



Sedro-Woolley, Washington  
August 14, 2008

FOR IMMEDIATE RELEASE

Following an executive session at last night's meeting where the Council received legal advice from Mercer Island attorney, Mike Tierney, the City Council declined to take action regarding Skagit County's "settlement" proposal. At the meeting Mayor Anderson indicated that the City remains open and interested in a settlement that includes all of the parties to the litigation and fully resolves the issues. Unfortunately, the County's proposal to have the City Council short circuit the land use process would not have stopped the litigation or resolved the issues at hand.

At last night's meeting, Mrs. Janicki handed out informational fliers which indicated that, "This settlement will stop Deluxe from building its garbage facility in Sedro-Woolley across from the high school." This statement is not true. The proposed agreement would not have ended all litigation, it would not have stopped Deluxe from taking further action to locate in Sedro-Woolley and it would have subjected the City and its elected officials and their wives to potential liability and money damages for violating civil rights laws.

The City has presented all parties with a settlement proposal and continues to support settlement negotiations. In an effort to accept the County's proposal, the City asked the County to indemnify the City for taking the settlement; Skagit County refused indicating it is unwilling to accept the risk of its own settlement proposal.

Deluxe has filed a building permit application with the City of Sedro-Woolley. Sedro-Woolley has not yet issued a building permit; the issue on appeal is the City's threshold determination under the State Environmental Policy Act (SEPA). The City's planning director issued a mitigated determination of non-significance (MDNS). The MDNS was appealed by Mrs. Janicki to the Hearing Examiner. The Hearing Examiner upheld the City's MDNS and Mrs. Janicki appealed to the Superior Court. The Court case is scheduled to be heard on October 10<sup>th</sup> at 1:00 P.M.

Before Deluxe can open for business in Sedro-Woolley, it must get a building permit, address the requirements under the MDNS, and obtain permitting and approval from Skagit County. The City of Sedro-Woolley does not have the authority or power to authorize Deluxe to handle garbage; this approval is from Skagit County government and the Solid Waste System Governance Board.

What makes America different from other countries is that we live under the rule of law, not the rule of man. Skagit County's proposal asked the City Council to ignore the rule of law and instead act on popularity. No matter how much members of the Council might want to stand with Annie Janicki and Skagit County by voting on popularity, elected officials are held to the highest standards and must follow the rule of law.

*For more information, contact Eron Berg at 360-855-9922.*

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