

**WASHINGTON STATE BOUNDARY REVIEW BOARD
FOR KING COUNTY**

SPECIAL MEETING MINUTES

**January 8, 2009
Bellevue, Washington**

I. CALL TO ORDER

Chair Claudia Hirschey convened the Special Meeting at 7:15 P.M.

II. ROLL CALL

Evangeline Anderson	Charles Booth
Robert Cook	A. J. Culver
Robert George	Lynn Guttman
John Holman	Roger Loschen

III. PUBLIC HEARING FOR RULES MAKING

A. INTRODUCTION:

Chair Hirschey and Robert Cook, steering Committee Chair, stated that the Board is conducting a Special Meeting to consider proposed revisions to the Board's Organization and Rules of Practice and Procedures. Under existing Board Organization and Rules of Practice and Procedures (Rules), these revisions must be considered in a Public Hearing.

Chair Hirschey stated that, at the request of the Boundary Review Board, the Steering Committee met to consider revisions to the Rules intended to improve communications by the Boundary Review Board with community members relating to both administrative operations of the Board and to public review of specific Notices of Intention.

At the Steering Committee meeting of September, 2008, under the guidance of Committee Chair Robert Cook, the members developed proposals for "housekeeping" changes to business operations and clarifications to rules for invoking of jurisdiction under the Rules.

Steering Committee members asked Robert Kaufman to prepare the necessary revisions to the Boundary Review Board Rules. Mr. Kaufman prepared revisions to the Rules document. These documents were distributed to the members and to parties of record in October of 2008.

Pursuant to the Board's Organization and Rules of Practice and Procedure (Section VII.A) "Types of Rule Amendments Which Do Not Require Public Notice", the proposed "housekeeping" revisions to business operations do not require a public hearing. More specifically:

"Actions to add, amend or repeal Rules relating to the following matters may be considered at any regularly scheduled public meeting of the Board, as prescribed by RCW 36.93.200:

- interpretive rules.
- general statements of policy.
- rules of internal Board organization, procedure or practice.

These actions do not require public notice or a public hearing."

Pursuant to the Board's Organization and Rules of Practice and Procedure (Section VII.A) "Types of Rule Amendments Which Require Public Notice", as prescribed by RCW 36.93.200, actions to add, amend or repeal Rules of Policy and Procedure (other than those rules described in Section VII.A.) require consideration at a public hearing. This public hearing may be conducted at a regularly scheduled public meeting or special public meeting. Written public notice must be provided ten (10) days prior to such meeting in such form and in the manner prescribed by RCW 36.93.200. Such notice shall have been published once in the newspaper designated by the King County Council as the official newspaper for King County notifications.

Having met the above-delineated requirements, the Board scheduled a Special Meeting/Public Hearing on November 13, 2008 to consider the modifications to the Board Organization Rules of Practice and Procedure.

As there are Rule changes proposed which do require a Public Hearing, a decision was made to consider both housekeeping amendments (pursuant to Section VII.A) and substantive amendments (pursuant to Section VII.B), at the Special Meeting/Public Hearing of November 13, 2008.

In the course of that meeting, members of the Board introduced new material for consideration. More specifically, a request was made by Roger Loschen to consider changes to the Rules (Section V.A.1) concerning the authority of the Boundary Review Board members to speak in the community about closed files.

In order to provide due time for review of the new material, the Board continued the Special Meeting/Public Hearing to January 8, 2009.

Subsequent to the November 13 meeting, at the request of Robert Cook, and with the concurrence of the members of the Board, the proposed revisions to the Rules (Section V.A.1) were removed from the agenda for consideration at this time. This matter will be placed on the agenda for a future general revision (2009) of the Boundary Review Board Organization Rules.

B. PUBLIC TESTIMONY

Chair Hirschey stated that the Special Meeting/Public Hearing has been established to provide an opportunity for community members and representatives of government jurisdictions to review the materials and to recommend specific revisions to the Rules. At the conclusion of public testimony, the Board members will be similarly invited to review the materials and to recommend specific revisions to the Organization Rules of Practice and Procedures.

Chair Hirschey invited public testimony on the proposed Boundary Review Board Organization and Rules of Practice and Procedure.

Mr. Cook referred to a letter submitted for the record by the City of North Bend suggesting that Section V.C.6(e)(i) be revised to replace the phrase "preliminary decision" with the phrase "informed decision" or simply "decision."

No other public comment was submitted.

Action: AJ Culver moved and Charles Booth seconded a motion to close the public hearing and begin Board deliberations in the matter of the proposed revisions to the Board Organization and Rules. The Board voted unanimously in favor of this motion.

IV. BOARD DELIBERATIONS AND DECISION

Chair Hirschey invited deliberations on the proposed revisions to the Boundary Review Board Organization and Rules of Practice and Procedure.

Section VII.A: Mr. Cook presented modifications proposed under Section VII.A, to the administrative operations of the Boundary Review Board.

Board members stated general agreement with proposed changes to the Rules as described in Attachment 1 (noted in blue print).

Additional modifications were presented and agreed upon, in principle, as described in Attachment 1 (noted in green print).

Section VII.B: Mr. Cook presented modifications proposed to Section IV.B.7 (Notice of Intention: Review and Processing) and Section IV.C.2 (Invoking of Jurisdiction), each as described below and also provided in Attachment 1 (noted in violet print).

Section IV. B. 7. 7. Withdrawal

Any Notice of Intention filed with the Board may be withdrawn by the initiator or entity filing the same at any time prior to invoking of the Board's jurisdiction. Thereafter, Notices of Intention may be withdrawn only with the consent of the Board and of all persons or entities that have requested review (invoked jurisdiction) by the Board and paid the fee required to file such a request.

Section IV.C.2. Withdrawal of Request

A request for review filed pursuant to RCW 36.93.100 by a party(ies) with legal standing (e.g., King County, affected government unit, registered voters within or affected by the proposed action) may be withdrawn by the initiator of the request at any time prior to the Board setting a time, place and date for a hearing on the proposal. No request for review may be withdrawn following the establishment of a time, place and date for such hearing without the express authorization of such withdrawal by the Board.

At the conclusion of discussion, Chair Hirschey called for a motion to address the proposed revisions to the Boundary Review Board Organization Rules of Practice and Procedure.

Action: Charles Booth moved and Lynn Guttman seconded a motion to adopt the proposed revisions to the Boundary Review Board Organization and Rules of Practice and Procedure. The motion was approved by unanimous vote.

V. ADJOURNMENT

Action: Evangeline Anderson moved and Charles Booth seconded a motion to close the Special Meeting/Public Hearing for proposed revisions to the Boundary Review Board Organization and Rules of Practice and Procedure. The motion was approved by unanimous vote. The meeting was closed at 7:25 P.M.