

## Commissioners, judges settle budget matters out of court

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**MONTESANO** — With a few signatures on a piece of paper, the Grays Harbor County commissioners unanimously approved a settlement agreement Monday afternoon with the three Grays Harbor Superior Court judges, ending a constitutional debate over the separation of powers dating back to budget cuts in December of 2011.

A lawsuit filed by the judges challenged the county commission's budget authority over the courts and included an issue over a third courtroom, which had been promised by the county for decades, as well as continued security in the historic courthouse. The suit was filed in Thurston County Superior Court, where a judge had agreed to let the parties settle their differences out of court in the wake of the elections of Commissioners Wes Cormier and Frank Gordon in January.

A consent agreement outlining the terms of the settlement will be filed with Thurston County Superior Court in the coming weeks.

The commissioners had already restored many of the cuts done in budget year 2012, but, then they cut the judges' budget again this year. The agreement signed Monday restores all of those funds. The commissioners set public hearing dates of July 8 to add \$19,674 to the Superior Court budget and \$148,970 to the Juvenile Detention Center budget. Plus, the settlement authorizes the judges to hire two new detention officers at the Juvenile Detention Center and authorizes promotions of a director of court services and a deputy court administrator. The judges agreed to leave a probation officer position vacant for the rest of the year.

The judges and the county commissioners also agreed to set a timetable for the potential construction of a third courtroom. Both sides agreed to form a committee co-chaired by a commissioner and a judge to come up with a design and a location for the third courtroom. The commissioners also commit to "exercise due diligence to determine and include approval of a funding plan that will generate sufficient funds for full implementation of the approved Third Courtroom Plan and completion of

construction of the Third Courtroom within two to five years after approval of the plan by the Board.”

The commissioners also committed to continued funding of courthouse security and splitting security costs as a separate line item from the Sheriff’s Office and the judges’ budgets.

“This only made sense for us,” said Judge Dave Edwards. “Courthouse security and keeping security intact was really important to us.”

At this point, the only mandate for security are judicial orders put in place following the attacks at the courthouse against Edwards and Deputy Polly Davin in March of last year. Edwards says once everything is filed in Thurston County Superior Court, those judicial orders will be dropped.

The judges also agreed to allow the county’s human resources division to handle personnel issues that arise in the courts as well as establish clear personnel policies.

As of April, the lawsuit was costing taxpayers a combined \$628,000, with the state picking up costs for Special Deputy Attorney General Scott Missall for the Superior Court judges and the county picking up the costs of Special Deputy Prosecutor Tom Fitzpatrick for the commissioners. More recent figures aren’t yet available.

The commissioners have had regular executive sessions for the past few weeks to talk over the settlement agreement. They were close to an agreement earlier, but then more questions came up.

The county tried twice to settle the matter through mediation — once in June of 2012 and another time in April.

The county commissioners also tried multiple times to get the state Supreme Court to weigh in on the issue, but each time the court decided not to hear the case.

Fitzpatrick presented the settlement during a special agenda item Monday afternoon before the county commissioners.

“This is a product of negotiations and a product of compromise,” Fitzpatrick said, sometimes looking at the commissioners, sometimes looking at the small audience in the commission chambers. The attorney added that the settlement was there to resolve

the dispute so that the commissioners and judges both can decide, “is it something you can live with?”

Besides the fundamental issues of the lawsuit, Fitzpatrick says a consent agreement “institutionalizes regular monthly contacts” between the judges and the commissioners.

Edwards says he hopes the regular contact will help avoid any kind of litigation issues in the future and that this settlement is the start of proving that the judges and the commissioners share “mutual respect” for each other.

“There is a level of communication that did not exist before,” Edwards said.

“We went through some good times and some hard times, but what matters is the good of the county,” added Gordon.

Cormier called the settlement process a “learning experience,” and noted he wasn’t completely satisfied, but he was happy it was over.

Welch said he was glad it was over, too.

He said he had some issues with the settlement, as well, but was willing to look past it.

“I think we can put this behind us,” Welch said.

The lawsuit even prompted the state Legislature to consider changing the law so that the state would no longer fund judges’ attorney costs regarding fiscal matters.

“This bill is a response to a situation, which in my opinion is outrageous, which has gone on in Grays Harbor County in which a \$70,000 dispute has turned into a \$700,000 legal bill for outside counsel charged to the taxpayers and that is not a good way to decide appropriation amounts,” state Rep. Jamie Pederson, D-Seattle, said on the floor of the House on Monday. “It is a broader principle than that. I think we have a lot of questions that, if allowed to continue, this is a precedent that could lead to more and more appropriation decisions being made in the courts and one we ought to squash.”

Although separate bills passed the state Senate and the state House, a final compromise bill has not been worked out.