for commercial landlords makes sense: the commercial tenant, who has exclusive control of the leased premises, “is in the best position to take steps to protect the safety of its own property.” *Enerco, Inc. v. SOS Staffing Servs., Inc.*, 52 P.3d 1272, 1274-75 (Utah 2002); *see also, Gourdi v. Berkelo*, 930 P.2d 812, 816 (N.M. 1996) (“When...a landowner has relinquished the right to possession under a lease, he or she is no longer in the best position to discover and remedy any dangerous condition—the tenant is.”). In the commercial context, the tenant

knows its day-to-day business operations better than anyone else, and the law should not incentivize landlords to meddle in the tenant's business, particularly in the provision of specialized adventure sport services such as skydiving.

The critical issue for possession is not control generally but control specifically “to that portion of the premises in which [the] plaintiff is injured.” *Regan*, 76 Wn.2d at 504. Control in this context means the Landlord’s “authority to manage, direct, superintend, restrict or regulate” the tenant’s business on the leased premises. *Kirby v. Zlotnick*, 278 A.2d 822, 824 (Conn. 1971); *see also*, *Ritto v. Goldberg*, 265 N.E.2d 772, 774 (N.Y. 1970) (“It has been held uniformly that control is the test which measures generally the responsibility in tort of the owner of real property.”). This Court’s opinion in *Fowler v. Swift*, 10 Wn. App. 2d 1038, 2019 WL 6881332 (2019) (unpublished) emphasizes the necessity of attention to control where the Court rejected premises liability for a plaintiff’s injuries resulting from a fall on stairs that the Court concluded were not controlled by the

defendant. In sum, in order for *premises* liability to occur, the harm must arise out of the use of the premises.

Further, it is well-established under Washington law that even if the County was a possessor of the premises, it is not liable for conditions on the premises created *after* a tenant assumes possession. *Frobig*, 124 Wn.2d at 736 (“With regard to conditions on the land that develop or are created after the property has been leased, the general rule is that the landlord is not responsible, either to persons injured on or off the land, for conditions which develop or are created by the tenant after possession has been transferred.”). *Accord*, *Johnson v. Miller*, 178 Wn. App. 1045, 2014 WL 129263 (2014) (unpublished) (this Court upheld dismissal of premises liability claim arising from tenant’s removal of handrails on steps to mobile home).

Finally, as the County has contended, a possessor of land in Washington has premises liability only for injuries arising from physical *conditions* on the premises, not *activities* conducted there. In *Saralegui Blanco v. Gonzalez Sandoval*, 197

Wn.2d 553, 563, 485 P.3d 326 (2021), our Supreme Court reaffirmed the principle that “the conditions generally associated with premises liability duties involve physical features of the property.” (citing cases). Washington courts have repeatedly rejected, as in *Saralegui Blanco*, premises liability arising from the *activity* of keeping dangerous animals. *Frobig*, 124 Wn.2d at 735-36; *El Gamai v. Romoser*, __ Wn. App. 2d __, 2024 WL 4880855 (2024) (unpublished).

Additionally, the premises liability must arise out of a condition *on the premises themselves*. Thus, Division III rejected premises liability where a property owner charged people a fee to access an adjacent property where cliff jumping occurred and the plaintiff was injured; a property owes no duty under premises liability principles regarding dangers on adjacent lands. *Smith v. Stockdale*, 166 Wn. App. 557, 568-70, 271 P.3d 917, *review denied*, 174 Wn.2d 1013 (2012).³

³ Here, as the County recounted in its brief at 10-11, not only was some of Beneen’s training conducted in the landing

Applying the foregoing well-established principles, it is clear that the trial court correctly granted summary judgment to the County because the County did not possess relevant premises where Beenen was harmed, and because premises liability is inappropriate for *activities* on premises leased to Whittaker/Skydive Toledo that had no relationship to Beenen's ultimate harm.

Recognizing her factual problems on premises liability, Beenen labors to find some facts to justify such liability on the County's part. She variously contends that the County retained the right to control the conduct of business on the leased premises; the County benefitted from the lease because fuel was sold at the Airport; the County mentioned skydiving in its Airport-related applications to the FAA; a sign on Hangar 18 referenced skydiving; and that the County retained control of

area that is not part of the County's premises, Beenen's instructor was located there. Her injuries also occurred at the site not owned or leased by the County.

Airport roads and aircraft taxiways. *None* of these facts help her to overcome the fact that the County did not possess the premises directly connected to her injury – Hangar 18, or that the premises, as such, had nothing to do with her accident and injuries. Rather, poor professional services as to skydiving and her parachute were the cause of her injuries.

Here, the County was not the possessor of the premises where such premises had been leased to Whittaker/Skydive Toledo. There is no doubt here that Whittaker/Skydive Toledo occupied Hangar 18 with the intent to control it. This was clearly not a situation where the County retained control over Hangar 18, covenanted to repair it, or involved latent physical defects in Hangar 18.⁴

⁴ To the extent that Beneen contends that the County did not cede exclusive control over the relevant premises to Whittaker/Skydive Toledo because the County continued to control roadways to the airport and taxiways for aircraft, that argument is meritless. Exclusive control over Hangar 18 was ceded to Whittaker/Skydive Toledo, even if some other portions of the Airport premises were not. That is enough to give Whittaker/Skydive Toledo exclusive control over the relevant

Nothing regarding the premises, as such, was defective. There was no hidden defect in Hangar 18. And for as much as Beenen notes that Whittaker/Skydive Toledo used the County's air facilities such as the runways, or roads to and from Hangar 18, there was *nothing* defective as to those roads or taxiways that contributed to her injuries.

Further, Beenen's arguments as to fuel taxes, the sky diving sign on Hangar 18, or the County's references to skydiving in its Airport-related applications to the FAA have nothing to do with County *control* over the relevant premises. Indeed, the sign placed on Hangar 18 was put there by Whittaker/Skydive Toledo and not the County. Bottom line: the County did not conduct or control skydiving activities; Whittaker/Skydive Toledo did. CP 559.

Finally, Beenen asserts that the lease generally gave the County the right to approve the nature of the business conducted

premises.

on the leased premises. App. Br. at 12-14. The actual lease provisions appear to be less explicit than Beenen claims, but even if that assertion were true, the County's approval of Whittaker/Skydive Toledo engaging in a skydiving business on County leased premises generally does not constitute retention by the County of control over the conduct of skydiving by Whittaker/Skydive Toledo. Nothing in any document cited by Beenen purports to give the County such authority over the rendition of professional skydiving services.

Beenen's argument for liability stems not from the use of the premises, as such, but from the professional negligence of Whittaker/Skydive Toledo. Beenen's argument is the theoretical equivalent of holding the owner of property on which a medical clinic is operated liable for the professional negligence of a doctor performing a medical procedure there. The County did not covenant to control in any way how Whittaker/Skydive Toledo conducted skydiving activities.

The trial court correctly granted summary judgment to the

County on Beenen's premises liability claims.

(2) Under Implied Primary Assumption of the Risk Principles, Beenen's Claims Are Barred

The parties have largely focused on the exculpatory clause that Beenen voluntarily signed as barring her claims. *Amicus* _____ does not address such express assumption of the risk principles attendant upon the 9-page release/waiver Beenen knowingly signed. Rather, it addresses the fact that her claims are barred under well-established common law implied primary assumption of the risk principles as well.

Beenen's argument on implied primary assumption of the risk, app. br. at 59-62, reply br. at 28 n. 7, is superficial. Implied primary assumption of the risk bars Beenen's claims.

Washington law has long recognized that assumption of the risk is divided into four classifications: (1) express; (2) implied primary; (3) implied reasonable; and (4) implied unreasonable. *Scott v. Pacific West Mountain Resort*, 119 Wn.2d 484, 496, 834 P.2d 6 (1962). The first two categories bar the

plaintiff's claim entirely, while the latter two are damage-reducing factors. *See also, Gleason v. Cohen*, 192 Wn. App. 788, 368 P.3d 531 (2016) (this Court applied implied primary assumption of the risk to woodcutter barterer's injuries sustained in encountering the risks inherent in cutting down large trees on the property of a landowner); *Dorr v. Big Creek Wood Products, Inc.*, 84 Wn. App. 420, 927 P.2d 1148 (1996) (logging).

Implied primary assumption of the risk is particularly germane to situations where an adult chooses to expose himself/herself to a highly dangerous recreational activity. Scott, 119 Wn.2d at 498 ("One who participates in sports 'assumes the risks' which are inherent in the sport."). *See also, Ridge v. Kladnick*, 42 Wn. App. 785, 713 P.2d 1131, *review denied*, 106 Wn.2d 1011 (1986) (discussing various sports in which assumption of the risk applied).

While Beenen subjectively claims that she did not appreciate all the risks in skydiving she understood she was encountering a highly dangerous adventure sport, as objective

reality of the risks of skydiving discussed *supra* documented. Objectively, skydiving is a highly risky adventure sport one of whose inherent risks is parachute malfunction. Moreover, as noted *supra*, she admitted that she chose to participate in a highly risky adventure sport.

Two recent cases illustrate the proper application of the doctrine. *Reed-Jennings v. Baseball Club of Seattle, LP*, 188 Wn. App. 320, 333, 351 P.3d 887, *review denied*, 184 Wn.2d 1024 (2015). There, Division I held that a spectator at a Seattle Mariners games assumed the risk of being hit by a foul ball. Similarly, in *Pellham v. Let's Go Tubing, Inc.*, 199 Wn. App. 399, 398 P.3d 1205 (2017), Division III applied the doctrine and affirmed the trial court's dismissal of a plaintiff's action for injuries occasioned when his inner tube struck a log hidden in the Yakima River. The court held that the plaintiff voluntarily assumed the risk of river tubing that included the risk of a fallen log and a swift river current, which are inherent risks of river tubing, a potentially dangerous outdoor adventure. The doctrine

applied even where the tubing company was aware of the log and might have put in the tubers in the river downstream from the log.

Beenen cites only three cases on implied primary assumption of the risk, *Horne v. N. Kitsap Sch. Dist.*, 92 Wn. App. 709, 965 P.2d 1112 (1998); *O'Neill v. City of Port Orchard*, 194 Wn. App. 759, 375 P.3d 709 (2016), *review denied*, 187 Wn.2d 1003 (2017); and *Shorter v. Drury*, 103 Wn.2d 645, 695 P.2d 116 (1985). In particular, none of the cases affect the application of the doctrine under the circumstances present here. None involved an adult assuming the risks of a highly dangerous adventure sport.

Rather, *Shorter* addressed the enforceability of a release signed by a patient who refused blood transfusions for religious reasons and bled to death as a consequence of medical treatment. *Horne* involved injuries to a visiting football coach during a football game incurred on the sidelines while trying to protect players in the game. In *O'Neill*, a bicyclist was injured by

conditions on a city street. The facts in these cases are a far cry from highly dangerous adventure sports.

Beenen, an adult, voluntarily chose to assume the risk of skydiving. Indeed, before actually going up in Skydive Toledo's plane, she interacted with Whittaker and her staff for *four hours*. CP _____. This was no spur-of-the-moment decision to be involving in a highly dangerous sport. She *chose* to jump out of an airplane moving at a high speed,⁵ and to fall to the ground, depending only on a parachute to resist the pull of gravity, for the thrill of the sport.

The doctrine of implied primary assumption of the risk barred Beenen's claim.

E. CONCLUSION

This Court should reject any notion, unsupported in statute, case law, or public policy, that local governments owe some sort of enhanced or special premises liability duty.

⁵ Skydivers may fall at up to 120 m.p.h., as noted in the NIH report, cited *supra*.

Moreover, here, the County was not a possessor of premises that occasioned Beenen's injuries; rather, Beenen must look to Whittaker/Skydive Toledo for professional negligence. Moreover, the common law doctrine of implied primary assumption of the risk fully bars Beenen's claims. This Court should affirm summary judgment in the County's favor.

This document contains ____ words, excluding the parts of the document exempted from the word count by RAP 18.17.

DATED this ____ day of January, 2025.

Respectfully submitted,

/s/ Philip A. Talmadge
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ON TABLE APPENDIX

February 5, 2025



BUSINESS ACTION AND REPORTS

February 5, 2025

TO: WSAC Board of Directors

FROM: Derek Young, Interim Executive Director

PREPARED BY: Bridget Lockling, Director, Operations & Administration

SUBJECT: Conflict of Interest Policy

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

Highlights of the policy to note:

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

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

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

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

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

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

A full copy of the policy follows this memo. The attached **Resolution #2025-01** is included as certification that the policy has been provided to and reviewed by the WSAC Board of Directors.



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

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

Substantial Financial Interest

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

Disclosure of Interest and Participation in Meeting

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

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



WSAC will pay or reimburse other members travel expenses when approved by the Executive Director when the meeting/activity is directly related to Association business and activities.

Part 2 – Conflict of Interest

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

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

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

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

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

Direct or Indirect Financial or Other Material Interest

to a conflict of interest, the Committee shall determine by majority vote of the disinterested members of the Committee whether the Arrangement is in WSAC's best interests and whether it is fair and reasonable to WSAC and shall make its decision as to whether to enter into the Arrangement in conformity with such determination.

Minutes of Meeting

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

Co-Investment Interest

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

Failure to Disclose

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

determines that the Director or Officer has in fact failed to disclose a direct or indirect financial or other material interest or co-investment interest subject to this Policy, it shall take appropriate disciplinary and corrective action.

Employees Covered by Policy

This Policy shall apply to the Executive Director.

Policy Supplements Applicable Laws

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

Part 3 – Voting**Authorization**

WSAC Bylaws:

- 2.7 Voting Rights
- 4.1 National Association of Counties – Board of Directors
- 4.2 National Association of Counties – Board of Directors Western Interstate Region
- 5.2 Election and Term of Office
- 5.5 Vacancies
- 5.6 Candidates for Office

Purpose

The following procedures are established to conduct the annual, regular, and special election procedures for the following positions:

- WSAC President
- WSAC 1st Vice President
- WSAC 2nd Vice President
- Regional Representatives
- National Association of Counties Board of Directors
- National Association of Counties Western Interstate Region Board of Directors

To support the elections and balloting procedures, WSAC shall acquire, maintain, and assure access to an online electronic election and balloting system.



Resolution #2025-01

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

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

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

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

NOW THEREFORE, BE IT RESOLVED that the Washington State Association of Counties' Board of Directors and Alternates acknowledge that the WSAC Conflict of Interest Policy was transmitted to the WSAC Board of Directors on February 5, 2025; and

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

Approved by the Board of Directors of the Washington State Association of Counties on February 5, 2025.

Rob Coffman, WSAC President

February 5, 2025

TO: WSAC Board of Directors

FROM: Derek Young, Interim WSAC Executive Director

SUBJECT: Appointment of Audit, Investment and Finance Committee

Background

The Washington State Association of Counties is committed to strong financial management principles and accountability to its members regarding our fiduciary responsibilities. As such, WSAC Bylaws call for the following action:

3.17.4 Audit, Investment & Finance Committee

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

WSAC Policy Manual further states:

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

For more information, you can find both the Audit, Investment, and Finance Committee Charter in Part 5 of our WSAC Comprehensive Policy Manual and Section III covers Cash Management and Investment Objectives: <https://wsac.org/wp-content/uploads/2020/05/Approved-WSAC-Policy-Manual-5-6-20.pdf>

Discussion

Consistent with WSAC Bylaws and Policy, the following members will serve on the 2025 Audit, Investment, and Finance Committee either because of their elected leadership position or an earlier appointment by the WSAC Board of Directors:

Clallam County Commissioner Mark Ozias, WSAC 1st Vice-President (Per WSAC Policy)
TBD, WSAC 2nd Vice-President (Per WSAC Policy)
Todd Kimball, Walla Walla County Commissioner, Term Expires December 31, 2026
Brett Wachsmith, Kittitas County Commissioner, Term Expires December 31, 2026

WSAC President Rob Coffman, recommends the following two WSAC members to serve a three-year term, ending December 31, 2027, on the WSAC Audit, Investment, and Finance Committee:

Nominated: Clallam County Commissioner Randy Johnson, Term Expires December 31, 2027

Nominated: Yakima County Commissioner Amanda McKinney, Term Expires December 31, 2027

Staff Recommendation

Staff recommends the adoption of **Resolution #2025-02** to appoint the Audit, Investment, and Finance Committee members as listed.



Resolution #2025-02

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

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

WHEREAS, WSAC President Rob Coffman recommends the re-appointment of the following members to the Audit, Investment and Finance Committee:

Randy Johnson, Clallam County Commissioner, Term Expires December 31, 2027
Amanda McKinney, Yakima County Commissioner, Term Expires December 31, 2027

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

Randy Johnson, Clallam County Commissioner, Term Expires December 31, 2027
Amanda McKinney, Yakima County Commissioner, Term Expires December 31, 2027

Approved by the Board of Directors of the Washington State Association of Counties on February 5, 2025.

Rob Coffman, WSAC President



February 5, 2025

TO: WSAC Board of Directors

FROM: Derek Young, Interim Executive Director

PREPARED BY: Jessica Strozewski, Member Experience Manager

SUBJECT: Appointments and Nominations to Statewide Boards & Commissions

The following nominations were received for an open county, or local government represented positions on statewide boards and commissions. Attached are applications from each candidate.

WSAC Policy on Board Appointment/Nomination Process

For Boards or Commissions where the WSAC Board of Directors is responsible for nominating individuals, the following process will be used:

The Board of Directors may approve that all nominees be forwarded to the appointing authority for further review via voice vote.

For Boards or Commissions where the WSAC Board of Directors has appointing authority, the following process will be used:

For positions receiving two statements of interest, the Board of Directors shall conduct a hand vote to determine which candidate is the nominee/appointee. For positions receiving more than two statements of interest and where it is necessary to reduce the number of nominees, the board shall conduct an exhaustive ballot voting system until it is determined which candidate(s) are the nominee/appointee.

The exhaustive ballot voting system provides that each board member casts a single vote for their selected nominee. If no candidate is supported by a majority of votes, the candidate with the fewest votes is eliminated, and a further round of voting occurs. This process is repeated for as many rounds as necessary until one nominee has a majority of the Board of Directors present to vote. If more than one nominee needs to be selected, the Board shall continue to vote until a second nominee has a majority, and so on.

Appointments by WSAC

Criminal Justice Treatment Account Panel

Eligibility: County representative

Number of Positions: Two (primary & alternate) | Applications Received: Four

Rachel Grant, Commissioner, Thurston County
Carolina Mejia, Commissioner, Thurston County
Sonya Miles, Assistant Director, Department of Human Services,
Sean Swope, Commissioner, Lewis County

Western Interstate Region (NACo WIR) – Population below 180,000

Eligibility: Active WSAC member from county with population below 180,000

Number of Positions: One | Applications Received: One

Sean Swope, Commissioner, Lewis County

Nominations to the Adjutant General

Washington 911 Advisory Committee – Western

Eligibility: WSAC representative from western region county

Number of Positions: One | Applications Received: One

Rachel Grant, Commissioner, Thurston County

Nominations to the Governor

Affordable Housing Advisory Board - Western

Eligibility: WSAC member from western region county

Number of Positions: One | Applications Received: Two

Kari McVeigh, Councilmember, San Juan County

Carolina Mejia, Commissioner, Thurston County

Forest Practices Board

Eligibility: County Legislative Authority

Number of Positions: One | Applications Received: Three

Scott Brummer, Commissioner, Lewis County

Heidi Eisenhour, Commissioner, Jefferson County

Lisa Olsen, Commissioner, Pacific County

Openings Receiving No Applications

Airport System Plan Project Advisory Committee

Appointing Authority: WSAC

Eligibility: County Representative

Number of Positions: One | Applications Received: None

County Design Standards Committee

Appointing Authority: WSAC

Eligibility: County Engineer

Number of Positions: Two | Applications Received: None

Forensic Investigations Council

Appointing Authority: Governor

Eligibility: Commissioner/Councilmember

Number of Positions: One | Applications Received: None (Must have 2)

Voluntary Stewardship Program Statewide Advisory Committee - Eastern

Appointing Authority: Washington State Stewardship Commission

Eligibility: County representative from eastern region county

Number of Positions: One | Applications Received: None

Winter Recreation Advisory Committee

Appointing Authority: WSAC

Eligibility: Elected Commissioner/Councilmember

Number of Positions: One | Applications Received: None



Resolution #2025-03

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

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

WHEREAS, there are vacancies on the Criminal Justice Treatment Account Panel; and

WHEREAS, the following county representatives have sought nomination for these vacancies:

Rachel Grant, Commissioner, Thurston County
Carolina Mejia, Commissioner, Thurston County
Sonya Miles, Assistant Director, Department of Human Services,
Sean Swope, Commissioner, Lewis County

NOW THEREFORE, BE IT RESOLVED, that the Washington State Association of Counties' Board of Directors appoints the following county representatives to the Criminal Justice Treatment Account Panel:

Primary:
Alternate:

BE IT FURTHER RESOLVED, that WSAC staff be directed to immediately transmit the nominee's name(s) to the Criminal Justice Treatment Account Panel; and

BE IT FURTHER RESOLVED, that WSAC staff is directed to contact the nominees of their selection; and

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

Approved by the Board of Directors of the Washington State Association of Counties on February 5, 2025.

Rob Coffman, WSAC President



Resolution #2025-04

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

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

WHEREAS, there is a vacancy on the NACo Western Interstate Region Board; and

WHEREAS, the following county representatives have sought nomination for this vacancy:

Sean Swope, Commissioner, Lewis County

NOW THEREFORE, BE IT RESOLVED, that the Washington State Association of Counties' Board of Directors appoints the following county representative to the NACo Western Interstate Region Board:

BE IT FURTHER RESOLVED, that WSAC staff be directed to immediately transmit the nominee's name(s) to the NACo Western Interstate Region Board; and

BE IT FURTHER RESOLVED, that WSAC staff is directed to contact the nominees of their selection; and

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

Approved by the Board of Directors of the Washington State Association of Counties on February 5, 2025.

Rob Coffman, WSAC President



Resolution #2025-05

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

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

WHEREAS, there is a vacancy on the Washington 911 Advisory Committee; and

WHEREAS, the following county representatives have sought nomination for this vacancy:

Rachel Grant, Commissioner, Thurston County

NOW THEREFORE, BE IT RESOLVED, that the Washington State Association of Counties' Board of Directors nominates the following county representative to the Washington 911 Advisory Committee:

BE IT FURTHER RESOLVED, that WSAC staff be directed to immediately transmit the nominee's name(s) to the Adjutant General; and

BE IT FURTHER RESOLVED, that WSAC staff is directed to contact the nominees of their selection; and

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

Approved by the Board of Directors of the Washington State Association of Counties on February 5, 2025.

Rob Coffman, WSAC President



Resolution #2025-06

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

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

WHEREAS, there is a vacancy on the Affordable Housing Advisory Board; and

WHEREAS, the following county representatives have sought nomination for this vacancy:

Kari McVeigh, Councilmember, San Juan County
Carolina Mejia, Commissioner, Thurston County

NOW THEREFORE, BE IT RESOLVED, that the Washington State Association of Counties' Board of Directors nominates the following county representative to the Affordable Housing Advisory Board:

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

BE IT FURTHER RESOLVED, that WSAC staff is directed to contact the nominees of their selection; and

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

Approved by the Board of Directors of the Washington State Association of Counties on February 5, 2025.

Rob Coffman, WSAC President



Resolution #2025-07

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

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

WHEREAS, there is a vacancy on the Forest Practices Board; and

WHEREAS, the following county representatives have sought nomination for this vacancy:

Scott Brummer, Commissioner, Lewis County
Heidi Eisenhour, Commissioner, Jefferson County
Lisa Olsen, Commissioner, Pacific County

NOW THEREFORE, BE IT RESOLVED, that the Washington State Association of Counties' Board of Directors nominates the following county representative to the Forest Practices Board:

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

BE IT FURTHER RESOLVED, that WSAC staff is directed to contact the nominees of their selection; and

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

Approved by the Board of Directors of the Washington State Association of Counties on February 5, 2025.

Rob Coffman, WSAC President

Member Nomination Form

Position of Interest:

Criminal Justice Treatment Account Panel

Name

Rachel Grant

Title

Thurston County Commissioner District 2

County:

Thurston County

If elected official, your current term ends?

Sunday, December 31, 2028

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

Yes

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

Yes

Statement of Interest:

I am deeply interested in serving as a representative on the Criminal Justice Treatment Account (CJTA) Panel. This role aligns with my career-long commitment to improving treatment systems, and I bring both professional expertise and personal experience to the work of ensuring justice-involved individuals have access to effective substance use disorder treatment and recovery supports.

As a former budget manager directly responsible for administering CJTA funds, I understand the complex balancing act of meeting county priorities while staying within budget and maximizing the resources available. My work required me to make decisions that carefully aligned with program objectives, legal mandates, and the diverse needs of counties and behavioral health organizations. This perspective enables me to evaluate decisions holistically—ensuring they are fiscally responsible, aligned with county goals, and focused on delivering meaningful outcomes for the individuals and families who depend on these services.

Beyond the technical aspects of funding, my personal experience with recovery gives me a deep understanding of the challenges justice-involved individuals face. I have seen how proper access to care and second chances can transform lives. This insight ensures that my decision-making remains grounded in the realities of the people we serve. I believe every decision made should reflect the dual priorities of supporting the counties and ensuring the resources are there to help people succeed.

Throughout my career, I have worked collaboratively with stakeholders across agencies, counties, and providers to address barriers and implement practical solutions. I understand the value of balancing

immediate needs with long-term goals, which requires a thoughtful and equitable approach. As a representative on this panel, I would advocate for resource allocation strategies that respect the budget constraints of counties while maximizing the impact of every dollar spent.

The work of the CJTA is critical to breaking the cycle of incarceration, reducing recidivism, and fostering recovery. My approach to this responsibility will remain grounded in the principle that good decisions must balance county priorities, resources, and the needs of the people we aim to serve. I am committed to transparency, equity, and collaboration in advancing the CJTA's mission.

It would be an honor to serve in this role, and I am confident my skills and experience would contribute to meaningful progress for counties and communities alike.

Member Nomination Form

Position of Interest:

Criminal Justice Treatment Account Panel

Name

Carolina Mejia

Title

Commissioner

County:

Thurston County

If elected official, your current term ends?

Friday, December 31, 2027

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

Yes

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

Yes

Statement of Interest:

I am writing to express my interest in serving on the Criminal Justice Treatment Account (CJTA) Panel. As a Thurston County Commissioner, I am deeply committed to improving outcomes for individuals involved in the criminal justice system, particularly those struggling with substance use disorders.

During my tenure as Commissioner, I have worked closely with stakeholders across the criminal justice and behavioral health sectors to address systemic challenges and support innovative solutions. I have seen firsthand the transformative impact that treatment and recovery programs can have on justice-involved individuals and the broader community.

My experience includes collaborating with therapeutic courts, advocating for increased behavioral health resources, and engaging with community members to understand the barriers they face when seeking recovery. I am passionate about leveraging resources like the CJTA to enhance access to evidence-based treatment, reduce recidivism, and foster successful reintegration.

I believe my background in county governance, coupled with my dedication to improving public health and safety, aligns with the mission of the CJTA. I would be honored to contribute my expertise and perspective to the panel's important work.

Thank you for considering my application. I welcome the opportunity to support the CJTA's efforts in creating meaningful change for justice-involved individuals and their communities.

Member Nomination Form

Position of Interest:

Criminal Justice Treatment Account Panel

Name

Sonya Miles

Title

Assistant Director Department of Human Services

County:

Kitsap County

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

Yes

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

Yes

Statement of Interest:

I have been involved in facilitation of Treatment Courts within the Criminal Justice System, in Pretrial Services, Substance Use Treatment and Mental Health and understand the continuum of care needed that the CJTA dollars covers. Now in the Human Services field and have that lens of need. I have also worked in Juvenile courts and in the role as GAL/CASA as well as a parenting investigator.

Member Nomination Form

Position of Interest:

Criminal Justice Treatment Account Panel

Name

Sean Swope

Title

County Commissioner

County:

Lewis County

If elected official, your current term ends?

Sunday, December 31, 2028

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

Yes

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

Yes

Statement of Interest:

As a Lewis County Commissioner, I have had the privilege of working closely with our Lewis County Jail staff, including Chief Sweet, to address the challenges facing our justice system. Through this collaboration, I have seen the critical role our jail plays in addressing drug addiction and its impact on our community. Serving on the Criminal Justice Treatment Account (CJTA) board would allow me to build on this work and further advocate for solutions that can transform lives and strengthen public safety.

Drug addiction is at the root of many issues within our justice system, and for individuals entering our jail, this may be their one opportunity to get clean and begin a new chapter. I firmly believe we have a moral and civic duty to ensure those struggling with addiction have access to the best treatment and resources available. The jail setting provides a unique chance to intervene in a way that can help individuals break the cycle of addiction, reduce recidivism, and offer hope for a brighter future.

As a member of the CJTA board, I would bring firsthand knowledge of the needs within our local facilities and the challenges faced by both staff and those in custody. My work with Chief Sweet and our jail staff has shown me how crucial it is to implement evidence-based programs that address addiction as a public health issue. Detox services, counseling, and peer support are essential components of this effort, and I would advocate for robust funding and support for these initiatives.

I also understand the importance of accountability and measurable outcomes. Taxpayer dollars must be invested in programs that deliver real results—reducing crime, improving public safety, and giving individuals a true chance at recovery. My focus would be on ensuring that CJTA funds are used effectively

to maximize their impact on our community.

Ultimately, I am motivated by the belief that every individual deserves a second chance. By providing compassionate, effective treatment within our jail system, we not only help individuals reclaim their lives but also create a safer, healthier community for everyone. I am committed to using my experience, leadership, and passion for public service to make a meaningful difference on the CJTA board. Please compose or copy & paste your statement of interest here.

Member Nomination Form

Position of Interest:

NACo WIR

Name

Sean Swope

Title

Commissioner

County:

Lewis County

If elected official, your current term ends?

Sunday, December 31, 2028

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

Yes

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

Yes

Statement of Interest:

I am honored to submit my candidacy for the position of Western Interstate Region Representative for the Washington State Association of Counties (WSAC). This role represents an opportunity to serve as a voice for our counties on the issues that are vital to rural communities and to advocate for solutions that address the unique challenges and opportunities facing the western region of the United States.

Over the past two years, I have had the privilege of working with the National Association of Counties (NACo) on the **Building Resilient Economies in Coal Communities** (BRECC) initiative. This has been a transformative experience, allowing me to work collaboratively with peers across the country to address the economic and social challenges facing coal-dependent regions. As part of this initiative, our group has focused on finding actionable solutions to diversify and strengthen the economies of communities impacted by the energy transition. This March, we will culminate our efforts with a trip to Washington, D.C., where we will engage with legislators, federal agencies, and other stakeholders to present our findings and advocate for policies that will create pathways for resilient, sustainable growth.

Through this work, I have gained invaluable experience in working on regional and national platforms, advocating for rural communities, and fostering partnerships across sectors. It has been an honor to represent Lewis County in this capacity, and I am eager to bring the same level of dedication, collaboration, and advocacy to WSAC as the Western Interstate Region Representative.

<https://www.naco.org/program/building-resilient-economies-coal-communities>

A Deep Understanding of Local Challenges and Opportunities

As a resident of Lewis County, I live in a community that has faced significant challenges related to both flooding and economic distress tied to energy transitions. These experiences have given me a firsthand understanding of the issues that many rural counties in our region face.

In Lewis County, we are working diligently to address flooding issues that have repeatedly impacted our communities. Flood mitigation is not just about protecting infrastructure—it’s about ensuring the safety, resilience, and long-term viability of our communities. Similarly, as an energy-distressed area, we are uniquely positioned to contribute to the nation’s energy transition. We have the infrastructure, the workforce, and the determination to bring power production back to our region in a way that balances economic growth with environmental stewardship. These are the kinds of conversations I hope to continue fostering as part of the Western Interstate Region.

Building Relationships with Tribal Communities

Another key component of my work has been building and maintaining strong relationships with our local tribal communities. In my time as county commissioner, I have worked to understand and address the needs and priorities of these communities. Collaboration with tribal nations is critical to achieving progress on issues such as natural resource management, economic development, and cultural preservation. My experience in this area has given me a deep appreciation for the importance of listening, learning, and working together to achieve shared goals.

Advocating for Rural Counties

As a commissioner in a rural county, I also understand the wide range of issues that affect communities like ours. Preservation, forestry, and resource management are critical components of rural economies, but they also require careful, forward-thinking policies to ensure long-term sustainability. I have seen firsthand how the lack of balanced policies can negatively impact rural communities, and I am committed to advocating for solutions that address the realities we face. Whether it’s advocating for better forest management practices to reduce wildfire risks, preserving the integrity of working lands, or ensuring rural counties have a seat at the table in state and federal discussions, I believe my experience and passion will serve WSAC well.

Vision and Dedication

I am deeply committed to representing the collective interests of WSAC members in the Western Interstate Region. This position is about more than advocacy—it’s about bringing people together, amplifying rural voices, and ensuring that the unique challenges and opportunities in our region are fully understood and addressed.

My work with NACo’s BRECC initiative has taught me the importance of collaboration and innovative thinking in solving complex issues. I have seen how partnerships with federal agencies, tribal governments, and local leaders can yield creative and effective solutions. I believe these experiences have prepared me to serve WSAC in a meaningful way.

It would be an honor to represent Washington counties as the Western Interstate Region Representative. I am committed to working hard, listening to the needs of our members, and advocating for the policies and resources that will help our communities thrive. Together, we can build a stronger, more resilient future for our counties, our region, and our state.

Thank you for considering my candidacy. I look forward to the opportunity to contribute to WSAC in this capacity.

Member Nomination Form

Position of Interest:

E-911 Advisory Committee

Name

Rachel Grant

Title

Thurston County Commissioner District 2

County:

Thurston County

If elected official, your current term ends?

Sunday, December 31, 2028

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

Yes

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

Yes

Statement of Interest:

As a newly elected official with extensive experience in crisis and emergency management, I am drawn to the opportunity to contribute to the Washington State 911 Advisory Committee. I am eager to apply my expertise to enhance coordination, improve emergency response systems, and support the committee's critical mission.

In my role as Operations Manager at the Department of Social and Health Services (DSHS) and as a volunteer staff safety officer at agencies such as the Department of Corrections, Health Care Authority, and Labor and Industries, I developed and implemented comprehensive emergency management plans. My responsibilities included ensuring workplace safety and coordinating logistics during crises. These experiences, coupled with Red Cross training in emergency response, disaster preparedness, and logistics planning, reflect my long-standing dedication to public safety and crisis management.

My career has also intersected with justice-involved projects and systems, including extensive collaboration with jails, law enforcement, fire services, and emergency responders in both health and facility settings. This work deepened my understanding of the interconnected nature of crisis response and the essential role 911 services play in supporting public safety. Whether addressing the unique needs of justice-involved individuals or fostering improved communication between emergency services, I have consistently worked to enhance coordination and streamline processes to deliver better outcomes.

In addition to my operational roles, I have held key leadership positions in state agencies, including Labor and Industries, Health Care Authority, and DSHS, as well as in King County. I have led emergency response

initiatives, implemented projects aligned with national standards, and collaborated with diverse stakeholders to create equitable and effective systems. My work has required a focus on sustainability, innovation, and the integration of best practices to ensure systems are resilient and responsive to evolving needs.

My technical expertise includes certifications in project management, Lean methodologies, and continuous improvement. These qualifications have allowed me to lead complex projects, deliver measurable results, and build systems that are both efficient and impactful. A strong advocate for data-driven decision-making, I leverage technology to optimize operations, enhance coordination, and support real-time decisions during emergencies.

Serving on the Washington State 911 Advisory Committee is a natural extension of my commitment to public safety and community well-being. I am particularly focused on strengthening coordination across agencies and integrating 911 services with behavioral health, law enforcement, and fire systems. My collaborative approach, technical skills, and hands-on experience enable me to contribute valuable insights and practical solutions to this vital work.

Thank you for considering my application. I am excited about the opportunity to support Washington's efforts to ensure reliable, responsive, and equitable 911 services for all residents.

Member Nomination Form

Position of Interest:

Affordable Housing Advisory Board - Western

Name

Kari McVeigh

Title

County Councilmember

County:

San Juan County

If elected official, your current term ends?

Sunday, December 31, 2028

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

Yes

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

Yes

Statement of Interest:

As a newly elected County Councilmember and resident of San Juan County, I am thoroughly familiar with the overwhelming need for affordable housing for low- and middle-income wage earners in our county, as well as our state. As part of my campaign, I stressed the dire predicament our county is facing when low- and middle-income earners are unable to find suitable homes in which to live and raise their families. This is a problem of existential proportions and without timely solutions, the communities we all love could easily face extinction.

Prior to being elected, I was the Superintendent of Shaw Island School District where I found the lack of affordable or rental housing assured that finding new teachers or keeping veteran teachers was nearly impossible. In response, I led the effort to build two units (a 3- bedroom, 2 bath, and a 2-bedroom 1 bath) of permanently affordable teacher housing. After approximately 2 years of design, community engagement and rigorous fund raising, the district just recently put construction of these units out to bid

and hopefully within 12-18 months, these homes will be available for teachers to rent.

In doing the research into any grants available to help the school district in its attempt to build teacher housing, I realized that all affordable housing grants *excluded*

middle income earners. It became abundantly clear that moderate wage earners make too much to qualify for permanently affordable homes, and way too little money to be able to buy homes in this economy. Such earners are caught in a terrible trap. Our middle-wage earners are the key to creating and maintaining thriving, healthy communities. It is my fervent desire to be able to help solve the problem of lack of affordability in housing for both low- and middle-income wage earners.

The need for permanently affordable housing will not be solved with the stroke of a pen or merely the good intentions of key players in this arena. Rather, I believe, it will take thoughtful and persistent people dedicated to multi-pronged problem-solving. It will take folks across many arenas, from politicians, land trusts personnel, business leaders, everyday citizens and philanthropists all coming together to seek out a host of viable solutions so that this problem can be tackled and solved from many directions. I believe that my experience leading the affordable housing effort on Shaw Island, along with my life-long experience in leadership and financial management of public funds, and my ability to listen to competing voices and find alignment among them, will be an asset to the mission of this Board.

I am eager to contribute my expertise and talents to this important work and that is why I am applying for this Board.

Member Nomination Form

Position of Interest:

Affordable Housing Advisory Board - Western

Name

Carolina Mejia

Title

Commissioner

County:

Thurston County

If elected official, your current term ends?

Friday, December 31, 2027

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

Yes

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

Yes

Statement of Interest:

As a dedicated member of the Regional Housing Council (RHC) in Thurston County, I am eager to serve on the Affordable Housing Advisory Board for the Western Region to help address the critical housing needs facing our communities. My experience with the RHC has provided me with firsthand knowledge of the challenges and opportunities involved in developing and sustaining affordable housing. The RHC is a collaborative body where we work closely with community partners, local governments, and housing organizations to leverage resources effectively. Through this collective effort, we strive to create and implement policies and projects that promote equitable access to safe, stable, and affordable housing throughout Thurston County.

In my role on the RHC, I have seen the transformative impact that affordable housing can have on individuals and families. Access to housing is about more than just shelter—it provides a foundation for stability, health, and economic opportunity. I have been actively involved in identifying gaps in housing availability, exploring funding sources, and advocating for programs that prioritize the needs of our most vulnerable populations, including

seniors, individuals experiencing homelessness, and low-income families.

One of the core values I bring to this work is a commitment to equity. Housing policies must address systemic barriers that have disproportionately impacted marginalized communities, including people of color, individuals with disabilities, and those with limited incomes. As a member of the Affordable Housing Advisory Board, I will work to ensure that our approach to housing development is inclusive, forward-thinking, and responsive to the diverse needs of our region.

The Western Region faces unique housing challenges, including rising costs, limited availability, and growing demand for supportive housing. My experience with regional collaboration, resource allocation, and community engagement has prepared me to contribute meaningfully to the board's mission. I believe strongly in the power of partnerships to address these challenges. Through creative problem-solving and strategic investments, we can expand access to affordable housing and improve quality of life for residents across the region.

Serving on the Affordable Housing Advisory Board would be a continuation of my commitment to ensuring everyone has access to the stability and security that housing provides. I look forward to bringing my passion, experience, and collaborative spirit to this important work.

Member Nomination Form

Position of Interest:

Forest Practices Board

Name

Scott Brummer

Title

Commissioner Dist. 3

County:

Lewis County

If elected official, your current term ends?

Thursday, December 31, 2026

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

Yes

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

Yes

Statement of Interest:

My interest in the Forest Practice Board stems from my 30 years of experience as a professional Biologist working in Southwest Washington. We must have sustainable harvest that protects natural resources and fosters productive forests for our critical timber industry in Washington State. During my career, I worked closely with the Department of Natural Resources while with the Department of Fish and Wildlife, to ensure a balance between habitat protection, forest health and sustainable harvest. I have extensive experience with Forest Practice Applications, Forest and Fish, Timber Fish and Wildlife policies, Water Typing, Small Forest Landowner Office and Habitat Conservation Plans. As a Commissioner representing a district with vast timber resources, I believe my knowledge and background will bring a positive voice to the critical work of the Forest Practice Board.

Member Nomination Form

Position of Interest:

Forest Practices Board

Name

Heidi Eisenhour

Title

County Commissioner

County:

Jefferson County

If elected official, your current term ends?

Sunday, December 31, 2028

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

Yes

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

Yes

Statement of Interest:

I have been personally engaged in Natural Resource issues in Washington for over 30 years - from tree-planting, to staffing forest conservation campaigns and working at the Department of Natural Resources while in college. Since being elected as a County Commissioner in 2020 I have served on a number of WSAC and DNR forest related work groups including: Trust Land Transfer revitalization, Encumbered Lands and Carbon and Forest Management (still ongoing). I have the right combination of subject matter knowledge, commitment to county issues and the ability to ask hard questions - and work collaboratively towards answers. I currently serve as a member of WSACs Legislative Steering Committee. In all of my roles I see myself as a servant leader, committed to my county and our community of county leaders. (See resume for more details)

Member Nomination Form

Position of Interest:

Forest Practices Board

Name

Lisa Olsen

Title

Commissioner

County:

Pacific County

If elected official, your current term ends?

Sunday, December 31, 2028

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

Yes

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

Yes

Statement of Interest:

Please consider this my application for the open position on the Forest Practices Board occupied by an elected member of the county legislative authority. This position is currently held by Commissioner Vickie Raines of Grays Harbor County, who has submitted her intent to resign this post.

I am in the beginning of my 9th year as a county

commissioner from Pacific County and have been involved in natural resource issues, including timber, through the entirety of my tenure here. I am currently a member of the Timber Counties Caucus, and have been since I became the county representative on the Legislative Steering Committee through WSAC (Washington State Association of Counties) in 2019. I became the Pacific County member of the Encumbered Lands Group the following year. Pacific County is one of the three original Encumbered Lands counties along with Wahkiakum and Skamania counties recognized for their timber economy dependency approximately a decade ago via the Washington State Legislature.

I see the production, harvest, management and sale of timber and its lands as one of the most important economies in our state and region and truly believe this industry can maintain it's vital position in our economy while still keeping our public and private wild lands healthy and productive for the fish and fowl as well as human enjoyment.

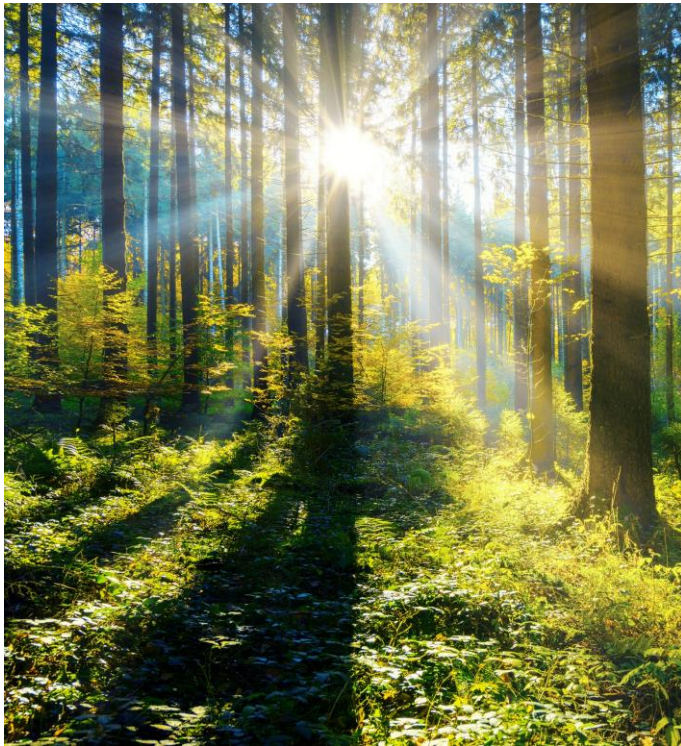
As a Pacific County native with strong ties and history with all the natural resource activities so abundant in our county, I would very much like to be a positive and productive member of this vital board.

The Forest Practices Board is, by name, the place to have the conversations and make the decisions to accomplish this worthy goal. I have had a short conversation with our new Public Lands Commissioner and look forward, if appointed to this position, to a positive and productive relationship with him as well as the other members of this board.

Thank you for your consideration,

Lisa Olsen

Pacific County Commissioner, Dist. 1



ENCUMBERED LANDS PROVISIO WORKING GROUP TRUST BENEFITS DISTRIBUTION RECOMMENDATIONS

DECEMBER 2024



ABSTRACT

WSAC reconvened the Encumbered Lands Proviso Working Group members in 2024 to develop recommendations for distributing benefits from creating a new State Forestland trust adopted by WSAC and authorized through changes in state statutes.

Paul Jewell

Government Relations Director

Introduction

Counties are the beneficiaries of approximately 600,000 acres of forestland (called State Forestlands) managed by the Department of Natural Resources (DNR). State Forestlands provide revenue supporting local and state schools and county services like roads, law enforcement, libraries, fire districts, ports, hospitals, etc. Income is derived through harvesting forest products like commercial timber and other activities like long and short-term leases for communications systems, mining, and grazing.

Many State Forestlands that once generated funding for counties are now “encumbered” by restrictions to harvest due to the Federal Endangered Species Act (ESA) and other obligations. They no longer produce revenue. It is estimated that at least 40% of State Forestland acres are no longer available for harvest.

In 1997, the DNR adopted the State Trust Lands Habitat Conservation Plan (HCP). This long-term plan outlines how DNR will provide habitat for species such as the northern spotted owl, marbled murrelet, salmon, and bull trout. The HCP enables DNR to comply with the Federal ESA requirements while providing great certainty, flexibility, and stability in generating revenue for counties by setting aside lands and agreeing not to harvest them while allowing active forest management, including commercial timber harvest, on other grounds not explicitly designated for habitat.

In 2022, WSAC assisted in securing funding through a state budget proviso to address the encumbered lands issue in five counties (Clallam, Jefferson, Pacific, Skamania, and Wahkiakum) by gaining authorization to utilize the funding to purchase private forestlands and place them into trust status to benefit counties as replacements for existing encumbered State Forestlands. WSAC also formed a working group to develop recommendations for advising the DNR in implementing the proviso. The working group was convened by WSAC staff. It included members from each of the five counties named in the proviso, three members from other counties likely to be impacted by forestland purchases, two representatives from the DNR, and one representative from the American Forest Resources Council.

The Encumbered Lands Proviso (ELP) Working Group developed seven separate policies, which the WSAC Board of Directors adopted in November 2022.

Since then, WSAC has continued to advocate for funding from the state to support additional forestland acquisitions to replace encumbered State Forests in the five original counties. Additional funding was appropriated in 2023 and 2024. The DNR has also had some success acquiring new forestlands utilizing the appropriations, including a large acquisition in Wahkiakum County in 2023.

WSAC worked closely with the DNR to amend state statutes to implement the policies developed by the ELP Working Group and adopted by the WSAC Board of Directors. Legislation was approved and signed into law in 2023, implementing the requested changes.

ELRFT Benefits Distribution Policy Consideration

A significant recommendation adopted by WSAC and authorized in state statute allows the DNR to create a new type of trust where lands may be purchased in one or more counties to benefit other counties. Called the Encumbered Lands Replacement Forestland Trust (ELRFT), the benefits from this trust need to be shared among the designated beneficiary counties.

With the large land purchase in Wahkiakum County, the DNR is preparing to create an ELRFT to benefit all five encumbered lands counties.

However, the policy adopted by WSAC supporting the ELRFT was unclear on the exact distribution method of revenues from the ELRFT. WSAC staff reconvened the ELP Working Group to discuss various methods for distributing benefits and to develop a recommendation for adoption by WSAC and use by the DNR. Please note that while all previous ELP Working Group members were contacted and invited to participate, one previous member was no longer in office, and another chose not to participate.

Additionally, ELP Working Group members also discussed how to define encumbered State Forestlands and which counties should be considered encumbered lands counties. For instance, are all State Forestlands that cannot be harvested for any reason considered encumbered? Should all counties with encumbered State Forestlands be considered encumbered lands counties? How those questions are answered has distinct long-term and short-term policy implications. Additionally, benefit distribution model preferences may also be impacted.

Recommendations

The ELP Working Group members met several times from June through December. The following recommendations were developed by the members for adoption by WSAC:

1. Define encumbered State Forestlands: All State Forestlands in Clallam, Jefferson, Pacific, Skamania, and Wahkiakum Counties that would otherwise be operable if not for various encumbrances unique to State Forestlands.

Utilizing this definition, the encumbered State Forestland acreage in each of the five counties is as follows:

Clallam	22,673
Jefferson	335
Pacific	5,049
Skamania	24,487
Wahkiakum	2,400
Total	54,944

WSAC staff and the DNR will utilize these acreages as targets for acquisitions to replace the encumbered State Forestlands.

2. ELRFT Benefit Distribution Model:

The ELP Working Group members selected an “Impact Share Method” distribution model based on each county’s relative share of the sum of the acres of encumbered State Forestlands for all participating counties in the ELRFT. A county’s relative share and the sum of the acres of the encumbered State Forestlands for all counties will be reduced by the acres previously replaced in the respective county (if any). A county’s share in the ELRFT may not exceed the acreage of encumbered State Forestlands in that same county.

The ELP Working Group members felt this method was the fairest, simplest, and most easily understood and managed over time. It also ensures that all five participating counties benefit from each purchase of additional replacement lands while providing an incentive for continued advocacy assistance and showing the legislature broader benefit opportunities.

The following chart shows how any revenues from lands included in the ELRFT would be distributed based on this method, assuming no replacement lands have been purchased (percentages are approximate):

County	County’s Encumbered State Forestlands (acres)	County’s Share of the Sum of Encumbered State Forestlands (acres) in the ELRFT	Share of Benefits from the ELRFT (Encumbered/Total)
Skamania	24,487	45%	45%
Clallam	22,673	41%	41%
Pacific	5,049	9%	9%
Wahkiakum	2,400	4%	4%
Jefferson	335	1%	1%
Total	54,944	100%	100%

The ELP Working Group considered several different benefit distribution methods, each of which is included in the work session memos in this report's appendix.

3. The ELP Working Group members also settled on a recommendation to provide a one-time additional benefit to Wahkiakum County as the first “host” of the new ELRFT. DNR currently has \$3,405,000 remaining of the 2022 State Capital Budget proviso that appropriated \$5 million to purchase replacement forestland for encumbered State Forestlands in Pacific, Skamania, and Wahkiakum Counties. It was agreed that \$2.1 million of the remaining funds from the proviso mentioned above would be utilized to purchase replacement forestlands exclusively to benefit Wahkiakum County.

Requested Action

The ELP Working Group requests that the WSAC Board of Directors adopt this report and approve the recommendations.

Acknowledgments

The ELP Working Group would like to thank the DNR for their continuing support in providing background information and assistance in developing and evaluating various proposals for defining encumbered lands and considering benefit distribution methods. We also thank the American Forest Resources Council (AFRC) for its support and service.

Finally, we express gratitude for the work and commitment of the ELP Working Group members, including:

- Clallam County Commissioner Randy Johnson
- Jefferson County Commissioner Heidi Eisenhour
- Pacific County Commissioner Lisa Olsen
- Skagit County Commissioner Lisa Janicki
- Skamania County Commissioner Tom Lannen
- Wahkiakum County Commissioner Lee Tischer
- Duane Emmons (DNR)
- Sarah Ogden (DNR)
- Matt Comiskey (AFRC)

Appendix A

Encumbered Lands Proviso (ELP) Workgroup – Encumbered Lands Replacement Forestland Trust benefits distribution work sessions - Part 1

Objective: Develop a system for DNR to distribute trust land revenues from lands purchased to replace currently encumbered State Forestlands to the participants in a new Encumbered Lands Replacement Forestland Trust (ELRFT).

Key Question: How do we define encumbered? Should it be based only on lands encumbered by spotted owls and marbled murrelets under the State Forestlands HCP as the original encumbered lands counties were defined, or should it be expanded to include all reasons that State Forestlands are rendered inoperable? For instance, count all acres encumbered by the HCP, other ESA issues, riparian harvest restrictions, forest practices, and any other reason?

Potential Scenarios for discussion and decision:

1. ELRFT A – Clallam and Jefferson (\$5 million (2022))
2. ELRFT B – Pacific, Skamania, and Wahkiakum (\$5 million (2022))
3. ELRFT C – Clallam, Jefferson, Pacific, Skamania, and Wahkiakum (unknown (2023))
4. ELRFT D – Clallam, Pacific, Skamania, and Wahkiakum (\$8.75 million (2024))

Key concepts:

Encumbered State Forestlands definition – all State Forestlands in Clallam, Jefferson, Pacific, Skamania, and Wahkiakum Counties that would otherwise be operable if not for various encumbrances unique to State Forestlands.

How to determine an individual county's encumbered State Forestlands – a county's encumbered State Forestlands are equal to the number of acres encumbered from harvest minus the number of acres previously replaced.

ELRFT Benefit Distribution Scenarios:

1. Impact Share Method

Each participating county's share of the ELRFT benefits is based on its relative share of the sum of the acres of encumbered State Forestlands for all participating counties in the ELRFT. A county's relative share and the sum of the acres of encumbered State Forestlands for all counties is reduced by the acres previously replaced in the respective county. A county's share in the ELRFT may not exceed the acreage of encumbered State Forestlands in that same county.

Example – 100 Acre ELRFT or Replacement State Forestland Pool

County	Encumbered State Forestlands (acres) ⁱ	ELRFT Share ⁱⁱ
A	25	25%
B	25	25%
C	50	50%
Total	100	100%

2. Equal Share Method

Each participating county's share of the ELRFT benefits is equal. However, if a participating county's acres of encumbered State Forestlands represent less than an equal share, such participating county receives a reduced share equal to the percentage of its acres of encumbered State Forestlands to the acres of replacement lands in the ELRFT. In such an instance, the other participating counties would divide the remaining benefits equally.

Example – 100 Acre ELRFT or Replacement State Forestland Pool

County	Encumbered State Forestlands (acres)	Equal Share Calculation (Acres/Benefit %) ⁱⁱⁱ	Actual Share Benefits ^{iv}
A	10	20/20%	10%
B	25	20/20%	22.5%
C	60	20/20%	22.5%
D	200	20/20%	22.5%
E	20	20/20%	22.5%
Total		100/100%	100%

3. Equity Share Method

The participating county with the least property tax revenue receives a 50% share of the benefits of the ELRFT. The remaining benefits are distributed to the other participating counties based on each county's share of the sum of those counties' encumbered State Forestlands. However, if the acres of encumbered State Forestlands in the county with the least property tax revenue are less than 50% of the acres of replacement State Forestlands in the ELRFT, such county's share is reduced to a share equal to its remaining acres. In such an instance, the remaining benefits would be distributed to the other participating counties according to each county's respective share.

Example – 100 Acre ELRFT or Replacement State Forestland Pool

County	Encumbered State Forestlands (acres)	Relative Share of Encumbered Lands ^v	Actual Share Benefits ^{vi}
A*	100	N/A	50%
B	350	16.7%	8.35%
C	500	23.8%	11.9%
D	1250	59.5%	29.75%
Total**	2100	100%	100%

*County A has the lowest property tax revenue in this example.

**For this method, the total acres of Encumbered State Forestlands does not include the acres of the county with the least property tax revenue.

Encumbered Lands Proviso (ELP) Workgroup

Encumbered Lands Replacement Forestland Trust (ELRFT) Benefits Distribution Work Sessions – Part 2

Objective: Develop a system for DNR to distribute trust land revenues from lands purchased to replace currently encumbered State Forestlands to the participants in a new Encumbered Lands Replacement Forestland Trust (ELRFT).

Key Concepts:

Encumbered State Forestlands: This includes all State Forests within Clallam, Jefferson, Pacific, Skamania, and Wahkiakum Counties that would otherwise be operable if not for various encumbrances unique to State Forests.

The encumbered state forestlands for each county are as follows:

County	Encumbered State Forestlands (acres)
Clallam	22,673
Jefferson	335
Pacific	5,049
Skamania	24,487
Wahkiakum	2,400
Total	54,944

Recent Department of Natural Resources (DNR) purchases have reduced the encumbered State Forestlands in some counties. Those purchases are as follows:

Project	File No.	Close Date	Acres	Price	County
Reade 80	08-105532	10/27/2024	81.67	\$250,000	Clallam
Pluvius	08-105530	9/20/2023	128	\$450,000	Pacific
M-1100	08-105531	12/19/2023	169.93	\$500,000	Pacific
Skamokawa 40's Purchase	08-101606	8/20/2021	184.5	\$520,000	Wahkiakum
Mckinley Bridge	08-105235	8/16/2023	119.04	\$495,000	Wahkiakum
Vogel Purchase	08-097213	7/24/2018	159	\$535,000	Skamania
Total			842.14	\$2,750,000	

How to determine an individual county's encumbered State Forestlands – a county's encumbered State Forestlands are equal to the acres of encumbered State Forestlands less the acres previously replaced.

ELRFT Benefit Distribution Scenarios:

The ELP Workgroup members considered three methods for distributing revenues from the ELRFT. Two methods were selected for further analysis:

- 1. Impact Share Method:** Each participating county's share of the ELRFT benefits is based on its relative share of the sum of the acres of encumbered State Forestlands for all

participating counties in the ELRFT. A county's relative share and the sum of the areas of encumbered State Forestlands for all counties are reduced by the acres previously replaced in the respective county. A county's share in the ELRFT may not exceed the acreage of encumbered State Forestlands in the county.

2. **Equity Share Method:** A county's share of benefits in this distribution method is based on something other than a simple relative share of the encumbered State Forestlands of all counties participating in the ELRFT with a goal of funneling a higher share of the benefits to participating counties with more relative financial needs. Regardless of the need, a county's share in the ELRFT may not exceed the acreage of the encumbered State Forestlands in the county.

Distribution Scenario Analysis:

1. **Impact Share Method:** Utilizing a straight relative share calculation, the encumbered lands counties would have the following shares in the ELRFT, assuming all are participating (listed in highest relative share to lowest):

County	County Encumbered State Forestlands (acres)	Total Encumbered State Forestlands (acres of all participating counties)	Relative Share (County Encumbered/Total Encumbered Participating)
Skamania	24,487	54,944	44.5%
Clallam	22,673	54,944	41.3%
Pacific	5,049	54,944	9.2%
Wahkiakum	2,400	54,944	4.4%
Jefferson	335	54,944	.6%
Total	54,944		100%

Utilizing the figures for each of the participants above, the benefits from a \$1 million timber sale from lands within the ELRFT would be distributed as follows:

County	ELRFT Relative Share	Total Revenue	County Revenue Share (Total Revenue X ELRFT Relative Share)
Skamania	44.5%	\$1 million	\$445,000
Clallam	41.3%	\$1 million	\$413,000
Pacific	9.2%	\$1 million	\$92,000
Wahkiakum	4.4%	\$1 million	\$44,000
Jefferson	.6%	\$1 million	\$6,000
Total	100%		\$1 million

The relative shares for each county could change over time as more acreage is added to the ELRFT. Certain counties' relative shares may need to be adjusted as the ELRFT grows or as other replacements for encumbered State Forestlands occur that are intended to benefit specific counties only to ensure each county's relative share in ELRFT acres does not exceed the total acres of encumbered State Forestlands within that county.

In previous meetings, ELP Workgroup members posed the following additional question when considering the Impact Share Method: Is there a way to incentivize the host county?

Staff offers the following for member consideration:

- Participation in a land pool requires the host county and others to “opt-in ” using a proximate county agreement.
- The proximate county agreement ensures the host county does not lose revenue from the State Forestlands benefitting other counties by requiring that the encumbered State Forestlands in the other counties be placed in DNR’s conservation programs (Natural Area Preserve or Natural Resource Conservation Area) and the Payments In-Lieu of Taxes paid to the county on those lands by the State Treasurer go to the host county.
- The host county will also benefit from the lands as DNR working timberlands, both from the economic activity such lands generate, public access and recreation opportunities, and the direct revenue from the timber excise tax as timber is harvested.

- 2. Equity Share Method:** Several factors may be considered when developing a benefits distribution model that considers a participating county’s relative financial need. Once determining such factor(s), deciding how to apply such information in determining relative share is also required. County data that may be indicative of relative financial need include the following:

- A. Per Capital Personal Income (ranked least to highest - 2020) – may indicate a county’s ability to raise other forms of revenue.

County	Per Capita Personal Income
Pacific	\$46,498
Wahkiakum	\$47,027
Clallam	\$55,566
Skamania	\$62,472
Jefferson	\$62,898

- B. Area Median Income (ranked least to highest – 2022) – may indicate a county’s ability to raise other forms of revenue.

County	Area Median Income
Pacific	\$58,889
Wahkiakum	\$59,167
Jefferson	\$64,796
Clallam	\$66,108
Skamania	\$84,500

C. Average Property Tax Levy Rate (ranked highest to lowest – 2023) – may indicate a county’s ability to increase property taxes to make up lost revenue.

County	Average Property Tax Levy Rate
Skamania	8.88
Clallam	8.24
Jefferson	7.99
Pacific	7.69
Wahkiakum	5.95

D. Total Property Value (ranked lowest to highest – 2023) – may indicate a county’s ability to increase property taxes to make up lost revenue.

County	Total Property Value
Wahkiakum	\$852,683,319
Skamania	\$2,464,294,411
Pacific	\$4,892,427,655
Jefferson	\$8,611,810,380
Clallam	\$14,973,468,228

E. Median Property Tax (5-year average, ranked highest to lowest – 2021) – may indicate a county’s ability to increase property taxes to make up lost revenue.

County	Median Property Tax
Jefferson	\$3038
Skamania	\$2793
Clallam	\$2437
Pacific	\$1992
Wahkiakum	\$1709

F. County Poverty Rate (ranked highest to lowest – 2018-2022) – may indicate a county’s ability to raise other forms of revenue.

County	Poverty Rate
Wahkiakum	11.2%
Pacific	9.3%
Jefferson	8.5%
Clallam	6.6%
Skamania	5.1%

- G. County Share of Encumbered State Forestlands relative to the county's total State Forestland acres (ranked highest to lowest) – may indicate the level of historical reliance on lost revenue and its relative importance as a source of revenue.

County	County Total State Forestlands (acres)	County's Encumbered State Forestlands (acres)	Share of Encumbered State Forestlands (Encumbered/Total)
Skamania	40,816	24,487	60%
Clallam	89,099	22,673	25.4%
Pacific	21,971	5,049	23%
Wahkiakum	12,185	2,400	19.7%
Jefferson	13,946	335	2.4%

- H. County's state forestland revenue as a ratio of county general revenue (ranked highest to lowest) – may indicate the current reliance on funds from state forestlands for general government services.

County	2024 G/F Revenue	State Forestland Revenue (5-year moving average)	State Forestland Revenue Ratio to G/F Revenue
Wahkiakum	\$8,233,475	\$2,024,182.17	24.6%
Pacific	\$15,449,309	\$2,209,124.83	14.3%
Clallam	\$52,143,000	\$6,910,173.67	13.3%
Skamania	\$18,071,020	\$2,223,114.83	12.3%
Jefferson	\$27,177,000	\$2,012,092	7.4%

When considering various factors, members of the ELP Workgroup could agree on a factor or two to prioritize and a method to allocate benefits. For instance, members may agree that the county with the lowest Area Median Income should receive at least a third of the benefits share from the ELRFT until such county's share of the ELRFT benefits meets or exceeds its total encumbered State Forestlands. Using that method, the remaining benefits could then be distributed to other participating counties according to each county's respective share of encumbered State Forestlands or some other way.

Below is an example of the lowest AMI county receiving the highest benefits share and distributing the balance to other counties. In this example, the lowest AMI county receives 33% of the benefits, and the rest of the counties will split the balance based on their relative share of each county's share of encumbered State Forestlands relative to the combined State Forestlands (table G above) of a \$1 million timber sale ELRFT lands.

County	AMI	Total of each county from table G (not including Pacific)	County Share of Encumbered State Forestlands	Actual Share Benefit: (County encumbered/total table G)*.66	County Revenue
Pacific	58,889	n/a	n/a	33.3%	\$333,000
Skamania	n/a	1.075	.6	36.8%	\$368,000
Clallam	n/a	1.075	.254	15.6%	\$156,000
Wahkiakum	n/a	1.075	.197	12.1%	\$121,000
Jefferson	n/a	1.075	.024	1.5%	\$15,000

The ELP Workgroup could also simultaneously recognize multiple equity data points in a formula designed to average various considerations and assign benefits. For instance, a county's poverty rate, median property tax, and its encumbered State Forestlands lands as a share of its total State Forestlands. Such a formula might indicate a county's historical reliance on the lost revenue source and its ability to raise local funds to compensate for it.

An example of such a formula is $(PV+MP+E)/3$, where PV is the county's share of the combined Poverty Rate of all the participating counties, MP is the county's share of the combined Median Property Tax of all the participating counties, and E is the county's share of the combined encumbered State Forestlands percentage in table G above of all the participating counties. The table below shows the benefits for each county using this formula from a \$1 million timber sale on ELRFT lands.

County	Poverty Rate	PV	Median Property Tax	MP	Encumbered State Forestlands (table G)	E	Benefits Share	Revenue
Clallam	.066	16%	2,437	20.4%	25.4%	19.5%	18.7%	\$187K
Jefferson	.085	21%	3,038	25.4%	2.4%	1.8%	16%	\$160K
Pacific	.093	23%	1,992	16.6%	23%	17.6%	19%	\$190K
Skamania	.051	13%	2,793	23.3%	60%	46%	27.3%	\$273K
Wahkiakum	.112	28%	1,709	14.3%	19.7%	15.1%	19%	\$190K
Totals		1		1		1	1	\$1M

Finally, the ELP Workgroup could also choose any other single or multiple data points to rank recipients and then assign benefits percentages.

ⁱ Data for Encumbered State Forestland (acres) – the county’s acres of encumbered State Forestlands less the acres previously replaced.

ⁱⁱ Formula for calculation: (participating county’s Encumbered State Forestland/sum of acres of Encumbered State Forestland of all ELRFT participating counties)

ⁱⁱⁱ Formulas for calculation: (total participating counties/total acres in the ELRFT) and (100%/total participating counties)

^{iv} Calculating the Actual Share Benefits for the Equal Share Method: Step 1 – determine each participating county’s share using this formula: equal share acres less the participating county’s encumbered State Forestlands. Step 2 - if any county is greater than zero, use this formula to determine that county’s Actual Share Benefits: participating county encumbered State Forestlands/total ELRFT replacement acres. Step 3 – determine the remaining share percentage by subtracting the Actual Share Benefits for all participating counties with a share less than the Equal Share Benefit Calculation. Step 4 – determine the Actual Share Benefits for each county entitled to an equal share by dividing the remaining share percentage by the number of counties entitled to an equal share.

^v Calculating the Relative Share of Encumbered Lands for the Equity Share Method: Step 1 – divide the total ELRFT acres by 50%, then subtract that number from the Encumbered State Forestlands of the county with the least property tax revenue. If the answer is 0 or less, then insert 50% into the Actual Share Benefits column for the county with the least property tax revenue. If the answer is greater than 0, divide the Encumbered State Forestlands acres of the county with the least property tax revenue by the total ELRFT acres and insert that percentage in the Actual Share Benefit column for the county with the least property tax revenue. Step 3 – calculate the Relative Share of Encumbered Lands for each of the remaining participating counties using the formula (participating county Encumbered State Forestlands/Total Encumbered State Forestlands) and insert that percentage in the Relative Share of Encumbered Lands for each participating county.

^{vi} Calculating Actual Share Benefits for the Equity Share Method: Calculate the percentage of benefits to be split among the participating counties other than the county with the least property tax revenue by subtracting the Actual Share Benefits for the county with the least property tax revenue from 100%. Determine each remaining participating county’s Actual Share Benefits using the formula (percentage of benefits to be split as a whole number rather than a percentage x Relative Share of Encumbered Lands).



Resolution #2025-08

WHEREAS, the Washington State Association of Counties Board of Directors is charged under Association Bylaws with approving WSAC policies; and

WHEREAS, the Encumbered Lands Proviso Working Group was established to consider policies for implementing the encumbered lands proviso included in the 2022 Supplemental State Operating Budget; and

WHEREAS, the Encumbered Lands Proviso Working Group delivered a recommendations report to the Washington State Association of Counties Board of Directors on November 14, 2022; and

WHEREAS, the WSAC Board of Directors unanimously approved Resolution 2022-37 adopting the Encumbered Lands Proviso Working Group Recommendations Report dated November 14, 2022; and

WHEREAS, the Washington State Legislature passed HB 1460 (2023), implementing many of the recommendations included in the Encumbered Lands Proviso Working Group Recommendations Report; and

WHEREAS, the Washington State Legislature has continued to appropriate funding to replace encumbered State Forestlands in Clallam, Jefferson, Pacific, Skamania, and Wahkiakum Counties, and

WHEREAS, the Encumbered Lands Proviso Working Group Recommendations Report and the updates to state law include the ability to form a new trust structure where participating counties share the benefits, and

WHEREAS, the Department of Natural Resources acquired a large tract of forestland in Wahkiakum County that can serve as the basis for the new trust structure, and

WHEREAS, the Encumbered Lands Proviso Working Group reconvened in the Spring and Fall of 2024 to develop recommendations for how to distribute benefits from the new trust structure when created, and

WHEREAS, the Encumbered Lands Proviso Working Group has adopted the "Impact Share Method" as their preferred system for distributing benefits to members of the new trust structure, and

WHEREAS, the Encumbered Lands Proviso Working Group also recommends a one-time additional benefit to Wahkiakum County as the initial "host" county for the new trust structure, and

WHEREAS, the Encumbered Lands Proviso Working Group recommendations were unanimously supported by the working group member counties and have been submitted in writing to the WSAC Board of Directors for adoption in a report dated December 2024.

NOW, THEREFORE, BE IT RESOLVED that the Washington State Association of Counties Board of Directors adopts the Encumbered Land Proviso Working Group Recommendations Report dated December 2024 and approves all previously unconsidered policy proposals contained therein.

Approved by the Board of Directors of the Washington State Association of Counties on February 5, 2025.

Rob Coffman, WSAC President

February 5, 2025



STAFF REPORTS



February 5, 2025

TO: WSAC Board of Directors & Alternates

FROM: Derek Young, Interim Executive Director

SUBJECT: Executive Director Report

Since we last met, much of my time has been spent preparing for the session. As you may know, I'm handling coverage of the public defense legislation this session, picking up where Juliana left off. Curtis Steinhauer has been invaluable in supporting this work, not only in covering research but also in advocacy. This is by far the largest dollar target for our advocacy, and we've made some progress, as evidenced by the 35 sponsors signed onto the bills in both chambers. Still, it's a challenging year with the Legislature facing its own budget strains.

We've also made progress in adding new business partnerships, signing contracts with Public Promise Insurance, Alternative Claims Management, and actively negotiating more. These partnerships will deliver additional value to WSAC members by improving services, increasing resources, and producing revenue for WSAC.

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 November WSAC Board of Directors Meeting:

- 2024 Newly Elected Officials Conference
- 2025 Session Preparation and Implementation
- New Business Partnership Development
- Member Communication and Technical Assistance to County Elected Officials
- Litigation Program Implementation
- Broadband Planning Grants
- Public Defense Caseload Standards, Litigation Management, and Legislation

Partnership Activities

- Washington State Auditor's Office
- Washington Association of Prosecuting Attorneys
- Association of Washington Cities
- Washington Association of County Officials
- Association of Washington Business
- Washington Public Ports Association
- U.S. Dept of Agriculture
- Office of the Governor
- Department of Children, Youth, and Families
- Washington Counties Risk Pool
- Office of Financial Management
- Washington State Association of County Engineers
- Washington State Association of Local Public Health Official
- Foundational Public Health Services Steering Committee

- Washington County Administrators Association
- Business Partner Meetings
- State Broadband Office
- County Road Administration Board
- Department of Commerce
- Health Care Authority
- National Association of Counties
- NACo Edge

Broadband

Thanks to the work of the Broadband Advisory Committee, WSAC was proviso'd \$1m to support BEAD grant planning. Because of the timing of fund availability and members' needs, we were able to pivot to general use in support of broadband projects. This resulted in funding for 23 applications covering 25 counties. Contracts have all been signed, and we've begun disbursing funds.

National Association of Counties

Western Interstate Region (WIR)—Stevens County Commissioner Wes McCart left office as WIR president. The Board will appoint a replacement at the February 5 meeting.

National Council of County Association Executives (NCCAE)—I have participated in education and development opportunities with my peers through our national organization, taking particular note of their revenue and business models to relieve pressure on membership dues. This work has aided our development of new business partnerships.

Registration is open for the 2025 NACo Legislative Conference, March 1-4, 2025. For more information:

<https://www.naco.org/event/2025-naco-legislative-conference>

Also, don't hesitate to get in touch with me if any county elected or appointed officials are interested in serving on a NACo Steering Committee. Here is a link for more information:

<https://www.naco.org/advocacy/policies-and-committees>

Courthouse Briefings

It's time to start scheduling our Courthouse Briefings for 2025. During these Courthouse Briefings, we discuss -

- WSAC Financial Information and Administrative Issues
- State Legislative and Policy
- WSAC Federal Issues and Priorities
- Litigation and Legal Activities
- Member Services and Programs
- Business Partnerships
- WSAC/County Relationships
- Local County-Specific Issues

Here are the 9 Counties that we have met in person with since June 2024:

Adams
Douglas
Grant

Kittitas
Pend Oreille
Snohomish

Spokane
Stevens
Whatcom

With more emergent needs out of the way, I hope to reach more of you this year. If you'd like a WSAC visit to your county, please talk with your scheduling staff, and we'll get on your calendar. We aim to reach at least half of our member counties each year.

WSAC Staff

WSAC staff has initiated work to establish Employee Experience Metrics to measure a set of objective standards in the following areas:

- Workload and Balance
- Remote/Hybrid Work
- Risk/Reward of Remote Work
- Training and Onboarding
- Retention

Government Relations Director Paul Jewell managed a last-minute change to our policy team, with Mike Hoover joining the Commissioner of Public Land's Office as General Counsel. Finding a contract lobbyist around the holidays was no easy task, but we are happy to bring Kelsey Hulse on board. It meant pivoting policy coverage at the last minute, but the staff adapted tremendously.

February 5, 2025

TO: WSAC Board of Directors

FROM: Derek Young, Interim Executive Director

PREPARED BY: Bridget Lockling, Operations and Administration Director

SUBJECT: Business, Finance, and Operations Report

FINANCE AND ADMINISTRATION

2024 Year-End Financial Report

WSAC ended 2024 with a total cash position of \$933,896. This is \$358k less than the ending cash position of 2023. Of this amount, \$200,000 is invested in eConnectDirect CDs. Investment earnings in 2024 decreased slightly from 2023 as interest rates went down. Earnings were still significant in comparison to earnings prior to 2023. These investments yielded \$63,860 in 2024, \$69,711 in 2023, \$7,783 in 2022, \$4,570 in 2021, \$10,273 in 2020, \$18,026 in 2019, \$6,116 in 2018 and \$3,350 in 2017. The full 2024 financial report will be available for review at the May Board of Directors' meeting in addition to the 1st quarter 2025 financial report.

2025 Dues

The 2025 dues billings were sent out the 1st week of January. Current status on payments received:

General Dues – 37% # collected / 24% \$ collected (24 counties remaining)
Transportation Dues – 47% # collected / 43% \$ collected (20 counties remaining)
Public Lands Dues – 37% # collected / 33% \$ collected (24 counties remaining)
Human Services Dues – 32% # collected / 24% \$ collected (26 counties remaining)
Litigation & Communication Dues – 37% # collected / 24% \$ collected (24 counties remaining)
Solid Waste Dues – 58% # collected / 55% \$ collected (16 county remaining)
Regional Planners – 34% # collected / 20% \$ collected (25 counties remaining)
Coastal Counties Dues – 31% # collected / 31% \$ collected (9 counties remaining)

F1 Public Disclosure Reports & Travel Reimbursement Notification

Staff will prepare WSAC member public disclosure reports in February. By the end of February, look for F1 statements to be distributed via email. We will also send out the annual travel reimbursement statement to the county auditors.

New Mileage Rates

OFM has revised the POV Mileage Rate as of January 1, 2025. The new rate is \$0.70 per mile. Please request a **new** travel reimbursement form from WSAC staff or refer to our Board of Directors webpage. Here is a link to the worksheet: [WSAC Member Travel Reimbursement](#).

Please remember to submit any remaining 2024 travel reimbursements as soon as possible.

2025 Audit, Investment & Finance Committee

According to the WSAC Bylaws, the Audit, Investment, and Finance Committee is set up to assist the Board of Directors in fulfilling its fiduciary, financial, investment, and compliance oversight responsibilities as defined in the Audit, Investment, and Finance Committee Charter. The committee includes the current WSAC Vice-President, Mark Ozias. Two members are up for renewal. Other members include Commissioner Todd Kimball and Commissioner Brett Wachsmith.

Activity for the Audit, Investment and Finance Committee in 2025 includes the review of the 2024 Audit. The onsite audit work has not been scheduled, but typically occurs toward the end of May and beginning of June.

Investment Funds

WSAC will analyze cash flow funds to determine how much money can be directed into 3-month, 6-month, and 9-month funds to take advantage of the higher interest rates. We were able to earn almost \$64k in interest earnings in 2024.

COMMUNICATIONS AND MEMBER SERVICES

Legislative Bulletin

For the 2025 legislative session, we replaced the bi-weekly Legislative Bulletin newsletter with the [County Connection](#) podcast! We have produced over 12 episodes of the podcast in the first two weeks alone and have begun expanding to include guests such as the County Road Administration Board's Executive Director. While it is still early into the release schedule, the County Connection has received well over 300 downloads across Apple Podcasts, Amazon Music, iHeartRadio, Spotify, and others while continuing to grow daily.



Association Management System-The WACounties HUB

The *WACounties Hub* was officially launched one year ago! Throughout that time, we have worked to build a full suite of email templates to allow staff to create and send large emails/newsletters without the need for operations staff. Furthermore, all event and training registrations are now managed through the Association Management System, along with the development of all affiliate group pages and all news articles being published through the AMS. Not only have we streamlined the entire process of our data management, registrations, and communications, but we have seen record registrations and open rates since

switching to the integrated system. We continue to work on the development of the WSAC mobile app and hope to officially launch it membership-wide in the second quarter of this year.

To learn more about the system, visit:

[About Your Association Management System](#)

Ready to join? Click here: <https://members.wsac.org/>

Meetings & Events

WSAC continues to provide conference planning support to several affiliate organizations.

Below you will find the current list of events WSAC staff will support in 2025:

April 9-11 – WCAA Annual Administrator's Conference, Chelan County (Icicle Village Resort)

May 13-15 – WSALPHO Public Health Retreat, Walla Walla County (Marcus Whitman)

May 8 – Regular WSAC Board Meeting, King County (SeaTac Radisson)

June 9-12 – WSACE Annual Conference, Snohomish County (Hotel Indigo)

June 10-12 – WSALPHO Annual Conference, Semiahmoo (Whatcom County)

June 16-17 – WACSWM Annual Meeting, Kittitas County (Hotel Windrow)

September 18 – Regular WSAC Board Meeting, Kittitas County

October 7-9 – LBOH Training, Kittitas County

November 18 – Regular WSAC Board Meeting, Spokane County (Davenport Grand)

November 18-20 – County Leaders Conference, Spokane County (Davenport Grand)

Marketing and Social Media

- WSAC continues to hold a presence on social media, although the usage of X (Twitter) has been dramatically reduced as follower usage has declined.

Thank you to all of you that follow us and like, share and engage with our posts. We are developing our 2025 communication plan and will set targets for growth in all social media outlets.

Newsletters

Our *WAcounities Weekly* newsletters have been a success. The open rates remain higher than average and we can deliver more relevant content and reminders to you each week. WAcounities Quarterly showcases are programs to members as a way of reminding you of all of the value add services and partnerships we have.



Business Partners

The Business Partners program is slowly growing with new partners. There are currently eight business partners in addition to the five partners we have through our NACo connections. These partnerships help grow our non-dues revenue. Our Business Partner information can be found on our website www.wsac.org/businesspartners. We will increase focus on this in 2024 in order to increase non-dues revenue.

Please support these featured partners:



County Development Institute of Washington

With a large class of NEO's, we hope utilization of this program will increase significantly in 2025. We will start looking at adding new content and evaluating which trainings need to be updated.

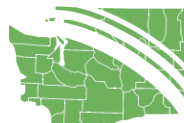
County Development
Institute of Washington

Go to [On-Demand Trainings - County Development Institute of Washington \(cdiwa.org\)](http://On-Demand Trainings - County Development Institute of Washington (cdiwa.org))

Job Board

We continue to be a resource for counties to post jobs for free. The number of openings fluctuates throughout the year, but we have a steady stream of visitors to the page. We have started to advertise openings in our WAcounities newsletter. This added exposure will reach thousands and should generate renewed action on the site. [Jobs – Washington State Association of Counties \(wsac.org\)](http://Jobs – Washington State Association of Counties (wsac.org))

The job board had 243 listings in 2024 and has already started off 2025 strong with 39 listings



WASHINGTON COUNTIES
Job Board

TO: WSAC Board of Directors and Alternates

FROM: President Rob Coffman, Lincoln County Commissioner

PREPARED BY: Paul Jewell, Government Relations Director

SUBJECT: Policy and Legislative Update

HIGHLIGHTS

ACCOMPLISHMENTS

- Worked with LSC to develop and adopt the 2025-26 Legislative Agenda.
- Developed advocacy documents for the 2025 legislative session.
- Adopted updates to the WSAC Policy Statement for juvenile justice and rehabilitation.
- Convened the Legislative Steering Committee before the start of the 2025 legislative session and provided training for new members and updates for continuing members.
- Analyzed the Governor's proposals for the 25-27 State Operating, Capital, and Transportation budgets and provided that analysis in written form for members.
- Recruited new policy staff to replace outgoing policy staff members.
- Presented on county issues with WSAC and affiliate members at several legislative committees during committee days in December 2024.
- Completed the Clean Energy Property Tax Impacts Task Force process and recommendation white paper.
- Reimplemented various legislative session updates and materials, including virtual updates every other Friday, legislative bulletins, online bill tracking, weekly Hot Sheet notifications, and regular affiliate updates.

CHALLENGES

- Several new legislators with whom to build relationships as county government partners.
- Several legislative leadership changes, including caucus leadership and committee chairs.
- New leadership in statewide offices, including Governor, Attorney General, and Public Lands Commissioner.
- New leadership in cabinet positions and state agency directorships.
- Several new additions to WSAC's Policy Team.
- Significant state budget deficits.
- A very aggressive and lengthy WSAC legislative agenda.
- Interacting effectively with legislative leadership while in active litigation with the state over indigent defense funding.

OPPORTUNITIES

- The Governor's proposed state operating budget includes new revenue for counties to provide public defense services.
- Positioning county interests as attractive climate commitment act revenue appropriations.

- The 2025 legislative session convened on 1/13/2025.
- Including counties in a likely legislative revenue package.
- [SB 5163](#)/ [HB 1459](#) Modernizing child fatality statute (WSALPHO priority bill)
- [HB 1334](#) 1% Property tax growth limit (WSAC priority)
- [SB 5089](#) Funding for small county Coroners (WSAC priority bill)
- [HB 1345](#)/[SB 5470](#) Detached ADUs in rural areas (WSAC priority bill)
- [SB 5471](#) Middle housing authorization in UGAs and LAMIRDS (WSAC priority bill)
- [HB 1206](#) Expanding MFTE eligibility (WSAC priority bill)
- [SB 5317](#) EFSEC collaboration liability protection (WSAC priority bill)
- [HB 1592](#)/ [SB 5404](#) Public defense funding (WSAC priority bill)

Legislative Activities and Progress

WSAC's policy staff is deeply engaged in the 2025 legislative session. We've maintained a similar work plan to last year, including LSC meetings in Olympia every two weeks, virtual legislative updates for all LSC members every other Friday, legislative bulletin updates every two weeks, real-time updates to the online bill tracking sheets, and weekly internal policy staff meetings. Our legislative bulletins are being created as podcasts this year, a change from the written versions of the past.

Staff is taking advantage of opportunities to serve as resources for legislators and legislative staff while supporting the issues identified in our 2025-26 Legislative Agenda. They actively monitor bills and legislative committees' work by providing testimony and working directly with legislative members and staff.

Paul Jewell, Government Relations Director

Since the last report, Paul has worked to fill out WSAC's policy team for the 2025-26 legislative session. Mike Hoover, a longtime contractor with WSAC, provided notice in December that he would be joining the new administration at the Department of Natural Resources in January. Paul recruited Brian Enslow as a contract lobbyist to handle several WSAC priority bills related to housing and cannabis funding for the 2025 legislative session. He also retained Kelsey Hulse to join the WSAC policy team as a contractor, representing WSAC members on land use/GMA, natural resources, energy/utilities, economic development, and cannabis issues. Paul has taken on most of Mike Hoover's former portfolio assignments, handling general government, risk/liability, labor, public records, finance/taxes, water resources, and timber.

Paul continues to represent WSAC and work with other Commissioners on the statewide Riparian Roundtable and Working Group. He coordinates meetings and planning for the Timber Counties and the Columbia River Counties caucuses. He also coordinated the efforts of the Encumbered Lands Proviso Working Group to develop a recommendation for distributing benefits to the counties participating in the newly created Encumbered Lands Replacement Forestland Trust.

Paul continues to coordinate the LSC's activities. The process for developing WSAC's 2025-26 legislative agenda was successfully completed in the fall and presented to the LSC in November 2024. He plans and coordinates the LSC meetings with the new LSC Co-Chairs, including the Wednesday evening roundtables and Thursday LSC business meetings. Paul also oversees the WSAC policy team and worked closely with Travis Dutton in facilitating and managing the work of the Clean Energy Property Tax Impacts Task Force.

Numerous bills have been introduced in this session, addressing various topics, including several WSAC priority bills. Some of the more impactful proposals that may get traction this session include:

- [HB 1146](#) Improving access and removing barriers to voting in jails and state hospitals.
- [HB 1206](#) Expanding eligibility to utilize the multifamily tax exemption program.
- [SB 5088](#) Authorizing counties to impose a public utility tax.
- [SB 5089](#) Concerning funding rural county coroners and medical examiners.

Jaime Bodden – WSALPHO Managing Director

Organizational Updates

- Staff continue to hold monthly WSALPHO Board meetings and help facilitate and plan monthly meetings for the six WSALPHO standing committees: environmental public health, communicable disease, community health, executive leadership, health officers, assessment, and the emergency preparedness ad-hoc group.
- Staff continue working with the State DOH Regional Office team to identify and develop outreach, education, and coordination efforts for new public health staff, emerging public health issues (recent work has included workforce development and federal policy), statewide communications, and connecting to state technical assistance.
 - Co-host monthly LHJ Director calls
 - Co-host monthly Executive Team to Executive Team calls.
- WSALPHO is working with contracting firm SCJ Alliance to implement the septage capacity study. Initial data gathering has been completed with stakeholder meetings and focus groups scheduled for the end of January and February. A draft study will be reviewed in January to finalize the report to Ecology by March.
- Staff continue to provide virtual and in-person technical support for members on various topics upon request.
- At their November meeting, the WSALPHO Board approved the 2025 Budget and Legislative priorities.
 - The budget included a 3% dues increase, approval of FPHS funds, and a Public Health Infrastructure grant.
 - Legislative priorities include two policy and two funding asks: modernizing the child fatality statute and modifying the Group B SMA requirement and foundational public health services (FPHS) funding and funds for basic preventive care.

Foundational Public Health Services (FPHS):

- WSALPHO continues to meet monthly with the governmental public health system on implementation, policy development, and funding strategies, taking a leadership role in meeting facilitation and agenda planning.
 - Staff participate in weekly project management meetings and state-local-tribal FPHS staff meetings, where they develop agendas for the steering committee meetings.
 - Staff continue to provide meeting support for the monthly hybrid steering committee meetings and host the WSALPHO board follow-up meeting.
 - The technical workgroups are finalizing their recommendations on definition updates, evaluation and accountability, and health equity frameworks.
 - WSALPHO staff continue facilitating monthly meetings for the five SME groups and have co-facilitated the monthly technical workgroup meetings.
- WSALPHO policy staff have continued to hone and refine FPHS enterprise processes. These efforts continue to center LHJs into key decisions, ensuring that accountability processes are not overly burdensome, are clear and concise, and LHJs are empowered to use FPHS as flexibly as possible.

- FPHS communications work continues to develop with more templates, investments into website and dashboards, and legislative talking points created over the last few months. Further:
 - WSALPHO staff also work with DOH and LHJ to coordinate qualitative impact stories of FPHS investments. These are used for legislative talking points, the FPHS Annual Report, and the public-facing website.
- FPHS policy staff have begun annual fiscal check-ins with LHJs to assist in budgeting and fully using FPHS funding. Thirty-five check-ins will be done between the start of the year and mid-February with additional underspending triaging and coordination conducted in March and April.
 - This effort is an ongoing quality improvement effort to ensure LHJs utilize FPHS funds within the RCW and statement of work and implement better system processes to ensure all FPHS are spent by the end of each fiscal year.
- At WSAC's County Leaders Conference, WSALPHO will hold an LHJ FPHS meeting where discussion, coordination, and consensus building will occur for key upcoming FPHS action items, sharing of investment successes, and local system quality improvement will inform next year's FPHS work for WSALPHO.

Legislative Session and Policy:

- WSALPHO is continuing to meet monthly with different partners, including local health jurisdictions, State DOH and HCA, and AWC, on opioid and overdose prevention.
- WSALPHO was asked to select representatives from LHJs to sit on two rulemaking technical advisory committees (TAC), one for the State Board of Health on school environmental health and one for Ecology on food waste. Recommendations from the TAC will be presented to local environmental health directors and health officers in March.
- WSALPHO continues to work with NACCHO's Government Affairs staff to support their federal advocacy efforts around public health funding, mainly focusing on local health department funding.
- WSALPHO continues to be an ex officio board member of the Washington State Public Health Association.
- The legislative session has begun, and WSALPHO is engaged in several policy areas, including environmental health (particularly landfills/solid waste, drinking water, PFAS, and on-site septic systems), chronic disease and prevention, healthcare access, and opioids. Some of the key bills WSALPHO is working on:
 - [HB 1154](#): Solid waste handling
 - [SB 5163](#)/HB 1459: modernizing child fatality statute
 - [SB 5244](#): WIC hematological testing
 - [HB 1531](#): Preserving the ability of public officials to address communicable diseases.

Workforce Development:

- WSALPHO continues to build and strengthen partnerships focused on workforce development. Staff are co-leading a steering committee with the DOH to help coordinate workforce development opportunities for the public health system.
- In December, WSALPHO published its latest Workforce Development Report, including data analysis of its 2024 workforce survey, FPHS staffing investments, and planning recommendations.
- WSALPHO continues to build out statewide-locally focused training plans aimed at orientating and developing new LHJ staff.
 - Staff have developed a Public Health 101 training format that can be provided in person or virtual.

- Staff are also developing an FPHS 101 module series that will be used to orient local and state staff to the governmental public health system and FPHS framework.
- WSALPHO piloted a Motivational Interviewing (MI) Training for LHJ staff in Central Washington. MI is an approach that uses an individual's values and motivations to encourage behavior change. Staff in case management, disease control and prevention, and other public-facing roles were encouraged to attend.
- In September, WSALPHO launched its New Leaders Development Cohort Training Program for new administrators and directors, with the second Cohort Training held in December.
 - In March 2025, a second cohort focused on deputy and supervisor staff will be added.
- Planning for 2025 training and events is underway, with the first training symposium scheduled for the end of February. This event will target new and early-career public health staff, focusing on program evaluation, planning, grant writing, and implementation tools.
 - Additional events are scheduled for May, June, September, and November. They will focus on various performance management tools, leadership development, and subject matter and target varying levels of leadership and management within LHJs.

Axel Swanson – WSACE Managing Director

As the Managing Director for WSACE, Axel has spent considerable time since November on legislative priorities. He continues managing administrative responsibilities for the WSACE Board while transitioning much of his daily routine toward working on legislation. As the 2025 legislative session has gotten underway, he has increased meetings with legislators and agency partners and time spent preparing testimony for bill hearings.

The 2025 session started fast with hearings on the Governor's proposed Budgets and a bill proposing new data collection and reporting requirements for work within the county rights-of-way. Much like the 2024 session, there have also been hearings for bills proposing changes to current public works procurement law. Topics include prevailing wage, apprenticeship utilization, responsive bidder requirements, and ensuring prompt payment to contractors and subcontractors.

Over the past two months, WSACE has been helping prepare for the legislative session. The Managing Director has been working with other WSAC staff to finalize the Association's legislative priorities and strategies and prepare for Legislative Steering Committee (LSC) meetings. Work has included reviewing the Governor's proposed budgets, participating in LSC planning meetings, scheduling meetings with legislators, reviewing pre-filed legislation, and managing shared folders and reports in the bill tracking software. Axel was also present for several work sessions during Legislative Committee Assembly Days in preparation for the session.

Going back to November, WSACE was very happy with the outcomes of the County Leaders Conference, especially working with Snohomish and King counties on a presentation for the Joint Transportation Committee. Axel continues to give presentations and update agencies and legislators regarding the state of county roads and infrastructure. Examples of recent presentations include the Joint Transportation Committee, the Washington State Transportation Commission, The Washington State Senate Transportation Committee, and the County Road Administration Board. WSACE also continues to track state and federal rulemaking processes to coordinate comments and be a voice for counties.

The Managing Director has been working with the WSACE Board and WSAC Communications staff to finalize the agendas and details for the Professional Development and Annual Conferences in June, and we also look forward to meeting again this Spring with the Oregon Association of County Engineers and Surveyors.

Finally, in December, the WSACE Board appointed Whitman County Engineer Dean Cornelison to fill a vacancy on the Board of Directors as the Eastern District Representative.

Brad Banks, Contractor – Behavioral Health, Public Safety, & Human Services

Brad's duties include handling a statewide policy portfolio for public safety and human services issues (behavioral health, developmental disabilities, adult and juvenile corrections facilities, and veterans and monitoring the Association of County Human Services (ACHS)).

Brad has worked with key legislators and stakeholders to advance WSAC's behavioral health legislative priority, "Accountability in the Behavioral Health Continuum of Services by Improving Contractual Standards Through Medicaid Reprourement." We expect to introduce a bill early in the last week of January that addresses our key goals of requiring a statewide Medicaid re-procurement as well as dramatically shifting funding and responsibility for the behavioral health crisis system back to the counties and behavioral health administrative services organizations, which would represent a significant step forward in improving the community behavioral health system.

Brad attends numerous stakeholder and partner meetings, including:

- The Prevention Alliance
- Behavioral Health Lobbyists' weekly meetings
- Weekly BHASO strategy meetings
- Joint Legislative & Executive Committee for Behavioral Health

Likewise, Brad has represented WSAC and coordinated the Association's efforts in public safety and juvenile justice spaces. Continuing to build a strong relationship with our partners in the new Governor's policy team and at DCYF remains a priority. Brad is working diligently to support and coordinate with DCYF's legislative efforts, ensuring counties' interests are represented. Brad took the lead in inviting the new DCYF Secretary, Tana Senn, to attend WSAC's first County Roundtable of 2025.

Some key legislative proposals in the public safety space include:

- [HB 1218](#) Trueblood / Competency Evaluations and Restorations (OPPOSE)
- [SB 5147](#) Reviewing Laws Related to Criminal Insanity & Competency (SUPPORT)
- [HB 1125](#) Judicial Discretion to Modify Sentences (OPPOSE)

In the Human Services area, Brad has worked closely with the Association of County Human Services (ACHS) on various issues. In particular, Brad has supported the ACHS I/DD committee in employment and community inclusion. [HB 1158](#) is of significant concern to county I/DD programs, especially those in smaller, more rural counties. Additionally, Brad has coordinated with ACHS on their budget priorities.

Kelsey Hulse, Contractor – Land Use/GMA, Natural Resources, Economic Development, & Cannabis

Kelsey has been focused on introducing herself to legislators in her new capacity with WSAC, connecting to new agency leadership, and engaging around issues across her portfolio. The first two weeks of the session saw the introduction of numerous bills that would impact how counties plan under the Growth Management Act. [HB 1135](#), [HB 1235](#) / [SB 5148](#), and [SB 5197](#) are bills in this space where WSAC is engaging to help understand the significant impacts on county planning processes and departments.

Parking is also a big topic of conversation in Olympia this session as legislators look for ways to enable and encourage more housing development. [HB 1299](#) / [SB 5184](#) are companion bills that WSAC also engages in to ensure legislators consider impacts to UGAs and county roads.

There is also a great deal happening in the energy space. [HB 1237](#) / [SB 5246](#) changes the EFSEC process to align more with community input and benefits. [SB 5216](#) directs community funds toward school districts and nonprofit organizations that service communities where renewable energy projects are located. [SB 5466](#) creates the Washington Electric Transmission Office, initially within the Department of Commerce, later developing into an independent authority.

Salmon habitat restoration and enhancement have also received some attention these first weeks. Your WSAC team has voiced support for [HB 1208](#) / [SB 5155](#), which will permanently establish a pilot program to streamline environmental permitting for habitat restoration projects, and [SB 5305](#), which will create an "environmental accelerator" at the Office of Regulatory Innovation and Assistance (ORIA) to guide projects through state permitting.

Travis Dutton, Policy Coordinator – Environment, Solid Waste, Forest Health

Travis continues his work on key priorities in waste management, climate action, forestry, and supporting clean energy, healthcare, and broadband deployment.

Since the last update, Travis:

- Facilitated WACSWM's comprehensive two-day conference in Vancouver, guiding members through discussions that culminated in establishing clear legislative priorities - the result of six months of careful coordination and planning.
- Supported the SWISS regional partnership (Snohomish, Whatcom, Island, San Juan, and Skagit counties) in implementing their strategic vision. Members achieved multiple 2024 goals and developed a unified transportation advocacy framework to support WSAC funding priorities.
- Provided support to the Clean Energy Property Tax Impacts Task Force, which recently completed the development of recommendations that LSC has now adopted. This work continues as the team engages with legislators to develop effective policy solutions to address the issues outlined in WSAC's [Clean Energy Property Tax Impacts](#) report.

Looking ahead, Travis will assist SWISS members in evaluating and refining their strategic plan following the 2025 legislative session and will be planning WACSWM's annual two-day June meeting.

Curtis Steinhauer, Policy Coordinator – Housing/Homelessness & Building/Permitting

Curtis supports a statewide policy portfolio that includes housing and homelessness, building and permitting, cybersecurity, and land use and planning. Curtis also supports Interim Executive Director Derek Young in advocacy for WSAC's 2025 legislative priority concerning county public defense services. In addition to his advocacy role, Curtis supports the entire policy team with research and data, coordinates communication with the Department of Commerce Local Government Fiscal Note Team, and manages the WSAC Energy Audit Grant. Lastly, Curtis facilitates the Washington County Administrator's Association, the Washington State Association of County and Regional Planning Directors, the Washington State Association of County Human Services subcommittee on Homelessness and Affordable Housing, and the WSAC American Rescue Plan Act Stakeholder Coalition.

Since the last report, Curtis has led the Affordable Housing, Homelessness, Building, and Permitting bills for the 2025 session. Several bills have come up in these areas that concern counties, including [HB 1183](#) concerning building code reform, [HB 1195](#) concerning the siting of STEP housing types, and [HB 1380](#) concerning public property regulations. Curtis has advocated for counties' interests in these pieces of legislation, successfully securing amendments to [HB 1183](#) and [HB 1195](#) to remove large

portions of County jurisdiction from the bill's purview.

Curtis has worked to support Derek Young on WSAC's priority bills, [SB 5404](#) and [HB 1592](#), concerning county public defense. Since the last meeting, Curtis has helped draft key bill language, coordinate stakeholder meetings between the Washington Public Defenders Association and the Office of Public Defense, and gain co-sponsorship support from legislators.

In addition to advocacy, Curtis manages coordination between the Department of Commerce local government fiscal note team and WSAC staff to ensure timely and accurate budgetary projections for legislation across policy areas. Curtis also tracks legislation for and collects feedback from several affiliates during the session, including the Washington County Administrators Association, the Washington State Association of County Regional Planning Directors, and the Association of County Human Services subcommittee on Affordable Housing and Homelessness.

Finally, Curtis has continued to make progress on the WSAC Energy Audit Grant, working to collect data from all counties on their buildings' progress in Clean Building Performance Standard compliance and granting funding requests to a dozen counties to directly fund compliance activities like benchmarking, energy planning, and energy audits.

February 5, 2025

TO: WSAC Board of Directors

FROM: Derek Young, Interim Executive Director

PREPARED BY: Paul Jewell – Government Relations Director

SUBJECT: Timber Counties Caucus

BACKGROUND

The Timber Counties Caucus was created as a forum for elected county legislative authority members, Executives, and staff within the 29 timber counties to interact, discuss, engage, and recommend WSAC positions on issues relating to:

- Federal land management;
- Department of Natural Resources Management of state forest lands, including county trust lands;
- Forest Practices Board (FPB) regulations;
- Wildland fire management and control;
- County relationships with state and federal agencies and other related stakeholders regarding forest land management issues and
- We provide input to the NACO Public Lands Steering Committee on all issues relevant to Washington's counties.

The 29 Timber Counties include Asotin, Chelan, Clallam, Clark, Columbia, Cowlitz, Ferry, Garfield, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Klickitat, Lewis, Mason, Okanogan, Pacific, Pend Oreille, Pierce, Skagit, Snohomish, Stevens, Thurston, Wahkiakum, Whatcom, & Yakima.

CURRENT ACTIVITIES

- The Timber Counties Caucus met quarterly in 2024 Caucus members received regular reports from staff and county representatives on statewide boards, including the Board of Natural Resources (BNR), the Forest Practices Board, the Timber, Fish, & Wildlife (TFW) Policy Committee, the Cooperative Monitoring, Evaluation, and Research (CMER) Committee. All meetings were well attended. Members also received updates regularly from DNR, and from Kittitas County Commissioner Laura Osiadacz, county representative on the Northwest Forest Plan update process. The Caucus also received presentations from various groups, including the USFS, NACO, and others. Frequent topics included forest carbon, the Northwest Forest Management Plan update by the USFS, wildland fire, DNR's outdoor recreation plan, and the trust land transfer program.
- WSAC continued the Timber 101 training program with a new presentation at each Caucus meeting. Topics included old growth assessments, variable retention harvest programs, forest successional stages, and riparian ecosystems and forestland management policy. Each training session was recorded and placed on WSAC's website.
- The legislature appropriated another \$8.75 million of Climate Commitment Act funding to conserve and replace structurally complex, carbon-dense forests and purchase replacement State Forestlands for encumbered State Forestlands for 4 counties – Clallam, Pacific, Skamania, and Wahkiakum, among other things in the 2024 Supplemental State Capital Budget. This was in addition to the \$10 million appropriate in the 2022 Supplemental State Operating Budget, and \$70 million in the 2023 State Operating Budget. WSAC successfully implemented the concurrence procedure developed by the Encumbered Lands Proviso Implementation work group in 2022 to approve the purchases.
- WSAC also worked closely with the members of the Encumbered Lands Proviso working group to develop a recommendation to DNR for how to distribute the benefits from a new State Forestland trust that utilizes land pooling to benefit multiple counties. The Encumbered Lands Proviso working group recommendation will be considered by the WSAC Board of Directors for adoption in February.

- Mark Meleason, a contractor, represents WSAC on the Cooperative Monitoring, Evaluation, and Research Committee (CMER committee), which oversees the science used to evaluate Forest Practice rules within the Adaptive Management Program (AMP):
 - Represents WSAC as a voting member at CMER's monthly meetings.
 - Monthly meetings direct the scientific studies conducted by CMER.
 - Vote on all phases of scientific studies – from scoping to final reports
 - Represents WSAC on several Science Advisory Groups (SAG)
 - Instream SAG: I am a workgroup member of three stream typing projects: *Default Physical Criteria study* and the *Potential Habitat Break study* were approved and are currently in the initial implementation phase and currently developing the scoping document for the *Anadromous Fish Floor study*.
 - Landscape and Wildlife SAG: The scoping document for *Water Temperature and Amphibian Use in Np Waters with Discontinuous Flow in Western Washington Project* has been approved, and we are currently writing up the study design.
 - Riparian SAG: We are currently developing the scoping document for the *Extensive Riparian Status and Trends Monitoring Program – Riparian Vegetation and Stream Temperature*. The spatial scope of this study is riparian forests and streams across all FFR lands (9.3 million acres). Also, the *Riparian Characteristics Study*, a study on the relationship of stream shade to buffer width in fish-bearing streams, is in the implementation phase.
 - CMER special project: *Structure Decision Making Riparian Project* member. The overall goal of this project is to develop decision criteria for revising Forest Practice rules based on CMER study results. This pilot study used in this effort is the Eastside Type N Riparian Effectiveness Study.
 - Provides monthly updates directly to the Government Relations Director of WSAC.
 - Provides updates on CMER activities at the Timber Counties Caucus meetings.
 - I gave the first of a planned three-part presentation series at a Timber Counties Caucus meeting titled “An Introduction to Stream and Riparian Ecology and Management in Washington, Part 1”.
- Court Stanley, a contractor, continues to represent WSAC on the TFW Policy Committee while monitoring the Adaptive Management Program (AMP) activities. Additional information on the TFW Policy Committee:
 - Policy is involved with two disputes at this time; the first involves the ability of small forest landowners to incorporate managing buffers to accelerate the development of riparian habitat. These prescriptions would be on a limited number and include CMER monitoring. One of their proposals contains a managed 75-foot buffer, which causes concern among tribes regarding the conservation caucus. We are working with a facilitator to find a solution that is agreeable to all parties. The second dispute is whether non-CMER science should be allowed in policy decisions. WSAC favors all science studies; if they are peer-reviewed and pass current rigor, they should be available to inform policy decision-making. The Adaptive Management program has a deficit of close to \$3 million dollars in the next biennium to fund current and future research. Given the shortfall in projected revenue this year, we have developed contingency plans to reduce the program's costs. We have agreed to the following:
 - The TFW Policy approved Contingency plan includes the following steps for how to sequentially work through prioritizing reductions are as follows:
 1. If an existing AMP staff position becomes vacant, consider the implications of workload shift versus rehiring.
 2. Delay/reduce administrative expenditures (remove funding for Biennial Fiscal & Performance Audit, and Science Review).
 3. Delay/pause expenditures on all projects not in active field implementation; this includes FPB directed projects although they should be at the bottom of the list and CMER staff should work to advance them as much as possible (see project prioritized list below).
 4. Eliminate state agency pass-through funding for activities unrelated to the AMP (advocate for agencies to secure necessary funding in their own budgets)

5. Reduce active project expenditure by 20%
6. Reduce participation grants to Counties, NGOs, and State agencies by 20%.

These are sequential steps and the DNR is working in the legislature to continue to fund the program.

- New buffer rules for non-fish perennial streams approved by the FPB in 2023 are being developed and will go to the FPB this spring. Landowners are concerned that the new rules exceed agency authority.
- New rules regarding determining the end of fish habitat and an anadromous fish floor are also being written. The FPB, by a majority vote, decided that the current methodology, with minor changes, was appropriate until studies on the anadromous fish floor and habitat breaks were completed. Commissioner Raines took a huge leadership role in guiding the board to this decision. Public comments are now being heard, and the board will vote to take to CR102 for the next stage in rulemaking.

PROGRAM CHALLENGES

- Environmental organizations have developed a solid effort to stop logging “legacy forests” on state forest lands. Legacy forests are naturally regenerated forests over 60-70 years old. WSAC has been actively recruiting testifiers and providing testimony at the BNR meetings advocating for sustainably harvesting these forests to support rural counties. At the same time, several WSAC members have also advocated for preserving older forests in their counties. WSAC simultaneously supports the efforts of those members to have a greater say in the management of trust lands in their communities.
- Continue advocating for funding for the encumbered lands counties for operating revenue and state forestland replacements.
- A new administration at the DNR after eight years under Commissioner Hilary Franz.

2025 ACTIVITIES

- Continued involvement and representation on CMER, TFW Policy, the FPB, and the BNR.
- Monitoring several important ongoing processes, including
 - DNR Carbon and Forest Management Workgroup
 - USFS Northwest Forest Management Plan update
 - DNR Outdoor Recreation Plan for State Trust lands
- Developing a relationship with newly-elected Commissioner of Public Lands Dave Upthegrove.

Paul Jewell, Policy Director – Water, Land Use, Natural Resources, & Environment

Court Stanley, Contractor – WSAC TFW Policy Committee Representative

Mark Meleason, Contractor – WSAC CMER Committee Representative

DECEMBER 2024



COUNTY TRANSPORTATION PROJECTS AND STUDIES STATUS REPORT

PURPOSE

This report briefly outlines the status of the Washington State Association of Counties' (WSAC) transportation projects and studies authorized by ENGROSSED SUBSTITUTE HOUSE BILL 2134, Sec. 224., during the 2023-25 biennium. The legislation requires a report to the Office of Financial Management and the appropriate committees of the legislature regarding the deliverables and the amounts expended by December 15, 2024.

PROGRAM BACKGROUND

Each biennium, WSAC has access to a set amount of funding in the state Motor Vehicle Account which is distributed by the Washington State Department of Transportation. This funding is specifically appropriated in the state Transportation Budget for planned projects and studies designed to benefit county transportation and infrastructure improvements. Unspent funding from the account at the end of each biennium is redistributed back to counties as part of their fuel tax distribution according to RCW 46.68.120(3). **The total amount authorized in the 2023-2025 Transportation Budget was \$1,063,000 for five projects:**

- 1 WDFW Culvert Inventory and Assessment Project:**
Contract with the department of fish and wildlife to identify, inventory, and prioritize county-owned fish passage barriers;
- 2 CRAB Data Story Project:**
Continue streamlining and updating the county road administration board's (CRAB) data dashboard, providing a more detailed, more transparent, and user-friendly platform for data management, reporting, and research by the public and other interested parties;
- 3 Mitigating Negative Project Impacts and Improving Program Benefits in Overburdened Communities Study:**
Commission a study to develop guidance for county public works departments conducting environmental justice assessments in their communities and recommend best practices for community engagement plans to address environmental health disparities for identified overburdened communities;
- 4 Workforce Development Study:**
Contract for a study to identify best practices within public works for the recruitment and retention of employees, including: recommendations for improving outreach and recruitment to underrepresented populations, methods to partner with local community colleges and universities, methods to expand apprenticeship and internship programs, strategies to increase training and development opportunities, and recommendations for career advancement programs and better work-life balance outcomes; and
- 5 2020 County Transportation Revenue Study:**
Update the 2020 county transportation revenue study.

WDFW Culvert Inventory and Assessment Project

PROJECT BACKGROUND

In 2019, WSAC worked with the Washington State Department of Fish and Wildlife (WDFW) to initiate a coordinated approach to inventory county-owned fish barriers in the Fish Passage Diversion and Screening Inventory database (FPDSI) and to help support the eventual prioritization of barriers needing correction in Washington State. Since the project began, WDFW crews have inventoried over 1700 total crossings on fish bearing streams, with 1100 of those sites being fish passage barriers.

Initially the project has focused on the 14 counties within the “Culverts Case” area. In the Culverts Case, affirmed by the U.S. Supreme Court in 2018, twenty-one northwest Washington tribes asked the U.S. District Court to find that the State of Washington has a treaty-based duty to preserve fish runs and habitat. The court ruled in the tribes’ favor, and later issued an injunction requiring the state to replace culverts impeding anadromous fish passage by 2030. Local jurisdictions were not included in the lawsuit, however improving fish passage remains a high priority for counties.

The project began with the goal of establishing a baseline for each county’s fish barrier inventory. This was accomplished with a questionnaire sent to case area counties. These counties include Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, and Whatcom.

The survey responses provided guidance to WSAC and WDFW regarding where technical assistance should be prioritized. WSAC entered a contract with WDFW to provide field crews that would conduct inventories upon request and discussions were held with case area counties on whether they wanted assistance with inventories and how that assistance could be provided. WSAC offered counties either direct financial assistance of \$50,000 each or the opportunity to have WDFW crews conduct the inventories. Ultimately, only two counties asked for direct financial assistance (Pierce and Mason Counties).

WDFW consulted individual counties to identify inventory and assessment needs. Most counties identified a more complete inventory of unassessed fish passage barriers as the primary task, followed by targeted re-evaluations and advanced analysis of previously identified fish passage sites. To locate previously undocumented barriers, potential un-inventoried fish passage features were identified by performing intersect analysis between county roads and stream layers using ESRI GIS software. Additional potential

barriers were identified through a visual analysis of high-resolution LiDAR-derived hillshade layers.

Work began in January 2020, however as WDFW established plans and hired crews, the Covid-19 shutdowns hit Washington. This resulted in obvious delays until such time as measures to protect the health of field staff could be developed and implemented. As a result, crews did not get into the field until June 2020. Crews visited each potential new site and evaluated the structure using the methodology described in the WDFW Fish Passage Inventory, Assessment and Prioritization Manual (WDFW, 2019).

In addition to the inventory work performed by crews, WDFW also provided ongoing technical assistance and training to support counties in the creation of their own inventory and assessment crews. This included training local conservation groups in barrier assessment protocols to support the county inventory efforts.

Work during the 19-21 and 21-23 biennium established comprehensive inventories of county-owned barriers in Kitsap and Snohomish counties, and in addition, King, Pierce, Island, Mason, and Clallam counties submitted fish passage data that was entered into FPDSI.

CURRENT BIENNIUM

WSAC continues to assist counties in conducting or completing inventories of county-owned culverts that are blocking fish passage and signed another contract with WDFW for the 2023-2025 biennium. The current contract, after an amendment to add additional resources in 2024, totals \$503,800. To date, approximately 1,300 additional potential county-owned crossings have been evaluated, resulting in 529 new sites on fish bearing streams. Of those 529 sites, 378 were deemed barriers to fish passage.

Between July 2023, and present, field crews have been inventorying barriers in Lewis County and anticipate that the entirety of the county-owned crossings will be inventoried soon. They have also followed up on requests from Mason, Kitsap and Thurston counties for re-evaluations and advanced analysis of previously identified fish passage sites. In addition, King and Cowlitz counties have submitted fish passage data to be entered into the FPDSI. To date, we believe we have completed county-owned inventories for Jefferson, Kitsap, Thurston, Snohomish, King, Lewis (nearly complete) and Pierce counties in FPDSI.

Having completed most of the locations in Lewis County, crews are now beginning work in Grays Harbor County, and we are trying to direct future activity to support the Statewide Fish Passage Prioritization Strategy currently under development. There’s approximately \$100,000 left in funding for the biennium and we will be looking to continue the project into the 2025-2027 biennium.

CRAB Data Story Project

2

PROJECT BACKGROUND

Data storytelling is the practice of blending hard data with human communication to craft an engaging narrative that’s anchored by facts. It uses data visualization techniques (e.g., charts and images) to help convey the meaning of the data in a way that’s compelling and relevant to the audience. Data-driven stories are created through the process of analyzing and filtering large datasets to uncover insights and reveal new or different ways to understand the information. They’re tailored to a specific audience and the context in which they’re consumed. This can help communicate information or a point-of-view most effectively while generating the least cognitive load, which affects the mental energy the audience needs to spend on grasping your message and therefore, impacts how well it’s received.

This project was started in the 2021-2023 biennium and CRAB finished the first data story titled “The Hidden Life of County Roads” in 2023.

It can be found on the CRAB website at the following link: <https://storymaps.arcgis.com/stories/c4d5de3d142b43d5ac7a72c40581f609>.

CRAB has also finished a project to overlay the Department of Health’s Health Disparity Map, over CRAB’s Rural Arterial Program (RAP), which funds preservation and reconstruction projects on county arterial and collector roads.



CURRENT BIENNIUM

WSAC budgeted \$50,000 this biennium to continue supporting the project, however, through ongoing discussions with staff at CRAB, we were able to determine that they could continue the project without additional outside resources. This allowed WSAC to reallocate the funds and increase our contract with WDFW to accomplish more fish barrier inventory work. It will also potentially result in more funding being distributed back to county road departments.



Mitigating Negative Project Impacts and Improving Program Benefits in Overburdened Communities Study

3

PROJECT BACKGROUND

County Public Works Departments continually work on ways to improve the implementation of ongoing programs and the delivery of capital projects in their communities. During the 2023-2025 biennium, WSAC requested budget authority from the legislature to help Public Works Departments develop guidance for conducting environmental justice assessments in their communities. The primary goal of this study is to design the best practices for community engagement plans in overburdened communities and to assemble strategies for mitigating identified environmental health disparities.

Concurrently, during the 2023 session, Substitute House Bill 1084 passed the legislature, significantly modifying Chapter 47.06A RCW regarding the role of the Freight Mobility and Strategic Investment Board (FMSIB). Important to their objective, the bill directed FMSIB to study the “best practices for preventing or mitigating the impacts of investments in and the operation of freight systems in overburdened communities, with a focus on developing common procedures and practices for use by jurisdictions developing freight projects.”



CURRENT BIENNIUM

FMSIB began this work during the interim, hiring a contractor to research, identify, and synthesize best practices, recommend engagement practices for gathering input, develop and make available data, maps, and tools to evaluate potential project impacts. As a result, an interactive mapping tool, “StoryMap,” and “Toolkit” have been developed.

Because of the significant overlap between the goal of our project and the FMSIB study, the Washington State Association of County Engineers (WSACE) decided to put our study on hold until the FMSIB project was complete to prevent duplicative efforts. We reached out to the Executive Director of FMSIB and asked to stay engaged in their project so that we could build upon any recommendations once the study was complete.

FMSIB recently received the final work products for this project and the Board was given a presentation at the November Board meeting. The materials have been transmitted to the Governor and Transportation Committees. FMSIB has submitted a decision package requesting funding to continue the work into the 2025-2027 biennium. We are currently reviewing the materials and expect to start the process of contracting for additional work tailored to the County Public Works Departments, possibly looking to add to the recommendations by focusing on programmatic work.

Workforce Development Study

4

PROJECT BACKGROUND

Members of WSACE continue to report increasing challenges with recruiting, hiring, and retaining qualified staff in their Public Works Departments. For this reason, WSAC budgeted this biennium to contract for a study aimed to identify best practices within public works for the recruitment and retention of employees; including recommendations for improving outreach and recruitment to underrepresented populations, methods to partner with local community colleges and universities, ways to expand apprenticeship and internship programs, strategies to increase training and development opportunities, and recommendations for career advancement programs and better work life balance outcomes.

In 2024, the Supplemental Transportation Budget provided funding for the Washington State Transportation Center (TRAC) to consult with the Board of Registration for Professional Engineers and Land Surveyors (BRPELS) to conduct a statewide survey and analysis assessing workforce shortages of civil engineers, civil engineering technicians, land surveyors, land surveyor technicians, and related disciplines. Further, the legislation directed TRAC to draft a recommended action plan to address engineering workforce shortages and to meet the increased demand for services. TRAC is a cooperative, interdisciplinary transportation research agency. The project is titled the Transportation Commission Engineering Pathways study.



CURRENT BIENNIUM

Last Spring, WSACE reached out to BRPELS and TRAC-UW, which is administratively part of the Department of Civil and Environmental Engineering within the University of Washington's College of Engineering. We requested a meeting to discuss the similarities between the two projects and the opportunity to collaborate by combining the two. Following the meeting, all parties agreed that we should work together, so we began working on an agreement between TRAC-UW and WSAC to accomplish this. We also started having regular meetings between the project partners to help guide development of the preliminary and final action plans.

The draft scope of work for the contract between WSAC and TRAC aligns with each study's proviso language and the deliverables in the preliminary action plan. **These include:**

- Conduct a statewide survey and analysis to assess workforce shortages of civil engineers, civil engineering technicians, land surveyors, land surveyor technicians, and related disciplines.
- Analyze current education pathways, licensure processes, and existing workforce development programs.
- Identify opportunities to create a more diverse and equitable engineering workforce.
- Develop a comprehensive action plan, with input from legislative transportation committees, to address workforce shortages and meet the increased demand for services.

Proposed Budget:

- TRAC funding: \$81,000
- WSAC funding: \$100,000 - \$150,000

TRAC has already provided a detailed preliminary plan with proposed actions, budgets, and outcomes. We are working to develop a final action plan report with relevant recommendations to the Transportation Committees by December 31, 2024. We hope to report to the Transportation Committees on this progress in early 2025 and expect that this project may continue into the 2025-2027 biennium.



2020 County Transportation Revenue Study

5

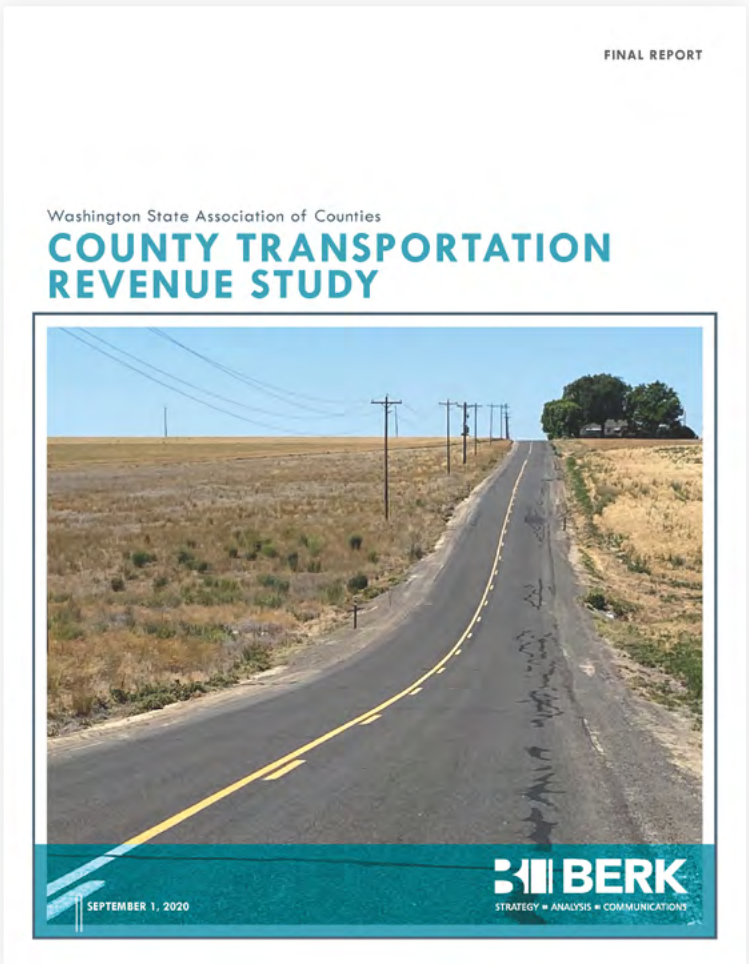
PROJECT BACKGROUND

In 2020, BERK completed a study of county transportation funding across Washington’s 39 counties for WSAC. The study assessed the gap between revenues and expenditures, identified emerging issues and trends, and provided recommendations on potential funding options. The estimated annual gap between county transportation needs and actual spending on county roads was identified to be between \$719 million and \$1.23 billion at that time.

This funding gap does not tell the whole story. There are additional costs faced by counties that are challenging to fully quantify and annualize. This gap does not include the costs of road deferred maintenance and full desired investment costs in fish passage barrier removal, safety, ADA compliance, and active transportation. Also, the cost of preservation and maintenance has increased significantly since 2020 due to inflation and a tight labor market.

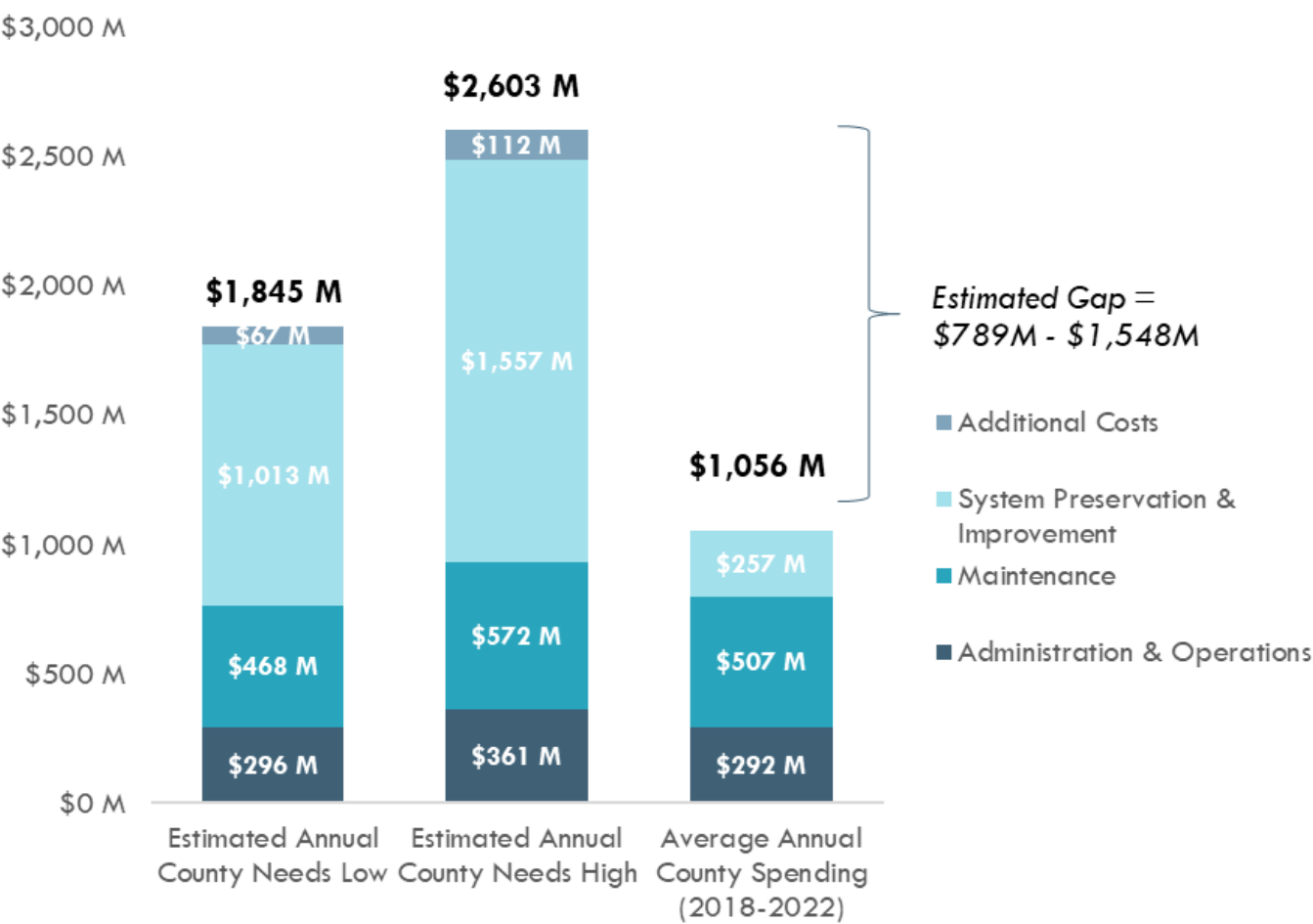
Today, counties may have better information on the cost of deferred maintenance, fish passage barrier removal, and ADA compliance than at the time of the last study. There also may be additional revenue opportunities available to counties or existing revenue options may have changed significantly.

To better communicate the current county transportation needs, WSAC budgeted in the current biennium to update the study in 2024.



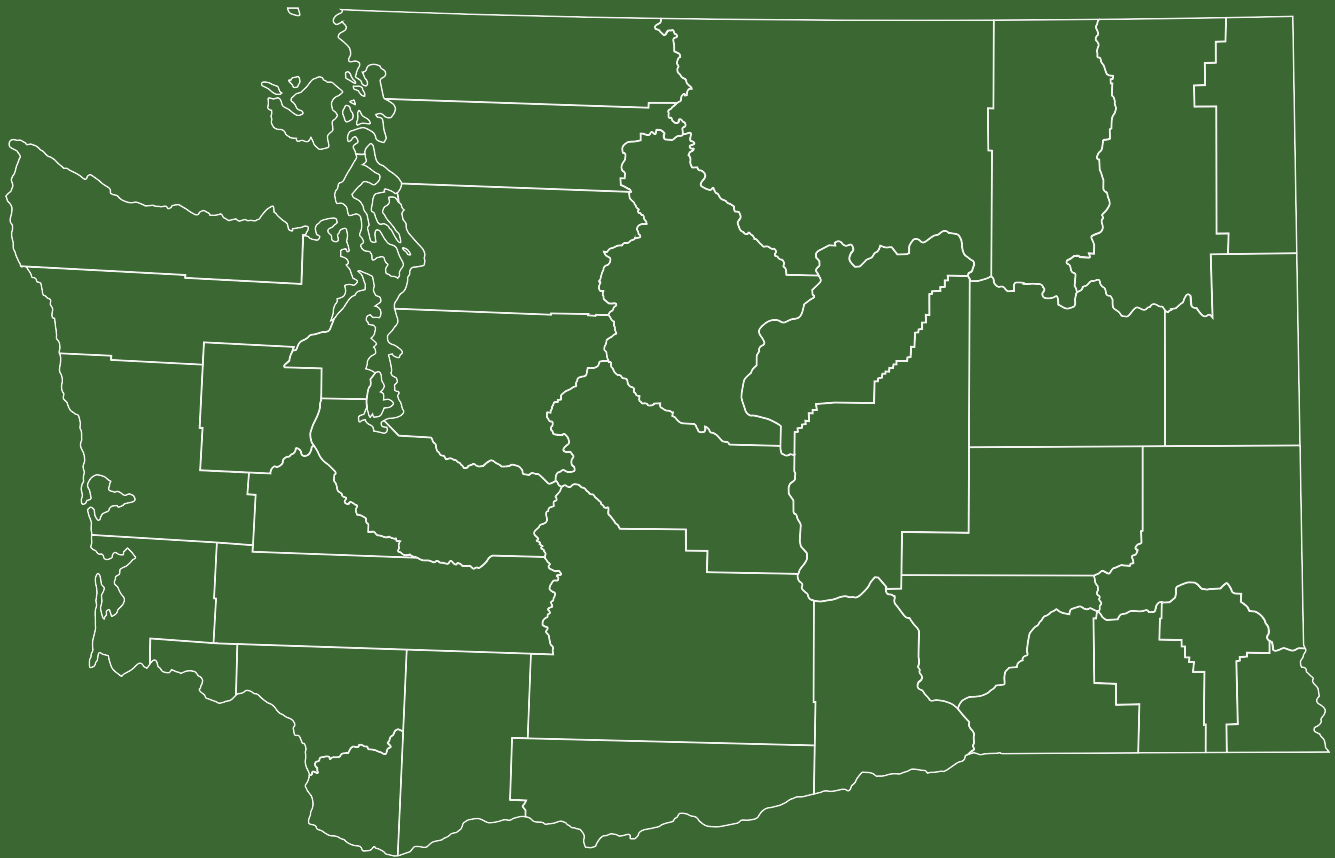
DRAFT FINDINGS

- The funding gap increased from 2020, with the low end estimate 10% higher and the high end estimate 26% higher than the 2020 estimates.
- Project work is experiencing delays.
- The primary sources of revenue for regular maintenance and preservation are not keeping up with inflation.
- Local access roads do not have outside sources of funding.



CURRENT BIENNIUM

In late 2023, WSAC contacted BERK, who drafted the original County Transportation Revenue Study, and confirmed their willingness and capacity to update the study in 2024. During the 1st quarter of 2024, preliminary cost estimates were developed, a new scope of work drafted, and a contract was signed. Work started on the update in the 2nd quarter and a preliminary draft report was provided to WSAC for review in early November. A brief update was provided to the Joint Transportation Committee in November and a final report will be made available later this month. The total contracted amount is \$50,000.



**WASHINGTON STATE
ASSOCIATION OF COUNTIES**

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February 5, 2025

TO: WSAC Board of Directors
FROM: Derek Young, Acting Interim Director
PREPARED BY: Brynn Brady, Policy Consultant
SUBJECT: Coastal Counties Caucus

Coastal Counties Caucus

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

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

Program Status

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

Appointed in January 2021, Skagit County Commissioner Ron Wesen is the Chair of the Coastal Caucus. The following WSAC members serve on the following Boards or Councils:

- Kate Dean, Jefferson, in 2024 (Vice Chair Leadership Council)
- Ron Wesen, Skagit (Ecosystem Coordinating Board)
- Dow Constantine, King (Ecosystem Coordinating Board)
- Dave Somers, Snohomish (Ecosystem Coordinating Board)
- Janet St. Clair, Island (Ecosystem Coordinating Board)
- Robin Denson, Pierce (Ecosystem Coordinating Board)

- Tye Menser, Thurston (Salmon Recovery Council)
- Paul Herrera, Pierce (WSAC representative Salmon Recovery Council)
- Vacant (WSAC representative Ecosystem Coordinating Board)
- * Several other WSAC members serve as alternates on these Boards/Councils

In 2024, the following items were accomplished to ensure coastal county interests and priorities were brought forward to the coastal counties, Legislative Steering Committee, state and federal agencies, Tribal Nations and other key stakeholders:

- Supported WSAC members serving on Puget Sound Partnership (PSP) Boards, Councils, & Committees
- Represented and/or coordinated representation in PSP meetings and other state efforts that impact communities along the Puget Sound and Pacific coast
- Monitored and reported on Puget Sound Partnership efforts that involved county policy interests to WSAC policy staff and the Counties Coastal Caucus including the 2022-2026 Action Agenda items such as the RFP opportunities provided through the Habitat, Shellfish, and Stormwater Initiative Leads.
- Planned and coordinated the annual meeting to include a briefing on legislative priorities related to salmon recovery and the Puget Sound and Coastal Waters. The agenda also includes state agency briefings on funding opportunities and grant application tools that advance salmon recovery in the state.
- Monitored and communicated to Coastal Counties about shared work plan priorities for the Salmon Recovery Council and Ecosystem Coordination Board
- Acted as a point of contact for state agencies, tribes and NGOs to distribute pertinent information and participation opportunities to Coastal Counties

The ECB and SRC carry out work plans that may need to be revisited depending on changes that may occur at the EPA. As the two bodies' advance in their work, the Coastal Caucus will be interested in the work plan priorities that fall into one of these shared priorities areas:

1. Implement and adaptively manage the 2022-2026 Action Agenda and Puget Sound Salmon Recovery Plan for a more resilient Puget Sound ecosystem
2. Develop, advance, and monitor necessary policy changes to protect and recovery Puget Sound, including salmon and other imperiled species and their habitats
3. Strengthen and broaden relationships with vulnerable populations and overburdened communities to increase inclusiveness, build meaningful participation, and support equitable outcomes within the Puget Sound recovery network
4. Support the Partnership in providing early and often engagement and communication, in addition to consultation, for all tribal nations
5. Enhance and amplify the knowledge network that supports Puget Sound ecosystem recovery, including by improving coordination and integrating diverse types of knowledge
6. Maintain, expand, and diversify funding for the recovery effort and ensure partners have capacity to scale recovery work with increased investments.

February 5, 2025

TO: WSAC Board of Directors

FROM: Derek Young, Interim Executive Director

PREPARED BY: Paul Jewell, Government Relations Director

SUBJECT: Columbia River Program

BACKGROUND

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

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

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

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

CURRENT ACTIVITIES

- WSAC retained Ben and Lara Floyd, White Bluffs Consulting, to facilitate the Columbia River Caucus meetings in 2024-25.
- We continue to follow how negotiations between the U.S. and Canada (the Columbia River Treaty) may affect the provision of additional water supply.
- We continue to ensure that counties have a voice in Ecology's management of the CR Program.
- With the departure of some WSAC members after the at the end of 2024, Caucus members will elect new representatives for the Columbia River Policy Advisory Group to replace outgoing/retiring representatives at the first quarter meeting in March.
- Caucus members met four times during 2024. Members received regular updates from WSAC and Ecology staff on program matters. Other topics included an update on the statewide water supply, presentations on the Pasco Basin groundwater project, introductions to new Ecology staff including David Bowen – Central Region Director, the Biden administration's agreement with Tribal entities for the Columbia River, and a presentation on the issues in the Klamath River Basin. Members also participated in a two-day project tour in June.
- Quarterly meetings of the Commissioners' PAG continue to be held. They are vital in ensuring a flow of information to county commissioners and from them to the CR-PAG and the Department of Ecology.

- Regular discussions and meetings with the Director of the Office of Columbia River occur several times a year.

PROGRAM CHALLENGES

- As noted, the original \$200 million for the CR Program was fully allocated by June 2017. . Instead, further funding is asked for each biennium for a smaller specific slate of projects. To date, this has been a successful approach for continued funding (which most stakeholders agree is needed). WSAC will need to track this.
- The U.S. Department of State has been engaging with Canada about revising the Columbia River Treaty and reached an agreement in principle in 2024. Counties continue to hope that the possibility of increasing water supply will be included as a topic of negotiation.

2025 ACTIVITIES

- Continued involvement in implementing the current CR Program and support requests for funding continued project work.
- Monitor and engage in deliberations around the Columbia River Treaty.
- Conduct quarterly meetings.
- Conduct a field tour in June for WSAC members of Columbia River Basin water supply projects.