

**Residents for Preserving Quality of Life
On Hood Canal**
P.O. Box 205
Tahuya, WA. 98588
(360)-275-2098
www.tahuya.org

July 10, 2005

RE: Status Update on Port of Tahuya

Dear Resident and/or Taxpayer,

We continue to progress. Positive results continue to be achieved. For example, out of necessity, Commissioner Cynthia Olsen is in the process of being recalled and the Special Election date has been set for August 16th, 2005. The Port District is owned by the "public". The voters/taxpayers are shareholders of the Port of Tahuya (POT). They have spent over two years and thousands of dollars trying to encourage Commissioner Cynthia Olsen to correct her conduct and follow the law or resign. She continues to ignore the shareholders and the law. Because of her illegal conduct, the Port was sued and lost over \$35,000.00. (See Attached Exhibit A) Her past and continued conduct has placed the POT (shareholder) in a position of considerable liability. Even the Port's insurance company has recognized this risk and is canceling their policy on September 1st, 2005. The shareholders, like other owners of corporations, have no choice but to remove her from office. It's nothing personal, just prudent business. And yes, even the expense of the recall is being paid for by the shareholders.

Therefore, Mason County Elections department will mail out approximately (831) ballots on July 27th, 2005 to all active registered voters within the Port District of Tahuya. Ballots must be returned to the Mason County Elections department (or at least postmarked) by August 16th, 2005, in order to be counted. This recall election ballot will require you to vote "yes" in order to count towards her being discharged from public office. Her removal from public office will allow the port to get its work done and reduce strife in the community. This in turn, will allow a public servant minded commission to move in a positive direction to insure good responsible government.

Now, before we move on to additional information and accomplishments, we thought we should briefly revisit the last two years of activity surrounding the Port of Tahuya (POT) in order to refresh your memory and inform the new members of our community as to the positive changes being brought to the Port of Tahuya (POT).

During the summer of 2003, our community became aware of a plan, which when implemented, would have changed the rural character of our community as well as placed our small District under tremendous financial stress. Our quality of life values, as we know them, would have been decimated.

This plan was called “The Port of Tahuya Public Access Plan” (PAP). The PAP was created and spearheaded by Port commissioner Cynthia Olsen and her close friend and customer Collie Hough-Beck of Hough Beck and Baird Inc. The PAP which cost the taxpayers almost \$13,000.00 to produce, contained (15) initial proposed facilities with a price tag of about \$8,000,000.00. That’s (8) million dollars folks! The \$14,044.00 picnic tables and \$168,000.00 playground were just some of the items listed in the PAP. The POT annual revenue from property **taxes** is currently about \$25,000.00 of which about 50% is spent on administrative cost. In all three of the PAP’s financial strategies, the short fall was to be sought by a property tax levy. (See “**Financial Strategy Alternatives**” of the PAP on www.tahuya.org web site)

The PAP shocked and then angered the community. They were told by the commissioners and the consultant the PAP was needed and wanted by the community. When the public challenged the plan and the need for it, as well as how it was crafted, the commissioners and the consultant lashed out. The public was scolded for not attending port meetings. The public was told the PAP was a “done deal” and they were “too late”. The public couldn’t figure out how this PAP had been developed without their knowledge of it. The public continued to ask for certain information and public records surrounding the PAP. These requests began to be ignored by Commissioner Olsen and the consultant.

Our organization (The Residents Group) was formed in August 2003. The catalyst in bringing the community together is a long time resident named Jim Christen. Jim, who is interested in “good government”, using his own

time and money, exposed the “Public Access Plan” to all. Jim is now serving the public as a POT commissioner. Our group is being led by like minded residents. We were formed by the community in opposition to the PAP and the manner in which it was formulated. Our organization currently consist of (175) families within the POT. Our organization’s philosophy and vision is to insure, through good government, that the will of the majority within the POT is implemented. To accomplish this, we asked the port commissioners to re-survey the community to determine the validity of the survey used to justify the PAP. They said it would be too expensive. We volunteered to pay for the re-survey and they still refused! We asked the commissioners to create an advisory committee, they said no. We asked the commissioners to allow the community to vote to accept or reject the PAP and they said no. Even though the commissioners were told that the POT would find itself in litigation, they refused to budge. Why?

Since then, our organization filed and won a lawsuit against the port for failing to allow us to examine the port’s public records. In addition, we mailed multiple surveys to the residents and taxpayers within the POT District. The results were conclusive. Ninety two percent of the respondents rejected the PAP. We covered our results with the commissioners. They ignored the results and ridiculed our efforts. Continual record attendance at public meetings opposing the PAP finally forced the commissioners to agree to establish an advisory committee to consider what to do about the PAP.

Meanwhile, our organization identified (3) goals in order to implement the will of the people and they are;

- 1) Remove the PAP from the Port’s Comp. Plan. (Completed)
- 2) Replace personal agenda minded commissioners with public minded commissioners. (2/3 complete)
- 3) Recover some or all of the expenses spent accomplishing the first two goals. (14,000.00+, \$41,000.00 to recover)

Thanks to the community, and all their moral and financial support, we have just about completed all of our original goals. We have successfully removed the PAP from our Port’s Comprehensive Plan. This was done first by court order and then finally by resolution. Next, (74%) of the voters nominated Jim Christen to replace Brenda Hill in November 2003. Robert Gilbert resigned in July 2004 and the community rallied the Port and County to have Dan McPhee fill Gilbert’s vacancy. Upon recalling Commissioner Cynthia Olsen and the appointment of her replacement, the voters will have

successfully replaced the entire board with commissioners in agreement with the need to practice “good government”. To date, our organization has spent about \$55,000.00 in legal fees and recovered about \$14,000.00. This shortfall should be made up as the Open Meetings Act suit is resolved.

Again, we wish to thank all the voters and the non voting residents for getting involved and participating in the process. With your participation and support we were able to accomplish the “Will of the People”.

More information and accomplishments;

PAP Lawsuit

After pleading and waiting with POT for over a year to have the PAP invalidated by Resolution, we filed and won our second lawsuit against the POT in Mason County Superior Court. This suit only became necessary to file, because Commissioner Cynthia Olsen would not vote the PAP invalid. The Judge invalidated the PAP because of six different violations of law. All violations were entered into a judgment against the Port. We did not attempt to collect any damages or attorney fees. **This lawsuit only became necessary because Commissioner Cynthia Olsen refused to listen and comply with the will of the community as well as the recommendations from both the Port’s attorney and the Citizens Advisory Committee. Even after the court judgment was entered, Commissioner Cynthia Olsen still refused to comply with the law and the ruling! This lawsuit did not cost the port any money because Commissioner Jim Christen disagreeing with Commissioner Cynthia Olsen, exercised good judgment and refused to spend any taxpayer’s money to defend a lawsuit for which he felt the Port would lose. In addition, he was aware of two public hearings where the community had made it clear they did not approve of the PAP!**

Insurance Coverage Lost

The POT has been notified that its insurance provider will not be renewing the Port’s insurance policy on September 1st, 2005. The provider has notified our port that it is not interested in providing coverage because of the risk our port represents. This was most likely caused by Commissioner Olsen’s imprudent, improper, and illegal governmental practices. It appears she also, among other things, without authorization from the board, used the port’s

attorney at the taxpayer's expense to tender her personal claim to the ports insurance company. Her claim was rejected by the insurance provider on the merits that personal injury arising out of the willful violation of a penal statute or ordinance committed by or with the consent of the member, causes forfeiture of coverage. The insurance company's findings concur with what the community has been saying for the last two years.

Proposition to Dissolve the Port

The port commission is conducting a survey to be mailed out to the community in the near future. This survey is requesting your input as to whether our port should remain active or be dissolved. The survey contains a lot of good information and your response will be important.

New Port Attorney

The port located, interviewed, and hired a new attorney for the POT. It was refreshing to watch the commission interview Robert Goodstein. The interview lasted about an hour and was fairly direct. It's too bad the previous commission on August 20th, 2003 didn't hire Gordon Walgren in an open meeting with the same care and concern.

Our Web Site (www.tahuya.org)

Our web site is back online and we will be updating it with information over the next few weeks to help you stay informed. The PAP as well as the Port's Citizens Advisory Committee's report will be some of the documents made available for your viewing. Lawsuits, trial verbatim transcripts, and judgments will also be available. It is our goal to keep you **accurately** informed.

Many of you have asked why our original web site had been idled. Brad Lambert who was managing our original web site was threatened more than once, by members of Commissioner Cynthia Olsen's family, for speaking out in opposition against Commissioner Cynthia Olsen's unacceptable and abusive conduct. Feeling physically and emotionally intimidated, he felt compelled to discontinue the original web site and has stopped attending port meetings.

Conclusion

In conclusion, all the time and money spent correcting the problems the Port of Tahuya has experienced during the last two years should have been avoided. It all starts with the right attitude of wanting to identify and implement the majorities “will”.

What was the real reason the PAP was created? Here is a theory beginning to evolve. Commissioner Cynthia Olsen and the consultant wanted to create a plan that would stimulate tremendous residential growth on the entire peninsula. By creating and adopting the PAP, they were telling the world that this community would be developing all kinds of park and recreational facilities all over the peninsula, including outside our port district. This in turn would influence developers and large land owners such as Manke Lumber and others to rezone their property into rural residential lots. And in fact this is what Manke Lumber attempted to do with (3430) acres above the town of Tahuya right after the PAP was adopted.

Naturally, as residential growth took off, the Port’s tax base would grow. With funding from the State’s Inter Agency Committee (IAC) (See Attached Exhibit B) and the Port’s expanded tax base, the PAP would be implemented. As more parks and recreational facilities were built, more residential growth would occur. And the process would repeat itself over and over. If you were a large land owner, developer, or home builder like Commissioner Cynthia Olsen, you would be strategically positioned to reap the rewards of the “gold rush” that was about to occur! From the consultant’s view, every time a PAP project was implemented they were almost sure to be involved. Even the County would be happy with the increase in tax revenue.

We now believe Commissioner Cynthia Olsen was planning to create and introduce this PAP when she was a County Commissioner, but she lost being re-elected. Using the Port and its power Eminent Domain, the POT became the new way of “slipping” the PAP in place. The real question is why didn’t the Port Commission follow the law and make a good faith attempt to involve the community? Did she and the consultant know the community would not endorse their plan? How were the residents kept informed? How were the seasonal residents kept informed? How were the residents who live on top of the peninsula or along the shoreline before the

main town of Tahuya, to be kept informed? Did she know the PAP was outside the Port's authority to create and implement? Why were the "open houses" and hearings held during the winter? Why didn't the Port Commission **ever** mail, even one time, to the residents and taxpayer's to inform them about the PAP? Why didn't the Port Commission or consultant insist on setting up and advertising a web site to inform the community about the PAP? Most importantly, why was there **never** any attempt to inform and involve the community by notifying the Belfair Herald or the Bremerton Sun of this history making PAP? And lastly, why on earth, when the community finally learned of the PAP and attempted to get involved, did the Commission go out of its' way to discourage the public, by not providing documents and instituting a repressive .20 cent per page copying charge. She adopted this Resolution without first holding the legally required hearing!

After the PAP was created and adopted, more unanswered questions were asked. Given the critical sensitive environmental conditions of Hood Canal, why was there never an Environmental Impact Statement (EIS) filled out for the PAP? Commissioner Cynthia Olsen was the self appointed State Environmental Policy Act official (SEPA) for the Port. Instead of filing an EIS, she filed a Determination of Nonsignificance (DNS). **What this meant was that none of the projects in the PAP would have a significant adverse impact on the environment!** Hence, the PAP could move forward without the rigorous EIS process being followed. As the SEPA official, did she falsify the DNS? Why was it so important to adopt the PAP? They wanted to qualify for "grant funding" from IAC. IAC requires your "PLAN" be created and adopted properly. (See Attached Exhibit B) Why was the community told, the PAP was only a "Concept" and nothing was going to be implemented? Why was IAC told, the PAP was a "Plan" that met all IAC's funding qualifications? Who is Commissioner Cynthia Olsen telling the truth to, IAC or the community?

Innocent or guilty?

On April 22, 2004 the Port's insurance company notified Commissioner Olsen they felt she had committed willful violations of law. On June 18th, 2004 a Superior Court Judge ruled her actions violated the right to access. On June 18th, 2004, Commissioner Olsen even, volunteered to resign from office if she would be held harmless for her actions. **By July 9th, 2004, when an agreement could not be reached, she, without disclosing any conflicts of interest, voted to authorize a contract for which she would be beneficially interested in. This contract was a Resolution to authorize**

the POT to pay for all of her attorney fees and any judgments for all current and all future lawsuits which might be filed against her. She finds that upon investigating herself, she has always acted in good faith and within the scope of her duties. She then proceeds to hire an attorney at \$340.00 per hour to represent her personally. To make matters worse, the Port's attorney Gordon Walgren, without discussion or authorization from the board, prepared all the documents and facilitated the indemnification scheme. This transferred the financial liability from Commissioner Cynthia Olsen to the POT. Which client was Gordon Walgren representing? Our attorneys think this is a classic case of "Conflict of Interest", what do you think? If she really believes she is innocent, then why does she need to be indemnified? How can she be indemnified for the future that has not happened yet?

Your port commissioner has sworn to uphold the laws of the State of Washington and its' Constitution. Because Commissioner Cynthia Olsen just had to have the PAP adopted, she violated numerous laws and in the process created a liability of unknown dimension for the POT.

If Commissioner Cynthia Olsen would have followed the port's own resolution on viewing public records and allowed us to examine the port records, the port would have never been sued for violating the Public Records Act. That lawsuit alone cost the taxpayer's over \$35,000.00. Commissioner Cynthia Olsen is a very intelligent woman. She was a Mason County Commissioner for four years and knows all about the Public Records Act. Why wouldn't she allow the port files to be examined? Could it be she knew that once we reviewed the records, we might uncover information and missing information that would lead to the nullification of the PAP? And in fact isn't that what eventually happened? Almost all of her other unlawful acts have been committed in the process of a cover up. The self protecting and concealing of what actually took place has caused the crimes to rise to a level of conspiracy. The real question is what do we do now? How much liability has she placed on the taxpayer's because of her obsession with the PAP? She created the PAP with taxpayer's money, a PAP which the Port could not legally implement. When the community tried to get informed about the PAP, documents were withheld. Even to this day she continues to violate the law by not turning over port documents to the port. Her impact can be felt throughout other port districts as well. Even the Washington Public Ports Association had to get involved. The County Auditor, Prosecuting Attorney, Elections, Sheriff's Office, Superior Court, State

Supreme Court, and the State Auditor, have all been involved because of her wrongful conduct. Both new port commissioners Jim Christen and Dan McPhee recognize this is the people's port and not Commissioner Cynthia Olsen's personal port. They need a third public minded commissioner to help them serve you! We are now at the point where – will there be good government or more of the same?

The decision is yours!

Thank you again for your faith and support,

A handwritten signature in cursive script that reads "Brad Carey". The signature is written in black ink and is positioned above the printed name.

Brad Carey - Director

Edited by:

Norton and Bea Young - Treasurers/Members

Jim Christen - Port of Tahuya Commissioner and Member

Harold Carey - Member

Brad Lambert - Former Webmaster

Margie Benson - Non-member (TRVCC)

Ps. #1 In the interest of communicating efficiently, please email us your email address to:

rpql_ hoodcanal@yahoo.com

Ps. #2 Special thanks from the director to the treasurers Norton and Bea Young. At almost Eighty years of age, they have demonstrated through their involvement, why we are able to enjoy a country of freedoms. I am honored to work with and learn from both of you.

Guthrie Olsen, Comm.,
Port of Tokeuya
P.O. Box 90

2-14-05

Exhibit "A"

To: Brad Carey
P.O. Box 226
Tokeuya, Wa 98588

There is not an official Port document that has been placed on file for the cost of the Port of Tokeuya Public Access Plan, or the defense.

This is just my opinion of the amounts I would consider to be direct and indirect costs that have been authorized and paid by the Port of Tokeuya.

adoption - \$12,653.59
defenses - \$35,103.08

You are more than welcome to make arrangements with Comm. Christen, the Port Secretary, to go through the files, as you have in the past. Or request that he make you copies of the approved vouchers and minutes.

Guthrie Olsen, Comm.
Port of Tokeuya

Planning Process

SELF CERTIFICATION FORM

Use this form to certify that the need for your project(s) has been determined through an appropriate planning process. Attach the completed form to the subject plan(s) and provide to IAC.

Name and adoption date of documents submitted in fulfillment of this requirement:

▸ Port of Tahuya Public Access Plan

▸

▸

Check/initial Each to Certify Completion	Plan Element Certification	Document/Page Number Location of Information
RC G	1. Goals, objectives: The attached plan supports our project with broad statements of intent (goals) and measures that describe when these intents will be attained (objectives).	Pages 8-9
RC G	2. Inventory: The plan includes a description of the service area's facilities, lands, programs, and their condition. (THIS MAY BE DONE IN A QUANTITATIVE FORMAT, OR IN A QUALITATIVE/NARRATIVE FORMAT.)	Pages 10-17
RC G	3. Public involvement: The planning process gave the public ample opportunity to be involved in plan development and adoption.	Pages 45-52
RC G	4. Demand and need analysis: In the plan(s): ▸ An analysis defines priorities, as appropriate, for acquisition, development, preservation, enhancement, management, etc., and explains why these actions are needed. ▸ The process used in developing the analysis assessed community desires for parks, recreation, open space, and/or habitat, as appropriate, in a manner appropriate for the service area (personal observation, informal talks, formal survey(s), workshops, etc.).	Pages 18-32
RC G	5. Capital Improvement Program: The plan(s) includes a capital improvement/facility program that lists land acquisition, development, and renovation projects by year of anticipated implementation; include funding source. The program includes any capital project submitted to IAC for funding.	Pages 53-62
RC G	6. Adoption: The plan(s) and process has received formal governing body approval. (THAT IS, CITY/COUNTY DEPARTMENT HEAD, DISTRICT RANGER, REGIONAL MANAGER/ SUPERVISOR, ETC., AS APPROPRIATE. ATTACH RESOLUTION, LETTER, OR OTHER ADOPTION INSTRUMENT.)	Page 2 & Inserted Resolution

I certify that this information is true and complete to the best of my knowledge,

Robert C. Gilbert

Name

Commissioner, Chair

Title

8-25-03

Date

Robert C. Gilbert