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ENVIRONMENTAL AND LAND USE HEARINGS OFFICE (ELUHO)

FY21-23 Strategic Plan

September 12, 2020

Agency Mission Statement

Our agency's mission is resolve legal challenges of governmental decisions on environmental permits or land use plans and development regulations.

Agency Statutory Authority

- **RCW 43.21B.110**
1970 Legislature created the Pollution Control Hearings Board to hear and decide appeals from state and local environmental agencies.
- **RCW 90.58.170**
1971 Legislature created the Shoreline Hearings Board to hear appeals of shoreline permits issued by local or state governmental agencies.
- **RCW 36.70A.250**
1991 Legislature created the Growth Management Hearings Board under to hear and decide appeals of city or county decisions on comprehensive land use or shoreline management plans.
- **RCW 43.21B.005**
2010 Legislature created the Environmental and Land Use Hearings office to house and provide support to the three independent quasi-judicial Boards (PCHB, SHB and GMHB)

Each Board, while funded and managed within ELUHO's administrative umbrella, operates pursuant to separate statutory authorities and hears appeals and decides cases within its separate areas of expertise and jurisdiction.

Statewide Goals

Our agency's performance goals align with goals from *Results Washington* for:

- Sustainable Energy and a Clean Environment,
- Prosperous Economy, and
- Efficient, Effective and Accountable Government.

Further, we seek to meet *LEAN* management goals by serving the public quickly and easily, including continually improving our communication with and assistance for members of the public that come before us.

Agency On-Going Goals

Each Board and the administrative program strive to meet these on-going goals:

1. Conduct fair and impartial hearings and timely issue clear and well-reasoned decisions;
2. Provide expeditious and efficient resolution of environmental and land use appeals through hearings and alternative dispute resolution processes;

3. Foster a consistent statewide interpretation of Washington’s land use and environmental laws in Board decision making and appeals;
4. Ensure enhanced and equal access to justice by assisting parties in understanding the hearing process; and
5. Provide efficient and professional administrative, budgetary and personnel support to the Boards, parties to cases and members of the public.

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Pollution Control Hearings Board and Shoreline Hearings Board (PCHB/SHB)

PCHB/SHB Goals

A. Provide expeditious and efficient resolution of environmental appeals through fair and impartial hearings and alternative dispute resolution processes.

Objectives and Strategies

- a. Conduct fair and impartial hearings and issue clear and well-reasoned written decisions in a timely manner.
 - Hold periodic “best practices” discussions to improve the skills of presiding officers.
 - Conduct periodic discussions on relevant procedural, legal and environmental subject matters.
 - Identify and prepare topics for discussion at bi-annual joint GMHB-EHO meeting.
 - Provide training to part-time, outside Shoreline Board members on the SMA, regulations, hearing processes, ethics and related topics.
- b. Increase standardized practices, procedures, and forms.
 - Create updated templates on various orders or sections of orders for Board Members and Judges.
- c. Increase the use of technology to assist the boards, judges, and parties in the hearing and appeals process.
 - Implement Lean Strategy
 - Assess methods to expedite and streamline appeals of small penalty cases, with input from the stakeholders. Streamlining will be implemented through rulemaking or statutory changes.
 - Review and update, if necessary, the Boards’ and the regulatory agencies’ instructions regarding appeal rights.
 - Website and Database Improvement
 - Translate current website into multiple languages for easier access to non-English speaking parties in accordance with guidance provided by Washington State Supreme Court Interpreter Commission.
 - Conduct survey every two years about the ease of using website and adjudicatory functions.
 - Improve access to the Boards’ on-line decisions through explanatory information on the Board website and enhancing search engine criteria.

- d. Promote Mediation and provide Procedural Assistance.
 - Strongly encourage parties to participate in the mediation program or to engage in other informal settlement efforts throughout the appeal process.
 - Provide mediation training to judges as needed and as funding is available.
 - Develop strategies, such as articles and reports, for outreach to stakeholders, including the Bar Association.
- e. Continue to improve the appeals process through both stakeholder input and internal involvement in Bar and Continuing Legal Education (CLE) related actions.
 - Participate in Environmental and Land Use Section of Bar.
 - Accept invitations to present at relevant CLEs.
- f. Conduct hearings on-line as required by health standards regarding COVID-19 virus or to minimize travel costs to the parties. Conduct hearings outside the Olympia area, as funds allow, minimizing costs to parties and allowing citizens to see an important function of state government.
 - Post instruction on ELUHO website about how to use on-line hearing technology.
 - During Pre-Hearing conference, discuss with parties the possibility of on-line hearings and any barriers to on-line hearings. Also, if hearing will be in person, then discuss location of witnesses and attorneys and other considerations relevant to hearing location.
 - Conduct telephonic or video hearings in small cases to adhere to public safety requirements or to save travel costs for parties and the Board.
- g. Identify opportunities to improve the effectiveness and efficiency of the appeals process and state government administration.
 - Update the rules as necessary to reflect statutory and other changes.
 - Participate at Cabinet level meetings, as invited and as is consistent with the quasi-judicial role of the Boards.
 - Provide opportunity to discuss concerns and observations, not related to specific cases, with the ELUHO Director, the Attorney General's Office and other stakeholders.

B. Create a safe, quality work environment and an effective team.

PCHB/SHB Objectives and Strategies

- a. Ensure retention of knowledgeable, professional, and dedicated employees.
 - Continue to implement a policy for payment of Bar dues, where funds allow.
 - Identify opportunities for employee recognition and teambuilding.
 - Provide a safe and healthy work environment through participation in first aid/CPR training, and building safety and maintenance discussions.
 - Pursue wellness strategies that benefit employees, the environment, and the wellness of our workforce.
 - Encourage commute trip reduction efforts.
- b. Increase opportunities for career growth and training for all board members, judges, and staff and ensure continuity in operations.
 - Allot adequate funds to cover costs of CLEs, environmental conferences and other needed training.

- Develop and implement a training and education plan for Administrative Appeals Judges (not Board Members) through an annual Performance Development Plan.
 - Develop legal, editing and other legal/organizational skills of administrative staff.
 - Assess and develop succession planning effort.
 - Assist in planning and participate in available judicial training programs.
- Minimize and manage risks associated with the appeals process and administration of EHO.
 - Encourage all Board members to be guided by the Code of Judicial Conduct.
 - Provide all new staff ethics training.
 - Review and update agency policy and procedures manual.
 - Include risk management as a topic for discussion among Board members and staff at staff meetings.

PCHB/SHB Performance Measures and Targets

1. Performance Goal: Provide the parties a hearing process and schedule that allows for the appeal to be resolved as quickly and efficiently as possible, recognizing the parties' schedules and the complexity of the issues involved.

- **Measure:**
The number of months for PCHB or SHB to issue a final decision following a hearing or a dispositive motion.
- **Target:**
Within three months following a hearing, issue a decision from the date the administrative record closes in accordance with the Administrative Procedures Act.
Within three months issue a decision on dispositive motions after briefing is complete to the extent practicable.

2. Performance Goal: Encourage parties to settle contested cases through communication, mediation, and other resources that will assist in resolving all or a portion of issues on appeal.

- **Measure:**
The percentage of appeals settled before a hearing or dispositive motion.
- **Target:**
50% of appeals are settled.

3. Performance Goal: Limit number of reversals of PCHB/SHB decisions by issuing clearly written opinions that are well reasoned and supported by the law and the facts.

- **Measure:**
The number of Board decisions reversed or affirmed per year and the number of Court decisions discussed by the Board.
- **Target:**
Number of Court Decisions reviewed by the Board for trends or lessons learned.

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Growth Management Hearings Board (GMHB)

GMHB Mission Statement

The mission of the Growth Management Hearings Board is to resolve challenges of local government actions adopting or amending comprehensive land use plans and development regulations based on the Growth Management Act (GMA – Chapter 36.70A RCW), the Shoreline Management Act (SMA) as it relates to the adoption or amendment of shoreline master programs, and the State Environmental Policy Act (SEPA) as it relates to plans, development regulations, or amendments adopted under GMA or SMA.

The Growth Management Act (GMA) requires local governments to manage Washington State's population growth by preparing comprehensive land use plans, implementing development regulations and planning for urban areas, rural areas, economic development, critical areas, natural resource lands, and capital facilities. The Growth Management Hearings Board was established by statute to hear appeals and decide cases that arise from implementing components of the GMA, the SMA and SEPA. The Board provides a quicker, less complicated, and less expensive method

GMHB Statutory Authority

The Growth Board is established and its powers are defined by RCW 36.70A.250 through .345. By statute, the Growth Board is comprised of Members who have special experience in local government and land use law, and who reflect both the regional and partisan diversity of the State.

The Growth Board is independent of the agencies whose decisions are reviewed on appeal. The Growth Board reviews legislative actions taken by local governments and, where applicable, decisions made by the Department of Ecology pursuant to the GMA, SMA, and relevant portions of SEPA. When the Board determines that an action does not comply with state law, the Board has authority to invalidate, where necessary, local legislative decisions and to review subsequent actions to ensure local planning complies with the goals and requirements of the Acts.

GMHB Goals

1. Provide expeditious and efficient resolution of environmental appeals through fair and impartial hearings respectful of regional circumstances.

Objectives and Strategies

a. Conduct fair and impartial hearings and issue clear and well-reasoned written decisions

in a timely manner.

- Review performance measures to promote the expected results of the work of the GMHB, focusing on active case management and completing orders in a timely fashion.
 - Hold periodic “best practices” discussions to improve the skills of presiding officers.
 - Conduct periodic discussions on relevant procedural, legal and environmental subject matters.
- b. Increase standardized practices, procedures, and forms.
Maintain updated templates on various orders or sections of orders for Board Members.
- c. Increase the use of technology to assist the boards, judges, and parties in the hearing and appeals process.
- Implement Lean Strategy
 - Explore and test use of innovative and available technology in hearing setting, including video technology and real-time accessibility to testimony, as funds allow.
 - Utilize and improve an electronic exhibit management system that allows exhibits to be displayed and managed electronically for hearings and on voluminous summary judgment motions.
 - Website and Database Improvement
 - Improve access to the Board’s on-line decisions through explanatory information on the Board website and enhancing search engine criteria.
 - Ensure our website has up-to-date information and is clear and easy to use.
 - Add links to appellate decisions relating to Board cases.
- d. Promote Settlement Discussions.
- Encourage parties to engage in at least one settlement discussion.
 - Provide a Settlement Officer to assist parties in resolving disputes while insuring the parties understand that the Board does not have the authority to enforce settlement agreements.
 - Liberally grant settlement extensions provided parties continue to progress toward settlement.
 - Provide mediation training to Board members as needed.
- e. Continue to improve the appeals process through both stakeholder input and internal involvement in Bar and Continuing Legal Education (CLE) related actions.
- Participate in Environmental and Land Use Section of Bar.
 - Consider implementing a new stakeholder survey.
 - Accept invitations to present at relevant CLEs and Planner Forums.
 - Develop strategies, such as articles and reports, for outreach to stakeholders, including the Bar Association.
 - Train staff to assist pro se parties with routine procedural questions.
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- f. Conduct hearings in the challenged jurisdiction, minimizing costs to parties and allowing citizens to see an important function of state government.
- Conduct telephonic conferences to save travel costs for parties and the Board.
 - The Chair shall assign two panel members from the region in which the case arises wherever possible, recognizing that the Western region only has one member. Additionally, circumstances such as Member recusal from a case and variations in caseload may sometimes frustrate attainment of this target.

- Explore expanded use of web-based conferencing for hearing.
- g. Identify opportunities to improve the effectiveness and efficiency of the appeals process and state government administration.
- Update the rules as necessary to reflect statutory and other changes.
 - Provide opportunity to discuss concerns and observations, not related to specific cases, with the Attorney General's Office and other stakeholders.

2. Create a safe, quality work environment and an effective team.

Objectives and Strategies

- a. Ensure retention of knowledgeable, professional, and dedicated employees.
- Continue to implement a policy for payment of Bar dues and required continuing education credits, where funds allow.
 - Identify opportunities for employee recognition and teambuilding.
 - Provide a safe and healthy work environment through participation in first aid/CPR training.
 - Pursue HR best practices that encourage collegial relationships and respect for all Board members and staff.
- b. Increase opportunities for career growth and training for all board members, and staff and ensure continuity in operations.
- Allot adequate funds to cover costs of CLEs, environmental conferences and other needed training.
 - Develop legal, editing and other legal/organizational skills of administrative staff and facilitate enrollment in further paralegal certification.
 - Assess and develop a succession planning effort.
 - Assist in planning and participate in available judicial training programs.
- c. Minimize and manage risks associated with GMHB appeals process and administration.
- Encourage all Board members to be guided by the Code of Judicial Conduct.
 - Provide all new staff with ethics training.
 - Review and update agency policy and procedures manual.
 - Include risk management as a topic for discussion among Board members and staff at staff meetings.

GMHB Performance Measures and Targets

1. Performance Goal: Provide the parties a hearing process and schedule that allows for the appeal to be resolved within the 180-day statutory deadline, accommodating the parties' schedules and the complexity of the issues involved.

- **Measure:** The Board's performance measures are primarily based on its ability to intervene early to clarify issues and to adjust the case schedule according to the complexity of the case and likelihood of motions practice.

Active case management by the Presiding Board Member or Judge, in concert with support personnel, promotes performance measures. The presiding officer in each case, as well as administrative support, have an obligation to manage all active cases to ensure the Board meets its statutory deadline. GMHB's performance measures, set forth above, are only achieved by consistent and active case management by the team that works on cases and careful legal writing of decisions. Prompt and courteous

response to litigants or citizens with procedural questions is key to our overall performance.

- **Targets:**
 - a. Issue a Notice of Hearing within **10 days** of the date the appeal is filed.
 - b. Conduct a Prehearing Conference within **31 days** of the date the appeal is filed.
 - c. Issue a decision on a motion to supplement within **24 days** of the final brief filed on the motion.
 - d. Discourage dispositive motions except for those pertaining to standing, timeliness, and jurisdiction.
 - e. Issue a decision on a dispositive motion in the case within **24 days** of the final brief filed on the motion.

2. Performance Goal: Encourage parties to settle contested cases through settlement discussions that will assist in resolving all or a portion of issues on appeal.

- Requiring parties to engage in at least one settlement conference and informing the parties of settlement extension options cases is key to performance.
- Recognizing that our enabling statutes require that both parties request settlement extensions, the GMHB can encourage settlement in two primary ways. First, at the pre-hearing conference, discuss whether an amicable agreement can be reached as to some or all of the issues presented for review. Second, offer to make a Settlement Officer available.
- **Measures:** The percent of appeals settled prior to the scheduled hearing date.
- **Target:** **15%** of appeals reach amicable resolution through a settlement prior to hearing.

3. Performance Goal: Limit appeals and remands of GMHB decisions by issuing clearly written opinions that are well reasoned and supported by the law and the facts. Thorough review of briefs and evidence, collegial discussion of decisions, and multiple editing of draft decisions is key to the quality of our work and success on appeal. Board review of appellate rulings pertaining to Board decisions for guidance and trends analysis. Provision of additional training for non-attorney Board members to improve legal research and writing skills is also key.

- **Measures:** Board quarterly reviews and discusses appellate rulings on Board decisions. This important qualitative goal is measurable, to some degree, by the number of Board decisions that are appealed and the percentage of those decisions that are upheld on appeal. The GMHB recognizes that this output does not perfectly measure the quality of our written decisions, and that we do not have control over the parties' decision to seek judicial review. Our performance for appeals is only partially measured by the number of appeals to higher courts, and the number of appellate decisions that reversed the Board in whole or in part. The Board's commitment to excellence will be demonstrated by ongoing evaluation of appellate critique and guidance.
- **Target:** Number of Court decisions reviewed by the Board for trends or lessons learned.

4. Performance Goal: Facilitate teambuilding and a respectful work environment with attention to challenges faced by a remote team.

- **Measures:** The Board will meet at least quarterly with all members present, in person as budget and social distancing measures allow, to collaborate on resolving any workplace challenges.

- **Target:**

Quarterly meetings with GMHB members.

Annual review of Respectful Workplace Policy by GMHB.

Annual training on workplace harassment and executive ethics by GMHB.

This goal recognizes the challenges faced by a remote team, including the lack of opportunity for informal and social interaction in a shared workplace. The Board will annually review the agency Respectful Work Environment Policy with attention to collaborative strategies, courtesy, personal responsibility, positivity, inclusiveness, and reduction of damaging gossip, covert behavior, and micro-aggressions. Additionally, Board members will annually complete required state training modules on workplace harassment and executive ethics.

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ELUHO Administrative Program

Administrative Goal

Provide efficient and professional administrative, budgetary and personnel support to the Boards, parties to cases and members of the public.

Objectives and Strategies

Increase communication on budget and personnel management:

- Monthly meetings with Board chairs about administrative support to Boards or emerging issues.
- Quarterly reviews with Board chairs on status of budget and expenditures.
- Annual review with Board chairs about AAJ and support staff performance.

Change RCW and WACs to help Boards operate efficiently:

- RCW 36.70A.260 correct number of board members per region. (September 2020 – April 2021)
- Change PCHB statute to simplify short board process. (September 2020 – May 2021)
- Amend WACs for PCHB and GMHB to correct procedures before the Boards. (October 2020 – May 2021)

Increase agency-wide communication due to COVID-19 virus restrictions:

- Invite Boards to meet twice a year to discuss cross-cutting issues of joint concern and interest to the Boards and Administration. (December 2020 and May 2021)
- Maintain social distancing rules for in-office work or meetings (on-going)

Assist Boards in creating consistent business practices:

- Request Special board meetings to discuss, agree upon and adopt templates (October-February 2021).
- Request Special board meeting to review business practices, timeline and workflow to eliminate duplicative work by support staff. (November 2020)

Work with Data Governance Committee to improve website and database to more efficiently serve Board, staff and the public:

- Develop, approve and create new Board templates in database for staff use. (September – March 2021)
- Survey public and parties about ease of access to Board information and recommendations for improvements. (December 2020)
- Redesign website with simpler content and navigation instructions (September 20- June 2021)
- Review database search functions to delete obsolete reports or create new reports (November 2020– January 2021)
- Translate our website into various language for increased access to justice.

Administrative Performance Measures and Targets

1. Performance Goal: Amend GMA RCW and GMHB WAC in FY21.

Measure:

- Amend RCW 36.70A.260 for GMHB
- Amend WAC 242-03 for GMHB

Target:

June 2021: Amend RCW by 2021 Legislature
September 2021: Amend WAC by GMHB

2. Performance Goal: New Board templates and consistent business practices

Measure:

- Number of new templates available through database for routine Board documents
- Commitment to using agreed-upon business practices and timelines for workflow between support staff and Board members

Target:

December 2020:

- Hold at least two meetings with Boards to agree on business practices/templates.

March 2021:

- All proposed templates agreed upon by Boards and templates are in the database.

Quarterly:

- Review status of templates and decide if new or revised templates needed.

3. Performance Goal: Modernized Case Management System and Website.

- Short term: Redesign existing website and improve existing databases.
- Long Term: Design, test, launch and host new case management system (CMS) depending on receiving new funding for FY21-23

Measure:

- Staff can change all websites and access ad hoc or canned reports. Board can access templates.
- Improved navigation and search functions in website.
- Translation available on website for various languages.
- Track website uses by frequency and duration to assess needed improvements.
- Annually survey website users to assess needed improvements.
- Decrease staff time by 50% for performing redundant tasks and scanning documents.
- Monthly workload reports to support Board Chairs and Director to make resource allocation decisions.

Target:

June 2021: Existing database and websites partially improved.
June 2023: Create and launch new Case Management System.

4. Performance Goal: On-going support for Board members and administrative appeals judges to efficiently produce quality legal documents, promptly and correctly schedule hearings, provide timely communication and effectively assist in managing Board meetings

Measure:

- Establish electronic filing systems that organize documents and have a central area for viewing documents.
- Weekly check-in to discuss workload and schedules. Improve communication by meeting at least weekly with Board chairs and monthly with Boards
- Establish procedures to record staff and Board vacation times and necessary writing time for draft orders.
- Workflow – establish and enforce internal deadlines for sending out templates and receiving drafts back from Board members for support staff to finalize.

Target:

Same day response by Board and staff to acknowledge receipt of emails, document, templates, and communicating about amount of time to proof documents.

- Within 48 hours staff send requested templates or formatted documents to Board members.
- Board members give support staff at least 72 hours to edit, obtain signature authorization and finalize final orders or decisions.
- Publish all Board decisions within 24 hours of issuance.
- Decrease by 70% per month spent by staff to manually provide orders to Board or members of the public.

5. Performance Goal: Establish a records management policy for all Case and Administrative files to effectively maintain ELUHO's existing records retention schedule and internal controls.

Measures:

- Written guidance and instructions to safeguard case and administrative files including Board decisions, policies, financial activities, and internal controls.
- Update and maintain ELUHO's case and administrative files, by including texts, video and audio files.

Target: June 2021 for guidance and instructions. On-going file maintenance.

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ELUHO Assessment of External Challenges and Opportunities

The Boards’ workload can change significantly depending on the number of decisions issued by local and state agencies, the number of decisions appealed, and the complexity of the issues involved in each appeal. The Boards’ stakeholders include permitting agencies and local governments, tribal governments, environmental or community organizations, landowners, citizens, business and project developers, the forest practices industry, agricultural interests, and others throughout Washington State. While our Boards frequently hear appeals involving statutes that require the consideration and balancing of various interests, the Boards’ ultimate role is to interpret and apply the law to the facts before the Board in a uniform, statewide manner.

The parties before the Boards are in disputes and have often been unable to resolve deeply held differences. Thus, our mission includes providing more expeditious and efficient disposition of appeals of environmental or long-range land use decisions, and giving aggrieved parties meaningful and enhanced access to justice. Key elements to providing meaningful access to justice include providing interpreter services to non-English-speaking parties, providing hearing assistance devices, conducting certain hearings on-line or at locations other than the Boards’ hearing room in Tumwater, Washington. The Boards will also continue to provide procedural assistance to pro se litigants and offer mediation assistance to interested parties.

Key external issues during FY 21-23

Like all other state agencies, ELUHO has been impacted by the COVID-19 social distancing requirements, budget reductions and furloughs. Although ELUHO established online hearings and mediations via the Zoom platform and created an online hearing user manual for parties, not all parties have the technology resources to participate in online hearings and mediations. Whether due to a lack of technology resources to participate in online hearings or the inherent delays in preparing for a hearing remotely, the parties on several PCHB cases have asked to postpone their hearings until they can be “in-person,” but this will simply push the PCHB workload into 2021 and beyond. The delays present unique challenges for GMHB and SHB, in particular, because they are statutorily required to issue a final decision within 180 days of the appeal filing. Presently, the Boards’ workload is manageable, but this may change if more GMHB or SHB appeals are filed and COVID-19 delays continue.

Pollution Control Hearings Board and Shoreline Hearings Board

The major PCHB decisions for the next two years relate to litigation involving Department of Ecology’s statewide storm water permits, the Tacoma Flats Liquefied Natural Gas air quality permit, the Hanford Tri-Party Agreement Plan, the Clean Water Act section 401 certifications of the eight dams in the lower Columbia and Snake Rivers, and the Kalama Methanol Manufacturing facility. The PCHB also has many appeals relating to air pollution, shoreline permits, hydraulic permits issued by WDFW, and forest practices permits issued by DNR.

Other external factors influencing appeals are climate change, population growth, watershed planning, and efforts to recover endangered salmonid and southern resident killer whale

populations. These factors influence the number and type of disputes the Boards will be asked to resolve. Existing trends in appeals before the Boards are likely to continue, including the filing of a number of complex appeals and increase in filings of appeals of shoreline development permits. Many of these appeals will involve extensive motion practice and multi-day hearings.

Growth Management Hearings Board

The major GMHB decisions before the Board in the next six months include comprehensive plan amendments impacting shellfish in Southern Puget Sound, transportation concurrency in Eastern King County, capital facilities plans in Eastern Washington, agricultural land preservation in Western Washington and increasing urban density in several I-5 corridor cities.

The work of the GMHB will be affected by the economic climate, actions taken by regulatory agencies (Ecology, DNR, WDFW), and local government. Tensions between planning aimed at insuring adequacy of infrastructure, environmental protection, and prevention of urban sprawl and the public's acceptance of regulatory impacts reflect the type of external factors that will influence the number and type of disputes the Boards will be asked to resolve.

Should the Legislature adopt significant statutory changes to the Growth Management Act, the Board may be faced with cases of first impression and/or the number of appeals may increase to test the new legislation.

The Covid-19 pandemic has created a budgetary crisis for the state. Impacts are still developing and have required a change in budgetary priorities. These may effect opportunities for travel, continuing education, among a host of other constraints as the real budgetary impact develops. Economic factors also impact the quantity, timeliness, and quality of land use planning by local government and attendant appeals of such decisions. Additionally, the 6-year update cycles for comprehensive plans and shoreline master plans significantly affect the number and complexity of challenges that will be filed.

Finally, budget shortfalls and reduction in the number of Board members may present significant challenges in providing for adequate continuing education, retention of experienced attorneys, meeting statutory requirements for panel make-up and the Board's ability to provide settlement officers.

Assessment of Internal Capacity and Financial Health

Changes to ELUHO Structure:

The 2020 Legislature amended RCW 43.21B.005 which allows the Governor to appoint an ELUHO director that is a full-time director and not also a member of one of the Boards. Under the previous structure, a Board member would function also as the director. Under the new structure the director can focus on necessary organizational improvements, manage the budget and personnel matters. This change relieves a Board member from administrative tasks that took time away from their Board duties. Nevertheless, the director must still work collaborative with the Boards' chairs to assess administrative problems, develop budgets and manage personnel.

Financial Capacity:

ELUHO is solely funded by the General Fund. With the downturn in the economy due to the COVID-19 virus, our agency completed the 15% budget reduction exercise required by OFM. ELUHO's budget is primarily salaries and benefits. To meet the required reduction of

approximately \$400,000 per year, we eliminated or reduced administrative expenses such as all training, travel and expensive subscriptions. However, even with those reductions, we would still require board members and staff take approximately 40 days furloughs per year to save \$400,000 per year.

Internal Capacity:

The Boards:

ELUHO is a small agency of 15 FTEs making up our three independent quasi-judicial Boards and a small group of administrative support personnel. The three-member PCHB has two administrative appeals judges to assist in their caseload whereas, the five-member GMHB does not have administrative appeals judges to assist. Should the caseloads for the Boards increase or the continued restrictions on hearings constrain hearing schedules, the Boards may request new funds for legal support.

The Administrative Program:

We rely upon WaTech desktop support services and Department of Enterprise Services for personnel, budget and accounting functions. None of ELUHO's support staff have IT training nor specialized skills. ELUHO relies upon one IT vendor that created and manages our legacy 12-year old databases and website. In 2019, ELUHO analyzed its IT capacity with assistance from OCIO and they recommended that we replace both the website and databases with modernized and secure systems. In FY2020, ELUHO requested funds for a new case management system, but was not awarded those funds. Our agency will request funds again for the FY21-23 biennial budget for a new case management system.