

Municipal

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Municipal Research and Services Center of Washington

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Update: Medical Cannabis

By W. Scott Snyder, Senior Member, Ogden Murphy Wallace

Now that the dust has settled, many questions regarding medical cannabis have been resolved, but new questions have been posed. This paper will provide an overview of medical cannabis in the workplace and local government regulatory issues.

Workplace Issues

Following the Washington State Supreme Court's decision in *Roe v. TeleTech*,¹ the door has been closed on claims that an employer must accommodate medical cannabis usage by its employees. The case involved an employee who had been given a conditional offer of employment, subject to passage of a pre-employment drug test. The employee had a medical marijuana recommendation to alleviate pain from migraine headaches. She was discharged following a positive drug test.

In an 8 to 1 decision, the state supreme court placed Washington in alignment with decisions in California and Michigan finding that employers do not have an obligation to accommodate medical cannabis usage. The supreme court rejected claims of protections, both under the Medical Use of Marijuana Act (MUMA), Chapter 69.51A RCW, and on public policy grounds. Utilizing the special rules of construction applicable to initiatives, the court found that the "average informed voter voting on the

initiative" would not have been informed of an intent to create an employment right. The court examined the 2007 amendments to RCW 69.51A.060(4), which added the phrase "on site" to MUMA's existing requirement that employers need not accommodate medical marijuana use, and found that the language was "... redundant because the section already expressly disavowed any accommodation obligation in any place of employment."²

The court also found that MUMA does not imply a civil remedy, noting:

There is no evidence voters intended MUMA to provide employment protections or to prohibit an employer from discharging an employee for medical marijuana use. Further implying a cause of action against a private entity is inconsistent with the statutory scheme intended to provide an affirmative defense to state criminal prosecution.³

The supreme court quickly dispensed with a public policy cause of action claim based on:

1) a finding that MUMA did not proclaim a clear public policy against discharge for medical cannabis use;

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2) the initiative's only reference to the employment setting was an explicit statement against requiring accommodation of medical marijuana use; and

3) a finding that no broad public policy existed that would remove all impediments to authorized medical marijuana use, citing both the illegality of medical marijuana use under federal law and an opinion letter of the Washington State Human Rights Commission acknowledging that it is not a reasonable accommodation under the Washington Law Against Discrimination to accommodate medical marijuana use in light of federal law.⁴

The supreme court firmly closed the door on accommodation of medical cannabis use in the workplace.

Public employers should note that Washington law restricts pre-employment and random testing of public employees under the Washington state constitution.⁵ Public employers may conduct pre-employment testing only where a clear public safety concern exists. Post-employment drug testing must be based upon a reasonable suspicion.

Public employers may maintain a drug-free workplace under both state and federal law.⁶ The recent amendment of Chapter 69.51A RCW expressly permits employers to maintain drug-free workplaces. Public employers should be careful that they comply with all the technical provisions of the federal Drug-Free Workplace Act, including notification of employees. Please note that nothing in the Drug-Free Workplace Act requires a public employer to discharge an employee, but rather only requires that a public employer take "appropriate personnel action against such employee up to and including termination...."⁷

Public employers can additionally rely on Commercial Driver's License (CDL) regulations. Since federal law classifies marijuana as a Schedule I drug under the Controlled Substances Act, that is, a drug without a legitimate medi-

cal use, federal law does not recognize any medical use of cannabis.⁸ Therefore, federal regulations provide that the medical professionals who review drug test results are not to verify a test as negative based upon a physician recommendation for medical cannabis usage,⁹ and substance abuse professionals engaged in the return-to-work process may not take into account medical marijuana authorization.¹⁰

Local Regulation of Ganjapreneurs

Following the legislative sessions and the Governor's veto, dispensaries are no longer legally viable business enterprises. The revisions to Chapter 69.51A RCW require that qualified providers wait 15 days following the termination of provision of service to one qualified patient before providing medical marijuana to another qualified patient. From a practical point of view, dispensaries can only serve two patients a month, and the door has been closed to this lucrative aspect of the industry. Local governments¹¹ may clearly deny a business license to a dispensary.¹² In an interesting twist, the Governor's veto of provisions regulating and legitimizing dispensaries and cannabis processors left collective gardens as the only remaining alternative to a patient growing his or her own cannabis.

Section 403 of the bill provides that qualifying patients may create and participate in collective gardens to produce, process, transport, and deliver cannabis for medical use. The provision for collective gardens was first introduced by law enforcement entities as an alternative to dispensaries. Collective gardens are permitted subject to the following conditions:

1. No more than ten qualifying patients may participate in a single collective garden at any time;

2. A collective garden may contain no more than 15 plants per patient up to a total of 45 plants;
3. A collective garden may contain no more than 24 ounces of usable cannabis per patient up to a total of 72 ounces;
4. A copy of each qualifying patient's valid documentation, including a copy of the patient's proof of identity, must be available at all times on the premises of the collective garden; and
5. No usable cannabis from the collective garden may be delivered to anyone other than one of the qualifying patients participating in the collective garden.

Patients participating in the collective garden share responsibility for acquiring and supplying the resources, including, for example, the location for the garden, equipment, supplies, and the labor necessary to plant, grow, and harvest cannabis as well as process the plants.

NOTE OF CAUTION: The loophole which the legislature closed with regard to dispensaries was left open with regard to gardens – no timeframe is specified regarding when the ten patients may be involved in a garden at the same time. Ganjapreneurs are already floating the concept that participants may come and go from a garden in the same way that different



and successive patients were served by dispensaries. Local governments should assess the use of distancing requirements and other regulatory measures to ensure that multiple collective gardens do not use a common "distribution" point, i.e., rebrand themselves a collective garden.

Options and Considerations for Medical Cannabis

A. Dispensaries

Local governments may clearly deny business licenses, building permits, or other land use permits for dispensaries to operate in your jurisdiction. Most likely your current business license and land use regulations require a business to comply with state and/or federal law. As part of an internal review, your jurisdiction should confirm whether that is true.

Local governments may also choose, as a matter of discretionary allocation of police, prosecutorial, and other resources, to make prosecution of dispensaries a low priority. Passing legislation to permit dispensaries could expose a local government to the same legal liability for federal prosecution that Governor Gregoire cited in vetoing the majority of ESSB 5073.

A local legislative body declining to exercise its discretion to initiate civil

litigation to stop the operation of dispensaries, or prosecutors who choose not to vigorously prosecute violations of state law by dispensaries, are taking the approach utilized by the U.S. Attorneys' offices, as well as prosecutors such as Dan Satterburg of King County. If prosecution is made a low priority, your local government should also consider whether to conduct building inspections (and collect fees for such inspections) and/or tax medical cannabis dispensaries. The greater the involvement of a local government, the greater the (theoretical) risk of prosecution by the federal government. Ignoring dispensaries entirely and permitting them to flourish creates a difficult policy conundrum. Should an illegal business be given greater latitude to operate than legitimate businesses?

B. Collective Gardens

Local governments have a number of options with regards to collective gardens:

1. *Allow without Regulations.* Few, if any, local governments regulate small scale gardening in residential and other neighborhoods. In all likelihood, collective gardens, both due to climate and security considerations, will be conducted indoors. Declining to regulate would be consistent with the general

approach regarding gardening in general. However, a local government should note that if zoning regulations are not enacted, collective gardens could be located next to each other, whether outdoors or in commercial spaces such as warehouses, large greenhouses, or storage facilities. The "condominiumized" approach to collective gardens raises concerns regarding increased crime or other threats to public safety, but the decision to regulate collective gardens by zoning or health and safety regulations is well within the legislative body's discretion. Without any local regulations, dispensaries are likely to "rebrand" their operations and continue as distribution sites for collective gardens.

2. *Allow with Regulations.* Since collective gardens will be the only legal way for many qualified patients to obtain medical cannabis under state law, collective gardens could become popular in the near future. Many dispensaries will be "rebranding" themselves as collective gardens. Your legislative body may consider it prudent to impose zoning regulations relating to the location of collective gardens and spacing requirements between collective gardens (i.e., requiring either clustering or dispersment).

3. *Moratoria, Interim Ordinances, and the Risk/Cost of Litigation.* If

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Take a look at MRSC's Facebook page at <http://www.facebook.com/munigov>. We are using Facebook as part of our efforts to expand our outreach to Washington local government officials and staff. Our new page offers another way for you to stay informed about local government news and information. Visit MRSC on Facebook.

a legislative body desires to impose zoning regulations and require permits, the local government should evaluate whether to enact a moratorium or interim zoning regulations.

Because Section 403 of ESSB 5073 expressly permits the formation of collective gardens under state law, there is an issue of whether local governments are preempted from prohibiting collective gardens. As an alternative to a moratorium, which would put your local government at risk of litigation from the well-financed industry, you should discuss with your attorney whether an interim zoning ordinance imposing regulations, such as dispersement or clustering, is advisable. Building officials may also be tasked to prepare an analysis of the inspection fees that should be charged to inspect premises used for collective gardens.

4. *Prohibition.* An open question is whether a local government can legally prohibit collective gardens entirely. Section 1102's language limits local government zoning powers to preclude siting only to licensed dispensers (previously vetoed by the Governor), which suggests that a local government most likely could prohibit collective gardens altogether pursuant to its inherent police powers. However, Section 403 expressed permission to form collective gardens, which raises the issue of whether local governments

are preempted from prohibiting such gardens. If your local government intends to prohibit collective gardens, you should consult with your attorney regarding the issue. Given the profits inherent in the industry,¹³ as well as the participation of the American Civil Liberties Union and other groups, some local government will likely litigate the issue. The cost of litigating this issue potentially to the state supreme court, particularly given the likelihood that this issue will be considered repeatedly in upcoming legislative sessions, makes a close risk management assessment important for your community.

Conclusion

State law regarding medical cannabis is likely to change in the near future. Senator Jeanne Kohl-Welles has indicated she will continue to work on the issue prior to next year's legislative session. In addition, a medical marijuana advocacy group filed a referendum to overturn ESSB 5073 and another advocacy group has stated its intent to take a marijuana decriminalization effort to the legislature in the upcoming session. This is a rapidly evolving landscape – stay tuned!

Footnotes

¹*Roe v. TeleTech Customer Care Management (Colorado) LLC*, 171 Wn.2d 736 (2011).

²171 Wn.2d at 751.

³171 Wn.2d at 754, citing *Thompson v. St. Regis Paper Company*, 102 Wn.2d 219, 226, 685 P.2d 1081 (1984).

⁴171 Wn.2d at 759, n.9, citing Opinion Letter *Laura Lindstrand*, Washington State Human Rights Commission, Washington Nondiscrimination Laws and the Use of Medical Marijuana at 1 (June 7, 2011).

⁵*Robinson v. Seattle*, 102 Wash. App. 795, 10 P.3d. 452 (2000).

⁶Drug-Free Workplace Act, 41 U.S.C., § 701 et. seq.

⁷41 U.S.C. § 703.

⁸21 U.S.C. § 841(a)

⁹49 C.F.R. 40.151(E)

¹⁰49 C.F.R. 40.293

¹¹Cities and counties.

¹²RCW 35A.82.020 provides no license or permit to engage in any business shall be granted to any person who shall not first comply with the general laws of the State.

¹³The office of finance and management estimated that medical marijuana sales in Washington would reach \$1 billion per year had ESSB 5073 gone into effect as enacted.

MRSC Names New Executive Director

The Board of Directors of the Municipal Research and Services Center of Washington ("MRSC") has named **Tracy Burrows** as the organization's new executive director. Burrows was one of six finalists for the job and will replace Rich Yukubousky, who is retiring after leading the non-profit for the past 21 years. Burrows is expected to begin her new role on September 1st.

"The board is excited to have Tracy bring her wealth of experience to MRSC to continue to grow the outstanding organization that Rich and the staff have built," said MRSC Board President Dave Mercier. "The services provided by MRSC are becoming more valuable to local governments every day. The board is confident that Tracy has the right skills and leadership qualities to guide MRSC toward even greater success in the years to come," said Mercier.



MRSC began at the University of Washington in 1934 as the Bureau of Governmental Research and Services. In 1969, the Bureau became MRSC and was organized as a non-profit. The primary mission of MRSC, which is still based in Seattle, is to promote excellence in Washington local government through professional consultation, research, and information services. MRSC serves cities, counties, and several special purpose districts throughout the state.

Originally from Massachusetts, Burrows graduated from Williams College in Williamstown, Massachusetts in 1984 with a bachelor's degree in economics. She received her master's degree in urban and regional planning from the University of Florida in 1988.

Burrows began her professional career as a research associate with the non-profit American Planning Association in Chicago in 1988. She has over fifteen years of experience in land use and transportation planning in the private, public, and non-profit sectors. She worked with local governments as diverse as Nashville, Tennessee; St. Lucie County, Florida; and Bainbridge Island, Washington in developing comprehensive land use plans and development regulations. In 2003, Burrows became the city of Kirkland's intergovernmental relations manager, where she was instrumental in successful efforts to regionalize fire and police dispatch services and to secure state annexation funding.

Since 2008, Burrows has served as the legislative liaison for the director of the Seattle Department of Transportation.

"I have been fortunate throughout my career to have benefitted by working in not only the public and private sectors, but by also spending time in the non-profit arena," said Burrows. "I am thrilled to have the opportunity to bring the knowledge I gained to the MRSC and to be able join a truly gifted team of professionals. MRSC has an incredible reputation as a trusted source of information and assistance for local government and special purpose districts," said Burrows. "I look forward to the challenge of maintaining that reputation and enhancing the vital services MRSC provides."▶

Welcome aboard Tracy!

Nordby's Notes

Lessons and observations from a career in public service

By Lynn Nordby, Public Policy Consultant, Municipal Research and Services Center

Today's World and Yesterday's Challenges

While waiting in the buffet line at a retirement reception for a colleague, I overheard a conversation between a couple of younger members of the group discussing the latest challenges facing public administrators and the agencies they serve. As they shared their experiences in dealing with the issues of the day, I couldn't help but think back to my first years in public service and the burning issues of that time: open meetings, shoreline management, public records, public disclosure, and binding arbitration. I remembered the first Association of Washington Cities conference I attended where the recently enacted public

disclosure law was being hotly debated in a workshop for elected officials. One speaker predicted that it would be impossible to find qualified candidates for public office once the requirements of the law were fully implemented. Many flatly stated they would refuse to disclose detailed information about their personal finances. In the subsequent decades, public disclosure has become an accepted part of running for public office. I dare say none of the dire predictions voiced in that workshop have come to pass.

To be sure, many of the issues I've just cited remain and have become more

complex with the passage of time. But, for the most part, they're now part of the background environment that is accepted as part of the responsibilities assumed along with a career in public service.

As my younger colleagues continued their discussion of the new issues they faced, I concluded that as daunting as they seemed at that moment, with time, they too would become part of the everyday world, just as those issues of my earlier career did.

A Little Ad Hoc Mentoring

For several years I worked in the private sector as a consultant for a firm that provided services to public sector clients. At one point during this time with the firm, I was manning their booth at a conference of local government officials. During a lull in the traffic, I struck up a conversation with a young woman representing another consultant in the adjacent booth. She told me she had a Master of Public Administration degree from a large west coast public university but that her faculty advisor had strongly encouraged her *against* public service. I was truly surprised that a member of the faculty of a *public* administration program would be *discouraging* students from entering public service. When I asked about his background, she told me he was a retired city manager!

We all have bad days (and sometimes longer) in our careers, but whatever had soured this man on public service was now being passed on to potential future leaders. Who knows how many others had heeded his advice? I expressed my disappointment about the poor advice she'd been given by this "advisor" and encouraged her to reconsider. From my vantage point, following three plus decades of public service, I tried my best with the limited opportunity I had to undo the negative impression of public service that had been portrayed to her. Bright young people are needed to replace us and

face today's challenges so that in time they'll just be part of the background.

I'm proud of one young intern who spent some time in my office and is now serving in Iraq as a United States Army Major. I wouldn't be surprised to learn that he's in line for promotion to Lt. Colonel soon. I hope he's been able to call on some of the experiences he had in city hall to assist him with advising the Iraqis. Along the way we touch many lives, and we can only hope that whatever examples we set are positive. It's one of the ways that we "pay it forward."■



Along the way we touch many lives, and we can only hope that whatever examples we set are positive.

Ask MRSC

Summaries of recent inquiries answered by MRSC consultants

May a city impose a business license requirement on businesses that don't have a physical location inside the city limits but that do business within the city?

Yes. Many Washington cities have passed ordinances requiring out-of-city businesses doing business within the city to obtain a city business license and/or to pay the city B&O tax. There is no statute that governs how much or what kind of business must be done within a city for that city to apply its business licensing requirements, and so this is left up to cities to define. The key consideration is whether there is enough of a "nexus" between the city and the nonresident business to make the imposition of a business license requirement reasonable, or, in other words, whether the nonresident business has sufficient contact with the city in the form of its business activities to enable the city to impose its licensing requirements upon that business.

Cities address this nexus in different ways in their business license ordinances. Some city codes define "engaging in business" as "commencing, conducting or continuing in any business" The MRSC legal staff does not find that language, by itself, to be particularly helpful in determining when a nonresident business would have to get a city business license, unless the nonresident business actually physically does work within the city. Some city codes set out examples of activities that constitute "engaging in business" in the city that may be helpful.

In general, and without helpful examples or without some elaboration, there's no easy formula for determination of nexus. MRSC has previously looked at some of the considerations (other than physically doing work in the city) involved in this determination as follows:

The activities to consider in determining whether a non-resident business is subject to a business license include whether the business solicits orders within the city; whether the business negotiates contracts or orders with prospective customers within the city; the location of the place where orders are filled or accepted; whether the business's salespeople spend a considerable amount of time soliciting orders from within the city; the number of employees, salesmen, distributors, or local agents the business employs for the purpose of soliciting or otherwise making contact with customers or potential customers located within the city; and numerous other activities.

Obviously, with a lot of business being done via the Internet, it's more difficult to make the determination whether a business engages in business within the city so as to subject it to a city business license requirement.

MRSC has examples from the cities of Tacoma, Port Townsend, Bremerton, Mukilteo, and Redmond that provide some extra guidance as to when a business is "engaging in business" in the city.

Note that mere registration or compliance with the streamlined sales tax (SST) agreement does not otherwise impact nexus status for business license purposes. See RCW 35.22.280(32), 35.23.440(8), 35.27.370(9), 35.102.050, and 35A.21.335. The Association of Washington Cities worked with the business community to develop several versions of model letters (<http://www.awcnet.org/Portals/0/Documents/Legislative/SampleBusLicenseLtrs.pdf>) for cities to consider using when form letters are sent to businesses to inquire about license status or to explain

license requirements to businesses that deliver goods into their jurisdictions, and to inform them about this SST compliance issue.

How long must a jurisdiction retain polygraphs and psychological evaluations of law enforcement officers who have been hired?

According to the Local Government Common Records Retention Schedule (CORE), http://www.sos.wa.gov/_assets/archives/CORE%202.1.pdf#page=135, page 135, those records should be retained for six years following termination of the employee. We checked and confirmed this with the Records Management section of the Secretary of State's office.

There used to be retention schedules specifically relating to law enforcement personnel that covered this. While there is still a retention schedule for law enforcement, it does not cover personnel. For personnel-related records, one should now refer to the CORE schedules referenced above.

Are elected officials covered by workers' compensation?

It is MRSC's position that elected officials are covered by workers' compensation/industrial insurance. There is no exemption for elected officials in RCW 51.12.020 ("Employments excluded"). Also, note the definition of "employee" in RCW 51.08.185:

"Employee" shall have the same meaning as "worker" when the context would so indicate, and shall include *all officers* of the state, state agencies, counties, municipal corporations, or other public corporations, or political subdivisions.

(Emphasis added.)

The Washington State Department of Labor & Industries considers elected officials to be covered, as there is a workers' compensation classification (5305) in WAC 296-17A-5305 for "clerical office, administrative employees, and elected officials of cities and towns."

May local governments adopt term limits for elected officials?

This office follows the opinion of the Attorney General as expressed in AGO 1991 No. 22, which addressed the imposition of term limits on local government elected officials. This AGO differentiated in its conclusion between two types of local governments – those with broad home rule authority and those without. Those with broad home rule authority – charter cities, charter counties, and also noncharter code cities – have the authority to impose term limits on their elected officials.


The AGO concluded that local governments without such broad authority,

such as second class cities, towns, and noncharter counties, did not have the authority to impose term limits on their elected officials.

Is the elected official/chair of the county lodging tax advisory committee a voting member?

In our opinion, the elected official (here, a member of the county legislative body) who is the chair of the lodging tax advisory committee (LTAC) is a full voting member of the committee and so may vote on all matters coming before the committee. The relevant statute regarding the LTAC, RCW 67.28.1817, provides in part that "One member shall be an elected official of the municipality who shall serve as chair of the committee." Note that the next sentence of this statute provides that "An advisory committee for a county may include one *nonvoting* member who is an elected official of a city or town in the county." (Emphasis added.) So, if the legislature intended the elected official/

chair to be a nonvoting member, it would have said so as it did for the optional city/town elected official member.▶



How to "Ask MRSC"

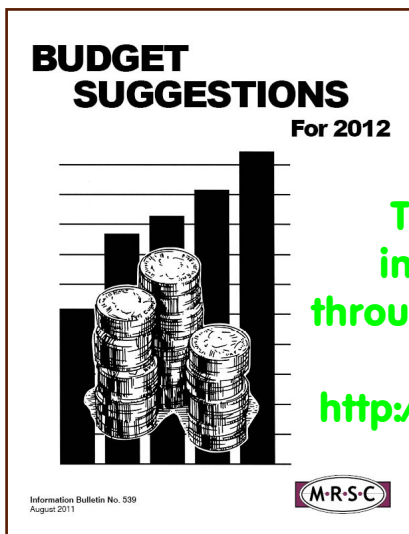
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This publication includes valuable information to assist you as you go through the budget process and into 2012.

<http://www.mrsc.org/Publications/bs12.pdf>

Heads Up

Emerging information for local government

By Lynne De Merritt, Senior Research Consultant, Municipal Research and Services Center

Hi Tech Solar for Kirkland Downtown Waste Bins – A technological innovation in public garbage collection is giving the Kirkland Central Business District (CBD) a next generation makeover. In July, Waste Management, Inc. installed 46 new "Big Belly" solar-powered garbage compactors throughout the CBD to replace the city's 56 existing garbage cans. Twenty-three of the compactors will be paired with recycling receptacles to create kiosks to make recycling more convenient for residents and visitors to the Kirkland downtown. The compactors will provide the city with up to five times the garbage capacity of the existing 32-gallon garbage cans while at the same time making collection more efficient by reducing operating costs, fuel usage, and greenhouse gas emissions by up to 80 percent. For more information, see: http://www.kirklandwa.gov/News_Room/NR071411HiTechCompactors.htm.

Seattle Saves Hundreds of Thousands of Dollars with LED Street Lights – According to Seattle City Light, the 6,000 LED street lights installed in the last year have saved Seattle \$300,000 in energy and maintenance costs. Seattle City Light utility is working to install tens of thousands more. By the end of 2014, a total of 41,000 lights will be installed and are expected to cut operating costs by \$2.4 million a year. <http://www.seattle.gov/light/news/newsreleases/detail.asp?ID=11904>

2011 Walk Score for Washington Cities – Walk Score released new rankings in July 2011 based on the 2010 census. Walk Score sampled 10,017,714 locations in the country to rank 2,500 U.S. cities and 10,017 neighborhoods on walkability. Neighborhoods are ranked on a scale of 0-100, with locations receiving a score of 90-100 deemed a "Walkers'

Paradise." The 79 largest cities in Washington have an average Walk Score of 42. The most walkable cities in Washington are Seattle, Kirkland, and Tacoma. Seattle ranked sixth in the top ten walkable cities in the country with a walk score of 73.7. Walk Score's walkability ranking is the only national, quantitative ranking of walkability in the U.S. cities. Its mission is to promote walkable neighborhoods. See Washington Walk Scores: <http://www.walkscore.com/WA/>.

Health in Washington

The **County Health Rankings** website provides a collection of state reports that rank the health of nearly every county in the nation. The health of a community depends on many different factors – ranging from individual health behaviors and education and jobs to the quality of health care and the environment. The Robert Wood Johnson Foundation is collaborating with the University of Wisconsin Population Health Institute to develop these rankings for each state's counties. This year, the rankings allow people in more than 3,000 counties and the District of Columbia to compare the overall health of their counties against other counties in their state, and also compare their performance on specific health factors against national benchmarks of top-performing counties.

In Washington State, Kittitas County ranks the healthiest, followed by Whitman County and then King County. Find out how your county ranks at <http://www.countyhealthrankings.org/washington>.

University of Washington Institute of Healthmetrics released a study in June 2011 titled, "Falling behind: life expectancy in US counties from 2000

to 2007 in an international context." The study analyzes life expectancy in U.S. counties compared to other countries. The study noted that "while people in Japan, Canada, and other nations are enjoying significant gains in life expectancy every year, most counties within the United States are falling behind." The website provides data for Washington counties both in an Excel spread sheet and a data visualization page. For more information see <http://www.healthmetricsandevaluation.org/>.

Transparency in Government - Open

Data – A short article, "Why Open Data Alone is Not Enough" (*Wired*, 19.07, July 2011), briefly discusses the problem of data divide. A term used by Michael Gurstein, Executive Director of the Center for Community Informatics Research, Development & Training in Vancouver, B.C., refers to the divide between those who have access and the opportunity to make effective use of data, particularly "open data," and those who do not. Information collected by and about the government is online, searchable, and mashable, but, often, only the sophisticated understand how to use it. The article notes that a recent study on the use of open government data in Great Britain points out that most of the people using the information are already data sophisticates. The less sophisticated often don't even know it's there. The author, Jesse Lichtenstein, notes that, "Massive data dumps and even friendly online government portals are insufficient. Ordinary people need to know what information is available, and they need the training to be conversant in it..." The article may be found at http://www.wired.com/magazine/2011/06/st_essay_datafireworks/. See also Gurstein's Community Informatics at <http://gurstein.wordpress.com/>. ▀

New Acquisitions

New resource materials now available

Economic Development

Sustainable Economic Development: Navigating Pitfalls and Reaping Rewards, by Susan M. Opp, Jeffrey L. Osgood; Washington, D.C.: International City/County Management Association, 2010 [G 0.0000 I5m v.41 no.6]

Finance

The Ugly Truth About Tax Abatements - and Strategies to Benefit from Them, by Laura A. Reese, Gary Sands; Washington, D.C.: International City/County Management Association, 2011 [G 0.0000 I5m v.43 no.2]

Governance

An Analysis of Regional Government and Reforms, by Kevin Pirch; Spokane: Eastern Washington University, Institute for Public Policy and Economic Analysis, 2010 [G 3.3200 A52 2010]

The Appearance of Fairness Doctrine in Washington State, by Pamela James; Seattle: Municipal Research and Services Center, 2011 [G 5.9600 A665 2011]

E-government, by Jennifer-Cowley Evans and Joseph Kitchen; Chicago: American Planning Association, 2011 [IS 4.2000 E46 2010]

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MRSC will be hosting three free webinars in October discussing how to join MRSC Rosters, how to search for businesses, and how businesses apply. Learn how MRSC Rosters, a shared small public works and consultant roster system, can help your public agency use the roster process more efficiently.

Registration is open to any Washington State city, county, or special purpose district with express authorization to use a roster process. **There is no fee.** To register, email mrscrosters@mrsc.org and indicate the date you would like to attend: **October 4th, 20th, or 26th.** All webinars will be from **10:00 a.m. – 11:00 a.m.** Detailed instructions will be sent with the registration confirmation.

MRSC Rosters is now used by 223 Washington cities, counties, and special purpose districts across the state because it offers a convenient and affordable alternative to maintaining their own rosters. For a nominal annual fee, the service saves resources by hosting individual rosters within a shared database; posting the required annual legal notice in the newspaper of general circulation; supporting businesses with registration; verifying business eligibility to be listed; programming the searchable database; and assisting with roster records retention. More information on MRSC Rosters may be found at www.mrscrosters.org. 