



On May 14, 2007, the Board received Petitioner’s Motion to Clarify Petitioner’s Legal Issue (**Motion to Clarify**) and, on May 15, 2007, the Board granted Petitioner’s motion (**Order Amending**).<sup>2</sup>

No other motions, supplemental or dispositive, were filed in this matter during the Board’s specified time for the filing of such motions.

On May 3, 2007, the Board conducted the Prehearing Conference (PHC) at the Board’s offices in Seattle.<sup>3</sup> Presiding Officer Earling conducted the conference. Board member Edward G. McGuire was also present. Petitioner Maxine Keesling appeared *Pro Se*. John Briggs represented the Respondent. Kristen Wynne and Joe Rochelle, both of King County, were also present at the PHC.

In June and July 2007, the Board received prehearing briefs and exhibits from the parties. The following references are used throughout this Final Decision and Order:

- Petitioner Keesling’s Prehearing Brief – **Petitioner’s PHB**
- Respondent King County’s Prehearing Response Brief – **County’s Response**

The Petitioner did not file a Reply Brief.

The Board convened the Hearing on the Merits at the Board’s offices at 2:00 p.m on September 2, 2007. Board Member David Earling presided, with Board Member Margaret Pageler in attendance. Petitioner Maxine Keesling appeared *Pro Se*. Respondent King County was represented by attorney John Briggs, accompanied by Kristen Wynne and Joe Rochelle. Court reporting services were provided by John Botelho of Byers and Anderson. The Board did not order a transcript. The hearing was adjourned at 3:15 p.m.

## **II. PRESUMPTION OF VALIDITY, BURDEN OF PROOF, STANDARD OF REVIEW, AND DEFERENCE TO LOCAL JURISDICTIONS**

Upon receipt of a petition challenging a local jurisdiction’s GMA actions, the Legislature directed the Boards to hear and determine whether the challenged actions are in compliance with the requirements and goals of the Act. *See* RCW 36.70A.280. The Legislature directed that the Boards “after full consideration of the petition, shall determine whether there is compliance with the requirements of [the GMA].” RCW 36.70A.320(3); *see also*, RCW 36.70A.300(1). As articulated most recently by the Supreme Court, “the Board is empowered to determine whether county decisions comply with GMA requirements, to remand noncompliant ordinances to counties, and even to invalidate part or all of a comprehensive plan or development regulation until it is brought into compliance.” *Lewis County v. Western Washington Growth Management Hearings Board (Lewis County)*, 157 Wn.2d 488 at 498, fn. 7, 139 P.3d 1096 (2006).

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<sup>2</sup> With the Motion to Clarify, the Petitioner requested that the Board modify the sole Legal Issue for this matter so as to read “...providing adequate notice *for* public participation...” as opposed to “...providing adequate notice *and* public participation...”. Motion to Clarify at 1, Order Amending, at 1.

<sup>3</sup> The Board’s offices are located at 800 Fifth Avenue, Suite 2356, Seattle, WA 98104

Legislative enactments adopted by King County pursuant to the Act are presumed valid upon adoption. RCW 36.70A.320(1). The burden is on the Petitioner to demonstrate that the action taken by King County is not in compliance with the Act. RCW 36.70A.320(2).

Pursuant to RCW 36.70A.320(3), the Board “shall find compliance unless it determines that the actions taken by [King County] are clearly erroneous in view of the entire record before the board and in light of the goals and requirements of [the GMA].” For the Board to find the action of King County clearly erroneous, the Board must be “left with the firm and definite conviction that a mistake has been made.” *Dep’t of Ecology v. PUD 1*, 121 Wn.2d 179, 201, 849 P.2d 646 (1993).

The GMA affirms that local jurisdictions have discretion in adapting the requirements of the GMA to local circumstances and that the Board shall grant deference to local decisions that comply with the goals and requirements of the Act. RCW 36.70A.3201. Pursuant to RCW 36.70A.3201, the Board will grant deference to King County in how it plans for growth, provided that its policy choices are consistent with the goals and requirements of the GMA.<sup>4</sup> The Supreme Court has stated: “We hold that deference to county planning actions that are consistent with the goals and requirements of the GMA . . . cedes only when it is shown that a county’s planning action is in fact a ‘clearly erroneous’ application of the GMA.” *Quadrant Corporation, et al., v. State of Washington Growth Management Hearings Board*, 154 Wn.2d 224, 248, 110 P.3d 1132 (2005). In *Lewis County*, the Court reaffirmed and clarified its holding in *Quadrant*, stating that: “... the GMA says that Board deference to county decisions extends only as far as such decisions comply with GMA goals and requirements. In other words, there are bounds.” 157 Wn. 2d at 506, fn. 16.<sup>5</sup>

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<sup>4</sup> The State Supreme Court’s most recent delineation of the deference standard is found in *Swinomish Indian Tribal Community v. Western Washington Growth Management Hearings Board*, Docket Number 76339-9 (September 13, 2007), at 20, fn. 8:

Without question, the “clearly erroneous” standard requires that the Board give deference to the county, but all standards of review require as much in the context of administrative action. The relevant question is the degree of deference to be granted under the “clearly erroneous” standard. The amount is neither unlimited nor does it approximate a rubber stamp. It requires the Board to give the county’s actions a “critical review” and is a “more intense standard of review” than the arbitrary and capricious standard. See, e.g., *Cougar Mountain Assocs. V. King County*, 111 Wn.2d 742, 749, 765 P.2d 264 (1988). And even the more deferential “arbitrary and capricious” standard must not be used as a “rubber stamp” of administrative actions. See *Ocean Advocates v. United States Army Corps of Eng’rs*, 361 F.3d 1108, 1118, 1119 (9<sup>th</sup> Cir. 2004).

<sup>5</sup> The *Lewis County* Court is in accord with prior rulings that “Local discretion is bounded . . . by the goals and requirements of the GMA.” *King County v. Central Puget Sound Growth Management Hearing Board*, 142 Wn.2d 543, 561, 14 P.3d 133, 142 (2000). See also, *Cooper Point Association v. Thurston County*, 108 Wash. App. 429, 444, 31 P.3d 28 (2001) (“notwithstanding the ‘deference’ language of RCW 36.70A.3201, the Board acts properly when it foregoes deference to a . . . plan that is not ‘consistent’ with the requirements and goals of the GMA”); *affirmed Thurston County v. Western Washington Growth Management Hearings Board*, 148 Wn.2d 1, 15, 57 P.3<sup>rd</sup> 1156 (2002).

The scope of the Board's review is limited to determining whether a jurisdiction has achieved compliance with the GMA with respect to only those issues presented in a timely petition for review. RCW 36.70A.290(1).

### **III. BOARD JURISDICTION and PREFATORY NOTE**

#### **A. BOARD JURISDICTION**

The Board finds that the Petition for Review was timely filed, pursuant to RCW 36.70A.290(2). The Petitioner has standing to appear before the Board, pursuant to RCW 36.70A.280(2), and the Board has subject matter jurisdiction over the challenged action – Ordinance 15673, relating to the adoption of the 2006 King County Flood Hazard Management Plan, a functional component of the King County Comprehensive Plan, pursuant to RCW 36.70A.280(1)(a).

#### **B. PREFATORY NOTE**

##### Preliminary Matters

At the Hearing on the Merits, the Board reaffirmed its ruling to grant the Petitioner's Motion to Amend the language of the Petitioner's Legal Issue. (See Board Order Amending Petitioner's Legal Issue).

In addition, the Board acknowledged the receipt of the County's Amended Exhibit List on July 12, 2007, which included the King County River Management Programmatic Effects Analysis and incorporated the exhibit into the record.

On July 10, 2007, the County filed a Motion to Supplement the Record with three proposed exhibits (SIR 1, SIR 2, and SIR 3) and a declaration of John Briggs in support of the motion. The basis for the motion was to provide documents in order to respond to arguments submitted by the Petitioner in her PHB and which would be of substantial assistance to the Board in the resolution of this matter. Motion to Supplement at 1, 3. The County states that Petitioner requested that the County permit her to use newspaper articles and other documents that were not part of the Record (Petitioner's Exhibits G, H, I, J, K, L, and M) and, that the County agreed to this request.<sup>6</sup> Motion to Supplement at 2.

The Board notes that the Petitioner did not move for supplementation of the Record nor has the County voluntarily amended the Record to include these exhibits. The Board further notes that Exhibits H, I, and J are newspaper articles which the Board generally does not permit inclusion of to supplement the Record and, therefore, the use of these exhibits by the Petitioner is **denied**.

Exhibits K, L, and M appear to be excerpts from an undated version of a US Army Corps of Engineers' Operation and Maintenance Manual – Flood Control Improvements, Sammamish

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<sup>6</sup> The Board notes that the County had the burden to compile and index the Record, which the Board accepts in good faith. Any addition to the County's Record must be made either through amendment of the Record or through the Board's granting of motion by a party.

River, Washington and have a hand-written notation of “IR 160.”<sup>7</sup> Although these documents appear to be official government documents, they provide no assistance to the Board in resolving the issue presented by the Petitioner, which is based on the GMA’s requirements for notice. The use of these exhibits by the Petitioner is also **denied**.

Therefore, since the basis of the County’s Motion to Supplement was to provide countering exhibits to those submitted by the Petitioner, and the addition of those exhibits into the Record for this matter have been denied, the County’s Motion to Supplement is likewise **denied**.

### Challenged Action

The Petitioner challenges Ordinance 15673, passed by King County on January 16, 2007, which adopts the 2006 King County Flood Hazard Management Plan (**FHMP**) and incorporates it as a functional plan of the King County Comprehensive Plan. The FHMP encompasses flood hazard areas throughout King County, with a focus on the County’s major rivers and various tributaries. The FHMP outlines a program to prepare for, and respond to, future flood disasters in response to changes in river watershed conditions and flood characteristics; changes in state and federal requirements including eligibility for flood-related grants; and funding shortfall to implement high priority flood-risk reduction actions. FHMP Executive Summary, at 1. The stated purpose of the FHMP is to:

“...create a long-term vision for flood hazard management for King County’s floodplains, with an emphasis on major river systems, and to recommend specific near-term actions consistent with that vision. Whenever possible, flood hazard management recommendations identify the actions King County may take to reduce flood and channel migration risks and to protect, restore or enhance riparian and aquatic ecosystems.”

FHMP, Section 1.1, at 1.

The FHMP is comprised of general policies divided into six categories: general, floodplain land use, flood risk reduction, river channel maintenance, flood warning and emergency response, and funding. FHMP, Chapter 2 – Policies. The FHMP also contains recommendations and watershed-specific strategies for major river systems that differ from policies in that they describe non-mandatory specific program and project actions developed to implement the FHMP. FHMP, Chapter 5 – Basin-Specific Action Plan.

The basis of Petitioner’s challenge is not the FHMP itself, but rather that, while named a *flood hazard management plan*, the FHMP is more of an *environmental preservation and restoration plan*, and that the public was not adequately advised of that fact. Petitioner asserts that because of the dual nature of the plan, the public was not given the opportunity to participate in the public process, as required by the Growth Management Act.

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<sup>7</sup> The County’s Index to the Record, as amended, does not include these documents, nor does it reference to “IR 160.”

#### IV. LEGAL ISSUES and DISCUSSION

The Petitioner presents a single issue for the Board's resolution:

1. *Was King County's adoption of Ordinance 15673 in violation of the Growth Management Act, RCW 36.70A.035 and 36.70A.140 (public participation) in not providing adequate notice for public participation regarding the 2006 Flood Hazard Management Plan?*

#### Applicable Law

Petitioner alleges that the public notice process afforded by King County was non-compliant with RCW 36.70A.035 and 36.70A.140.

RCW 36.70A.035 provides, in relevant part:

- (1) The public participation requirements of this chapter shall include notice procedures that are reasonably calculated to provide notice to property owners and other affected and interested individuals, tribes, government agencies, businesses, school districts and organizations of proposed amendments to comprehensive plans and development regulation.

RCW 36.70A.140, provides, in relevant part:

Each county and city that is required or chooses to plan under RCW 36.70A.040 shall establish and broadly disseminate to the public a public participation program identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive plans and development regulations implementing such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments...

#### Position of the Parties

The Petitioner asserts that the County failed to comply with the cited GMA provisions because the County's notice for the adoption of Ordinance 15673 failed to mention the Flood Hazard Management Plan's (FHMP) environmental restoration requirements. Petitioner's PHB, at 1. Petitioner states that the FHMP contains environmental preservation/restoration aspects that involve a "back-to-naturing for wildlife habitat" which should have been addressed in a separate document, and that titling the document as the County's FHMP mislead the public. *Id.* at 4. According to the Petitioner, this failure prevented members of the public from participating in an "early and continuous" manner in regard to issues other than flood management that were contained in the FHMP. *Id.* at 1, 4.

The Petitioner devotes her brief to discussion regarding a number of environmental restoration issues, including the potential for flooding, with opinions from Charles Iffts of the Army Corp of Engineers that:

“This project is completely an environmental restoration project that at best will provide the same level of flood protection that the current project provides. This really doesn’t belong in a flood hazard management plan.”

*Id.* at 2.

In addition, the Petitioner contends improvements in the FHMP run counter to the 1960s’ Forward Thrust intent for recreational improvements to the Sammamish River. Petitioner charges large wooded debris in the river has made the channel navigation dangerous, as well as providing potential blockage which could cause overbank flooding and bank erosion. *Id.* at 3. Lastly, Petitioner asserts that the projected budget for the 10-Year Plan is \$3,791,000 and that the budget devotes funds to both flood control and environmental enhancements. *Id.* at 4.

In response, King County first asserts that the Petitioner raises issues which are beyond the scope of the Legal Issue presented for the Board’s review. County Response at 3 The County notes that Petitioner acknowledges that the County held “plenty of meetings/hearings” on the FHMP, many of which Petitioner was involved in, yet still asserts that the public was not adequately notified of certain aspects of the FHMP. *Id.* at 20 (citing Petitioner’s PHB, at 4). The County contends that Petitioner appears to believe that any “flood plain management plan should deal with flooding alone” as opposed to having elements of both flood management and habitat restoration. *Id.* at 21.

The County asserts that its process in adopting the FHMP fully complied with GMA public participation’s process in that it (1) involved the public early in the process (starting in 2003) and (2) provided effective notice of the Draft FHMP, the Executive Proposed FHMP, and the County Council’s action. *Id.* at 22. The County asserts that the public was notified that the FHMP “would be carried out in a manner that protected the environment, including protecting and where possible enhancing fish habitat.” *Id.* at 25-28. In support of this assertion, the County points to notice for the January 16, 2007 public hearing before the King County Council (IR-162) and the February 2, 2007 notice of adoption for Ordinance 15673 (IR-163), both of which state that one of the goals of the FHMP is to “avoid or minimize the environmental impacts of flood plain management.” *Id.* at 28-29.

The County devotes its brief to demonstrating that it provided the public with adequate notice and “early and continuous public participation” in the development and implementation of the 2006 King County Flood Hazard Management Plan. *Id.*, at 11-19. The County concludes the Petitioner has failed to carry her burden of proof of showing the County’s adoption of Ordinance 15673 was clearly erroneous and asks the appeal be denied. *Id.* at 32.

### Board Discussion

The Board’s review is limited by the Petitioner’s Legal Issue which questions whether the County provided “adequate notice for public participation” and not, as the Petitioner argues,

whether the FHMP serves a dual purpose for flood management and environmental preservation, or the merits of the FHMP itself.

The Board has previously found that notice is the core of public participation and that without effective notice, the public does not have a reasonable opportunity to participate. *See Weyerhaeuser Real Estate Co. v. City of Dupont*, CPSGMHB Case No. 98-3-0035, Final Decision and Order (May 19, 1999) at 6; *Andrus v. City of Bainbridge Island*, CPSGMHB Case No. 98-3-0030c, Final Decision and Order (March 31, 1999), at 6-7; *Tracy v. City of Mercer Island*, CPSGMHB Case No. 92-3-0001, Final Decision and Order (January 5, 1993), at 19. Petitioner alleges that the County, by referring to the proposed action as a flood hazard management plan, did not provide a “sufficiently descriptive” notice, specifically in regard to environmental issues.

Effective Notice:

RCW 36.70A.035 requires that notice provided by the County be “reasonably calculated” to provide property owners and other affected and interested parties of the proposed action. The Board has previously stated that for notice to be effective it must, at a minimum, provide the general nature and magnitude of the proposed amendments. *Orton Farms, et. al. v. Pierce County*, CPSGMHB Case No. 04-3-0007c, Final Decision and Order (Aug. 2, 2004), at 13.

The notices Petitioner complains of are the December 13, 2006 Notice of Hearing and the February 2, 2007 Notice of Adoption. Petitioner asserts that the County’s notice was not effective because the wording utilized in its notice – “avoid or minimize the environmental impacts of flood hazard management” – is standardized government language which did not notify the public of what Petitioner asserts are the FHMP’s environmental preservation/restoration aspects.

Both of these notices were published in the *Seattle Times* and contain the following statement:

“...The 2006 Flood Plan will be the blueprint that guides implementation of policies, recommended countywide projects and programs, and provide cost-estimates for priority projects to help control flooding in King County. The goals are to:

- Reduce the risks from flood and channel migration hazards.
- *Avoid or minimize the environmental impacts of flood hazard management.*
- Reduce the long-term costs of flood hazard management.

The focus of the 2006 Plan is to address flood hazards associated with King County’s six major river systems...”

Petitioner’s PHB, Attachment A; Index 163 (emphasis added).

These notices clearly state that one of the goals of the FHMP is to “avoid or minimize the environmental impacts of flood hazard management” and therefore it is reasonable to conclude, especially given today’s concern for environmental protection and restoration of waterways, that the FHMP would contain elements which address the environment – whether these elements are preservation or restoration. Additionally, the “reduce the long-term costs of flood hazard management” goal is also a significant factor in this notice. Engineering solutions are not always

the most cost-effective method when other environmental alternatives are considered. The Board finds that the County's notice was adequate. The Board further notes, that although these two published notices are all that Petitioner relies on to support her assertion, the public was notified in a variety of ways through the development process for the FHMP of its purpose and intent. The development process for the FHMP further demonstrates that notice was adequate and effective.

Public Involvement:

The County has assembled a clear record of public involvement, beginning in 2003, that demonstrates that the County used a variety of tools to notify and engage the public in the development of the plan. These include:

- 2003 – Scoping meetings with federal, state, and local government agencies
- 2004 – Appointment of a 13-member Advisory Committee comprised of members representing businesses, non-profit environmental groups, scientists, and floodplain property owners; 22 meetings of the committee occurred between October 2004 and April 2006
- 2004 – Four public workshops sponsored by the Advisory Committee were held in each of the 4 major County river basins; advertised through direct mailing, newspaper publication, and web-site posting
- 2004-2006 - Series of 7 meetings with government agencies; invited agencies included all 39 incorporated King County cities/towns, adjacent counties, flood control zone, diking, and conservation districts, state and federal agencies, and tribes
- 2006 - Public Review of the Draft FHMP, distributed through website posting, copies available at County offices and libraries, copies distributed to county, city, state, and federal agencies and the Advisory Committee; 7-week period available for the submittal of comments
- 2006 – Two Executive-Sponsored Public Meetings to present the Draft FHMP; advertised through direct mailing, newspaper publication, and media news release; subsequent to these meetings, the Executive Proposed 2006 FHMP was prepared
- 2006 – King County Council Growth Management and Natural Resources Committee reviews the Executive Proposed 2006 FHMP
- 2007 – King County Council holds a public hearing on the Executive Proposed 2006 FHMP

County Response, at 11-99; Index 3, 2006 FHMP Appendix A, at 12-18.

Based on the Record presented, which was not refuted by the Petitioner, the Board is convinced the public process for development and review of the FHMP was adequate, and satisfies the requirements for “continuous and early” public participation under RCW 36.70A.140. The expansive process undertaken by the County and the involvement of a variety of individuals, governmental, business, and non-profit entities further demonstrates that the full purpose and extent of the FHMP was disseminated to all of those interested in the proposal.

The Board notes that the Petitioner has a clear frustration with County Government and a genuine interest in improving the function of government. The Board is not unsympathetic with the Petitioner in her effort to clarify government regulation. Yet in this case, while the Board was asked to review public participation, the Petitioner’s Brief, other than including two newspaper ads placed by the County, contained little argument in regard to whether the public was notified and given the opportunity to participate in the public process. The Board further notes that the Petitioner herself was actively engaged in the public process for the development of the FHMP, including testifying at public hearings and submitting written comment. It is obvious the Petitioner took full advantage of the public process provided by the County.

The Board notes that many of the petitions filed with the Board challenge the public *process* of a City or County, when in fact the petitioner does not agree with the *decision* made by the City or County. In two recent cases before the Board (*Robert Cave and John Cowen v. City of Renton*, CPSGMHB Case No. 07-3-0012, Final Decision and Order (July 30, 2007) and *Skills, Inc. v. City of Auburn*, CPSGMHB Case No. 07-3-0008c, Final Decision and Order (July 18, 2007), citizens allege that sections of the GMA related to public participation have been violated due primarily to disagreement with the final decision. As is the case before the Board in this matter, the Petitioners in Cave-Cowan and Skills, Inc. were aware of the actions the cities were taking, and were active participants in that process. While Petitioners may be disappointed in the outcome of the process, unless there is a clear violation of GMA provisions, a challenge based on public participation should not be used as a tool to prolong outcomes of decisions made by a City or County.

### Conclusion

The Board **finds and concludes that the Petitioner has failed to carry her burden of proof** in demonstrating that the challenged action of Ordinance 15673 does not comply with RCW 36.70A.035 and RCW 36.70A.140 and **Legal Issue 1 is dismissed.**

### V. ORDER

Based upon review of the petition for Review, the briefs and exhibits submitted by the parties, prior decisions of the Board and the courts, having considered the arguments of the parties and having deliberated on the matter, the Board orders:

1. Petitioner has **failed to carry the burden of proof** of showing that the County’s action in adopting Ordinance 15673 did not comply with the GMA’s requirements for notice and public participation, as set forth in RCW 36.70A.035 and RCW 36.70A..140. **Legal Issue 1 is DISMISSED with prejudice.**

2. The matter of *Keesling VI v. King County*, CPSGMHB Case No. 07-3-0027, is **closed**.

So ORDERED this 25<sup>th</sup> day of September, 2007.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

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David O. Earling  
Presiding Officer

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Edward G. McGuire, AICP  
Board Member

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Margaret A. Pageler  
Board Member

Note: This order constitutes a final order as specified by RCW 36.70A.300 unless a party files a notice for reconsideration pursuant to WAC 242-02-832.<sup>8</sup>

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<sup>8</sup> Pursuant to RCW 36.70A.300 this is a final order of the Board.

Reconsideration. Pursuant to WAC 242-02-832, you have ten (10) days from the date of mailing of this Order to file a motion for reconsideration. The original and three copies of a motion for reconsideration, together with any argument in support thereof, should be filed with the Board by mailing, faxing or otherwise delivering the original and three copies of the motion for reconsideration directly to the Board, with a copy served on all other parties of record. Filing means actual receipt of the document at the Board office. RCW 34.05.010(6), WAC 242-02-240, WAC 242-020-330. The filing of a motion for reconsideration is not a prerequisite for filing a petition for judicial review.

Judicial Review. Any party aggrieved by a final decision of the Board may appeal the decision to superior Court as provided by RCW 36.70A.300(5). Proceedings for judicial review may be instituted by filing a petition in superior Court according to the procedures specified in chapter 34.05 RCW, Part V, Judicial Review and Civil Enforcement. The petition for judicial review of this Order shall be filed with the appropriate Court and served on the Board, the Office of the Attorney General, and all parties within thirty days after service of the final order, as provided in RCW 34.05.542. Service on the Board may be accomplished in person or by mail, but service on the Board means actual receipt of the document at the Board office within thirty days after service of the final order. A petition for judicial review may not be served on the Board by fax or by electronic mail.

Service. This Order was served on you the day it was deposited in the United States mail. RCW 34.05.010(19)

## APPENDIX A

### Procedural Background

On March 29, 2007, the Board received Petitioner Maxine Keesling's Petition for Review. Petitioner challenged King County's Ordinance 15673 adopting the 2006 King County Flood Hazard Management Plan. The matter was assigned CPSGMHB Case No. 07-3-0027 and is referred to as *Keesling VI*. Dave Earling was assigned as Presiding Officer in this matter.

On April 5, 2007, the Board issued a Notice of Hearing which set a tentative schedule for the case including dates for a Prehearing Conference, Hearing on the Merits, and issuance of the Final Decision and Order.

On April 30, 2007, the Board received King County's Index of the Record.

On May 3, 2007, the Board held the Prehearing Conference in this matter.

On May 7, 2007, the Board issued a Prehearing Order which finalized the case schedule and the Legal Issue for the matter.

On May 14, 2007, the Board received Petitioner's Motion to Clarify Petitioner's Legal Issue. The Board granted the Petitioner's motion on May 15, 2007.

On June 14, 2007, the Board received Petitioner's Prehearing Brief with 13 exhibits.

On July 10, 2007, the Board received King County's Response Brief with 19 exhibits.

On July 10, 2007, the Board received King County's Motion to Supplement the Record w/ 3 exhibits and a Declaration of John Briggs.

On July 12, 2007, the Board received King County's Amended Exhibit List and Exhibit IR22.

On September 2, 2007, the Board held the Hearing on the Merits in the matter of *Keesling VI v. King County*, CPSGMHB Case No. 07-3-0027.