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December 19, 2007

Commissioner Jan Angel
Kitsap County Commissioners' Office, MS-4
614 Division Street
Port Orchard, WA, 98366

Commissioner Steve Bauer
Kitsap County Commissioners' Office, MS-4
614 Division Street
Port Orchard, WA, 98366

Commissioner Josh Brown
Kitsap County Commissioners' Office, MS-4
614 Division Street
Port Orchard, WA, 98366

Re: Hansville Traffic Issues – Thoughts for 2008

Dear Commissioners:

This letter is directed primarily to Commissioners Angel and Brown, although I am including Commissioner Bauer as an addressee given that the issues detailed below directly involve him, and the portion of Kitsap County which he represents.

The subject matter is the recent installation of speed bumps on N.E. Twin Spits Rd. and Hood Canal Drive N.E. in Hansville. I am confident that each of you are aware that this has resulted in quite some controversy in the area. I also suspect that, to the extent individuals have contacted you directly on this issue, you have probably been inclined to dismiss them as one or two unhappy cranks, who probably find fault with anything the County does. You may have concluded that such persons and views are isolated and not representative of more widely held public opinion. I have no doubt that this is Mr. Bauer's view, and I would guess that he has encouraged Ms. Angel and Mr. Brown to see this the same way.

I respectfully suggest that Mr. Bauer is quite wrong in that assessment, if that is indeed his assessment, and I respectfully encourage all of you to give your careful consideration to the ongoing communications which will be directed to you as we move

into 2008, and to the concerns of the numerous Hansville area citizens who are aggrieved by what was done, and how it was done.

Commissioners Angel and Brown are probably well aware of Commissioner Bauer's perspective on all this, beginning with his active involvement in the self-styled Road Safety Advisory Committee (RSAC) that formed in Hansville a couple years ago, and his active role in pushing through the RSAC's demand for speed bumps before he was appointed – not elected – to the Board of Commissioners. Commissioners Angel and Brown are also likely aware of Commissioner Bauer's decision to reject any further dialogue on the issue unless it comes through the Greater Hansville Area Advisory Council (GHAAC), and its RSAC subcommittee. To the extent Mr. Bauer has not shared that with you, I enclose as Exhibit A for your information the email threads and correspondence between Mr. Bauer and myself on this topic, in which he makes his view abundantly clear.

It should be no surprise to you that investigation is proceeding on several fronts, directed towards (1) the makeup and operations of the RSAC, (2) the process and methodology by which the RSAC developed its recommendations to the GHAAC with respect to the installation of speed bumps, (3) the role of the GHAAC in promoting the installation of the speed bumps to the County, (4) the creation, makeup, operational behavior, and relationship to the County of the GHAAC, and (5) perhaps most important, the legitimacy – both politically, but perhaps ultimately in a legal sense – of the GHAAC and its purported role in speaking for the Hansville community, and the Board of Commissioners' decision to make the GHAAC a governmental entity that supposedly provides fair and democratic representation of the citizens of the Hansville area.

My impression is that the Board of Commissioners likes the concept of community advisory councils, and views them as a helpful adjunct in the process of county governance (putting aside the exact status of these entities, and their relationship to the Board of Commissioners and county government, all of which remain somewhat murky at this point). Clearly, the County favors these bodies, as I learned recently when I was advised that my request for records directed to the GHAAC had been passed on to the County, and that the County would be taking on the role of assembling, reviewing, and copying documents of a community advisory council which, I had thought, was a group of private individuals rather than a county agency. Perhaps I was wrong in that understanding. My ability to understand the GHAAC's structure, function, and relation to the county government would be enhanced if the GHAAC would respond to my inquiries for information, however, that has not yet happened, see letters to Judith Foritano, attached as Exhibits B and C hereto; there has been no response at all to Exhibit C.

If these aspects of community advisory councils generally, and the GHAAC in particular, are to be given detailed scrutiny in both the political and/or judicial forum, it seems to me that the Board of Commissioners would prefer that to happen in a setting where the community council in question has truly put its best foot forward, by demonstrating the existence of a truly inclusive, well publicized, democratic process in which the bedrock concept of "one person, one vote" has actually been observed and maintained. Although investigation and analysis are, of course, ongoing, I expect that the

GHAAC and its Hansville speed bump project will prove to be poor candidates for such a showing.

In any event, you can expect 2008 to afford the Board of Commissioners and the citizens of the Hansville area the opportunity to pursue a much more in-depth evaluation of the speed bump issue than has heretofore occurred, and I look forward to being a participant with all of you in that process. I wish you all the best of holiday greetings in the interim.

Yours truly,

John H. Wiegenstein
johnw@hellerwiegenstein.com

JHW/wj
Enclosures

1. Ex. 1 – Email and letter thread, Wiegenstein-Bauer
2. Letter to GHAAC President Foritano, 11/17/2007
3. Letter to GHAAC President Foritano, 12/3/2007

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November 14, 2007

Commissioner Steve Bauer
Kitsap County Commissioners' Office, MS-4
614 Division Street
Port Orchard, WA, 98366

Re: Hansville Traffic Issues

Dear Commissioner Bauer:

I write to you regarding some issues and concerns relating to the recent installation of speed bumps/speed tables in the Hansville area. By way of background, I live with my wife Laurie, and daughters, Grace and Emma, at 4800 N.E. Twin Spits Road in Hansville. We have lived there since 1993. Prior to that, I spent summers and weekends in Hansville, at our old summer place up near Skunk Bay Road, from 1965 through 1985. Hansville is very much as I remember it from my earlier years and, all in all, I believe it has handled the pressures of growth and development exceptionally well, all things considered.

As a preliminary matter, my understanding is that you live in Hansville at 7610 Bruce Lane NE, and that in July 2007 you were appointed to fill the Commissioner's slot vacated by former Commissioner Chris Endresen when she decided to leave that post to work for Senator Maria Cantwell. As I am sure you know, the recent decision by the County to install speed bumps/speed tables in several locations on the main roads in Hansville, was one of Commissioner Endresen's last acts before moving on to more lucrative opportunities.

It is also my understanding that, prior to your appointment to fill Commissioner Endresen's seat, you were an active proponent of speed control devices in Hansville, including the speed bumps/speed tables in question, and also including the proposed traffic circle at the intersection of Buck Road and Hansville Road which - mercifully - somebody finally realized was a terrible idea, and hence was deleted from the final plan approved by the County. It is also my understanding that you are, or have been, a member of the Greater Hansville Area Advisory Committee, the Road Safety Advisory Committee, or both.

As I am sure you know, a number of people in the Hansville community have reacted extremely negatively to the installation of speed bumps/speed tables on Twin Spits Road and Hood Canal Drive, which are primary collector/distributor roads for the county road network here in the north end. I expect that you will be hearing a growing volume of negative comments in that regard. With that in mind, I write to you to advise you of my extremely negative reaction to the installation of these devices, and to ask you to respond to the following questions:

1. Am I correct in my factual statement above regarding your place of residency?
2. Am I correct in my factual statements above regarding your advocacy and support for the speed bumps/speed tables and traffic circle which were proposed for Hansville?
3. Am I correct in my factual statements above regarding your membership in either the GHAAAC, RSAC, or both, and if so could you advise me of the dates of your membership?
4. Am I correct that the installation of the speed bumps/speed tables violated the County Public Works Department's accepted standards for determining on what roads such devices could be installed?
5. If your answer to question #2 above is in the affirmative, do you believe that you are capable of objectively evaluating feedback from the community and citizens whom you represent, and to put aside your own personal advocacy or interests in these devices, which you exhibited prior to your appointment as County Commissioner?
6. Are you willing to listen to other voices in the community which you represent, and to honestly consider changing or removing these devices if a significant number of your constituents demand the same?

Please respond in writing or by email at your earliest opportunity, so that I may fully understand your position and role in this whole process, and be better able to assess appropriate steps to take from this point forward.

One final note: my impression is that you have repeatedly failed to respond to communications from other area residents who have contacted you to express their displeasure at these devices, and/or at the process which led to their installation. If I am incorrect in that regard, my apologies. However, if I am correct, I ask that you tell me why you have chosen this course of action, and how you could possibly expect to sustain that approach as things move forward.

Thank you for your time and – I hope – your response.

Yours truly,

A handwritten signature in black ink, appearing to read "John H. Wiegstein". The signature is fluid and cursive, with a long, sweeping tail that extends to the right.

John H. Wiegstein
johnw@hellerwiegstein.com

JHW/wj

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John Wiegenstein

From: John Wiegenstein
Sent: Thursday, November 29, 2007 4:17 PM
To: Steve Bauer
Subject: RE: Speed Tables

Commissioner, thanks for getting back to me. I think I now know the information I was seeking. I will offer a few final thoughts in response to your comments.

First, I have always thought that Hansville was a pretty nice place without people trying to "create a village" (your words) out of what is already here. Maybe you were simply referring to the idea that we want to try to KEEP Hansville's character the way it has been in the past, as growth and development pressures increase; if so, I am in full agreement with that goal. But I don't think Hansville needs some kind of makeover, or to be saddled with an intrusive layer of local government (whether actual or merely a "shadow" version, such as the GHAAC). If people want to live in a Planned Unit Development out on Snoqualmie Ridge, with private police, a 50 page set of covenants conditions and restrictions, a homeowners association prying into every aspect of their lives, etc., all in a nice, pre-fabricated, homogenized little world, they ought to live in - or move to - such a place. We definitely don't need to try to replicate that here.

Second, I don't think it is my obligation to respond to your concerns; rather, since you are the government official, it seems to me that it is very much the other way around. But I will go ahead and comment on your issue. At the outset, the term "illegal speeding" doesn't make any sense to me, since I believe that any speed over the posted limit is by definition illegal. My guess is that what you mean is "excessive speeding" or words of that general tenor. Certainly in all the discussions I have had with RSAC members - either in meetings or outside that context - the accepted view has always been that some modest speeds over the posted limit are generally not a problem, and in fact everyone I've spoken to pretty much admits that from time to time they exceed posted limits, but not by a whole lot and not in all locations at all times. I drive that way myself. The issue of concern, as I understood it, was people going WAY over the posted limit (e.g., 70 mph past the Post Office, assuming one could do that and not run off the road). While I don't condone that latter conduct, I very much DO condone the former, which I bet even you engage in. I believe it important to distinguish between the two, acknowledging that this is a subjective area, and that once you exceed the posted limit, there can be differing opinions about what is then "too fast" in any given situation. That depends on the road environment, pedestrian traffic, driving skill, perception, subjective impressions of risk, etc. But, again, if your view is that any speed over the posted limit is a problem, no matter what the circumstances and what the exceedance actually is, then I will respectfully suggest to you that your views are completely at odds with those of the RSAC members, the general public, and - frankly - reality. (Although I do concede, of course, that "illegal is illegal", and so perhaps you have to take that position given your governmental post, even though it elevates form over substance).

Third, as to alternative solutions, mine would be to take the speed bumps out, continue with education and enforcement, and accept the fact that those will not completely eliminate speeding. I know you disagree that this is a good idea.

Last, and what I find very disturbing, is your decision to shut off dialogue with the bulk of your constituents on this issue, and to only accept input and dialogue from the GHAAC and RSAC. I wondered at first if this results from the fact that you were appointed under RCW 36.32.070 (as far as I can tell) and presumably were rubber-stamped by the two other commissioners after Ms. Endresen proffered you as her chosen successor. As an appointee, you were not elected; the citizens of this county never asked you to hold political office; you were never required to win a contested election; and you were never required to voice your opinions and goals, and back them up, to the voters. But maybe your position would be the same even if you had been elected to represent this portion of the County. Either way, it strikes me as supremely arrogant to tell a substantial number of your constituents - perhaps I should say "subjects" - that their voices count for nothing, and that only the limited few who participate in the GHAAC and RSAC will be listened to,

and then only if they manage to become the majority voice on the committees in question. The residents of this county deserve far better than that, regardless of what your or their views on speeding and speed bumps might be.

I do, however, admire your willingness to so baldly and unashamedly state your 3-point requirements as you did. Many political agents would give lip service to the idea of listening to their constituents, and then merrily go ahead and ignore that input and proceed to do the bidding of the privileged few with whom they have cozied up. In contrast, you have made your disdain for the voice of the individual citizen on this issue abundantly clear, and that honesty is a rare thing in politics these days.

You do not need to respond to any of this, although you certainly can if you want to. I now know what I needed to know. And perhaps, despite my disagreement with your position on the speed bumps and my very significant concerns with your 3-point plan, we may find other issues in the future where your views comport with mine, or at least where I perceive you as being willing to actually listen to the individual citizens whom you are charged with representing.

John Wiegenstein

-----Original Message-----

From: Steve Bauer [mailto:SBauer@co.kitsap.wa.us]
Sent: Tuesday, November 27, 2007 8:50 PM
To: John Wiegenstein
Subject: RE: Speed Tables

Hello John,

I have reread my November 19 email to you. I believe that it fairly describes my understanding of the issue and my position on it. I also believe that it responds to your questions. There really is nothing I choose to add.

I had an interesting experience yesterday as I was going down to the post office - across one of the speed tables - to get the mail. For the first time since moving here, I saw a relatively young man in a wheelchair with his dog obviously getting exercise using the side of Hansville Highway. The only problem is that the paved shoulder in "downtown" was too narrow for his wheelchair so that he occupied part of the vehicle lane. I've already described the steady use of this area by kids, pets, families, groups and the elderly and my concerns that illegal speeding and passing in the downtown area represents a serious threat to those people and any sense of a "village" that we might create here as the population increases. I don't believe you responded to those concerns. So I still don't know if you condone illegal speeding from your responses so far. That seems like a pretty straightforward question. If we don't agree that there is a problem then we certainly can't agree on a solution.

I don't mind dissent and difference of opinion. That is the foundation of this country. What I do mind is the way some opponents have chosen to make this personal rather than sticking to the issues. For example, a neighbor knocked on my door last Sunday to tell me that someone had put a "wanted" poster on the stop sign to our street. That is not civil discourse in any meaning of the term. It is not how issues used to be resolved in Hansville but apparently, for some folks, it is now.

I believe the process was inclusive and fair. The community identified a problem. The entire community had an opportunity to be involved. Those that bothered to attend expressed their opinions and the County responded to them. I believe that the Traffic Safety Committee and the Greater Hansville Area Advisory Council continue to be open to revisions or alternatives that meet the goal of increasing traffic and pedestrian safety for our Community. I am clear that you don't like the traffic tables. I suspect no one likes driving over them. But I haven't heard any proposed alternatives that would solve the problem better.

We have both agreed that we are very busy and need to concentrate on dialogue that is purposeful and constructive. I want to be respectful and clear about this. I am happy to work with any of my neighbors and constituents. However, on this topic, I will confine myself to working with folks who: 1) acknowledge that speeding is a problem, 2) are

committed to seeking cost effective solutions to the problem (even if they are different than the speed tables), and 3) are willing to work through the Traffic Safety Committee and GHAAC.

Sincerely,

Steve Bauer

>>> "John Wiegenstein" <johnw@hellerwiegenstein.com> 11/22/2007 8:00 AM

>>>

Commissioner, now that I have let your email response sit for a few days, and have taken some further time to review and consider its content, I have the following comments:

1. Of the 6 specific questions I asked, you answered only #2, and partially answered #4 (no dates given and not clear as to whether you were a member of the RSAC or GHAAC or just attended meetings as a resident/citizen).

2. Questions 1, 4, 5, and 6 were not answered. I did not think answers to those questions demanded much time or text, nor any extended discussion. They sought basic information, which could be given via short factual answers. What I received instead was a lengthy sermon about "the process." Part of that suggested that people who oppose these devices are "pro-speeding" and "against the law", which is pretty much like our Criminal-in-Chief George Bush's practice of denouncing anyone who dissents from a given act of his crime team as being "for terrorists" and "hating America", etc. I've heard plenty of this from pro-speed bump people already, and it doesn't achieve legitimacy simply by being repeated over and over.

3. I suspect that the ongoing investigation of this whole project will reveal that speed bumps were on the agenda as the end-goal long before those words (or "speed tables", or whatever sanitized term people want to use) were ever disclosed to the public. It is self-evident that having a few more speed traps with the sherriff, or education, would not eliminate speeding in Hansville - or anywhere else, for that matter. So the goal set by RSAC and the other proponents could only be met with these devices, and that had to have been known to the proponents from the outset.

4. The immutable fact is that these devices benefit a specific few people, who pushed for them, and in exchange punish every person who has to use the roads in question - and there is no alternative, less residential, routing for people to use. Knowing that, I continue to be amazed at the professed "surprise" and "dismay" of proponents that there is a substantial backlash against these. I am at a loss to understand how they could fail to have seen that coming.

5. I sympathize with your long work days - I have long days too, as do many other residents of the area. But you at least have the luxury of coming and going from your home (assuming I am correct as to your residence) without having to drive over these devices. That is a luxury that a very large group of Hansville residents don't have any more.

I would still appreciate short, direct answers to my questions 5 and 6 in particular, if you are willing to do so. Those are absolutely critical, because without those answers I (and others of similar views) cannot know whether the political mechanism of governance in place in Kitsap County can function in a democratic way on this issue.

And, I trust you will accept these comments for what they are: legitimate questions and feedback from a citizen and resident who happens to be one of your constituents, and who is looking for some answers. It is not intended to be a personal attack on you. One of the things I have seen in my activity of the last few months on this issue is that there are plenty of people who confuse dissent and difference of opinion with being "anti-community", etc., and that is simply not how I view this kind of debate.

Wishing you a Happy (and not too bumpy) Thanksgiving -

John H. Wiegenstein
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-----Original Message-----

From: Steve Bauer [mailto:SBauer@co.kitsap.wa.us]
Sent: Monday, November 19, 2007 10:28 PM
To: John Wiegenstein
Cc: Judith Foritano
Subject: Speed Tables

John,

I have received your letter. I presume that most of your questions are rhetorical since you already appear to know many of the answers.

I did indeed sit in on about one-third of the meetings of the Traffic Safety Committee. North Kitsap Fire and Rescue was an active member. The issue first arose 2-3 years ago when a community meeting was called about traffic safety concerns. This was also a big issue for the Community in developing the Greater Hansville Futures Plan and in a survey of community values that was completed in 2004, if I recall correctly. All of that information can be found at hansville.org.

I attended the meeting because I was tired of seeing cars passing each other across the double line in front of the post office so they could be doing 50-55 mph by the time they hit the hill on the way out of town.

The meeting was well publicized and was attended by over 100 people (which would be the equivalent of about 16,000 people attending a meeting in Seattle!) The Sheriff's Office, public works, the fire district and Commissioner Endresen attended the meeting. The group asked for more speed enforcement from the Sheriff. The Sheriff responded that he had limited resources and that any effective plan had to include three parts: 1) enforcement, 2) education and 3) physical road changes. Volunteers were requested from the audience to serve on a traffic safety committee. The first effort was to get increased enforcement which did happen. There was a big effort to educate the community with articles in the Greater Hansville Log and, I believe, occasional articles in the Kingston News and the North Kitsap Herald. A radar speed trailer was brought in and placed throughout the area to remind people about their speeds.

No one wanted speed tables but it was clear that the first two, by themselves were not working. The committee researched the issue and found information that speed tables - as opposed to speed bumps - actually worked to allow drivers to maintain the posted speed but not speed. The committee made field trips to Port Townsend and Silverdale to look at tables actually in place. A baseline speed survey had been completed in the past and a new one was done before a second community meeting this Spring/Summer which showed that speeding had actually increased in spite of the enforcement and education efforts. The County sent out notices to everyone in the Hansville area and the meeting was held to present the work of the Committee, including the speed tables. There were about 100 people at that meeting and there was only one person who objected to the speed tables. At that meeting, both the Sheriff and Kitsap Fire and Rescue supported the recommendations. It was only after that meeting that Commissioner Endresen moved the issue ahead at the County.

I was the one who proposed the mini-round at the entrance to downtown Hansville because I thought that if it were landscaped it would make a nice entry into the downtown and would be less abrupt than another speed table. There were concerns expressed at the meeting and

I made the recommendation at the next meeting to remove the mini-round to reflect the concerns of local residents.

I support the process that was followed and the results of that process. I don't think anyone started out wanting physical devices but all the other options didn't solve the problem.

It is interesting to me that very few of the opponents of the speed table have agreed that the speeding is not acceptable. And none of them so far have suggested better solutions. I certainly think the committee sought those alternatives.

You ask if I can be objective. I am objective about speeding. The law needs to be obeyed. I am also objective about protecting kids, pets and families in downtown Hansville and in other areas in Greater Hansville.

You suggest that I haven't responded to contacts from opponents. That simply isn't true. I'm writing this from the office at 10:30 at night after a day that started at 8:30. I still have an hour drive home and then at least an hour of homework for meetings that start in Bremerton at 8 am tomorrow. Somehow, I misplaced two phone messages from opponents so I didn't return them. I haven't responded to John since the first couple of messages because, as he said, I am really pressed for time and could forward his requests to staff. I have forwarded his messages to my staff and he has received everything in our possession that he has asked for. My days are frequently 12-14 hours long and then I have preparation for the next day so I don't always get back to folks as promptly as I would like but I do try to get back.

Sincerely,

Steve Bauer

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November 17, 2007

Ms. Judith Foritano
34555 Hood Canal Dr. NE
Kingston, WA 98346

Re: GHAAC / RSAC Information

Dear Ms. Foritano:

I live in Hansville at 4800 NE Twin Spits Rd. I am writing to you to request some information from the Greater Hansville Area Advisory Council, of which I understand you are the chairperson. Specifically, I would like to review the following categories of documents in GHAAC's possession or control:

1. All documents which relate to the formation, operation, and function of the Road Safety Advisory Committee, and its relationship to the GHAAC;
2. All documents reflecting communications between the GHAAC and RSAC;
3. All documents reflecting communications between GHAAC and Kitsap County, relating to the RSAC and its operations and activities;
4. All documents relating to procedures and policies for retention, indexing, and destruction or disposal of documents within GHAAC's possession or control.

Please respond in writing either my office address above, or to my home address, or to my email address below. Once I know the general scope and quantity of responsive documents that are available, we can figure out a logical time and place to review them, and from there make arrangements for copying them as needed. If you need further information from me please let me know. I look forward to hearing back from you soon. Thanks.

Yours truly,

John H. Wiegenstein
johnw@hellerwiegenstein.com

JHW/wj

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December 3, 2007

Ms. Judith Foritano
34555 Hood Canal Dr. NE
Kingston, WA 98346

Re: GHAAC / RSAC Information

Dear Ms. Foritano:

I write to follow up on our telephone conversation of November 20, which came about following my November 17 letter to you. In our discussion your comments turned out to be essentially as follows:

1. There are not a lot of documents in GHAAC's possession or control which fall within the categories set out in my November 17 letter;
2. The person who would have those documents and be able to make them available for inspection is the GHAAC secretary, who was out for a few days;
3. You would contact the secretary, have him/her round up the documents, and get back to me with further information on when and where I could review them, and you expected that to be within 10 days or so; and
4. I could copy what I wanted at my own expense (which was of course what I had in mind, as opposed to having GHAAC pay for copies).

I have heard nothing further from you or GHAAC in follow up, so I am requesting that you follow through as agreed on our conversation and advise me when and where I can review these materials.

Also, I've looked at the GHAAC link on www.hansville.org, and there is nothing there indicating who the members of GHAAC are, or who the people are that purport to "represent" the various geographical sub-areas that GHAAC created as part of its plan. Nobody has ever contacted me to tell me they represent me as a member of GHAAC, or to tell me what GHAAC is doing. So, with that in mind, I request that you provide the following information:

1. Where can I find a list of GHAAC members, and of who represents what sub-area?
2. Who is the representative from my sub-area (4800 NE Twin Spits Road), and how can I contact that person?
3. What are the criteria for becoming a member of GHAAC? Can anyone do it? Do you have to be voted on board by existing members, or by your own sub-area residents, or some other group? Is there a fee to be a member?

Please respond soon, preferably in writing so that there won't be any confusion later on. Thanks.

Yours truly,

John H. Wiegenstein
johnw@hellerwiegenstein.com

JHW/wj
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