



Board of County Commissioners  
Board Work Session  
Monday, April 15, 2024  
10:00 AM to 12:00 PM  
3000 Pacific Avenue SE, Room 110

For public virtual attendance, you may follow along on the [Thurston County YouTube Channel](#).

## AGENDA

- I. **WSAC Legislative Steering Committee (LSC) Priorities** – *Discussion*
- II. **Public Defense Caseloads Standards Follow Up** – *Informational*
- III. **Commissioner Items** – *Discussion*

Disability Accommodations: Room 110 is equipped with an assistive listening system and is wheelchair accessible. To request disability accommodations, call the Reasonable Accommodation Coordinator at least 3 days prior to the meeting at 360-786-5440. Persons with speech or hearing disabilities may call via Washington Relay at 711 or 800-833-6388.

2025 WSAC LSC IDEAS	WSAC	REGION	County	
Conservation Futures finding for the purchase of Water Rights	O			
Extension of Sewer Services to Public Facilities outside of UGAs	x			
Property Taxes more than 1% County Fiscal Sustainability	x		x	
Public Defense Funding	O			
Utility / B&O Taxes	x			
Tax/fee to support Animal Services	x		x	
<del>Tort Reform</del>	x			
Rural ADUs (Affordable Housing Stock)	x			Need information from Com Edwards.
Funding for Parks impact fees M&O	O		O	
EMS Licensing/Cerification	x			
County MPD/EMS, process Authority	x		x	
Hospital Certificates of Need WSAC PHO	x			
Rates for Behavior Health Services	x			Info from Joe A BH-ASO
Homeless Services	x	x		Need information from Com Clouse
? Capital Money for JASCOM Facility		x		
ERP/ROW M&O Funding		x	x	
Meat Processing Plant		x	x	
Capital Estuary Money		x		
DNR/Habitat for Humanity Policy Needs		x		
Timber Revenue Distribution Study/Recommendations			O	
Building 7 Childcare			O	
Courthouse			x	



## Board of County Commissioners Briefing Presentation Form

**Title**

Caseload Standards Follow-up

**Date**

04/15/2024

**Board Meeting**

AM Board Work Session

**Office/Department**

Public Defense

**Staff Contact**

Katey Vena, Executive Assistant

**Attachments****Type**

- ☐ Informational
- ☒ Follow up/Continued work session
- ☐ Discussion before decision

*Board decisions will not be made during work sessions.*

**Primary Objective**

This is an informational follow up to the 2/26/2024 briefing regarding caseload standards that were adopted by the WA State Bar Association. WA distributed statewide

**Staff Recommendation**

Staff recommendation and list alternative options.

**Background**

WA State Association of Counties distributed a caseload forecasting spreadsheet that the Director will share early data on expenses related to the new standards.

**Budget Impacts/Requests**

This will likely impact budget, but that impact is currently unknown. Rough estimate numbers will be provided to give an idea of potential impact to the County budget.

**Others Affected**

This change in caseload standards will not only affect the County but will put pressure on the justice system. Many will be affected by this change.

**Timeline/Nest Steps**

Continuous

## 2025 WSAC LSC Ideas

Potential WSAC Agenda Items	Need Statement	Description	WSAC Policy Statement
Use of Conservation Futures funding for the purchase of Water Rights	Local jurisdictions need flexibility to fund the purchase of water rights to support conservation and future land uses without relying solely upon general funds.	<p>RCW 84.34 appears to broadly allow implementing organizations to make acquisitions of real property and other interests and rights for open space conservation purposes. This authority is communicated per RCW 84.34.210, where implementing organizations are authorized to acquire "... the fee simple or any lesser interest, development right, easement, covenant, or other contractual right necessary to...conserve, selected open space land...defined in chapter 84.34 RCW for public use or enjoyment." However, the statute also suggests that interests purchased with conservation futures dollars should be associated with real property; "For the purpose of acquiring conservation futures and other rights and interests in real property..." per RCW 84.34.230.</p> <p>The proposed edits to the statute, then, decouple the variety of interests and rights already authorized for purchase from attachment to the fee simple purchase of land. In other words, the edits are intended to permit local jurisdictions to purchase interests and rights in use of property without purchasing land when an appropriate nexus exists to conservation practices.</p>	<u>Need to cross walk with WSAC policy statements for each of the prioritized agenda items.</u>

## 2025 WSAC LSC Ideas

Extension of sewer services to public facilities outside of UGAs (beyond current school exemption)	Often county infrastructure to support Public Works and other services are sited outside of urban zoned areas. This can limit the types of operational capacity that is allowed due to environmental impacts, limitations of septic and water systems, etc.	<p>It seems that RCW 36.70A.213 would present some opportunities for sewer extension, despite the “general” prohibition under RCW 36.70A.110. This section could be amended to include the extension of utilities to public facilities outside of the UGA.</p> <p><b>RCW <u>36.70A.213</u></b></p> <p>Extension of public facilities and utilities to serve school sited in a rural area authorized—Requirements for authorization—Report.</p> <p>(1) This chapter does not prohibit a county planning under RCW <b><u>36.70A.040</u></b> from authorizing the extension of public facilities and utilities to serve a school sited in a rural area that serves students from a rural area and an urban area so long as the following requirements are met:.....</p>	
<b>County Fiscal Sustainability</b>			
Property Tax Cap	Revise the current 1% tax cap to one that accounts for inflation and population growth.		<i>COMMENT: This could be crafted as a “fiscal package” to submit to WSAC</i>
Public Defense funding	Along with only funding 4% of public defense across the state, the new caseloads standards stand to triple the cost of public defense and counties		

## 2025 WSAC LSC Ideas

	cannot structurally or sustainably fund the service.		
B&O tax for counties	Extend the authority for Business & Occupation taxes to counties as part of local fiscal flexibility. This would be permissive and not mandatory.		
Utility tax for counties	Extend the authority to levy utility taxes outside of the incorporated cities to include Urban Growth Areas and unincorporated county.		
Sales tax credit from pet store sales to support animal services	Would establish a tax credit against the state portion to fund animal services in counties.	This concept is being worked on in the interim to likely frame a study to look at the issues across the state. \$74 million is currently generated through the sale of pet related goods/supplies. The “Fur Caucus” leadership are engaged.	
Rural ADUs (affordable housing stock)	Counties planning under GMA are challenged to create affordable housing in unincorporated areas.	Housing outside of an Urban Growth Area could open the county up to challenges related to rural densification. Allowing Accessory Dwelling Units, other than attached, on rural residential lots can assist with providing affordable housing options while preserving the rural character of the unincorporated zoning.	
Park M&O Funding	Counties are challenged with having dedicated funding to support parks infrastructure. Impact fees facilitate the expansion of park holdings, thus expanding the pressures	Look to amend the statute governing park impact fees to include, similar to conservation futures funding, the ability to utilize a portion of the funding to support Maintenance & Operations of	

## 2025 WSAC LSC Ideas

	<p>on other limited funding sources to cover the increased operational impacts.</p>	<p>the Parks system. Potentially insert a definition of M&amp;O into RCW.</p> <p>RCW <a href="#">82.02.090</a></p> <p>Impact fees—Definitions.</p> <p>The definitions in this section apply throughout this section and RCW <a href="#">82.02.050</a> through <a href="#">82.02.080</a> unless the context clearly requires otherwise.</p> <p>(5) "Project improvements" mean site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements. An improvement or facility included in a capital facilities plan approved by the governing body of the county, city, or town is not considered a project improvement.</p> <p>(7) "Public facilities" means the following capital facilities owned or operated by government entities: (a) Public streets, roads, and bicycle and pedestrian facilities that were designed with multimodal commuting as an intended use; (b) publicly owned parks, open space, and recreation facilities; (c) school facilities; and (d) fire protection facilities.</p>	
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## 2025 WSAC LSC Ideas

		(9) "System improvements" mean public facilities that are included in the capital facilities plan and are designed to provide service to service areas within the community at large, in contrast to project improvements.	
County MPD/EMS, process Authority	The state, through the MPD structure, determines the protocols utilized by local EMTs and Paramedics. The MPD role is autonomous from the county in which it operates.	<p>WAC 246-976-920 (<i>abbreviated</i>) Medical program director.</p> <p>(3) The certified MPD must:</p> <p>(a) Provide medical control and direction of EMS certified personnel in their medical duties. This is done by oral or written communication;</p> <p>(b) Develop and adopt written prehospital patient care protocols to direct EMS certified personnel in patient care. These protocols may not conflict with regional patient care procedures. Protocols may not exceed the authorized care of the certified prehospital personnel as described in WAC <u><a href="#">246-976-182</a></u>;</p> <p>(c) Establish policies for storing, dispensing, and administering controlled substances. Policies must be in accordance with state and federal regulations and guidelines;</p> <p>(d) Participate with local and regional EMS/TC councils to develop and revise:</p> <p>(i) Regional patient care procedures;</p> <p>(ii) County operating procedures when applicable. COPS do not conflict with regional patient care procedures; and</p>	



## 2025 WSAC LSC Ideas

		<p>(iii) Participate with the local and regional EMS/TC councils to develop and revise regional plans;</p> <p>(e) Work within the parameters of the approved regional patient care procedures and the regional plan;</p> <p>(f) Supervise training of all EMS certified personnel;</p> <p>(g) Develop protocols for special training described in WAC <a href="#">246-976-023(4)</a>;</p> <p>(h) Periodically audit the medical care performance of EMS certified personnel;</p> <p>(i) Recommend to the secretary certification, recertification, or denial of certification of EMS personnel;</p> <p>(j) Recommend to the secretary disciplinary action to be taken against EMS personnel, which may include modification, suspension, or revocation of certification; and</p> <p>(k) Recommend to the department individuals applying for recognition as senior EMS instructors.</p> <p>(4) In accordance with department policies and procedures, the MPD may:</p> <p>(a) Delegate duties to other physicians, except for duties described in subsection (3)(b), (i), (j), and (k) of this section. The delegation must be in writing;</p> <p>(b) Delegate duties relating to training, evaluation, or examination of certified EMS personnel, to qualified nonphysicians. The delegation must be in writing;</p> <p>(c) Enter into EMS medical control agreements with other MPDs;</p> <p>(d) Recommend denial of certification to the secretary for any</p>	
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## 2025 WSAC LSC Ideas

		<p>applicant the MPD can document is unable to function as an EMS provider, regardless of successful completion of training, evaluation, or examinations; and</p> <p>(e) Utilize examinations to determine the knowledge and abilities of certified EMS personnel prior to recommending applicants for certification or recertification.</p> <p>(5) The secretary may withdraw the certification of an MPD for failure to comply with the Uniform Disciplinary Act (chapter <a href="#">18.130</a> RCW) and other applicable statutes and regulations.</p>	
Hospital Certificates of Need	<p>The Certificate of Need process eliminates competition in the provision of medical services in a community, giving established providers influence over the expansion of care by other providers. It likely is a construct that is no longer needed. Perhaps focus on establish minimums needed in communities rather than maximums/limits.</p>	<p>According to the WA Department of Health, the Certificate of Need Program is a regulatory process that requires certain healthcare providers to get state approval before building certain types of facilities, or offering new or expanded services.</p> <p>The certificate of need process is intended to help ensure that facilities and new services healthcare providers propose are needed for quality patient care within a particular region or community.</p>	<p><i>COMMENT: Could get support from WSALPHO and WSHA</i></p>

## 2025 WSAC LSC Ideas

		<p>RCW <a href="#">70.38.125</a></p> <p>Certificates of need—Issuance— Duration—Penalties for violations.</p> <p>(1) A certificate of need shall be valid for two years. One six-month extension may be made if it can be substantiated that substantial and continuing progress toward commencement of the project has been made as defined by regulations to be adopted pursuant to this chapter.</p> <p>(2) A project for which a certificate of need has been issued shall be commenced during the validity period for the certificate of need.</p> <p>(3) The department shall monitor the approved projects to assure conformance with certificates of need that have been issued. Rules and regulations adopted shall specify when changes in the project require reevaluation of the project. The department may require applicants to submit periodic progress reports on approved projects or other information as may be necessary to effectuate its monitoring responsibilities.</p> <p>(4) The secretary, in the case of a new health facility, shall not issue any license unless and until a prior certificate of need shall have been issued by the department for the offering or development of such new health facility.</p>	
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## 2025 WSAC LSC Ideas

		<p>(5) Any person who engages in any undertaking which requires certificate of need review without first having received from the department either a certificate of need or an exception granted in accordance with this chapter shall be liable to the state in an amount not to exceed one hundred dollars a day for each day of such unauthorized offering or development. Such amounts of money shall be recoverable in an action brought by the attorney general on behalf of the state in the superior court of any county in which the unauthorized undertaking occurred. Any amounts of money so recovered by the attorney general shall be deposited in the state general fund.</p> <p>(6) The department may bring any action to enjoin a violation or the threatened violation of the provisions of this chapter or any rules and regulations adopted pursuant to this chapter, or may bring any legal proceeding authorized by law, including but not limited to the special proceedings authorized in Title 7 RCW, in the superior court in the county in which such violation occurs or is about to occur, or in the superior court of Thurston county.</p>	
Rates for Behavior Health Services			<i>COMMENT: Need information from Joe Avalos, TMBHASO</i>

## 2025 WSAC LSC Ideas

Homeless Services			<i>COMMENT: Need information from Comm. Clouse</i>
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# 2025 Legislative Priorities

**Preserve County Fiscal Sustainability:** Thurston County requests the Legislature provide secure funding sources and revise tax structures that rely less on regressive revenue options, including allowing flexibility of existing levies and establishing a new cap on property taxes based on inflation and population growth so the county can meet its budget growth needs.

**Protection for Structurally Complex, Carbon Dense Forests:** Thurston County is home to many structurally complex and carbon dense forests. The Capitol State Forest is home to approximately 2,100 acres of unprotected, mature, structurally-complex, and carbon-dense state forestland, much of which is scheduled for cut by 2026. The Department of Natural Resources claims revenue requirements, including support for local jurisdictions, create a barrier to protection of this forestland. The County calls on the legislature to fund a study to examine the need for timber revenue and find replacements, alternatives and an equitable distribution method that does not rely on the location of the harvest.

**Provide Funding for Local Animal Services:** Support additional funding for local animal services organizations to include redirecting state revenues from B&O tax or sales tax from sources related to pet products and services to county animal services organizations.

**Childcare Facility Phase 3:** Thurston County is remodeling a county facility into a childcare center that will provide 24/7 childcare services. Working parents, including law enforcement and corrections officers, cite the lack of available childcare as a barrier to employment where they are required to work evening and graveyard shifts. The county intends to partner with a local provider. Funding is needed to complete building renovation.

## Shared Legislative Issues

**Continue Funding to Meet Urgent Needs Around Housing Stability, Affordability and Preventing Homelessness, in Particular Supportive Housing Established Under the Rights-of-Way Initiative:** Support additional funding to continue prioritizing supportive housing for persons without housing on both state and local properties.

**Provide Ongoing Funding for Local Parks Maintenance and Operations through Fiscal Flexibility:** The \$5 million one- time allocation to the Recreation and Conservation Office in 2023 for grants to support deferred maintenance to local park agencies was appreciated, however, almost \$19 million was requested, which highlights the significant issue statewide of inadequate funding for local parks and trails maintenance and Thurston County did not receive any of the funding. The county requests the Legislature create ongoing funding opportunities for maintenance and operations of local parks by allowing a portion of Park Impact Fees to be used for the maintenance and operations of existing parks.

### SW WA Agricultural Business & Innovation Park: Regional Meat Processing Facility:

Support funding to the Thurston Economic Development Council for infrastructure and site development of a regional meat processing facility at the SW WA Agricultural Business & Innovation Park in Tenino. Thurston and Pierce County conducted a joint meat processing infrastructure and labor study identifying the need for increased meat processing capacity in the central and south Puget Sound region, highlighting Tenino as a strategic geographic location for a facility.