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IN THE SUPERIOR COURT OF SKAGIT COUNTY, STATE OF WASHINGTON

In the Matter of:
Stephen D. Orsini, Armen J. Bogosian, Glen
A. Veal, Joseph L. Burdock, Petitioners,
vs.
The Board of Skagit County Commissioners
Lisa Janicki, Ron Wesen and Peter Browning

Case No. **25-2-00131-29**

TIMELY APPEAL TO THE SUPERIOR COURT, UNDER RCW 36.32.330, OF RESOLUTIONS #R20250009 and #R20250015, ENTERED JANUARY 21 and January 27, 2025 respectively. BY THE BOARD OF COUNTY COMMISSIONERS, SKAGIT COUNTY, WASHINGTON

(about Resolutions #R20250009 #R20250015), Respondents.

Comes now the Petitioners and timely Petitions the Court to consider and invalidate and/or modify the Resolutions, attached hereto, in whole or in part for the reasons that the Board of County Commissioners has mismanaged the operation of the County Ferry and has not followed proper procedures in setting the fares and addressing the costs in the Ferry's operation to wit:

1. Failure to adhere to County procedures for public input, including failure of timely, accurate public notice of the proposed Resolutions, misleading information regarding Resolution content, misleading and inflammatory information and language in #R20250009, failing to follow Fare Methodology established in #R20230152 and passage of changed Resolutions after public comment period closure. Curtailment of meaningful public input with the disenfranchisement of the Guemes Island Ferry Committee per Resolution #R20230152 on July 27, 2023.

2. Mis-management of the costs used in setting the new fares outlined in Exhibit A of Resolution #R20250015: Guemes Island Ferry Fare Revenue Methodology and in Exhibit

1 B: Revenue Target Calculation including assignment of capital costs in the make-up of
2 the Operations and Management (O&M) budget used to calculate the fare revenue target.

3
4 3. Mis-management of the State Youth Ride Free and the Federal Ferry Boat Program
5 (FBP) Funds disallowing their use as fare income in calculating the Fare Box Revenue
6 Target.

7
8 4. Failure to place the surcharge fares, collected by Resolution #R20181023 and
9 amended by #R20230152, now about \$1.4 million, in a separate interest-bearing account
10 per RCW. 36.54.200 which states the proper use of surcharge revenue.

11
12 5. Arbitrary cancellation of Multi-Ride Discount Fare punch cards, #R20240282, and
13 amended by #R20250009, including suspension of Non-expiry cards, failure to follow the
14 fare methodology in #R20230152 by eliminating the ability to purchase fares in the Multi-
15 Ride Fare categories set forth in the fare schedule created by #R20230152 prior to a new
16 schedule of fares established. Additionally, by ending the date of the non-expiry cards
17 purchased as a promotion during the COVID 19 Pandemic, the County is violating the
18 purchasing agreement made between the customer and the county as advertised in the
19 county's own promotional materials.

20
21 6. Assignment of interfund expenses have increased annually without explanation or
22 justification, including insurances, to the Ferry from other County Departments.
23 Intermingling county expenses with Road Fund Expenses is in violation of the 18th
24 Amendment of Washington State and RCW 36.82.070 which states the purpose for which
25 road fund money can be used.

26
27 7. Loss of long-standing EMS Service.
28

1 8. Bias and lack of impartiality in fare setting and public input in violation of Skagit
2 County Human Resources Policies and Procedures Ethic Code, Skagit County Public
3 Works Director Job Description, and Washington State County Road Administration
4 Board County Engineer Code of Ethics.

5
6 9. Assignment of staff cost to O&M when working on the replacement ferry, a capital
7 project.

8
9 10. Failure to address factors of inordinately rising costs in any discussion of fare
10 increases: for example, comparing the actual cost for O&M in 2022 of \$2.9 million to a
11 projected O&M budget for 2026 of \$4.8 million.

12
13 11. Failure to reimburse the ferry for lost revenue during the COVID 19 Pandemic,
14 despite recognizing the lost revenue was in part due to county's action to offer the ferry
15 service for free for over a month, and assurances from the ferry captain of working to
16 recoup expenses.

17
18 12. Skagit County initiated a new fare category in #R20250015 as a HAZ-MAT Charter
19 Run. Justification included "a reference to set the tone" of RCW 47.60.135, despite the
20 county not being part of the state ferry system and the other county ferries all charging
21 only a per vehicle rate, not a charter run rate.

22
23 This list of complaints does not presume to limit further notification and amendment
24 resulting from the review proceedings.

1 The Resolutions are identified as Exhibit #1 (#R20250009) entered January 21, 2025, and
2 Exhibit #2 (#R20250015) entered January 27, 2025 attached hereto and incorporated by this
3 reference.

4
5 The two challenged Resolutions about the Guemes Ferry are related, but each may stand or fall
6 irrespective of the other.

7
8 The County Commissioners, some few years ago, undertook to acquire a new all-electric ferry to
9 replace the current diesel-powered ferry.

10
11 The County Commissioners spent several million dollars of tax payers' money trying to acquire
12 their new all- electric ferry, but within the last year, rejected the only two bids submitted to build
13 the all-electric ferry.

14
15 And when it became apparent that the new all-electric ferry was still infeasible, then the County
16 Commissioners opted to continue to utilize the existing ferry.

17
18 The Resolution, #R20250009, aims to undermine the constitutional and contractual obligations
19 and rights belonging to fares that have been paid for, and for which there was no expiration date.

20
21 The other Resolution, #R20250015, substantially increases ridership costs and financially
22 adversely impacts utility, business and essential emergency services for the Guemes Islanders
23 generally.

24
25 This Resolution, #R20250015, aims to make it appear that the operation of the County ferry is
26 just too expensive, when in fact and in law it has been the County Commissioners who have
27 made all the decisions that have substantially increased the cost of the operation and maintenance
28 of the ferry giving no benefit to the various users of the County ferry.

1 The County Commissioners' two Resolutions are subject to invalidation because the County
2 Commissioners have mischaracterized and comingled expenses that are operational and capital
3 in nature and they have failed to properly account for State and Federal funds available for the
4 operation of the Guemes Island ferry. Additionally, each Resolution is subject to reversal
5 because it is:

- 6 a. arbitrary, capricious, or an abuse of discretion;
- 7 b. contrary to constitutional right;
- 8 c. in excess of jurisdiction or authority;
- 9 d. without observance of procedure required by law, for promulgation of rules;
- 10 e. unsupported by substantial evidence;
- 11 f. unwarranted by the facts to the extent that relevant facts were properly presented in
12 opposition to each proposed Resolution and such facts were ignored by the County
13 Commissioners;
- 14 g. there has been no correct accounting as to local, State and Federal funds available
15 for the Guemes ferry operation and additions of costs not properly attributed to the
16 Ferry's account.
- 17 h. they are clearly erroneous.

18
19 Wherefore the Petitioners request that the Court review what the County Commissioners did, and
20 how they did it, and invalidate one or both of the Resolutions in whole or in part. And remand
21 these matters back to the County Commissioners so that a proper rate and ticketing system can
22 be formulated. with meaningful public input, after accurate accounting for operational and
23 capital costs and reimbursements from County, State and Federal funds with the provision that
24 this petition may be amended or supplemented depending upon the results of discovery to be
25 undertaken. And that the relief sought may be subject to amendment depending on discovery;
26 together with costs and attorney's fees in actions of this kind.

27
28 Dated this day February 9, 2025

1 Signed by



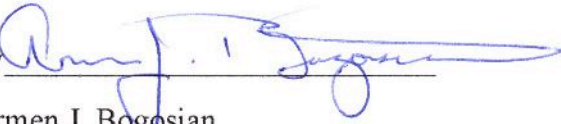
2 Stephen D. Orsini

3 Address of Petitioner:

4 4971 Guemes Island Rd.

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9 Address of Petitioner:

10 5010 Totem Trail

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21 Address of Petitioner:

22 5117 South Shore Dr.

23 Anacortes, WA 98221

24
25
26 Attached: Exhibit 1 and Exhibit 2