

the Courthouse Journal

W A C O U N T I E S . O R G

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*Washington Association of County Officials
Washington State Association of Counties*

WSAC Unofficial Candidate Filings for County Offices

There are ten WSAC members who chose not to run for reelection and so far there are also ten members who have no one filing against them. Members who are not running again are: Frank Brock, Franklin; Deborah Moore, Grant; Pat Rogers, Jefferson; Perry Huston, Kittitas, who has instead filed to run for Sheriff; Joan Frey, Klickitat; Dennis Hadaller, Lewis; Pat Hamilton, Pacific, who filed to run for Auditor; Les Wigen, Whitman; Al McKee, Skamania; and Jesse Palacios, Yakima.

In addition to Huston and Hamilton three other former county commissioners are seeking other county offices. J.D. Anderson, former Stevens County Commissioner, is running for Stevens County Sheriff. Skip Chilberg, former Spokane County Treasurer and Commissioner, is again running for Spokane County Treasurer. And, Kevin O'Sullivan, former Thurston County Commissioner, is running against incumbent Bob Macleod, who defeated O'Sullivan four years ago.

Of added interest is the San Juan County Council race. As a result of the adoption of their new county charter they will be electing three new council positions, bringing the total to six positions. In addition, Bob Myhr is running for the remainder of his appointed term. He replaced Rhea Miller.

In Lewis County Jim Lowery is running for the remainder of his term. He replaced Eric Johnson who has joined the WSAC staff as Assistant Executive Director.

The unofficial filings for all county offices are separately attached. The parties have until Friday of this week to file a candidate in the event no one from that party filed during the regular filing period.

WACO Unofficial Candidate Filings

The races for county offices are interesting to say the very least, but would have been nothing less than sensational had a computer glitch not been discovered. Early reports said that virtually no one aspired to the offices of coroner and prosecutor in Whitman County, not even the incumbents. We are happy to report both County Coroner Pete Martin and Prosecutor Denis Tracy have filed for reelection. They are both unopposed.

The interesting races are in Pacific County where County Auditor Pat Gardner's opposition is incumbent County Commissioner Pat Hamilton; in Kittitas County where incumbent Sheriff Gene Dana is opposed by County Commissioner Perry

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The Courthouse Journal

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We welcome your suggestions and contributions. The weekly deadline is noon Wednesday.

Direct inquiries and correspondence to *The Courthouse Journal*, 206 Tenth Av SE, Olympia, WA 98501 or wacounties.org

WACO STAFF

Phone (360) 753-7319 / Fax (360) 664-2812

Debbie Wilke, Executive Director
Christina Bridston, Deputy Director
Bob Carlton, Research Associate
Kathie Houts, Administrative Assistant

WSAC STAFF

Phone (360) 753-1886 / Fax (360) 753-2842

Bill Vogler, Executive Director
Eric Johnson, Assistant Executive Director
Sophia Byrd McSherry, Policy Director- Courts, Public Safety, Law & Justice
Jean Wessman, Policy Director- Human Services, Juvenile Justice & Housing
Julie Sexton, Policy Director- Transportation, Finance & Budget
Vicki Kirkpatrick, Policy Director- Public Health & WSALPHO Administrator
Tom Robinson, Coordinator-Timber
Trina Bannister, Finance & Administration Director
Ginni Peppert, Events Planner & Administrative Assistant
Barbara Warden, Business & Administrative Assistant
Justin Kerrihard, Technology Project Manager

CPO PROGRAM

Julie Kaufman, Certified Public Official Coordinator

Huston; and, in Stevens County where former commissioner J.D. Anderson has filed against incumbent Sheriff Craig Thayer.

In Spokane County, Dennis E. "Skip" Chilberg is running for treasurer, an office he held from 1983 to December 1992 when he resigned to become a Spokane County Commissioner.

WACO can expect a turnover of at least 29 county officials at the end of the year since that many incumbents have not filed for reelection. San Juan County has the largest number of officials not returning, with four of seven WACO members retiring. By affiliate, 6 assessors, 4 auditors, 3 clerks, 3 coroners, 4 prosecutors, 4 sheriffs and 5 treasurers did not file for another term. Ten recently appointed officials have filed to keep their respective offices and many incumbents are faced with one or more opponents to retain their seats.

Complete filing results are attached separately. The respective parties have until the end of this week to submit names for offices as well if no one from that party has filed.

Candidate for WSAC Secretary-Treasurer Announced

Mary Hunt, Douglas County Commissioner, has announced her intention to run for WSAC Secretary-Treasurer. Elections will be held at the Annual Meeting in Spokane, September 26-29, 2006. The Bylaws require that the position rotate every other year between the Eastern and Western Districts. This year it must be a candidate from the Eastern District.

Statement from Mary Hunt:

Hi, I'm Mary Hunt from Coulee City and I am offering my name as a candidate for Secretary/Treasurer of WSAC. I am currently serving my second term as Douglas County Commissioner. This chance to be a county commissioner and serve the people in my county has been a wonderful opportunity. I have spent my whole life involved with wanting to serve people and do things for my community and my family. I took that philosophy into my role as commissioner.

I diligently strive to be a good listener and work hard at trying to understand where people are and what they really want. That is part of the reason I am putting my name forth for this position. I also feel that if you are part of an organization you need to be actively involved in all parts of that organization.

I am currently serving as co-chair of the Legislative Steering committee, have been a member of the Steering Committee for six years and also served as chairman of the Rural Issues Sub-committee and served as the Eastern District President. I currently serve on the WSAC Board of Directors and I am also representing WSAC as a Governor's appointee on AHAB (Affordable Housing Authority Board). I am always ready and willing to serve my fellow County Commissioners and WSAC whenever asked to do so.

I would appreciate your support in my run for the Secretary/Treasurer position at WSAC. Thank you.

Mary Hunt

NOTE: Legislative Committee schedules and agendas can be found at <http://www.leg.wa.gov/wsladm/calendar.cfm>

Budget, Finance and Taxes

Lodging Tax

By Brian Sonntag, State Auditor

Recently, at the request of several local governments, the state Attorney General's Office revisited the issue of the appropriate use of money collected through lodging taxes. The Office's Opinion (AGO 2006 No. 4) answered three questions that have been at the heart of the discussion.

First, the Attorney General reaffirmed its conclusion in AGO 2000 No. 9 which stated a municipality must have an ownership interest in tourism-related facilities in order to spend lodging tax revenues on the operations of these facilities. This portion of the opinion is not intended to address contracts for services with tourism promotion agencies, however, because contracts with these agencies are authorized as "tourism promotion".

Second, with regard to special events and festivals, the Attorney General concluded municipalities are not authorized to spend lodging tax receipts to fund operations of special events or festivals. The opinion noted lodging tax proceeds may only be used for "tourism promotion, acquisition of tourism-related facilities, or operation of tourism-related facilities" and special events and festivals are not included within the definitions of tourism-related facilities. For special events and festivals designed to attract tourists, it is allowable to expend lodging tax revenue on advertising and promotion to attract tourists, because this qualifies under the definition of tourism promotion.

Finally, the Attorney General concluded municipalities may not provide advance payments of lodging tax revenues to service providers. Payment must be made after services have been provided and must be supported by adequate documentation. Payment may not be made as an outright grant to an organization, prior to any services being performed.

This portion of the opinion is critical to the agreements made with private organizations, including visitor and convention bureaus, to provide tourism related services. Typically these services are provided under a contract which specifies activities and deliverables as well as a payment schedule. The opinion notes municipalities must obtain "authentication and certification" prior to the payment of any claim. This does not mean that receipts are required for the operations of a tourism promotion organization; it simply means that the organization must demonstrate that it has performed the services required under the contract.

This Opinion may mean local governments may need to consider making changes in how they use these revenues. We realize these changes will not occur overnight. To the extent changes are required, they will most likely occur when the municipality and contracting organization enter into a new contract for 2007.

With this in mind, we will begin to examine compliance with this issue in 2007, for audits covering the period January 1, 2006 through December 31, 2006. This should allow governments sufficient time to adjust budgets, spending, and contracts to demonstrate progress towards full compliance with the Opinion. *Funds encumbered or expended during 2006 will not be subject to findings if we can see that actions have been taken to come into compliance in 2007 or they are pursuant to a contract that was in existence prior to the date of the AGO.* As in the past, we will audit to the contract, to insure both the municipality and the affected organizations have complied with its terms. We will review whether the government has taken action to come into compliance up to the time of our fieldwork.

Since it is clear that the legislative intent was for significant local control of the expenditure of these funds, we will continue to focus on whether your lodging tax advisory committee is established and operating in compliance with state law (RCW 67.28 RCW). If your entity is not required to establish a committee, we will look to the council/commission to analyze proposed expenditures for appropriateness under the law.

Our goal, as always, is to work with you to ensure compliance and accountability. If you have questions regarding the requirements, please contact Jan Jutte, Deputy Director of Audit at (360) 725-5359.

Courts, Public Safety, Law & Justice

Assigned Counsel for Pierce County Appointed

The Pierce County Council on Tuesday, Aug. 1 unanimously confirmed Executive John W. Ladenburg's appointment of Michael Kawamura as Department of Assigned Counsel director.

Kawamura, 47, who was appointed a month ago upon the retirement of Jack Hill, said he respects the system created by Hill and will do his best to continue the former director's work. He anticipates no major systematic changes "because of what we are doing and how we are doing it."

Asked what he sees as his major challenges, Kawamura pointed to what he termed an explosion in criminal activity in the county. "That has a direct impact on Assigned Counsel. The biggest challenge for any director is to do the things that need to be done to keep the staff motivated and invigorated to do the number of cases that our attorneys are required to do," he said. "When it comes to the end of the day, that's why we are there."

The Gonzaga Law School graduate, who joined DAC in 1988, said he and his staff must be mindful that they don't work in a vacuum and that other interests, including county prosecutors, the judiciary and other county departments, are often involved in the department's activities.

"When we can accommodate the needs of other people in the system without compromising our clientele or the DAC attorneys, we should definitely do that," he said.

Ladenburg said he selected Kawamura after a national search because of the in-house candidate's comprehensive knowledge of the law of Washington, ability to manage a large department of lawyers, calm personality and ability to handle difficult situations. "He is respected by both lawyers and judges. He knows the ground and can keep the system running," the executive said.

Assigned Counsel has 93 employees and a \$12.2 million operating budget.

Environment, Land Use & Resources

County Commissioners Meet to Discuss Columbia River Water Management Program

On Wednesday, July 26th, 15 County Commissioners, plus County staff and stakeholders, met with DOE representatives Gerry O'Keefe and Derek Sandison to discuss the Columbia River Water Management Program. **House Bill 2860**, signed into law in 2006, establishes the need for a Columbia River Basin Water Management Program and directs Ecology to aggressively pursue development of water supplies to benefit both in-stream and out-of-stream uses through storage, conservation and voluntary regional water management agreements.

One item that generated significant discussion at this meeting is the appointment of a "County Representative" on the Columbia River Policy Advisory Group. County Commissioners expressed significant concern that just one "County Representative" was inadequate on the Columbia River Policy Advisory Group. After significant discussion, County Commissioners respectfully requested DOE to have four "County Representatives" on the Columbia River Policy Advisory Group representing four geographic areas. A County Commissioner to represent each area was identified.

The WSAC Executive Board has asked that any other Commissioners interested in serving on the Columbia River Policy Advisory Group submit their request to WSAC by Friday, August 11, 2006. The WSAC Board of Directors is expected to make these appointments at their Friday, August 18th, meeting.

A second working group is being established as well – for just the representatives of county legislative bodies. It was agreed by DOE and the Commissioners to create a "charter" to spell out the ongoing relationship and responsibilities for

county commissioners and DOE as they collectively work together to implement the Columbia River Water Management Program. **House Bill 2860** provides for this important and specific role for County Commissioners:

“To support the development of new water supplies in the Columbia River and to protect in-stream flow, the Department of Ecology shall work with all interested parties, including interested county legislative authorities and watershed planning groups, adjacent to the Columbia River...”

The next meeting between DOE and the Commissioners to discuss the Columbia River Water Management Program is set for Moses Lake Conference Center, August 23rd, from 10 a.m. - 3 p.m. For more information, please contact Commissioner Merrill Ott, Commissioner Mary Lou Peterson, or WSAC Assistant Executive Director Eric Johnson.

Good Things

WSAC Associate Member, USArchive and Imaging Services, Inc., Commended for Commitment to Community

USArchive & Imaging Services owner Mick Plath has been recognized by Washington Vocational Services for his commitment to the community in employing persons with developmental disabilities.

Washington Vocational Services provides vocational rehabilitation services, supported employment, person centered planning for its participants and social enterprise projects for persons with developmental disabilities. Partially funded by Snohomish and Skagit Counties, they have been instrumental in placing people in a variety of industries throughout the northwest area including owning and operating Auntie Anne’s Hand Rolled Soft Pretzels at the Seattle Premium Outlets in Marysville. They are in their 30th year of operation and in 2005 celebrated the receipt of federal US Department of Education, “Projects with Industry” grant; a new partnership with Bellevue Community College to serve persons with disabilities in east King county; the opening of the pretzel store; and a commendatory review from the Commission on Accreditation of Rehabilitation Facilities (CARF).

USArchive Mick Plath has been thrilled with Washington Vocational Services assistance to his firm and has now joined their Business Advisory Council. He indicates he looks forward to assisting in any way possible the placement of WVS clients both in his own firm and others. Congratulations to Mick Plath, USArchive & Imaging and Washington Vocational Services for both contributing to the health of their communities.

Public Health & Human Services

Joint Select Committee on Public Health Financing - Summary of Hearing 7/17/06

COMMITTEE MEMBERS PRESENT: Rep. Shay Schual-Berke, Chair; Sen. Pat Thibaudeau, Vice-Chair; Rep. Richard Curtis, Rep. Bill Hinkle, Rep. Jim Moeller, Sen. Dale Brandland, Sen. Rosa Franklin. ABSENT: Sen. Alex Deccio

The Committee met for what was intended to be the last meeting of the Joint Select Committee on Public Health Financing. They met to go over the draft findings, conclusions and recommendations. It was a working meeting so they went over the documents in detail. You will soon be able to find the documents they reviewed on the web at <http://www1.leg.wa.gov/Joint/Committees/PHF>.

The themes that Committee members agree with that are emerging from the Committee discussion of findings, conclusions and recommendations are as follows:

- Public health is underfunded.
- Public health is a critical governmental program and should be considered a top priority at both the state and local levels.

- Flexibility in funding is important – strong consensus here.
- Ability to respond to local needs is important – strong consensus.
- There is a core set of services that the State has an interest in ensuring exist equitably throughout the state (but what that means has not yet been determined).
- State and local government share the responsibility for public health.
- Public health should have dedicated funding – there was some concern expressed if funding is just a general fund appropriation.
- Some existing state funds should be reallocated to provide additional funding for public health.
- There isn't consensus around whether or not all of the additional funding should come from existing state funds or if some should also come from new revenues.
- The current surplus may be considered for some of the new funding.

The Committee talked primarily about the state's role in providing new funding for public health. While they have not yet made a recommendation, they were talking in terms of \$50 million per year with future increases or possibly \$50 million the first year and \$100 million the second. The Committee also feels strongly that there needs to be accountability around the new funds and that service performance measures (or outcome measures if possible) need to be developed.

The Committee did not have time to complete their discussion on the Draft Recommendations. They will schedule another hearing to complete that discussion. The Committee members want to see success in the upcoming Legislative Session in securing additional funding for public health. Individually, they are going to come back with their ideas for how to fund additional revenues for public health.

Once the Committee completes its work and finalizes its report, their recommendations will likely include additional work to be completed prior to the next Legislative Session. The Committee agrees that we have made our case for the importance of additional funding for public health. However, the Committee Chair has also made it clear that she expects agreement and support from the public health community and agreement and support from County Officials, or the Committee will not be inclined to take legislation forward on our behalf.

We were asked to provide a response to a question raised at the June 20, 2006 Hearing. Specifically, the Committee asked how much money the public health system could reasonably spend in one biennium. More specifically, they wanted to see a spending process and plan from us to demonstrate that the money could be spent. The email that transmits this summary to you will also include the document that we prepared for them as an attachment. The request for more specific detail came last Friday afternoon and the document was prepared over the weekend for the Monday morning hearing. The document was based on a process and plan to effectively and efficiently spend \$150 million in the first biennium - \$50 million the first year of the biennium and \$100 million the second year. The document was directly tied to "Creating a Stronger Public Health System" which was presented to the Committee at their May meeting. The spending plan demonstrates that Tiers 1 and 2 would be fully funded in Year 2 of the biennium. The first \$50 million was split between \$20 million for upfront expenditures for one-time costs associated with data and software infrastructure and \$30 million to begin implementation of Tier 1 priorities. The document allocates new funding basically on a per capita basis for demonstration purposes, but a decision was made that no local health jurisdiction would receive less than \$112,000 (or the equivalent of 1 full FTE and corresponding support per the staffing model contained in the "Creating a Stronger Public Health System"). John Wiesman took the lead in responding to questions from Committee members that came up at the hearing, but very little time was allotted to this document. Committee members were encouraged to read the document and contact us with any questions they might have.

On Friday July 21st, a presentation on the work of the Joint Select Committee on Public Health Financing and where they are to date was made to the WSAC Legislative Steering Committee. We will soon be preparing tools for you to use when talking with your Board of Health members about this process and important work.

Stay tuned!

Boards & Commissions

August 31 the Deadline to File for State Funding for Public Defense

County Commissioners, county administrators, judges and court administrators should have received application packets to secure their county's pro-rata share of state funding for trial-court indigent defense services.

Applications for more than \$2.6 million in first-ever state funding are due back to the state Office of Public Defense (OPD) by August 31. OPD plans to disburse funding by October 20, 2006 for use through the end of 2007. The state funds must be used to make improvements in the delivery of public defense services.

Application materials also are available on the OPD website at www.opd.wa.gov. For more information about the application process, contact OPD Public Defense Services Managers George Yeannakis or Terry Mulligan at george.yeannakis@opd.wa.gov or terry.mulligan@opd.wa.gov or 360-586-3164.

Each county is eligible to receive an amount determined by statutory formula (Chapter 10.101 RCW), and simply needs to complete an application packet to receive this first round of funding.

Although the statute does not require a county to meet any particular pre-requisites this year, the statute does specify that to qualify for continued state funding in future years counties need to ensure that well-qualified attorneys handle the most-serious cases; that public defense contracts include funding for court-ordered investigator and expert costs; and that counties establish a method for appointing conflicts counsel. (See RCW 10.101.060.) Most county public defense contracts already meet these goals.

Training & Upcoming Events

Community Development Block Grant Program - 2007 General Purpose Grant Application Workshops

The Department of Community, Trade and Economic Development will be conducting General Purpose Grant Application Workshops on September 7 and 12, 2006. The purpose is to provide funding for public facilities, community facilities, economic development, and housing projects which principally benefit low and moderate income persons. Eligible applicants are non-entitlement cities and towns with less than 50,000 in population or counties with less than 200,000 in population. This application workshop helps applicants increase their chance for success. The application due date is November 16, 2006 for funding in 2007.

Lacey, WA

September 7, 2006
8:00 a.m. to 2:00 p.m.
Lacey Community Center
6729 Pacific Avenue SE
Lacey, WA 98503
(360) 491-0857

Moses Lake

September 12, 2006
8:00 a.m. to 2:00 p.m.
Big Bend Community College
7662 Chanute Street
Moses Lake, WA 98837
1 (877) 745-1212

Registration Forms are available at: <http://www.cted.wa.gov/cdbg>. For further information contact Community Development Programs, 906 Columbia Street SW, PO Box 42525, Olympia, WA 98504-2525, telephone (360) 725-3020.

Courthouse Ramblings

Asotin County Assessor **Anthony Rogers** is back on the job for a few hours a day after suffering a heart attack on July 1. He was airlifted to Sacred Heart Hospital in Spokane where doctors treated a blockage. We wish Anthony a speedy and full recovery and his wife Tiffany (Asotin County Treasurer's Office) the best patient anyone could have.

Certified Public Official Program Manager **Julie Kaufman** is taking some time off at home with her husband Kevin and their beautiful new daughter. Sienna Leigh Kaufman was born in Renton early July 26th, is 19" long and weighs 5 lbs. 12 oz. We wish them all much happiness and want to commend Sienna on her choice of parents. Good job!

It was cause for celebration at WACO when Vice-President **Mark Leander**, Skagit County Assessor, attended a recent WACO Board Meeting in Olympia. Mark recently finished a series of treatments for a brain tumor and has been sorely missed the past few months. We are delighted he is on the mend and back with us!

Calendar of Events

Meeting	Location	Date	Information
For your convenience training and workshops are bolded.			
<u>AUGUST 2006</u>			
NACo Annual Conference	Chicago, IL (Cook County)	August 4 - 8	www.naco.org
WCIF/WCIP Board Meeting	SeaTac	August 17	(360) 586-0466
Legislative Steering Committee	WA Counties Bldg, Olympia	<u>August 17</u> 2:00 - 7:00 pm	(360) 753-1886
WSAC Board of Directors	WA Counties Bldg	<u>August 18</u> 10:30 am - 2:30 pm	(360) 753-1886
<u>SEPTEMBER 2006</u>			
Holiday Closure	WA Counties Building	September 4	
WA Assn of Prosecuting Attorneys' Juvenile Training	Icicle Inn, Leavenworth	September 10 - 12	(360) 753-2175
WA Finance Officers' Assn Annual Conference	Greater Tacoma Convention and Trade Center, Tacoma	September 12 - 15	(360) 753-7319
WA Assn of Prosecuting Attorneys' Prosecution of Drug Cases Training	Icicle Inn, Leavenworth	September 13-15	(360) 753-2175
WA Counties Insurance Fund/WA Counties Insurance Pool Board & Insurance Advisory Committee (IAC)	SeaTac	September 14	(360) 586-0466

Meeting	Location	Date	Information
WSACRPD Annual City/County Planning Directors Conference	Chelan	September 20 - 22	Jerrold MacPherson (509) 545-3521
WSAC 100th Annual Conference	Doubletree Hotel - Spokane City Center, Spokane	September 25 - 29	www.wacounties.org/wsac
Urban County Caucus	Doubletree Hotel - Spokane City Center, Spokane	<u>September 26</u> Noon - 1:30 pm	(360) 753-1886
Rural Issues Sub-committee	Doubletree Hotel - Spokane City Center, Spokane	<u>September 26</u> Noon - 1:30 pm	(360) 753-1886
Legislative Steering Committee	Doubletree Hotel - Spokane City Center, Spokane	<u>September 26</u> 1:30 - 3:15 pm	(360) 753-1886
WSAC Board of Directors	Doubletree Hotel - Spokane City Center, Spokane	<u>September 26</u> 2:00 - 5:00 pm	(360) 753-1886
Assn of County Human Services (ACHS)	Doubletree Hotel - Spokane City Center, Spokane	September 27 - 29	(360) 586-4219 ext 106 or (360) 561-6317
<u>OCTOBER 2006</u>			
WA Assn of County Officials (WACO) 48 th Annual Conference	The Coast Wenatchee Center Hotel, Wenatchee	October 3 - 6	www.wacounties.org/wsac
International Assn of Assessing Officers' (IAAO) Annual Conference	Milwaukee, Wisconsin	October 8 - 11	(360) 753-7319
WA Counties Insurance Fund ACE	SeaTac	October 18	(360) 586-0466

Featured Courthouse

This week's feature:

GRAYS HARBOR COUNTY



Grays Harbor County, one of the oldest counties in Washington state, was partitioned from Thurston County by the Territorial Legislature in 1854 and was originally called Chehalis County. More than fifty years later, after a particularly acrimonious but failed attempt to move the county seat or, alternatively, to split the county in two, the county seat remained in Montesano, the Supreme Court ruled the split unconstitutional, and the name changed to Grays Harbor.

Since its earliest days, maritime activities and natural resources have defined the Grays Harbor economy. Major industries currently include lumber, paper products, and seafood processing.



Celebrate "Strawberry Fields for Heifer" at the Grays Harbor County Fair August 9-13 in Elma.

Visit Grays Harbor County at www.co.grays-harbor.wa.us.

Attachments

Welcome to the U.S. Communities Purchasing & Finance Agency

(U.S. Communities) website <http://www.uscommunities.org/>

The Association of School Business Officials International (ASBO), the National Association of Counties (NACo), the National Institute of Governmental Purchasing (NIGP), the National League of Cities (NLC), and the United States Conference of Mayors (USCM), jointly sponsor the

U.S. Communities Government Purchasing Alliance (U.S. Communities)

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Ray Burnett,
Commissioner of Purchases and Supplies
Kansas City, MO.