

Legislative Roundtable

October 5, 2018

9 a.m.

Present: Commissioner Edna J. Fund, Commissioner Gary Stamper, Commissioner Bobby Jackson, County Manager Erik Martin, 20th District state Rep. Ed Orcutt, 20th District state Rep. Richard DeBolt, 19th District state Rep. Jim Walsh, 19th District state Rep. Brian Blake (by phone), Lewis Economic Development Council (EDC) Executive Director Matt Matayoshi, Lewis County Clerk Scott Tinney, Superior Judge RW Buzzard, Washington State Association of Counties (WSAC) President Eric Johnson, Lewis County Civil Deputy Prosecuting Attorney Ross Petersen, Chehalis Mayor Dennis Dawes, American Forest Resource Council Manager Matt Comisky, Centralia Mayor Lee Coumbs, Napavine Mayor Pro Tem Jim Haslett, Napavine City Councilman Shawn O'Neill, Chehalis Mayor Dennis Dawes, Winlock Mayor Don Bradshaw, Toledo Mayor Steve DoBosh, Vader Mayor Ken Smith, Pe Ell Mayor Lonnie Willey, Centralia resident Ron Averill, Chehalis resident Bob Guenther, Dot Workman of the South Sound Parent Coalition, Community Development Director Lee Napier

Guests: Various members of the media and public as well as county employees

Recorder: Rieva Lester

Meeting participants and guests introduced themselves.

Flooding

Commissioner Fund discussed the commissioners' roles as supervisors for the Flood Control Zone Districts (FCZD). She said the county is seeking funding for a water retention facility near Pe Ell and other flood basin projects. She discussed the Environmental Impact Statement (EIS) process through which the Quinault and others can express their concerns.

Commissioner Stamper and **County Manager Erik Martin** discussed flood mitigation efforts regarding the Packwood areas. Erik discussed some of the funding options the county and the FCZD are exploring.

State Rep. Richard DeBolt encouraged the community to attend the Oct. 17 EIS meeting or to submit written comments for or against the process.

State Rep. Jim Walsh said the state capital budget generally helps cover the costs of such projects. He said it's the best mechanism for making funding available for state projects. He said the benefits of a water retention facility far outweigh the problems associated with flooding.

State Rep. Ed Orcutt echoed those sentiments and discussed the negative financial impacts flooding has, especially when it closes Interstate 5 commerce.

State Rep. Brian Blake likened Lewis County's efforts to those of Yakima County, where a united front has played a key role in the project's success.

Impediments to economic development and Broadband

Lewis County Economic Development Council (EDC) Executive Director Matt Matayoshi discussed efforts to extend broadband technology to rural areas. He said low-interest loans are not enough to offset the high costs of reaching out to rural consumers, such as those in Winlock and elsewhere. Matt also thanked the legislators for their help combating flooding.

Rep. DeBolt discussed his efforts to invest in broadband, which died in the Senate. He discussed efforts put forth by the Community Economic Revitalization Board (CERB) to help rollout broadband to rural areas. He said the key is the public-private partnership. He used Toledo as an example of the correct way to address broadband needs.

Rep. Orcutt said he too had a bill that did not gain traction. He also discussed his own struggles with broadband technology as well as the struggles small businesses face in the rural areas.

Rep. Walsh discussed his role on the CERB board and urged the Lewis County EDC to look at the steps the Mason County EDC has taken.

Collecting legal financial obligations

Lewis County Clerk Scott Tinney discussed the role of the Clerk's Office. He also discussed the state Supreme Court's recent Blazina ruling, which requires judges to inquire about a convict's present or future ability to pay discretionary legal financial obligations (LFOs), a lot of which go into the county's coffers. He said new legislation indicates that any individual deemed indigent at the time of sentencing always will be considered indigent. He said Washington is one of the lowest-funding states regarding courts in the nation. He said the latest move further dries up revenue sources.

Superior Judge RW Buzzard said the inability to impose legal financial obligations stifles ways in which the court can hold an individual accountable. He said it leaves jail as the only option. Judge Buzzard invited the legislators to join him on the bench on any given Wednesday to witness first-hand the patterns of individuals who know how to beat the system. He said LFOs are "user fees" imposed on individuals who have made the choice to commit a crime. Judge Buzzard said the push to decriminalize driving with a suspended license (DWSL), which ultimately would take away the court's ability to hold criminals accountable.

Rep. Orcutt said he would take Judge Buzzard up on the offer to sit on the bench with him.

Rep. Walsh discussed the dangers of decriminalizing DWSL.

Unfunded mandates

Washington State Association of Counties (WSAC) President Eric Johnson, who is a former Lewis County commissioner, asked the legislators to avoid unfunded mandates. He said county revenue is growing 1 percent to 3 percent, while state revenue is growing considerably faster.

Rep. DeBolt urged the county to prepare a list of unfunded mandates.

Rep. Walsh said unfunded mandates appear to be designed to create a hardship for small governments.

Eric said WSAC is closely watching the state's response to behavioral health.

Public disclosure

Lewis County Civil Deputy Prosecuting Attorney Ross Petersen said transparency is the key to giving the public confidence but that the Public Records Act has created a cottage industry through which individuals are making money off of the county.

Rep. Blake left at 9:59 a.m.

Ross said the county has 13 pending public records lawsuits. He said three individuals already have sued for thousands. He emphasized that there are no controls in the act. He said Lewis County has 341 open requests, 295 are from the three individuals. Ross said Lewis County has crafted a policy that creates a queue system for frequent requesters but that the policy faces uncertainty because it's untested. He said there should be safeguards for the act so that individuals don't profit. He said the original legislation was designed to have the penalties funnel into a fund for watchdogs or a fund that would address issues the entities face.

LEOFF and PERS

Chehalis Mayor Dennis Dawes discussed the funding source that exists for pre-LEOFF firefighters. He proposed giving other municipalities the taxing mechanisms to pay for LEOFF 1 retirees. He said there should be a mechanism that would allow the continued collection of the pre-LEOFF taxes to instead pay for LEOFF 1 retirees. He said it would be state-revenue neutral.

Fish culverts

Lewis County Manager Erik Martin discussed Lewis County's strategies regarding the Supreme Court decision regarding fish passage. He said Lewis County has 230 in the Cowlitz Basin and (615-230 total) in the Chehalis Basin. He said it would cost \$185 million to replace the county's fish culverts. He urged the legislators to address the counties' plights as they explore the Department of Transportation's needs.

Rep. Orcutt said legislators recognize the impacts on counties and cities. He said the ruling also will impact citizens. He said the state is trying to take proactive steps.

WSAC President Eric Johnson asked for \$4.68 billion for the 3,000 culverts in the 14 counties. He urged the lawmakers to find a comprehensive solution.

Rep. Walsh discussed the need for overlay. He cautioned against “public policy by lawsuit.”

Rep. DeBolt said the capital budget is ending its journey with fish passages where DOT is begin its journey.

Loss in revenue due to decreased timber revenues

Commissioner Stamper said the Department of Natural Resources (DNR) is again setting aside more trust lands for additional protection of the marbled murrelet and decreasing the amount of timberland that can be harvested to generate revenue for trust beneficiaries. He said the DNR released a Draft Environmental Impact statement for public comment without any specific analysis of impacts on timber harvest or revenues for local beneficiaries, including junior taxing districts, such as the Timberland Regional Libraries. He asked the legislators what they can do to require the DNR to complete a thorough fiscal impact analysis on the trust beneficiaries from their proposal and ensure the DNR addresses its mandate to act with undivided loyalty to the trust.

Rep. Walsh said lawmakers fought the marbled murrelet. He said rationality needs to be restored. He said the Legislature has a fiduciary duty to make sure that public trust lands make revenue and that the Legislature has failed on that front. Rep. Walsh highlighted the TRL’s plight regarding lost funding. He said public trust land continues to be locked up when it was designed to be a revenue-generator. He said the state needs to make allowances for endangered species but that the public trust lands need to be used as originally intended.

Rep. DeBolt noted that smaller trees absorb more carbon than larger ones. He said the state is wasting its carbon resources by allowing the trees to succumb to wildfires rather than harvesting them. Rep. DeBolt said forest management presents opportunities.

Rep. Orcutt discussed the benefits of harvesting and replanting timber. He discussed the carbon released through wildfires. He said the high number of catastrophic wildfires is a direct reflection of poor management. Rep. Orcutt said there is a fight on the floor regarding the marbled murrelet. He said habitat was set aside for the murrelet but just sits there.

American Forest Resource Council Manager Matt Comisky, who serves on the state Forest Health Advisory Committee, the Pinchot Partners and the Olympic Forest Collaborative, discussed the junior taxing districts, beneficiaries and others that rely on funding from timber harvests. He said the office of the state Superintendent of Public Instruction recently adopted a rule change that allows school districts to realize the full benefit of revenues generated from timber harvest on state forest trust lands. Under this rule change, he said, the revenue will now be additive, rather than seeing an equal amount deducted from their distribution of state funding, which had been past practice. He said many of those affected are rural school districts that are at a disadvantage to their urban counterparts. He asked if the lawmakers were aware of the rule change and whether they would work to ensure that it is honored by the Legislature.

Rep. Orcutt said he has heard that rule changes are in the works. He said the money should be added and not supplanted to the state. He said he's ready to go to work to make sure its implemented properly.

Rep. Walsh said it's important to keep the pressure on the OSPI. He said school districts used to do well because they received timber revenue. He said elected officers need to be held accountable.

Matt Comisky said Pinchot Partners and the Olympic Collaborative received 25,000 apiece and that Pinchot Partners has secured an additional 187,000 for Olympic Collaborative 70,000.

Mayors' roundtable

EDC Executive Director Matt Matayoshi presented a document outlining area cities' needs. He noted that Packwood's main concern is regarding sewer. He said Packwood is designated as being in a flood plain. He said he will approach the state to remove that designation.

Centralia Mayor Lee Coumbs said Centralia's concerns regard LEOFF 1 funding and power access delivery.

Rep. DeBolt praised efforts to keep the Public Works Trust Fund.

Napavine Mayor Pro Tem Jim Haslett thanked Commissioner Jackson for meeting with him regarding Exit 72. He said Napavine is fighting with state agencies regarding growth.

Napavine City Councilman Shawn O'Neill said the Rush Road interchange doesn't safely or effectively address traffic. He said projected growth dictates that changes are needed. He said the best option appears to be roundabouts.

Rep. Orcutt expressed concerns with using roundabouts due to the nearby truck stop and the potential need to expand the freeway in the future.

Chehalis Mayor Dennis Dawes repeated his call for LEOFF 1 relief. He said Chehalis is seeking grants to the city park and pool. He said additional parking is needed. Mayor Dawes also discussed water availability. He said the city is exploring future water studies to find ways in which to become self-sustaining.

Winlock Mayor Don Bradshaw discussed the sewer extension project. He thanked the state for the \$1.5 million earmarked for Winlock's project. He said he has secured funding to extend the project to the freeway. Mayor Bradshaw said conduit also will be installed. He said the project will benefit Winlock and the surrounding area.

Rep. DeBolt said Winlock needs to look at Transportation Improvement Board (TIB) tax increment financing, bond authorization and the Public Works Trust Fund loan. He said the state can't lend credit but that lawmakers could craft a bill that shows the city has the future ability to pay.

Toledo Mayor Steve DoBosh discussed the benefits of the proposed countywide transportation project. He said the city and DOT are working to improve "streetscaping." Mayor DoBosh discussed the need to treat timberlands as revenue sources. He also touched on ToledoTel's success regarding broadband as well as the school district's latest levy push.

Rep. DeBolt discussed the failing Toledo school buildings. He discussed a pilot program that would allow Toledo to build a brand new school for \$7 million if voters pass the upcoming levy.

Vader Mayor Ken Smith discussed the closure of Vader's schools. He said the city is focused on the design and creation of a sewer treatment plant. He said another project on the horizon is a 27-acre park along the Olequa.

Pe Ell Mayor Lonnie Willey thanked Rep. Orcutt for his help to secure Community Block Grant funding.

Public comment

Centralia resident Ron Averill discussed the Volunteer Stewardship Program and the state Emergency Management Commission.

Chehalis resident Bob Guenther discussed poplar trees and biofuels as a possible new industry for Lewis County.

Dot Workman of the South Sound Parent Coalition thanked the legislators for their work to help intellectual and development disabilities.

Commissioner Stamper discussed the need to attract new business to the region.

Community Development Director Lee Napier discussed the Hirst decision and a joint effort to address the Water Resource Inventory Area (WRIA).

Adjournment

The commissioners thanked the legislators and audience for attending.

Meeting ended at 11:48 a.m.