

**Skagit County Planning Commission
Workshops on 2019 Docket:
Rainwater Catchment (P-1), Wells on Guemes (P-2), Blue Herons (P-4)
October 22, 2019**

Planning

Commissioners: Tim Raschko, Chair
Kathy Mitchell, Vice Chair
Mark Lundsten
Annie Lohman
Amy Hughes
Joe Woodmansee
Tammy Candler
Martha Rose

Staff: Mike Cerbone, Assistant Planning Director

Public

Commenters: Ellen Bynum, Friends of Skagit County

Chair Tim Raschko: (gavel) Good evening, everybody. The October 22nd, 2019, meeting of the Skagit County Planning Commission is hereby called to order. Has everybody had a chance to review the agenda?

Commissioner Tammy Candler: I have, but I have a comment. I'm actually making a motion. I'm concerned that the agenda wasn't posted online. So I took a look at the statute, RCW 42.30.077 appears to require that our agenda be posted 24 hours in advance of the meeting. So the motion is that we adjourn until such time as we've comported with the statute. That's the motion and I'd like to speak further to it prior to deliberations.

Chair Raschko: Is there a second?

Vice Chair Kathy Mitchell: Second.

Chair Raschko: It's been moved and seconded to adjourn the meeting.

Commissioner Candler: So the motion is based on, as I said, RCW 42.30.077. It requires that public agencies with governing bodies must make the agenda of each regular meeting of the governing body available online no later than 24 hours in advance of the published start time of the meeting. I did not see it. If I'm wrong, someone can correct me, but I didn't see it there. The statute goes on to say other things. So I looked to try to see if this applies to us. From my reading – and again I could be wrong – the statute under 42.30.020 seems to define “including but not limited to planning commissions” as public agencies. The legislative declaration found in 42.30.010 indicates “The legislature finds and declares that all public commissions, boards, councils, committees, subcommittees, departments, division, offices, and all other public agencies of the state and subdivisions thereof exist to aid in the conduct of the people's business. It is the intent of this chapter that their actions be taken openly and that their deliberations be

conducted openly. The people of the state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.”

So that is apparently the intention of making it a requirement that we publish on the website 24 hours in advance. So that is why I think the appropriate course of action is to adjourn the meeting until such time as we’ve been able to do that.

Commissioner Mitchell: Can you bring up – we normally post that on the Planning Commission page –

Michael Cerbone: No, yeah, I did notice that today. I think Commissioner Candler’s correct and probably what you’re going to do is appropriate. We did get it out on the listserv but technically it was not posted, as witnessed by the folks in the audience this evening.

Commissioner Annie Lohman: I think I – sorry.

Commissioner Candler: I’ll yield the floor for discussion.

Commissioner Lohman: I think I rang your bell on email and asked for the –

Mr. Cerbone: Yeah, and I did check today and noticed it was not posted, and so I think if you want to adjourn for the evening I think that’s prudent.

Chair Raschko: Any other comment? Mr. Lundsten?

Commissioner Mark Lundsten: We have people from Guemes who are expecting to hear the staff talk about this and we weren’t going to take a vote. Can we have an informational meeting?

Mr. Cerbone: Given that we don’t have legal counsel here, other than legal counsel up on the board there, and the concerns that were raised – you know, it’s up to you as a board. You weren’t going to take any action this evening. It was going to be primarily informational. But it is – the only person in the room right now who is an attorney, to my knowledge, is Commissioner Candler. And so –

Commissioner Candler: And as such, I do have to state that I don’t represent the board in any way. I’m not the attorney for the Planning Department or the board, so I’m not *the* attorney.

Mr. Cerbone: Sure.

Commissioner Candler: And I am *an* attorney. I don’t represent the state. I could be wrong on this issue.

Mr. Cerbone: Sure. Sure, sure, sure, sure.

Commissioner Candler: But it *is* a concern to me.

Mr. Cerbone: Sure.

Chair Raschko: Further discussion?

Commissioner Candler: And I also – I'm sorry; just one more thing – I know that my fellow commissioners work really hard on, you know, prepping these meetings and I know that people are here and I respect everyone's time. It's just that I think it's a legitimate concern given the state law.

Mr. Cerbone: Sure.

Vice Chair Mitchell: I'd like to say something. I concur. And we were not going to vote on anything tonight. This was informational. So that's not a problem and I do think that we should redo the meeting.

Chair Raschko: Ms. Hughes?

Commissioner Amy Hughes: When would (be) the next time for us to do a meeting? Will we be waiting until our next meeting time?

Mr. Cerbone: We could probably do next Tuesday, if you wanted to do that. I was going to give you an update that staff is proposing to push the hearing timeline out, but we could reconvene in a week if you wanted to do that. I can make sure that the agenda is posted.

Chair Raschko: Mr. Lundsten?

Commissioner Lundsten: I understand –

Mr. Cerbone: I could also coordinate this offline. We have enough time. It's just a 24-hour notice for the agenda.

Commissioner Lundsten: I understand that. It's just from a – and I don't question the legal perspective of everyone here. I just think that it's for something about which we wouldn't even need a quorum to have our meeting. To not have notice seems similar. It's not – we have more people here than we've had for weeks right now and we didn't give notice to this meeting. I think the practical applications of what we've done speak for themselves just from the situation. I just hate to see people come here for a hearing for information, and not have a chance to hear that.

Mr. Cerbone: Commissioner, it's not a hearing. It's a work session. The decision is up to you. You are the board that is here this evening and if you vote that way, you know, we can reconvene at a different date and I can work with you offline to find the date that works for everybody.

Chair Raschko: Okay, it's been moved and seconded –

Commissioner Candler: Commissioner Lohman had her hand up.

Chair Raschko: Ms. Lohman.

Commissioner Lohman: Just a question. This is a regular meeting tonight, right?

Mr. Cerbone: Mm-hmm.

Commissioner Lohman: It's not a special meeting?

Mr. Cerbone: (negative sound)

Chair Raschko: All right. It's been moved and seconded to adjourn the meeting. Now is that the complete motion or –

Commissioner Candler: To adjourn the meeting pursuant to 42.30.077.

Chair Raschko: Do we have that?

Mr. Cerbone: Yeah, it's been picked up.

Chair Raschko: Okay. Great. All those in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: Can we have a show of hands, please?

Mr. Cerbone: So I'm seeing everyone except Commissioner Rose, Lundsten, and Hughes.

Commissioner Lohman: I said no.

Commissioner Lundsten: Opposed?

Chair Raschko: Two?

Vice Chair Mitchell: Can we redo it so everybody can hear well? The ayes and the nays.

Chair Raschko: Well, we did a show of hands. All right, we're going to do a show of hands. All those in favor of adjourning the meeting, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: Raise your hand. Those opposed. All right.

Mr. Cerbone: Ayes have it.

Chair Raschko: So the meeting is adjourned (gavel).