

**Skagit County Planning Commission
Work Sessions: Capital Facilities Plan 2021 – 2026; Bylaws
October 20, 2020**

Planning

Commissioners: Tim Raschko, Chair
Kathy Mitchell, Vice Chair
Mark Knutzen
Joseph Shea
Mark Lundsten
Amy Hughes
Joe Woodmansee
Tammy Candler
Martha Rose

Staff: Hal Hart, Planning Director
Mike Cerbone, Assistant Planning Director
Peter Gill, Long Range Planning Manager
Paul Randall-Grutter, County Engineer
George Kosovich, Public Health Analyst
Julie Nicoll, Deputy Prosecuting Attorney
Brittney Dover, Planning Intern

Chair Tim Raschko: Welcome, everybody. It's the October 20, 2020, meeting of the Skagit County Planning Commission. It's called to order. We'll start with a roll call of members. Mark Knutzen?

Commissioner Mark Knutzen: Here.

Chair Raschko: And Joseph Shea?

Commissioner Joseph Shea: Here.

Chair Raschko: Joe Woodmansee?

Commissioner Joe Woodmansee: Here.

Chair Raschko: Martha Rose?

Commissioner Martha Rose: Here.

Chair Raschko: Mark Lundsten?

Commissioner Mark Lundsten: Here.

Chair Raschko: Amy Hughes?

Commissioner Amy Hughes: Here.

Chair Raschko: Tammy Candler?

Commissioner Tammy Candler: Present.

Chair Raschko: And Kathy Mitchell.

Vice Chair Kathy Mitchell: Here.

Chair Raschko: And I'm here, so we have a full board. So we'll start with some housekeeping things from Mr. Gill.

Peter Gill: Thank you. Yeah, so just to let everyone know, the meeting is being recorded. With these virtual meetings, if you can mute your microphone unless you're talking, this will help us cut down on interference and help our transcriptionist get a better recording. If you can say your name before speaking, that will help anybody that's just with us on the telephone. If you do want to use the Chat to get recognized, please don't put anything in there other than "I have a comment or a question." That is being recorded. And just – the procedural rules even in the virtual meeting still apply. The Chair still runs the meetings.

Welcome to the public that's joining us via telephone, the computer, or via Skagit 21 streaming.

Tonight we have no public – or *written* public remarks that were submitted to pdscomments.

So with that, I guess we should probably do a quick staff introduction. There's a number of staff here for the Capital Facilities Plan, including Brittney Dover. She is now working with long range planning with myself and she has done a lot of the heavy lifting for the Capital Facilities Plan. So I really appreciate her being here and all the work she's put into this. So with that, I will just ask Hal if he can start us off with staff's introductions.

Hal Hart: Sure. Hal Hart, Planning and Development Services director. Mike?

Mike Cerbone: Mike Cerbone, assistant direct (sound cut off) _____.

Mr. Hart: Paul?

Paul Randall-Grutter: Paul Randall Grutter. I'm the County engineer.

Mr. Gill: Thanks, Paul.

Mr. Hart: And then George.

George Kosovich: Good evening. I'm George Kosovich with Public Health.

Mr. Gill: Julie?

(silence)

Mr. Gill: Oh shoot. It's not working this time. Brittney, can you say hello?

Brittney Dover: Hi there! My name's Brittney. I'm with Skagit County Planning, working with Peter as an intern here. Can you hear me all right?

Mr. Gill: Yes. Yeah, great. Thank you. Julie, you want to try that again?

(silence)

Mr. Gill: Shoot. Well, Julie Nicoll from the Prosecuting Attorney's office is with us as well. Thank you. And I think that's all we have for housekeeping.

Chair Raschko: Okay, thank you. Has anybody any desired changes to the agenda?

(silence)

Chair Raschko: All right. Hearing none, we'll move on to Public Remarks. I guess nobody has signed up to speak, but is there anybody tuned in who wishes to?

(silence)

Chair Raschko: All right. If not, we'll move on to our third agenda item. It's an Annual Capital Facilities Update Work Session. So, Mr. Gill, would you please speak?

Mr. Gill: Thank you. I'm going to share my screen here. All right. Can you see the Capital Facilities Plan slide?

Unidentified male voice: Yes.

Mr. Gill: Great. So we distributed a staff report on the Capital Facilities Plan. This is an annual update to the Six-Year Capital Facilities Plan. The Capital Facilities Plan is an appendix to the Comprehensive Plan and that is why it is before you.

So just briefly: What is capital facilities planning? Broadly, capital facilities are infrastructure that are needed to support development. All right? And it's based on the development that was projected through the 2016 adopted population growth assumptions that are in the Comp Plan. The point of incorporating the Capital Facilities Plan in the Comp Plan is to ensure that we don't build more than we can support on the landscape. It is a required element of the Growth Management Act. Geographically, we are addressing capital facilities within unincorporated areas of the county but outside of the urban growth areas. And the key to why this is so important for the County is because we cannot charge impact fees if they're not identified in the Capital Facilities Plan. So there's a connection there.

So let's talk about what these capital facilities are. They're any publicly-owned structure, improvement, or asset that meets all the following criteria: It's related to providing facilities or services that are related to development – its connection to the Comp Plan there; it exists now or be needed during the current GMA 20-year planning period; it requires expenditure of public funds over and above annual maintenance and operation expenses; and it costs over \$10,000 and has a life expectancy of over 10 years. So those are the key points. It costs more than \$10,000 and it lasts more than 10 years. It doesn't include vehicles and equipment that are funded through the County's equipment rental and repair fund. That's important to note.

So we are going to tag team a little bit, and I'm going to let Brittney talk a little bit more about how this all came together this year.

Ms. Dover: Thank you. Hi, this is Brittney Dover speaking. So to start out this project, in July – July 20th – our department emailed all the different districts internally and externally participating on this plan requesting that they provide updates to their sections of the Capital Facilities Plan. Internally that included the general government, like Facilities Management, community services like Public Health and affordable housing; law and justice, like District/Superior courts and ___; Parks – trails and recreation; sewer systems, solid waste, and stormwater ___.

Externally that was all of the Cities and Towns we requested information from: fire districts; school districts; dikes/drainage/irrigation districts; _____. We heard back from a really large majority of the folks that we emailed and the ones that we didn't hear back from we sent out follow-up emails on August 20th.

An internal meeting was held at the beginning of September just to talk about and go over the Capital Facilities Plan with those left column of folks that you see there – just asking questions and taking questions from them so that we could best update the plan. From there we updated and edited the draft and it was resent internally at the beginning of October. We received updates and a public draft was posted on October 15th.

So there's a lot of hearing from folks internally and externally, and I think we were able to get some really good updates.

So some of the changes from last year's plan to now, starting with the internal ones, include an update on the Community Justice Center. In that section you might have noticed there was changes and a little more information on how the Community Justice Center is operating and what it's looking like today since it opened in 2017. There were two solid waste HVAC projects that were included, both at about \$10,000 apiece. That's a brand new table included in this plan.

The stormwater section was expanded to kind of provide a broader view of what that department is doing, including the NPDES permit II and remain in compliance with that. They also started an interdisciplinary team called Skagit County Stormwater Management Program where they, you know, seek to find the best ways to remain in compliance with NPDES and also kind of just like does practices.

Lastly, one of the bigger changes internally was the Anacortes Guemes Ferry Replacement, which is being funded over the course of the next six years. And it looked like they pushed up the funding from 2023 to 2022, which I thought was kind of interesting. You probably noticed it in the document.

Some of the external changes included the Cities and Towns webpage being updated on the Capital Facilities Plan website. So Cities and Towns sent us some of their capital facilities elements that had been updated, so we included those within the document and online.

Dikes, drainage, and irrigation districts also provided us with some updates for their tables including future needs projects, most notably Districts 12, 14, and 22.

Fire district stations also sent us a couple of existing structure value updates and some improvements that have been done and those largely took place in Districts 7, 13, and 24.

We updated the public water provider map just to provide a more accurate district outline. So you'll see that the map is a different one than last year's.

And then kind of towards the end of the document you'll see that the Fidalgo Parks and Recreation Department, which is separate from the one internally, has a goal to replace their pool and update it before 2036, but this is on hold until – you know, because of COVID. So that's on hold for now but it is something that they're looking towards for the future.

So on the CFP website right now you can see the draft that you got – both the clean copy and the redlined copy – so that folks can review that and potentially provide a public comment if they wish. The NOA was sent out and published in the *Skagit Herald* and so a public hearing is set for November 10th. The Board will consider this and adopt it potentially at the end of the year in December when they consider budget adoption. And the Six-Year Transportation Improvement Program, which is mentioned and referenced in this document, will be set for its hearing in front of the Board of County Commissioners at the end of November on the 24th. Written comments end on Tuesday, November 10th, before the public hearing, and all comments can be sent via email or by mail to our department.

If there are any questions...

Mr. Gill: Thank you, Brittney. I appreciate that. The only thing I would add is that the county engineer is here and we have a very packed schedule and so we didn't ask them to provide a presentation on the Transportation Improvement Program, but that is something that we could entertain at the next meeting if you all are interested.

Chair Raschko: Okay, thank you. Are there any questions from the board?

(silence)

Chair Raschko: Okay. And does that conclude your –

Mr. Gill: That is all we have for tonight. We're happy to take questions, or if you want more time to look at the plans and you want to send questions via email you're welcome to do that as well. I am – we do have a hearing scheduled for your next meeting, November 10th, where we can also talk more about the projects in the plan.

Chair Raschko: Okay, thank you. Well, hearing no questions from the board, we'll conclude that part of our agenda and move on to a Bylaws Work Session, specifically Ethics. And I'd like to suggest that we take it topic by topic and my suggestions would be first what I hope would be a fairly simple thing, and that's looking at Appendix A the first line when it talks about intent. There's just some language cleanup that needs to be done, particularly with the words that are in lieu of Robert's Rule of Orders. We'll come back to that.

Second, I think it'd be good to address conflict of interest and non-pecuniary conflict of interest.

Third would follow on that. That would be recusals.

Fourth would be publicity.

Fifth, minority reports.

And finally, sanctions or censure. In other words, discipline.

Everybody is free to add anything else they wish or they would think appropriate. We could add it onto the end, or if somebody has some strong feelings about something be added towards the front, just let me know.

Does that sound like a good way to go? Nod.

Vice Chair Mitchell: Sounds good to me.

Commissioner Lundsten: I have a question.

Chair Raschko: Yes?

Commissioner Lundsten: I think a lot of these issues blend into each other and I would also – so I think that we ought to allow for some flexibility in our discussion about what is – when, and then also I would suggest that we look at what we – I'd like to look at what we did last. We just briefly had a comment about one thing. It's minor and I _____bring it up right now as we begin our discussion, or bring it up at the – towards the end of these new issues that we're going to talk about.

Chair Raschko: Go ahead.

Commissioner Lundsten: Okay. I have just one thing from last week, or last meeting rather, from Peter's report. He said on page 4 on Article V, meetings – Section 6 – and that is the joint meetings of the Planning Commission and the Board of County Commissioners. "The Planning Commissioners shall meet with the Board of County Commissioners at least once annually. Annual or semi-annual meetings should be considered to review the Planning Commission's work program, facilitate candid two-way feedback, and build understanding, trust and mutual support." And I was just going to say that the – after the statement "Annual or semi-annual meetings should be considered to review the Planning Commission's work program" would be the end of the sentence. To say that you facilitate candid, two-way feedback and build the understanding, trust, and mutual support is still – is very subjective. It's motherhood and apple pie pretty much and not really enforceable. I would just say that that kind of language would belong in a set of guidelines and not in – and it's fine to be there, but not in the bylaws. That was – in my review, that was the only thing that I would change from what we did from last meeting. I would move we do that. I don't know if you would accept a motion now or later or if that's the process you want to go, Mr. Chairman. But that's my only thing from the meeting before.

Chair Raschko: Well, you can make a motion if you wish and then we can discuss it.

Commissioner Lundsten: I move we remove the language – in Section 6 we remove the last three clauses and end the sentence – well, let me just read the sentence. Replace the last sentence with "Annual or semi-annual meetings should be considered to review the Planning Commission's work program." Period.

Commissioner Candler: I will second the motion. This is Commissioner Candler.

Chair Raschko: Okay. Discussion, please.

Vice Chair Mitchell: I have a comment.

Chair Raschko: Ms. Mitchell? Go ahead, please. Ms. Mitchell?

Vice Chair Mitchell: Thank you. That's provided that Commissioner Lundsten doesn't have anything else to add.

Commissioner Lundsten: Actually I was – this is another matter that probably would come up in another discussion possibly, but I think we should designate the primary meeting at which we do this to be the docket for the Comprehensive Plan. I think that that makes the most sense, to just – to have that as one of the meetings as well. But that's kind of off the subject of this particular motion but that would be all that I would consider along with this.

Vice Chair Mitchell: Okay, I'd like to make my comment now if that's okay.

Commissioner Lundsten: Fine.

Chair Raschko: Please go ahead.

Vice Chair Mitchell: I'd like to leave the language the way it is because year-to-year having witnessed enough meetings over the years and also attended some of those Board of County Commissioner meetings with the Planning Commission before I got on the Planning Commission – because they are open to the public – those were fascinating meetings. And year-to-year they can be different for different needs. Therefore, I'd like to leave the language in there because that allows the discussions and agenda to be flexible between what the Board of County Commissioners wishes to discuss with the Planning Commission and vice-versa. Thank you.

Chair Raschko: Are there any other comments?

Commissioner Lundsten: Can I make another point?

Chair Raschko: Okay, Commissioner Lundsten, you say she made a good point. Does that mean that you wish to proceed with the motion or withdraw it?

Commissioner Lundsten: No, I'd like to make another point about it. I don't – I actually – I'm not sure what – how that language would facilitate discussion or – I mean, it seems like those issues are intrinsic in what we're doing and that you don't need to state it. That's all. It just – a general – it's not going to hurt anything to leave it in necessarily. I just don't think it's necessary. I think that we have a set of guidelines and that that's what we follow and then we have our prescriptive language that tells us the protocols and the process of how we do things. And to mix the two just seems like it's cumbersome. So I disagree with Commissioner Mitchell.

Chair Raschko: Okay, Commissioner Mitchell?

Vice Chair Mitchell: Yes, could you please restate the motion?

Commissioner Lundsten: I move that we change our language from the revision that we formed last meeting for Article V, Meetings, Section 6, to read – to end with the sentence – to remain as it is but to end with the sentence "The Planning Commission shall meet with Board of County" – oops, I'm sorry. "Annual or semi-annual meetings should be considered to review the Planning Commission's work program."

Chair Raschko: Okay, any further discussion?

(silence)

Chair Raschko: All right, so we will have a vote on the motion in no particular order. Commissioner Candler, how do you vote?

Commissioner Candler: I am – I'm sorry. I have a question. I listened to the last meeting. I wasn't here, unfortunately. I apologize for that. But this language says "shall meet," and I thought that the consensus at the last meeting was "should" maybe? Am I wrong about that?

Vice Chair Mitchell: We changed it at the very end.

Chair Raschko: I'm sorry, who is speaking?

Vice Chair Mitchell: That's Mitchell. We end up changing at the very end.

Commissioner Candler: Okay. The way I heard –

Vice Chair Mitchell: Whatever you guys want to do.

Commissioner Candler: The way I heard Commissioner Lundsten stating it right now, I thought was "should" and I would support "should" language over "shall" language myself. I agree with some of the comments that were stated last week – that I don't think that we can commit the Board of County Commissioners – and I understand Commissioner Mitchell's argument that it wouldn't do that just because we don't have the authority, but I still don't think that we would even want to appear to be trying to do that. So I would support "should" language if that's still out for discussion.

Chair Raschko: It is. Is that how it is now stated in the motion? Is it "should"?

Commissioner Lundsten: Mr. Chairman, if I may? This is Commissioner Lundsten.

Chair Raschko: Yes.

Commissioner Lundsten: The Planning Commission, it says, *shall* meet in the first sentence and then in the next – the penultimate sentence says the Planning Commission *shall* meet and the last sentence says "Annual or semi-annual meetings *should* be considered" (emphasis added by speaker). So we have it both ways. I think what the gist of our discussion was two weeks ago was that we shall request to meet – shall request to meet with the Board of County Commissioners and that we – the annual or semi-annual meetings *should* be considered. That's how I remember the sense of it.

Chair Raschko: Okay, so the motion on the floor has "shall" and then "should." Are you wishing to change that?

Commissioner Lundsten: Yeah, if that – "shall request" is what I would think was – yes. Peter's got it. "...shall request to meet..." I would say that, yes. That looks good to me.

Chair Raschko: Okay, now does that change the prior motion? I mean, the motion?

Vice Chair Mitchell: It does.

Chair Raschko: It does. All right. So change that motion. Who is the second?

Commissioner Candler: Commissioner Candler.

Chair Raschko: Commissioner Candler. So procedurally, what do we need to do? Do you need to concur?

Commissioner Candler? I think – I don't even remember if it's called a friendly amendment or whatever, but I would second it as written if that's the motion that Commissioner Lundsten made.

Chair Raschko: As amended? Okay. All right, so, Commissioner Gill, could you please read the motion? And then we'll go for a vote.

Mr. Gill: Sure. So this would be revising Section 6 to read "The Planning Commission shall request to meet with the Board of County Commissioners at least once annually." Period. "Annual or semi-annual meetings should be considered to review the Planning Commission's work program." Period.

Chair Raschko: All right.

Vice Chair Mitchell: I have a comment.

Chair Raschko: Ms. Mitchell?

Vice Chair Mitchell: Yeah, I hate to be a stickler here but this really changes the motion entirely. If – I guess an easy way to do it would be to withdraw the motion, work on the language, and then do another motion. Because the original language was to delete the three lines.

Chair Raschko: All right. Any other comments?

Commissioner Lundsten: I fail to understand the Commissioner's point. I don't see that. This is Commissioner Lundsten. I don't understand what you said.

Chair Raschko: Mr. Shea?

Commissioner Shea: I think a simple way to maybe do this, just as a point of order: So we have a motion and a second on the table. It's up for discussion. So I believe someone else can make an alternative motion and if that motion is seconded that would surpass the previous motion, if I'm not mistaken.

Chair Raschko: Yes, I – (laughs) it's a little bit of doubt in what you're saying, so I don't know how those rules really apply. But I'd ask Ms. Nicoll if she knows anything about that, if she can speak.

Julie Nicoll: Can you guys hear me now?

Several Commissioners: Yes.

Ms. Nicoll: I don't know what is going on with my computer, because I tested it with IS – you know, our Information Services – and I was on a hearing on my computer earlier this week, so I don't know what's going on now. So I apologize. I guess I'll just know I need to call in every time. Yeah, I think the renewed motion that's seconded is sufficient, if everyone's clear on what exactly the second, revised motion is.

Chair Raschko: Okay, thank you. Okay, so we have a motion on the floor. Do we have any further discussion? I think we're making this more difficult than it needs to be.

(silence)

Chair Raschko: So with that, we will let the vote decide. So we're going for a verbal vote. Commissioner Candler?

Commissioner Candler: Aye.

Chair Raschko: Commissioner Hughes?

Commissioner Hughes: Aye.

Chair Raschko: Commissioner Lundsten?

Commissioner Lundsten: Aye.

Chair Raschko: Commissioner Rose?

Commissioner Rose: Aye.

Chair Raschko: Commissioner Woodmansee?

Commissioner Woodmansee: Aye.

Chair Raschko: Commissioner Shea?

Commissioner Shea: Aye.

Chair Raschko: Commissioner Knutzen?

Commissioner Knutzen: Aye.

Chair Raschko: Commissioner Mitchell?

Vice Chair Mitchell: Aye.

Chair Raschko: And I'll vote aye. Okay, so that passes. Thank you. With that, if there's no objections, I'd like to move on to the list I presented initially. And the first item has to do with the parliamentary authority under Appendix A ____. And it reads: These procedures are adopted to provide the chair with guidelines for conducting orderly public hearings and meetings in lieu of the Robert's Rules of Order. It was suggested that that could be improved upon by others other than myself. So would anybody like to speak to that?

(silence)

Chairman Raschko: No. Oh, Commissioner Mitchell?

Vice Chair Mitchell: Yeah, let me find some language. Give me just a moment. I was not quite ready for that part. Hang on a second. Okay, here we go. Yes, I would like to remove that

language. I make a motion to remove the language of “in lieu of Robert’s Rules” for that section. And there were some other places that had said some simple language along the lines of if you – that the primary things that we would follow would be the Washington State law, the bylaws guidelines, and in all other circumstances defer to the most recent edition of Robert’s Rules. And there is a brand new Robert’s Rules. The 12th edition came out in September. So I’d like to have some language like that.

Chair Raschko: Have you got language all ready?

Vice Chair Mitchell: Let me look. I do have some language. The question is is finding it. Can we come back to that where I can pull it up for you?

Chair Raschko: We can indeed do that. All right. So let’s move on to conflict of interest and not the pecuniary conflict of interest. It seems that we have to define that. And the floor is open.

Vice Chair Mitchell: Chair? I did find the language. It’s okay to stop?

Chair Raschko: That’s fine. Go ahead.

Vice Chair Mitchell: It’s pretty short, Peter, so do you want to help us write this? This came from Arlington, Virginia, bylaws and their parliamentary authority – now I think this would be fine to put under that initial section where “in lieu” was before. Just substitute the whole section and say something like this: “In all matters of parliamentary procedure not specifically governed by these bylaws or otherwise required by law, the current edition of Robert’s Rules of Order” parenthesis “(newly revised) shall apply.” It’s pretty short and sweet. How does that sound to you guys?

Commissioner Lundsten: I have a suggestion, Mr. Chairman.

Chair Raschko: Mr. Lundsten, yes?

Commissioner Lundsten: We could just replace “in lieu of” with “based on.”

Chair Raschko: Any other comments? Mr. Shea?

Commissioner Shea: Yeah, I think “based on” is reasonable but I think it’s a good point to have “up-to-date” Robert’s Rules of Order. So, you know, “based on current Robert’s Rules of Order” so there’s no specific issue or one that we could be held to. It could be updated.

Chair Raschko: Anybody else?

Commissioner Candler: Commissioner Candler. May I?

Chair Raschko: Candler?

Commissioner Candler: I’m a little bit concerned about the use of “based on.” I’m not trying to be overly critical of simple language. I like the idea of keeping it simple, but “based on” might not be exactly what we’re looking for. It’s not “based on” its actual – because otherwise we could change it, and it’s just sort of based on that as more of a guideline. I think it needs to be more *governed by*. It needs to be a little more definitive. I’m trying to think of the right word. “As set forth in” perhaps?

Vice Chair Mitchell: Chair?

Chair Raschko: Well, just a moment. Mr. Shea was next and that would be followed up with – was that Ms. Mitchell?

Vice Chair Mitchell: Yes, sir.

Chair Raschko: Okay.

Commissioner Shea: Yeah, I'll take back my comment. I think Commissioner Candler answered it for me.

Chair Raschko: Okay. Ms. Mitchell?

Vice Chair Mitchell: Thank you. I'm having trouble toggling on and off. Thanks for that. I just emailed Peter that language from the parliamentary procedure from that other guidelines. If we could throw that up – well, so you've already got it. I was going to say you could throw it up for wordsmiths to look at.

Chair Raschko: All right, it's there on the screen for everybody to see.

Vice Chair Mitchell: Thank you.

Chair Raschko: All right. Are there any opinions?

Commissioner Woodmansee: Woodmansee here. I'm fine with the language that Kathy's suggesting. It just puts it back in order in there. So I'm fine with making the change that she's recommending.

Chair Raschko: Thank you. Anybody else?

(silence)

Chair Raschko: Rather than vote on all of these things, can we assume we have consensus that that is acceptable language? Or does anybody wish to make a motion?

(silence)

Chair Raschko: Everybody nod if they like it. Seeing lots of nods. I'd ask the legal counsel if that's sufficient.

Ms. Nicoll: It might be difficult to record the nodding in the record! I don't think you necessarily have to go through a specific motion on each section because you guys will, at the end, vote to adopt these, but I think determining whether there's just general consensus before we move on to the next item is wise.

Chair Raschko: All right, that's what we did last time. So we'll include that verbiage as suggested. Okay. We'll move on then to talking about conflict of interest. Anybody care to start that off?

Ms. Nicoll: I have a comment.

Chair Raschko: Somebody has a comment? Julie?

Ms. Nicoll: Yes. Sorry, I just looked in my memo and there was another section relating to Robert's Rules that you guys might want to consider, in Article V on page 2. Maybe Peter can pull that up. That also references "Procedural disputes may be settled by Robert's Rules of Order." So I don't know if you guys want to make the language consistent there too.

Chair Raschko: Could you please repeat that last part? I don't know about anybody else, but you were garbled.

Ms. Nicoll: Sure. So before we move on to the next item, we may want to consider having similar language that you guys just adopted about Robert's Rules in Article V, Section 1, on page 2.

Vice Chair Mitchell: I have a question for Julie. Do you mean the part about the newly revised Robert's Rules, or which portion?

Ms. Nicoll: Yeah, so if you can see Article V, you changed it to "shall be settled by." Okay, that's fine if that's what you – I just wanted to – I referenced in my memo that there were two sections that discuss Robert's Rules, so I just wanted to make sure that those were consistent. So maybe we don't need any changes to that section. I didn't know what the *latest* change was.

Vice Chair Mitchell: If I could make a suggestion then? I agree with what our legal advice just was. Maybe just having similar language saying "settled by the newest Robert's Rules of Order," because they do change. I've looked at the archaic ones and several iterations of and it really does make a difference.

Chair Raschko: Any more comments?

(silence)

Chair Raschko: Excuse me. Peter? Is that showing on there? I can only see Section VI. Do you need to scroll, or am I wrong?

Commissioner Candler: I can see V.

Chair Raschko: Oh, okay.

Mr. Gill: It might be a delayed feed you're getting.

Chair Raschko: Okay, you've made the changes. I see it now.

Mr. Gill: Yeah, the Commissioner said "newest." Is that the right language there? In the other section we have "current."

Commissioner Candler: Yeah, to be consistent – oh, I'm sorry; this is Commissioner Candler – to be consistent it seems like we should use the same word. Current.

Vice Chair Mitchell: I concur. This is Mitchell.

Chair Raschko: Are there any more comments on this?

(silence)

Chair Raschko: Okay. If not, we'll consider that we have consensus on that point and we'll move on again to conflict of interest. I guess I didn't do a very good introductory because there's been no input on this, so perhaps the way to do it is to go to the conflict of interest part of our existing bylaws and start there. So –

Vice Chair Mitchell: Chair? This is Commissioner Mitchell.

Chair Raschko: Yes?

Vice Chair Mitchell: I'd like to ask for guidance before we dive into this section again from our legal – Julie – because our conflict of interest in the past bylaws largely addressed the quasi-judicial stuff and one of the things I think we need to be clear on is reiterating again that there can also be conflict of interest under legislative things too, before we dive into this. Pretty much as a Cliff Notes refresher.

Ms. Nicoll: I'm happy to do that.

Chair Raschko: Please do so.

Ms. Nicoll: So in my memo I discussed some ideas for your consideration when we do look at the Ethics section, Article VII, Section 2, which, I think, should be on your screen. The current language just really too, when you have a financial interest that that's what defines conflict of interest. And the discussion in my memo was relating to – you know, there may be times when there's *non*-financial interest. That may pose a conflict of interest. Again, there's no set *legal* standard for conflict of interest for legislative. It's just something that *you guys* get to decide. So if *you* think it should be expanded – and I gave some examples in the memo of, you know, of non-financial interests and some other jurisdictions' conflict of interest language. So it's really a matter of do you want to expand it beyond the language we have now, if you guys feel that there's other ways a member could have a conflict of interest in your own ethical standards.

Chair Raschko: Well, I would ask the question: If we are deliberating on an issue that is, you know, particularly one proposed by members of the public, if one of the Commissioners was a member of an organization that was part of the proposal, would it be incumbent upon them to reveal that fact as a potential conflict of interest? Ms. Mitchell?

Vice Chair Mitchell: I think – Julie, were you saying something?

Ms. Nicoll: Oh, I just didn't know if the question was to me or to everyone! I apologize.

Chair Raschko: Well, I meant – it's to everybody.

Vice Chair Mitchell: I do have a comment. I've reviewed close to – I don't know, 70 or 80 different sets of bylaws now – and by far the vast majority of bylaws sections on conflicts of interest is much more simple than ours. Ours just spells out the quasi-judicial stuff. Almost all of the other bylaws when they hit conflict of interest they say it very generally and it applies to either/or, either quasi-judicial or legislative. It sets a high bar for the ethics portion of it – and I can find some examples for you in a few minutes. But I think we should look at this pretty carefully and when we go through our Ethics make sure that we add that into there. And I think the main interest here is to set the bar high, set the bar for fairness, so that the public knows that people are looking at

things with the utmost integrity and trying to be as unbiased as possible in accepting new information and looking at new information – along those lines. And I think that's why so many of the other bylaws say something like that. So I will look for that language for you while you guys are discussing.

Chair Raschko: Does anybody else have anything?

Commissioner Lundsten: I have a comment, a question.

Chair Raschko: This is Commissioner Lundsten?

Commissioner Lundsten: Yeah, this is Commissioner Lundsten. I'm sorry. I should have identified myself. So the way I understand this is that the – as the bylaws are now and as the law is now, we have an obligation as individual members when we are doing a site-specific zone change at the Planning Commission on our deliberations. We will be then moving into quasi-judicial kind of deliberation, and, I mean, in that situation it's incumbent upon any given member to state any conflict of interest. And I think that it's obvious that in a legislative setting that it's a completely different kind of list of considerations largely not money, which is what a changing of a zone would be. We've had pending the last three years – and correct me if I'm wrong, anyone – but I think we've had two. One was Quaker Cove and one was the Mangat property. So I'm – our quasi-judicial duties have been – are fairly limited, you know, in the last few years anyway. So to me the question is: What mechanism do we have for reporting besides clearing with Julie or with Hal about what the rules state? I haven't heard of anyone's reportage of any membership in any group and our arguments are always independent of this or that. No one has come forward with anything, although I think there's a lot of obvious allegiances to certain points of view, which don't take a lot to figure out, it just seems to me. And it's an open discussion. Anyway, that's – my question is: What is the mechanism we have now? What is expected of us now legislatively? Or am I missing something?

Chair Raschko: Okay, does anybody wish to answer that? Or we can come back to that. I presume that's a rhetorical question and you're not looking for a reply at this moment?

Commissioner Lundsten: No, no. I'd like to know: Is there a list? Is there an official procedure to say I belong to this group or that group? That was a real question.

Chair Raschko: Sorry. Okay, we'll come back to that. I think next up was Ms. Rose.

Vice Chair Mitchell: Amy Hughes.

Commissioner Rose: Do I have the floor?

Chair Raschko: Amy? Go ahead, Amy, please.

Commissioner Hughes: If Martha wants to take it, I'll go after her.

Vice Chair Mitchell: It's Amy then Mitchell then Martha.

Chair Raschko: Go ahead.

Commissioner Rose: I'm going to comment. I'm kind of in the camp that – the thing that Mark raised. In other words, the most important area whether there would be a conflict is when there's

money involved if somebody has some interest in something. And that would be just those quasi-judicial actions. Everything else we all have opinions on, we all come from a different place, we all have interests in certain outcomes. I would challenge anybody to say that they're neutral about every topic under the sun. And so isn't that why we're all working together on the Planning Commission – so we can bring our different points of view? I mean, I don't see it as a conflict to come into a decision-making process with some views that are going to influence how we're going to ultimately rule. I mean, we'll be as open-minded as we can be, but we still come with baggage. And you're never going to – if you say that all of those thoughts and ideas are ethical problems, then we would all have to excuse ourselves every time. That's all I have to say.

Chair Raschko: Thank you. Commissioner Hughes?

Commissioner Hughes: Kind of to back that up, we start with financial but then we go to membership. Whether you attend a meeting an issue has been presented at; if you're a decision-maker – like a board member – or if you're just a member; if you meet with the proponents or the opponents prior to get better information – we can go into this in a really deep fashion if we choose to, or we can keep it kind of – a little bit like Martha said. You know, our positions are supposed to be diverse and it works out as we go through deliberation unless there's a – I just don't – I think we're going to really have to figure out how we're going to prioritize what is a conflict of interest, and then we also have to have a vehicle of when we're going to bring that forward. I can see at the beginning of a deliberation each and every one of us have a whole list of, you know, I'm on this committee, or I spoke to this proponent, or on and on and on we can go. So somehow we have to tighten this __.

Chair Raschko: Okay, thank you. Commissioner Shea.

Commissioner Shea: I'm going to remove my comment.

Chair Raschko: All right. Commissioner –

Vice Chair Mitchell: You missed me, Chair.

Chair Raschko: Well, you're on here twice!

Vice Chair Mitchell: Well, you missed me the first time so I put it on there again.

Chair Raschko: All right. Okay. Well, we'll take the other one away – the second one – and go ahead, Commissioner Mitchell.

Vice Chair Mitchell: Thank you. Well, it was to wrap up, to answer some of these questions, to read you a few things, and then, of course, the will is what everybody's will is. But everybody's right. But think about this: Under non-pecuniary interest, conflict of interest, "The member's interest in a matter is immediate and distinct from the public interest. It can be reasonably discerned that a member's private interest in a matter will influence his or her vote on a matter. If one of his or her relations or associates stands to realize a personal benefit from a favorable decision in the matter and potential benefit to the member is not financial in nature."

And this was just in one of the memos. But there's other language – this is what's common language – very similar and the bulk of the bylaws. And this is back to what I was referring to earlier about setting the bar high. It's by no means, you know, a police action or anything like that. It's just like everything else. It's the guidelines and the codes of conduct and ethics thing. And it

says – this is an example from the Ethics chapter from the AA – am I saying that right, Peter? AAP? Yeah. This is the Texas chapter and it says “A planning commission member with a conflict of interest in an item before the commission must state a conflict of interest exists and withdraw from participation in a public meeting, work session, emergency meeting, or regular meeting on that item.” What some folks are not aware of is that – you know, the question was asked, Well, when does this happen? It never happens. That’s because oftentimes this happens behind the scenes. There have been several times where it has happened in public or somebody at the microphone under public comments says something. One year we missed it when there was a challenge on that and we shouldn’t have missed it because somebody did challenge. There’s other years where there is challenge between legal, the chair, several members of the Planning Commission with discussing this kind of thing before. So it does happen. It’s not that it doesn’t happen. But the fallback – if we have very simple language saying that it’s on the onus of the Planning Commission member to state what their conflict of interest is, that’s why people are asked to disclose whether they’re on a board or something like that, or if they’ve worked on something when they come into this. For instance, if you were with a group or an organization and you worked on petitions and advocacy work and things like that, great. Everybody can do that on their own. But if you come in and you’re working on a project that directly affects something that comes before the Planning Commission, it’s probably a good idea to say something about that. Chances are people are not going to come back and ask you to remove, but that’s part of the full sunlight. And so coming back to simple language, I think that’s why we asked for legal to investigate this for us, is to have people aware of the fact that there are other kinds of conflict of interest, and it’s a very simple request to state what the conflict of interest might be. And if that person feels like they should recuse themselves (sic) they can or they may. If the public challenges them – and this is where I need to check with legal again – if the public challenges them, that puts us in a whole other ballgame. So I would like some legal clarification on that.

Chair Raschko: Okay, Ms. Candler. We’ll come back to that, Kathy.

Commissioner Candler: Thank you. My camera’s not fully functioning tonight. So I don’t know...I’ll turn it on but I don’t know if it’s working.

Just a couple of things. I think that we have – we have a different situation if we’re in, say, you know, a book club – you know, certain things that just aren’t – no one’s going to be concerned about, than we do if we, say, are in – on the Ag Board, where we regularly get letters, you know, from them on various petitions. Or on a – maybe an environmental board where they’re routinely making petitions, or something that is a little bit more critical. And I think it’s difficult maybe to ascertain exactly where we want to draw that line, because obviously how we craft that language to get only what we would be concerned about and not what we don’t is where we might end up with language that appears overbroad to capture those things we do care about and not those that we don’t. But that’s one point. Just food for thought.

The other point for thought is that – and this is in terms of Commissioner Rose’s comment – disclosure of participation in a group and recusal in my view are not the same thing. You might disclose, Hey, I happen to be a member of such-and-such ag organization, and in this case the petitioner is a different entity, but my group wrote a letter. And that’s it. And then, I guess, we would have to look at whether or not that’s a – I guess. I don’t know if we vote at that point but we would look at that, and I don’t personally think that we would come down on recusal in every one of those situations certainly, because I think that Commissioner Rose is correct about the fact that we do all come from different walks of life. We want those walks of life represented on this board. We want those things. And so I think we need to be careful to – when we write the language, to not leave it the way it kind of looked earlier, I think, was just that disclosure is basically automatic

recusal, which I don't think we want. And also, just to recap, just that I do think that that kind of involvement is a high enough level that we might want to just know that, to just know, hey, when this commissioner makes a comment, you've got to understand the perspective they're coming from. I think it helps us all make decisions and that's what we're trying to do. So that's it.

Chair Raschko: Thank you. Commissioner Lundsten.

Commissioner Lundsten: Yeah, I think we're still getting a little conflation of quasi-judicial and legislative issues here. The law, as I understand it, makes it pretty clear – the state law – our affiliations are relevant to these quasi-judicial actions and not legislative, as we have it. And in the quasi-judicial, as I said, it is up to the member to disclose anything pecuniary or non-pecuniary. But in legislative decisions, (an) RCW states that no member of a local decision-making body may be disqualified by the Appearance of Fairness Doctrine for conducting the business of his or her office with any constituent on any matter other than a quasi-judicial action then pending before the local legislative body. That's from material supplied to us – it's quoting the law – by Julie, and I think it's a – that's the guideline we need unless we want to be restrictive and say, Okay, everybody put who they – what affiliation they have with whoever on this list and we're going to keep it on file. And if you join a group, you put yourself down, and if you leave a group, you take that off. And it's across the board. It's for all of us. And then we keep track of it. And I have a problem – that's fine if you want to do it, but it will be – I have a problem with the *idea* of it because it's really cumbersome, number one, and it involves making assumptions that aren't necessarily true and way more discussion than we need.

The matter of legislation is generally a matter of sense and context. How much something makes sense in the situation it's in. Are we going to pursue that or are we going to have – you know, a measure of – a deliberative process? Do we have good deliberation protocols and skills between us? And openness: Can we do that? If we don't we probably should have the list or, you know, we might want to consider it. But it would still be cumbersome. And if we don't have good deliberative skills, that list isn't going to do us a whole lot of good anyway. It's the secondary measure that I think is a false band-aid. What we need is to pay attention to what's required of us and to pursue that. That's what we should be paying attention to, in my opinion. Quasi-judicial's clear. We follow that. The legislative is a matter of trust and a matter of deliberation and has to do also with a few other matters, like the Open Public Meetings Act that bears on this. So I think there are some other issues that have to do with this, but to me to put that list together or to have a disclosure rule, I agree with Martha. We just – we're going to get bogged down and I don't think, you know – and we haven't – I haven't – I don't know what any groups people are members of. We've never had that kind of, you know, disclosure of this or that, you know, aside from trade associations, which are obvious. But environmental groups or community groups, not so much. That's my comment. Thank you.

Chair Raschko: Thank you. Mr. Shea?

Commissioner Shea: Yeah, I agree with lots of what's being said right now. It's absolutely a huge cumbersome burden to have to have a list or keep track of that in that everyone is part of a lot of different groups, especially people that are going to take something like this on are going to be involved in a lot more than your average person. With that being said, I think – I absolutely do think that there can be non-financial things that could influence you in a negative way when we're dealing with legislative issues versus quasi-judicial. And I think that needs to be addressed as well. I don't necessarily think that if someone discloses an affiliation or a possible conflict of interest that they should be automatically have to recuse themselves. Maybe there is a vote. Maybe they just have to disclose it and then the group decides if the matter at hand, if that creates

too much of a conflict of interest. Because, yeah, if you are on a board or something like that and the organization you're working with we're looking at the proposal or there's substance material, I think that that *is* a conflict of interest. And something I have to look out for is – well, just my own work. So I don't know how to word that but I think in all actions, I mean, I think that we should consider it. I don't necessarily think we should have a *list* of everyone's affiliations but if a matter comes forward someone should disclose if they're part of a group, and maybe we can vote or have no vote or some sort of consensus, but I don't necessarily think that they should be taken out of the equation. But that's my two cents.

Chair Raschko: Thank you. Commissioner Mitchell?

Vice Chair Mitchell: Yeah, thank you. I find it interesting that the conversation skewed to saying that we had to keep lists of people and things. Nobody said that or has suggested that, number one. Number two, I think we could go back through the transcripts over the last few years and find numerous times where people have disclosed their affiliations. Mr. Raschko – Chairman Raschko has when he's been on forestry issues. Martha Rose has when she's been on building issues. Joe Woodmansee when he's been on building issues. Annie when she was on ag issues, et cetera, et cetera, so forth. All of that was volunteered by the Commissioners themselves and it helps the perspective with understanding where they're coming from. And the other side of the coin, which is the beauty of it, is also their expertise.

So I think the question has been raised about setting the bar for people having full disclosure and for putting things in the sunlight for good reason, because it does make a difference for affiliations and such to understand where they're coming from and what the background is. And any time in the past people have been asked if – if they have been asked, and this is where again I'd like to bring it back to legal and ask their advice. We know what happens in quasi-judicial. That's pretty clear. But when we hit legislative ones – which we did not too long ago. I could find it back either two or three years ago when one of the public in a legislative issue challenged one of the Planning Commission members for having conflict of interest. Unfortunately we were so bogged down we forgot to address that and we should have addressed that because they had a concern. We know what the Appearance of Fairness Doctrine is and we know what it applies to and what it doesn't apply to but we need to have the stuff written out clearly so people understand in the future, and that's the whole purpose of doing these guidelines now. It's so that there's not confusion and minimizing things. And when you wrap this into the ethics question, it seems pretty simple to ask people to be forthright so people can understand where they're coming from, or if they've had communications that affect what the issue is, whether it's legislative or not. That's just putting sunlight on the thing and putting everything out in the open and that's what we've been asked for before.

The question I'd like to pop back to Julie is, What should we have done or what do we do when a member of the public challenges a Commissioner and it's legislative? Or what if somebody else says something from some, you know – heavens, if it was another Planning Commission member that says, Well, what about your, you know, your conflict of interest because of your business interest or your best friend or something like that? Now granted, this is all very rare, but that's the reason why we're having the discussions now for guidelines. Julie, if you could ask – tell us what do we do in a legislative situation if somebody challenges.

Ms. Nicoll: Well, I think as the bylaws are written now, you know, our legislative language only applies to the financial interests. So if someone raises the question then you would go back to the bylaws and determine whether there *is* a conflict of interest. And, you know, as it currently stands, if there's no financial interest then there, you know, wouldn't be any action taken. But I

think the question that we're looking at tonight is, you know, Should that be expanded? Because we do want to ensure that there's a fair hearing being conducted on legislative matters. The Planning Commission has a duty to conduct fair hearings because that's the record that's going to be established for the Board of County Commissioners' final decision. So we want to ensure that there's a fair hearing process. That is what could be challenged. But as our rules stand, it's difficult to challenge that process based on conflict of interest. I do think that we could improve our language by adding more procedure, that if there is a concern that that should be raised at the earliest opportunity so someone can't sit back and wait to raise that issue later. So if somebody in the public has a concern, that that needs to be addressed early on if they have a concern and are aware of it. And if we do go the disclosure route, then that should also be disclosed at the earliest opportunity before a hearing even begins, and that there could be a process to make a motion for disqualification if someone wanted to make that.

But I agree with Commissioner Candler that disclosure is different from disqualification, that we could just include a disclosure requirement so everyone knows – like, This is my affiliation. And maybe that *has* come out over the years during discussions because of all of your unique backgrounds, which is important. But, I mean, the food for thought really is if there's a legislative proposal and it's your neighbor's proposal or your relative's proposal, should you be excluded from that discussion? You know, there may be no financial interest but let's say it's your brother who's the proponent of the legislative change. You know, those are the kinds of things, you know, Could the public – should you guys be involved in that if it's somebody that close to you, even though there's no financial interest? And some jurisdictions have changed their language for that. And I agree with Commissioner Lundsten: We don't want to turn this into a quasi-judicial restriction. We can't do that and have the same exact rule, but it could be broadened to address certain situations like the your brother is the proponent of. But, you know, there could be an open discussion. Well, my brother *is* the proponent but I am going to be able to be unbiased and I don't have any, you know, personal interest, whether it's financial or not, in the outcome of this. So there can be a process for disclosure and discussion, hopefully without it being, you know, overly complicated. So, you know, we could make it more of a procedure that you would have to go through versus saying, you know, x, y, and z is what makes it a conflict, for non-financial conflicts, if that makes sense.

Chair Raschko: Okay, thank you. Are there any questions for Julie?

(silence)

Chair Raschko: Okay, it's Commissioner Lundsten's turn.

Commissioner Lundsten: Yeah, thank you. I'm kind of – and thank you, Julie. I appreciate your comments especially. I think I have a suggestion – I'm not going to make a motion, although maybe we could – that we encourage all members to fully disclose their participation in any groups having anything to do with any legislative issue that comes before the Planning Commission. I think it would be a mistake to encourage a disqualification or to – we have to be very careful if we're going to do that because legislative decisions *require* a divergent set of points of view. You *have* to have – to have a good debate, you need to have give and take. You have to have opposing points of view. That's the whole energy of it. And to establish a mechanism by which certain members can disqualify another member, I think is a little dicey. I'd rather not do that at all. I'd rather have an encouragement or a position of the Planning Commission of what we – what our standards are. But the brother of the guy who's making the proposal might be fighting with his brother. And the people who are on the board of an organization pushing a proposal might be vehemently opposed to it and be the person who voted no. And I don't – do we need to get into

all that? I think we need to – I think the process is what matters of how we conduct our deliberations. I think that's the key. And are you a board member, or are you just a contributing member, or do you just get their newsletter? How deep do we want to go? I think if we establish an openness and an ability to disclose and a freedom to do so, we will have that. If we feel like we have this business where we have to make sure that we don't have a brother or a neighbor or whatever, I think we're going to dampen our deliberation. I think we just need to encourage people being open and disclosing, and I don't see – I think that's the way to do it. I really do not want to conflate the quasi-judicial with the legislative. Legislative is debate and quasi-judicial is really, you know, tradition. It's a matter of, you know, deciding, you know, like a judge in a courtroom. It's two different things, and I don't think – I think we have to be very careful with having one set of our regulations one way and one another.

Chair Raschko: Thank you. Commissioner Mitchell?

Vice Chair Mitchell: Yes, thank you. I'd like to reiterate that what the suggestion was was not to conflate the two but to separate the two to make it clear where both the Planning Commission and the public understands what the options are. And that's part of why we're doing the ethics sections anyway. And the Planning Commission's history has been pretty good about disclosing information and then moving on to the discussions. I don't recall people insisting or asking for penalization one way or the other, and so I don't think that's what people are saying or asking for here. I think we're asking for clarification for guidelines for the future for procedures and what people would do under the legislative situation.

Chair Raschko: Okay, anybody else?

(silence)

Chair Raschko: Okay. Where do we go from here?

(silence)

Chair Raschko: All right, I'll just try to summarize. I'll probably do so poorly but.... We've heard opinions that people should be forthcoming with their affiliations when it comes to a particular subject, a particular issue. The consensus I heard is we don't want people to make a big list and file it away with the County, and I would agree with that. My own belief too, though, is that we also have to be sure that the public has the same comfort that we might have and that we're dealing with an issue honestly. My own feeling is that if there's an affiliation it should come forth, and it doesn't necessarily mean that you cannot participate. It's just that everybody needs to understand what that situation is. Some people have said it'd be best to do this in a procedural manner, so I would ask anybody to make a recommendation about how we would do that.

(silence)

Chair Raschko: Okay. (laughs) I don't know where we're going to – go ahead, Mr. Lundsten.

Commissioner Lundsten: Oh, I think I'd repeat what the law says, that we should follow – and we should follow that. "No member of a local decision-making body may be disqualified by the Appearance of Fairness Doctrine for conducting the business of his or her office with any constituent on any matter other than a quasi-judicial action then pending before the local legislative body." So in other words, you can comport with an environmental group or a farmers association or a group of fishermen on the Skagit River; you can talk to them; you can debate

with them; you can get information from them; you can brainstorm with them a lot and you can be a member of their group; you can give them money; and you can still talk about it in public at the legislative body. So I think that's pretty clear. And what we can do, I think, as a planning commission is to say we encourage disclosure of any member's association with any parties involved – major parties, you know – involved with the matter at hand. I'm not sure that we can codify the trust and openness that we need to establish through good deliberative practice and repetition in the public. That's up to us and to them. And I think to try to codify it we'd shoot ourselves in the foot. I think we go backwards when we do that. The essence of this is *not* to codify it but to be open. So to me, an encouragement to fully disclose associations, fine. I would oppose anything more than that. I'm happy to do that and I'm happy to propose it as a motion.

Chair Raschko: It's your prerogative if you wish to make a motion. We have some other people that wish to speak, so go ahead, Mr. Lundsten, if you wish. Or we can wait.

Commissioner Lundsten: I move –

Vice Chair Mitchell: I've got a comment before we go that direction.

Chair Raschko: Mr. Lundsten had the floor.

Commissioner Lundsten: Thank you. Yeah, I would like to move that we just include language that we realize that quasi-judicial and legislative issues need to be clearly delineated, one. And I don't think we need to change the quasi-judicial Doctrine of Fairness – as if we could! It's the law. But we could say about the legislative side – this is – a motion would be: The Planning Commission encourages full disclosure of associations with people or organizations involved with any given issue which the Planning Commission is considering.

Chair Raschko: Is there a second?

(silence)

Chair Raschko: There is no second. Okay, so that motion just died. We'll move on to – Commissioner Mitchell was next.

Vice Chair Mitchell: Thank you, Chair. The way some of the other groups across the country deal with this kind of situation – and I was going to be suggesting this when we get to the Ethics 100% section – they put forth lists of conduct – codes of conduct and expectations, and I think that's a very good place to put something very simple about this kind of question there, about, you know, full disclosure for associations and that kind of thing. There are multiple lists that address these kind of things really well. Some of it's the APA stuff. And the Texas group pulled it together – an ethics chapter by Carol Barrett that had done for them. There's an excellent ethics chapter. I think that's something I'd ask for everybody to be sent. And there's another one that I found right before this meeting from Ocean – City of Ocean Shores in Washington that has excellent suggestions on how to address these things. It's also the APA fact information. And that's about just putting a list of guidelines in general, and I think that this could address this question right then and there because, again, we're back to – it's what we're asking. We're asking the people to know that we're working and doing right by them, hearing everything that they've said, et cetera, so forth. So if you guys are interested in tabling that part of the conversation till we get to those kinds of list – because that's a good place to put it in. And I'll give you an example. I'll send something to Peter in just a minute so he can pull a couple of those things up if you guys want to look at possible things to add to those lists. But it also falls in line very similarly to a code of conducts concepts

that was offered to us recently that says things like “an open mind to listen to new ideas from applicants, from other commissioners, and from staff; an ability to see both strengths and weaknesses of the proposals; critical thinking skills; leaning forward; finding solutions; a willingness to spend time and required to study materials; and ability to manage other commitments so that attendance is regular; a commitment to making all the process fair to all; a degree of independence in making choices and recommendations; faith in the future and an ability to community to shape that future.” Something like that could be addressed there with disclosing any affiliations or conflict – potential conflict of interest. It could be that simple. So I’m going to –

Chair Raschko: Thank you.

Vice Chair Mitchell: Yeah, thank you. I’m going to send some of that stuff to Peter to look at and see if it’s worthy of pulling up when we get to there for other people. But that might address what we’ve been dancing around for the last whatever it is – half-hour.

Chair Raschko: Okay, Commissioner Rose wished to speak. Please go ahead.

Commissioner Rose: I’ll try to be brief. Thank you. I feel like there’s certain groups that I’m – or organizations that I’m part of and it has nothing to do with my ways of thinking are aligned with that group. And so you put these – theoretically, you’re forthcoming – I’m a member of this group – but yet there might not be alignment of ideas but yet you’ll be judged by being a member of that group. Like, where does that end? So I guess I was finding myself in alignment with what Mark spoke to – Mark Lundsten – and I do think we’re belaboring a point that’s not worth it. Like, there’s nine of us on the Planning Commission and if one person is a member of a group that might benefit or not from whatever the proposal is, that’s one out of nine people. And I just don’t see it, even *if* they wanted to, say, lobby for something that would benefit that group of people. If it’s a bad idea, the other eight are not going to be in alignment, but if it’s a good idea anyway then at least half the other people will be in alignment. So at any rate, I just wanted to put my thoughts out there for the record and that’s all I had to say.

Chair Raschko: Thank you. I’m going to take a turn myself. I think this is important. I mean, if we want to just say it’s not an important thing and we don’t need it in the bylaws whatsoever, I think that’s a mistake. During my time on this board, I know of one instance when we had a Commissioner and there was a particular docket item in which they were very involved, and when that docket item was over they left the Commission. You know, I think that there’s something there and it can’t be ignored. I don’t know whether the heron thing was judicial or quasi-judicial, but I think if somebody was, say, on the board of the Skagit Land Trust and was on the Commission at the same time I think there would be a conflict there. Now does that mean that people have to be excused or recused? Not necessarily. But I think people need to know that.

My suggestion at this point is, as Kathy suggested, that we table this and when we come back to this in our next session or the session after that people prepare something to propose, you know, if they feel strongly about this. And a good start if you using some research into other people’s bylaws and see what they have and put together some proposals. And they can be compared and we can decide if we like any of them, or we can just do as some might wish and just ignore the issue. So if everybody’s okay with tabling this, I’d like move on. If not, please speak up.

(silence)

Chair Raschko: Okay. Thank you. Well, that would move us into Recusals, and I think that’s inappropriate due to the fact that we don’t even know if anybody’s ever going to need to be

recused. So the next one I had on my particular list was Publicity, and this would have to do with people, perhaps not purposely but inadvertently, like talking to the press or something else and talking as a representative of the Planning Commission, or writing letters to the editor as a Planning Commission, and these types of things. So I'd like to open that up for discussion. If anybody has any ideas, please speak up.

Ms. Mitchell?

Vice Chair Mitchell: Yeah, it's back to having researched a whole lot of bylaws. I'm going to read you just an excerpt from a couple of three to get the conversation rolling, and see what you might think. One was from Arlington, Virginia – "Publicity" – "Article VII, Publicity. No release to the public media shall be made unless it has the commission's approval or unless the commission has authorized the chair to make an appropriate release to the public." It's rare that it happens in our instance here, but there are bigger cities and 'burbs and other things where it becomes more commonplace than it does here. But we still should be prepared in the next ten years for what if it happens here.

The next one is Pulaski County, Virginia. Their bylaws say "Commission members shall avoid all situations and circumstances that may lead to bias or prejudice in matters presented to the commission. No commission member shall offer expressions or individual opinion regarding any matter under consideration by the planning commission prior to the meeting." And they meant as far as the newspaper, public – you know, publicity, that kind of thing.

Another one – this is Michigan State University – Bylaws Sample Series, a short one-line: "From time to time or on a specific issue, the commission may appoint a spokesperson for the commission for all matters which occur outside the meetings of the planning commission." And one of the common threads through most of the bylaws across the country was that the chair most often was the spokesperson. Sometimes they appointed somebody.

Chair Raschko: Thank you. Commissioner Shea?

Commissioner Shea: Yeah. Kind of relating to what was already said. Well, it was provided by Julie, I think, had pretty concise examples but I thought ___ pretty good and concise, but public spokespersons, "Unless otherwise specified by the chair, the chair and the vice chair will be the only official spokesperson for the planning commission." I think that's pretty reasonable. They're probably the ones that's going to know the most. But then also it leaves it open if the chair would like to select a specific individual to be a spokesperson. But I thought the Snohomish County one was okay as well, but I think the chair electing a spokesperson or the chair/vice chair be the spokesperson, it seems reasonable.

Chair Raschko: Commissioner Lundsten?

Commissioner Lundsten: Yeah, I put my name up just because I agree with Commissioner Shea that the one that I had written down was the Snohomish County's Article IX, Public Statements. It has a very concise and clear statement about how the planning commission can speak in public and to the press. "While any member has a right to express personal views and opinions, pursuant to our constitutional guarantees of freedom of speech, statements purporting to represent the view or pronouncements of the commission or committees thereof shall not be made in advance of the commission's final determination of the matter, except as directed or authorized by a majority of the entire commission at any special or regular meeting or public hearing." So that's consistent with what's been suggested. "And the commission shall appoint one of its members to

issue such statements as the commission deems necessary.” And that can certainly be the chairman and vice chair. And importantly, “This shall not prejudice the right of any dissenting members to express the minority opinion. Commission members who wish to speak to or submit written opinions to government bodies or the media on issues commonly associated with those considered by the planning commission but not being immediately considered by it, should nonetheless identify themselves as commission members and state that they are acting for themselves and not for the commission unless they are authorized by the commission to do so.” I think what this makes clear is that people have a right to express themselves, and we set boundaries and protocols for respecting the workings of the commission and how it functions in that system. So to me that’s the kind of – I thought the Snohomish County one was the clearest and most concise of those I had read. Commissioner Shea, I thought, brought it up so I wanted to second that.

Chair Raschko: Okay, thank you. Commissioner Candler.

Commissioner Candler: I’m withdrawing my question.

Chair Raschko: All right. Anybody else? Has anybody else any opinion on the Snohomish County verbiage?

Ms. Mitchell?

Vice Chair Mitchell: Yeah. Although I thought that largely the Snohomish County one was pretty good, I thought it was way too deep. I would prefer to defer to something simple because everybody knows they have First Amendment rights. That’s not the issue. The question is when anybody comes onto the Planning Commission they know that they’re serving on the Planning Commission and not as – you know, being individual spokespeople. So I think we could keep it short and simple.

Chair Raschko: Have you something to suggest?

Vice Chair Mitchell: Yes. From Michigan State University Bylaws Sample Series: “From time to time or in a specific issue, the commission may appoint a spokesperson for the commission for all matters which occur outside of the meetings of the planning commission.” And instead of saying “the commission,” I think it should be probably “the chair.” And the only reason for that is that it could be a timing thing. In order to have the whole Planning Commission say aye or nay, we’d have to be present and accounted for and have a vote and discussion. That may or may not be always the wisest. But the chair as being the leader, so to speak, would have the ability to do that or to appoint somebody.

Chair Raschko: Okay. Commissioner Rose?

Commissioner Rose: So I have a train going by. I hope that’s not going to be too loud. I actually liked the wording of the Snohomish County words because I felt like it addressed that whole issue that everybody had with Mark writing his letter to the County Commissioners, where he said this is my opinion. You know, in other words it addressed that very situation that we spent all that time discussing a few weeks ago and it offers clarity. And it seems legitimate. And that’s kind of how I feel about it. I think it should be allowed. So I liked that wording that he picked up from Snohomish County for that reason.

Chair Raschko: Thank you. Commissioner Shea?

Commissioner Shea: Yeah, I agree with that comment. I think it does address pretty much what we're kind of dancing around here. The one thing I did really like was the minority position being included. The one thing I would say is I still think that minority position should still be attached and sent together with the one proposal, with the Findings of Fact addressed the Board. But nonetheless, I think that does cover all the issues that we're facing and it still gives people that freedom to voice their opinion. But I think the minority report, if we need to specify that more to be sent in I think it really should be sent in together with the Findings of Fact. I think that should be looked at if we adopt something similar to this.

Chair Raschko: Commissioner Woodmansee?

Commissioner Woodmansee: Yeah, so I think I'm with Joseph on this. I'm good with the Snohomish one in general. I know it is a little wordy but it does cover all the bases and I definitely agree if there's going to be a minority report that it should be submitted in a timely manner with the majority report, if possible. So that's where I'm at on it.

Chair Raschko: Okay, I'd like to ask staff – Mr. Gill, you wouldn't happen to have that Snohomish County verbiage that you could put up, would you?

Mr. Gill: I sure do. Let me try and do that for you.

Chair Raschko: Meanwhile, Ms. Mitchell? You wish to speak?

Vice Chair Mitchell: Yeah, I think it's a little premature to be talking about the minority report before we ever got a minority report.

Chair Raschko: I agree.

Vice Chair Mitchell: So I would object to having any language inserted at this point that addresses that before we've discussed it.

Chair Raschko: Yeah, my own belief is we were talking in the context of just speaking publicly on behalf of the Planning Commission in general, rather than minority opinions. Okay –

Commissioner Woodmansee: I have no – this is Commissioner Woodmansee – I have no problem with separating the two issues.

Chair Raschko: Now who was that that just –

Commissioner Woodmansee: It was Woodmansee.

Chair Raschko: Okay. Thank you.

Commissioner Woodmansee: I'm going to step out for about two minutes. I'll be right back.

Chair Raschko: Do we need to take a break?

Commissioner Woodmansee: I do.

(laughter)

Chair Raschko: Why don't we take a five –

Commissioner Rose: Yes, we need a break.

Chair Raschko: What if we come back at five minutes to eight? That's enough to time for everybody.

(sounds of assent from Planning Commissioners)

Chair Raschko: All right.

(break)

Mr. Gill: I will put it back up so we can leave off – start where we left off. Is that large enough that you can see it okay on your screen, or should I make it even bigger?

(positive comments/sounds from Planning Commissioners)

Mr. Gill: Okay.

Chair Raschko: My own opinion if that we should not be considering anything beyond the first paragraph because minority opinions are a whole other subject to be covered later. Does anybody disagree with that?

Commissioner Lundsten: I have comment.

Chair Raschko: Please do so.

Commissioner Lundsten: This is Commissioner Lundsten. I do think that the logic follows clearly in this statement and that we could – I suggest that we keep it intact and that we – with the caveat that we revisit the minority opinion part of this because it involves timing and the Open Public Meetings Act as well. So, you know, it should be part – I agree with the Joes, both Joes, that the timing is important. It should be – the minority should be delivered as part of a – with the majority opinion, just like the Supreme Court does it. They should come at the same time. And it's important who they go to. It goes to the staff and the chairman. So I'm _____ now, but I think that that's what makes it complicated but it's clear that the diversity of opinions leads one naturally into the idea of a minority report, and so it does make sense to keep it there. Let's not go into the details right now.

Chair Raschko: I agree with that. Ms. Candler?

Commissioner Candler: Thank you. A couple things. First of all, I am trying to wrap my mind around an example where we would comment publicly about *anything* in advance of the Commission's final determination of the matter. Maybe I'm off-base, but that doesn't sound like something we would do. That's my first point.

My second point is regarding minority reports. I don't know for sure, but I have a feeling this may be a much larger discussion. I'm not sure that we're going to have a consensus on this. I don't know if we want to start talking about that now or not, but I have some strong opinions about that and so I would definitely not, you know, want to put this language in there without some discussion.

Chair Raschko: Okay, Ms. Mitchell.

Vice Chair Mitchell: Yes. Let's revisit the fact that this is public statements. It has nothing to do with a minority report. So this – although Snohomish chose to do that in theirs, I don't think this is appropriate for ours for a whole lot of reasons that we can get to when we get to the minority reports. I would prefer to see this language removed because this is solely about public statements. And a minority report would not be a public statement to the press.

Chair Raschko: Okay, Mr. Woodmansee.

Commissioner Woodmansee: Yeah, I agree with Commissioner Mitchell on that. I do think that I'd like to see the rest of that comment, the rest of the statement there – I don't have it in front of me – about the dissenting member, but I do think that it's – certainly before a final opinion is done there shouldn't be commissioners out there publicly trying to make statements about something that we're discussing. I do see that there could be some communication that needs to happen. Maybe there's some really hot button coming up or you're in the middle of and there needs to be a statement made by the Commission about, Here's the process that we're doing and here's our schedule that's more than just posting it online. So I can see why there might be some comments that need to be made prior to our final decision, but I do think that they really are two separate issues. And I don't think that there should be – and I'm not saying anybody has done this, but I don't think that there should be a like an out-in-the-press conversation going on pro or con prior to decisions being made. So I do think it's probably – should be in two different places.

Chair Raschko: Thank you. Commissioner Shea?

Commissioner Shea: Yeah, I agree with a lot of the comments. I think we definitely need to address minority position, but I agree this isn't the best place for it. I think the goal of this Article section for public statements is outlining a spokesperson that's going to speak on the Commissioners' behalves towards an item. And I do agree that the bottom part of that might be better placed somewhere else. It may be too premature, but I would make a motion to approve the public statements from Snohomish County, the first paragraph all the way to the last sentence, excluding the last sentence and the last paragraph of _____. That's my motion.

Chair Raschko: Could you clarify it? You kind of lost me about what the exceptions were.

Commissioner Shea: The exception would be the last sentence in the first paragraph of Article IX in Snohomish County – the example that's in front of us. Er, I don't know if it moved around on us or not.

Chair Raschko: Do you want to state your motion in a way in which you read what you want it to say out of that paragraph?

Commissioner Shea: Yep. So as provided from the Snohomish County example, I move to approve Article IX, Public Statements, the paragraph – the introductory paragraph except for the last sentence that states: "This shall not prejudice the right of any dissenting members to express their minority position." And also excluding the last paragraph talking about commission members who wish to speak to or submit written opinions to governing bodies. So and it continues, but...

Chair Raschko: Okay. Does everybody understand the motion? I still don't. I –

Commissioner Lundsten: Peter has it written down properly, Mr. Chairman. I think Peter captured exactly what Joe said.

Chair Raschko: In the highlighted part?

Commissioner Shea: Yes. Correct. That is the language taken from the Snohomish County example excluding the last sentence of the paragraph and then the second paragraph.

Chair Raschko: You know, I don't want to tell you how to make your motion, but – well, okay. Is there a second to the motion?

Commissioner Lundsten: I'll second it.

Chair Raschko: All right, it's been moved and seconded. Mr. Gill, could you please read the motion?

Mr. Gill: So if I got this right, the language to be inserted under Public Statements would be "While any member has the right to express personal views and opinions pursuant to our constitutional guarantees of freedom of speech, statements purporting to represent the view or the pronouncements of the Commission or committees thereof shall not be made in advance of the Commission's final determination of the matter, except as directed or authorized by a majority of the entire Commission at any special or regular meeting or public hearing. The Commission shall appoint one of its members to issue such statements as the Commission deems necessary."

Chair Raschko: All right. It's open for discussion. Ms. Candler?

Commissioner Candler: Thank you. I appreciate the example that Commissioner Woodmansee came up with. Perhaps it might be appropriate for our Commissioner to let the press know when this would be on the docket or heard. But I'm concerned about this language because it either – I don't know that this is what that's addressing because that would limit any other Commission members from telling, you know, *when* it's going to be heard, which I think we would want to encourage. I guess we can just say, you know, talk to our Chairman, which works. But I'm still having a really hard time figuring out when we would represent our view *before* a determination of the matter. I'm still having a hard time coming up with a place where this would even fit, and therefore I'm not inclined to want to put it in there until we – until I understand how it's applicable.

Chair Raschko: My own feeling on this whole item, if you will, is that our intent should be to try to prevent Commission members from going out and speaking on behalf of the Planning Commission on anything without express permission to do so. People are free to talk as they wish – their own opinion, or speak as a citizen, but not to do so as a member of the Planning Commission. If other people feel otherwise, please speak up.

Let's see, we had next Ms. Mitchell.

Vice Chair Mitchell: Yeah. I agree with Commissioner Candler and also the Chair. I think where I have a problem with this language is when it goes "except..." When it starts "except," I think that should all be cut off for the same reasons. Because if there were – Commissioner Woodmansee put a good example up, but in that instance *anybody* is free to talk about any kind of scheduling or anything like that. You know, that's not inherent on the merits or the points of anything before the Planning Commission as a whole. So if people are liking the language for the thing so far, I would stop and put a period after "determination of the matter." Because that solely addresses

the work that's being done instead of maybe ancillary things about meeting time, places, et cetera, so forth. Because the second "except" language thereafter negates a lot of what's in front of it. I think that's a – that shouldn't be there at all.

Chair Raschko: Okay, where are we now? I've lost track. Is it – Commissioner Rose, I believe it's your turn to speak.

Commissioner Rose: I'd like some clarification about this conversation. So I'm trying to come up with an example that might fall under this. And let's use my affiliation with the builders group SICBA. And at the board meetings – at their board meetings I get that any news that might have come out of these Planning Commission meetings, which usually I don't – there's not much and there's usually very little discussion, but maybe there's something that is a hot topic – I'm looking ahead – and so bringing up a conversation with, say, the board of directors with SICBA, is it – let's say there's been enough discussion that it's pretty clear the way most people on the Commission feel, and so I think that this paragraph would allow me to bring up the topic and say this is in deliberation and this is what it is and this is likely how it's going to go. Am I missing the mark or is that an example of this paragraph in action?

Chair Raschko: (unintelligible)

Vice Chair Mitchell: This is Mitchell. I don't think that is – I don't –

Commissioner Rose: It's not like the grand big public like you're going to the newspapers, but it is the public.

Vice Chair Mitchell: Unless I was missing the mark, I thought the whole intent for this section was when we're talking about publicity and the press.

Commissioner Rose: Okay, that's what I wanted clarification about because to me it's – I mean, maybe it's a bigger headline up above but – I guess that's why we're talking about it. But when I read this paragraph I think, Okay, this paragraph would allow me to discuss a coming conversation or decision by the Planning Commission amongst different groups – realtor groups, builder groups, whatever. Those are the public. And no, it's not a newspaper article but those still are segments of the public.

Chair Raschko: Commissioner Woodmansee?

Commissioner Woodmansee: I think you bring up a good point. I have no – but before I go there, I have no problem with stopping just before "except," as Commissioner Mitchell has suggested. So I think where I sit on your comment, Commissioner Rose, is you have the ability to say here's where I think this is headed, but you can't say this is where the Commission *is* headed. In other words, you're going to have a view and an opinion and it has to be said in that perspective, not in the perspective of this is what the Commission is going to rule and a decision's coming out next Tuesday. So I – it is a tricky line to figure out, which is why we're having all these discussions, but I think that you as a member of another board, in that particular case, you have somewhat of a responsibility to say hey, here's where we're at. And the reality of it is, it could be a bad move – and somebody can tell me if I'm saying something that can't be done – but you may need to tell the builder's board – because that's the world I live in – hey, if you don't start showing up for this, you're going to get stuck with the – you *could* get stuck with not a good situation. Anyway, so, yeah, I'm not sure where to finish on it but that was my thought.

Commissioner Rose: Can I interject? It seemed like the way this paragraph is worded, we would take away any ambiguity and allow that conversation to take place at, say, a SICBA board meeting. And so I would just want to make – because I agree with you. You can never say this is what's going to happen because you don't know what's going to happen until it happens. You can say it's heading this way, it looks like it might happen but we don't know. And if you guys – part of my job is to keep you informed about goings on with the Planning Commission and the Planning Department with Skagit County and this will affect you, and so if you have a thought or an opinion you better show up or write a letter or do something. And I think that's what you're saying, Joe.

Commissioner Woodmansee: That's exactly what I'm saying.

Chair Raschko: Commissioner Candler.

Commissioner Candler: I agree with Commissioner Rose in that we should define somewhere in this language – in the section title or something – whether this is media or general public, because I don't know either. I don't know. That's the first one: We need to be clear. And then secondly, I am a little bit concerned about this language – and I'm not saying we need to scrap it. I'm concerned because generally we cannot come into a public hearing with any kind of predisposed decision. That's just not something we're supposed to do and what we can't do, I believe. And someone can correct me if I'm wrong about that. I believe that's in Robert's or somewhere. And this almost makes it sound like we *can* do that. And maybe that's *not* what it's saying but I don't want to imply that on any level. And I think when we change our bylaws we need to be careful and maybe take on a Hippocratic oath sort of plan and – First, Do No Harm. Like, let's not make the bylaws more confusing or do something we don't want them to do. And I'm – I might be completely off-base here because I could be wrong, but I am concerned about this language.

Chair Raschko: Okay, Mr. Shea.

Commissioner Shea: Yeah, I appreciate the discussion. I think I agree with putting a period or something like that to separate the “except as directed by or authorized by a majority. So I think that the comment was made if we find ourselves in a situation where that would happen, I don't know. I think that maybe removing that from the top section would be good. Yeah, that's – and then the first part of it as far as “representing our views and pronouncements, the Commission shall not be made in advance through the Commission's final determination,” makes pretty good sense to me, I guess. I guess I'm not quite sure of what the disagreement is exactly there, or how to word it better, but I agree with the comments about putting a period or separating the second half of that paragraph.

Chair Raschko: Thank you. Commissioner Mitchell.

Vice Chair Mitchell: I appreciate all the comments that have come around, but now we're coming around to full circle which is why I was suggesting earlier the specific language. Well, like the Arlington, Virginia, one. It said no release to public media shall be made unless blah-blah-blah. ___ because it makes it really specific, because people were put on the Planning Commission because of their expertise in different areas, and affiliations, and things like that, and that would cover what Commissioner Rose was talking about, and Shea and Woodmansee and others. And it makes it very specific that we're talking about the media and not general communications because already we know that we're not supposed to be making declarative statements that we know what the Planning Commission's going to do by any way, shape, or means, like Commissioner Candler said. So bringing back to the point, I would like to ask our legal advisor Julie if she could – and this is the question part of my thing. Would we be better served if – well,

first of all, I think putting the language in there about the First – you know, constitutional rights and things like that, is a feel-good statement and it's not really necessary because we know we have that right. Okay? And that's why I would prefer to put it – just leave it towards the media type statement. If the group is going to decide to stick with this language for the first part of the sentence up to "matter," then we need to make it clear under Section 11 that public media statements perhaps, or something like that. And I'd like to ask Julie: What would cover us to cover what the intent is from what you're hearing here about applying it to media stuff and not getting ourselves mired down in someplace we don't want to go?

Ms. Nicoll: I think it's sort of a judgment call on behalf of the entire Commission. You know, if you want to clarify the Planning Commission's role in communicating with the press then – and everyone can agree to that – then I think it *should* be specified. But if you want it to cover like Martha's example, then it would need to be more general. But I think the intent of it initially when I put the information forward is just to have some discussion of who's the official spokesperson, you know, and that if any individual member of the Planning Commission does make a statement publicly, whether to a group or the press, that they don't speak on behalf of the entire Planning Commission, that that's their personal view. I know you guys probably have heard that in a lot of government presentations. You know, I think the State does that a lot when someone goes to present at a conference. They start their presentation saying this is not – you know, this isn't the views of the State of Washington. This is my personal, you know, representation of the issue, or whatnot. But I don't think you need the full Snohomish County language per se, but you guys can craft your own, if you want, to clarify the roles of who is the official spokesperson and if you want to specifically limit "official spokesperson" to be the one to comment to the press. Or not. You want all – you know, everyone has the ability to comment. I know recently that people have been reached for comment by the press and, you know, everyone should know that they never *have* to specifically talk to the press if they don't feel comfortable doing that. But, you know, we also want to limit potential inappropriate comments that are made, so that's why we'd want the personal view to be represented, not the official view of the Planning Commission, so that wouldn't be confused. I'm not sure if that answers your question, Commissioner Mitchell.

Vice Chair Mitchell: It does. Thank you very much.

Chair Raschko: Okay, thank you. I think we're at a point where – the gist of what I'm getting is that we need to do some wordsmithing here. The problem is that we have a motion on the floor and for specific language. We can vote on that motion. The motion can be withdrawn. The motion can be amended. How do we wish to go?

Vice Chair Mitchell: Chair, can I make a suggestion first? There were two people that had comments. Could we let them do that and then go where you're looking? It looked like it was –

Chair Raschko: I saw that. I was cutting off discussing.

Vice Chair Mitchell: Yeah, I don't think you meant to do that.

Chair Raschko: Yes, I did. But we will do so. Mr. Shea? Or excuse me, Mr. Woodmansee, you're first.

Commissioner Woodmansee: Well, it seems to – I mean, it seems to me like the motion doesn't make a lot of sense based on where we're at now. But I will say that I have no – what I was going to say prior to your comments was that I have no issue with making this section specific about press releases/slash/media contacts on speaking on behalf of the Commission. And that doesn't

preclude what Commissioner Rose's example was earlier and my concurrence with her that you'd have to be able to have conversations. And at the same time, some of these other things can be dealt with in different sections. And so – so I would think that we would kind of start over with this, as far as a motion goes. But those are my thoughts.

Chair Raschko: Okay, thank you. Mr. Shea?

Commissioner Shea: Yeah, I'd like to withdraw my motion and my other comment while there. That's why I thought the second paragraph was really important because it does address that media issue and outlines how someone in the Commission can make public statements or make a comment to someone as an individual while they're still Commissioner because they still have that right as an individual, I think. But since we thought that was a part of minority position, to move it into a different section which I agree with (but) I don't know where to put it. But anyway so that's why I thought that second paragraph actually ties this whole example from Snohomish County together to include the public – to the media or the comments to the media but then also speaking as a Commissioner towards actions or views or pronouncements of what we're doing. So I withdraw the motion.

Chair Raschko: Thank you. As a matter of procedure, does the second have to go along with that? Pardon my lack of knowledge.

Vice Chair Mitchell: I don't think you have to.

Chair Raschko: Okay. So the motion –

Commissioner Lundsten: I believe I do, Mr. Chairman. I'm willing to do so but I'd like to make one comment on it – is that I'm willing to withdraw it whether it's required or not, but if I may say, I think Julie brought us back to what this is really about, is that before we make a decision no one's allowed to speak as a representative of the group. I think that's really all it's saying. And if we do have someone speak as a representative of the group, it has to be by majority of vote. So I'm not sure that we – I think we kind of lost sight of that point myself, but it seems like maybe we – if Joe wants to withdraw it, I agree. That's fine.

Chair Raschko: Okay, thank you. Commissioner Hughes?

Commissioner Hughes: Since it was withdrawn, that's pretty much – I'd like to deal with the media separately from individual statements to groups. So if we need something regarding the media I'd like to wrap back around and talk about a media statement, if we feel we need that.

Chair Raschko: Well, go ahead.

(silence)

Chair Raschko: Okay, where are we? We need to differentiate whether this is media or just talking in general? If anybody would like to propose some verbiage, whether in the form of a motion or just for discussion, please go ahead and do so. I think Commissioner Mitchell wishes to speak.

Vice Chair Mitchell: Okay. Let's try marrying two of these that I read earlier because I think the full intent for this was for public media-type statements. That's all this section was about. If there's broader places where we want to do that, we can address those separately because this is an important issue to handle here. So I'm going to pull up two of the main – I'm going to read these

two things, one from Michigan State again and one from Arlington. I think between the two it offers us lines that we could work with for media statements. Michigan State said “From time to time or on a specific issue the commission may appoint a spokesperson for the commission for all matters that occur outside the meetings of the commission.” So that’s kind of part B of the Media. The actual Media portion itself I think is covered in this one from Virginia. “No release to the public media shall be made unless it has the commission’s approval or unless the commission has authorized the chair to make an appropriate release to the public.” If you guys don’t like the “chair” language, you could always say “chair or acting chair,” because, you know, the chair might be gone when you guys are making a decision. I’ll repeat the first part again. “No release to the public media shall be made unless it has the commission’s approval or unless the commission has authorized the chair to make an appropriate release to the public.” And if it would make people more comfortable, we could make the heading itself “Public Media Statements,” if that makes it crystal-clear for everybody. Saying “Section 11, Public Media Statements,” if that would help. Do you want me to repeat that, Peter? I think I sent that language to you earlier. “No release to the public media shall be made unless it’s the planning commission’s approval or unless the planning commission has authorized the chair to make an appropriate release to the public.” And that’s generic enough it could cover any situation it needed to be without tying anybody down specifically. It would keep us from – avoiding us from listing different circumstances.

Mr. Gill: Sorry. I missed the last part.

Vice Chair Mitchell: Pretty good.

Mr. Gill: The last part – is that right?

Vice Chair Mitchell: The last part literally was “to make an appropriate release to the public,” but perhaps what you’re saying is – what you wrote there may be even better. It’s at the will of the group. Yeah, “an appropriate release to the public or media.” And just for wordsmithing’s sake, if you go up and make the public statements – well, if we could add “media” up there, that would make it clearer. Because quite frankly, these days I don’t think we want people posting something on one of the web pages either. I never would have thought about that five years ago, but...

Chair Raschko: Okay. Commissioner Candler.

Commissioner Candler: Question for Commissioner Mitchell: Is your intention – this is different than the previous language proposed in some significant ways, but I think what’s striking me is that – is it your intention that this language not distinguish between pre- or post-determination? I think we’ll all feel more comfortable, Peter, if you would put “Public Media Statements” in the title. So that was my one question. It’s also a little bit – I think it’s going to be concerning to some of the people who like that First Amendment language that it seems to completely mute us, and I’m not – is that the intent? So those are my questions.

Vice Chair Mitchell: No, that’s not the intent. Very good clarifying questions. I wanted to get this up there for a starting point. Again, where it’s media-specific and it says it has to have the Planning Commission approval, you know, or the Chair’s/the spokesperson, from there and then you can do the rest. If people want to revisit the First Amendment thing, that’s fine. I think that’s – actually I don’t think that’s necessary because that’s a given. We all have the First Amendment rights, period.

Commissioner Candler: Well, not. I think we wouldn’t if this is our language. This tells us we can’t talk to the press with this language at all. Except with approval of the Commission.

Vice Chair Mitchell: Well, we'd have to – what we would – what I mean by that is we would have to go back to Robert's Rules, which I could read to you guys. And what it says is even though we have First Amendment rights, and there's plenty of language from lawsuits and things like that where people had said they didn't have their First Amendment rights if they were silenced, where they came back and said well, no, when you're a body of a group that changes. But even so, you do have your First Amendment rights to speak your opinions in the meetings and such.

Commissioner Candler: Okay, can I suggest something?

Vice Chair Mitchell: Yeah, sure.

Commissioner Candler: Before we _____, can I suggest something?

Vice Chair Mitchell: Yes.

Commissioner Candler: I think we just need to be clear in this sentence that we're not talking about *personal* opinions, that we're talking only about Planning Commission decisions and opinions.

Vice Chair Mitchell: That's fine.

Commissioner Candler: It needs to be more clear in this sentence.

Vice Chair Mitchell: If you can help with that language, I think that would be great.

Commissioner Candler: It could maybe go "No release to the public or media regarding Planning Commission's decisions" – "No release to the public or media from..." –

(several Commissioners talking at the same time)

Commissioner Candler: No. "...from the perspective of" or "in the role of Planning Commissioner shall be made." Is that what we're – is that kind of more of what we're looking for here?

Chair Raschko: Commissioner Lundsten?

Vice Chair Mitchell: I think so.

Commissioner Lundsten: Yeah, thank you. I was just going to say "on behalf of the Planning Commission." I think the idea is that, as Commissioner Mitchell states and Tammy both, people can talk about – Martha can go to a – explain what's going on at the Planning Commission to SICBA and you can make a personal statement about what is happening or whether you don't know, but I don't think that – you cannot speak on *behalf* of the Planning Commission. But I think if that's clear, I think that's right. That's what we're looking for here, as I understand it.

Chair Raschko: Commissioner Shea?

Commissioner Shea: Same comment as Commissioner Lundsten.

Chair Raschko: Okay. Okay, so have we got the wording to where we feel it's appropriate?

Vice Chair Mitchell: I like it. It's short and sweet and to the point.

Commissioner Lundsten: I have a question, Mr. Chairman.

Chair Raschko: Let's see. I think you'd be after Commissioner Candler.

Commissioner Lundsten: Sorry.

Commissioner Candler: It's more of a question. I just – I like the language. I think it's simple and I think it does exactly what we want it to do without doing extra. I'm just questioning whether or not we want – what our intent is as a group – whether or not we want this to be subject to – just to add the sentence into the sentence at the end, "approval of the Planning Commission Chair or by vote of the Commission." In case a person is having a – I don't know. I don't even know, but, you know, we did these things so that – for what we don't anticipate.

Chair Raschko: I don't think everything should land on the Chair! Okay, there was a comment from Commissioner Lundsten.

Commissioner Lundsten: Thank you. That's what I was going to say, is that I think that this ought to be by vote of the Planning Commission to designate the Chair or another designee to speak for the Planning Commission. I think it should be by vote of the Commission, by majority vote, but not up to the Chair – with all due respect, Mr. Chair.

Chair Raschko: Thank you. Commissioner Woodmansee.

Commissioner Woodmansee: Yeah, I was going to try to take the pressure off you on that also so that it wasn't a position that you were put in that you could, or somebody else could someday be making statements without the majority of the Commission.

Chair Raschko: Commissioner Mitchell, and then I think we need to _____.

Vice Chair Mitchell: I was just going to – before you cancel that, I was just going to say the only reason for leaving that in there, if you did approval of the Planning Commission Chair and/or by vote of the Planning Commission is it gives us leniency for those times – what if, you know, there's not a quorum or, you know, something's happened or, you know, whether or whatever it's going to be, and, you know, we were up against a notice or something like that. I don't know. I was just thinking – trying to think out of the box on the time issues. That would allow you to have a little leeway between the Planning Commission Chair and the Commission. Forgive me, Chair. I don't want to put more pressure on you. But either way. Whatever you guys think works best.

Chair Raschko: I'll play devil's advocate and say what if the Planning Commission says and/or the Planning Commission votes not to and I decide I'm going to go talk to them anyway because I can. Anyway, Commissioner Candler is next.

Commissioner Candler: Well, it's lonely at the top, sir! I would probably have to go with leaving the – my personal preference would be to leave the language in because there just are an awful lot of times when we don't have a meeting for another two weeks at least. We're not going to – I don't foresee the Chairman actively trying to lie to the media about what the Planning Commission's duty was. Anything can happen. Who knows? But I kind of think there's – if we're going to designate somebody – I don't know how often we're going to do this or – I think it kind of

gives that Chair the default designation that we're going to have to probably designate to someone if this language isn't in there. So. I don't have strong feelings but that would be my preference.

Chair Raschko: Okay. So as written currently, is there anybody who objects to the language? What I'm trying to do is establish a consensus here. If anybody objects to it strongly, could you kindly speak your mind? Commissioner Lundsten?

Commissioner Lundsten: Yeah, I really – I think it should be a vote. I agree with your worst case scenario, Mr. Chair. I think it ought to be a vote. And we're not talking about essential, functional business that the Planning Commission has to do. We're talking about a press release. A press release should go through the – should go through a – it's not a functional issue. It's not life or death. It's who we – what we want to present. So I would like to remove "Planning Commission Chair" from the statement.

Chair Raschko: Anybody else?

Vice Chair Mitchell: Chair, can we just call for a vote? Or, you know, have a head count – whatever you want.

Chair Raschko: All right. Would somebody like to make a motion that we accept this language?

Commissioner Candler: I will move that we accept this language as written: No release to the public or media on behalf of the Planning Commission shall be made without approval of the Planning Commission Chair or by vote of the Planning Commission.

Vice Chair Mitchell: Second. That was Mitchell.

Chair Raschko: Ms. Mitchell, and the motion was made by Commissioner Candler. It's moved and seconded. Any more discussion?

(silence)

Chair Raschko: All right, we'll do this by roll call vote. Commissioner Candler?

Commissioner Candler: Aye.

Chair Raschko: Commissioner Hughes?

Commissioner Hughes: Aye.

Chair Raschko: Commissioner Lundsten?

Commissioner Lundsten: No.

Chair Raschko: Commissioner Rose?

Commissioner Rose: Aye.

Chair Raschko: Commissioner Woodmansee?

Commissioner Woodmansee: Aye.

Chair Raschko: Commissioner Shea?

Commissioner Shea: Aye.

Chair Raschko: Commissioner Knutzen?

Commissioner Knutzen: Aye.

Chair Raschko: Commissioner Mitchell?

Vice Chair Mitchell: Aye.

Chair Raschko: And I vote aye, so the ayes have it eight to one. So thank you. I believe that completes that item, and it is 8:40 and we have the option to continue by talking about minority reports. I'm of the opinion we won't finish that in a reasonable period of time and would propose that we move on to item 5 on our agenda, which is New Planning Commission Member Orientation. Does anybody have –

Vice Chair Mitchell: Chair? Chair, can I make a point, please? We started this whole discussion under Ethics, right?

Chair Raschko: We did.

Vice Chair Mitchell: Can we hold that open and not close that section, because we really haven't delved into that yet?

Chair Raschko: Yeah, I misspoke. What my intention was to table the discussion until the next session and then to continue the section on Ethics –

Vice Chair Mitchell: Thank you.

Chair Raschko: – not to terminate it. Very good point. I apologize for not being clear in that regard. Would anybody like to continue with the discussion of Ethics tonight?

(silence)

Chair Raschko: I don't see a whole bunch of nods, so we're going to move to item 5 on our agenda, New Planning Commission Member Orientation. And, Mr. Gill, will you please take the floor?

Mr. Gill: Sure. Thank you. So at the last meeting there was quite a bit of discussion about onboarding of new Planning Commissioners and kind of the process that we go through. And I guess it was tabled till tonight to kind of provide an overview of what that is. And so I did send out kind of the standard letter that we now use when new Planning Commission members join us, and I can share that now and then we can run through that quickly and I can show you what we do share, and then we can talk maybe about what additional resources might need to be on there, or whether we want to try to have some kind of an in-person meeting with the new member to actually physically go over some of the documents, or if you want to set up some kind of a mentorship with different Planning Commissioners that volunteer for that kind of thing, as well. We can talk about that. So let me pull up what we currently send out. This is kind of the letter we talked about. You know, "You're appointed through resolution from the Board of County

Commissioners. Some important details are included below.” And more information including the meeting schedule and meeting materials are available. And so one of the most important webpages that I think I use in these meetings is the actual schedule where we keep all the meetings for the year as well as the meeting materials. And _____ (someone coughs). So that is the first URL that we include here, a link to that page.

The second one is the Bylaws, right? Obviously that’s something that we want people to look at and understand and go through so they’re prepared for the meetings. Then we go into the Planning Short Course Supplemental Memo, which is specific to Skagit County, so that’s kind of training about – includes some Open Public Meetings Act stuff as well as kind of how the process works.

And then we also include the larger Short Course series that most of you did here in the last three months with all the ten videos on the different subject matter, including Planning topics.

And then a link to the OPMA certificate.

So that is how we kind of get people started. I do like to touch base as soon as I can in terms of talking to the new member and trying to get them going. We also refer them to our Information Services so they can set up their email address and get on a Skagit County email as soon as possible so they don’t do anything on their personal emails. But that’s handled through our Information Services typically. And that – it also includes some signatures as to the information technology certificate that they have to sign on to.

So that’s kind of the overview.

Chair Raschko: Thank you. Any questions for Mr. Gill?

(silence)

Chair Raschko: No comments.

Commissioner Lundsten: Good work.

Chair Raschko: I think it’s a rather good-looking document. Thank you for your work on that. Okay. At this point then, we will go to our Director Update.

Mr. Hart: Thank you, Commissioners. And I think Peter’ll put the slide up there next.

Mr. Gill: Sorry. Hal, hold on here. I’ve got to share my screen again. Sorry about that. There we go.

Mr. Hart: Great. A lot going on, but in the interest of it being so late I’ll just keep it to the most germane points. One thing that we mentioned just when we were starting tonight is that our software is going to change and so one of the things that we’re using now, Go To Meetings – I’ll have Peter go ahead and explain when we think the change will happen.

Mr. Gill: Sure. Yeah, so like I alluded to before in previous meetings, we have – the County is moving away from Go To Meeting and they’re moving towards Microsoft Teams. The internal use of Microsoft Teams we’ve experienced better audio issues, and so that may be helpful for some of you that have maybe inconsistent connections. So hopefully it’s going to be a really good

change and myself or Brittney in the next few weeks will make contact and we'll kind of do a practice run. And we'll set you up with the software, we'll show you how to use it, and we can answer some questions. So that'll be a – you know, it's always a little tricky so be patient with us, but we'll figure it out and I think it'll work out for the better. We're not going to move away from this platform until the second week of November, so it's not going to be at the next meeting. It'll be at the one after that. So just to let you know about that.

Mr. Hart: Great. Then the next issue is making sure that we're budgeting time appropriately to get the things done that we need to get done, including Capital Facility planning. That's coming up. So we have three dates so far that are on the agenda as we look – or on the calendar as we look into our crystal ball. Peter, would you talk about November 10th, please?

Mr. Gill: Sure. Yeah, November 10th is the next meeting. We do have the Capital Facilities Plan scheduled – the hearing for that scheduled for that meeting, and we're hoping to deliberate potentially on that and come up with a recorded motion as well. We only have three meetings left so November 24th we hope to pick the bylaws back up and move them into – you know, a little further down the road into a place where you all feel comfortable with what's in there and you're able to go back and forth and make sure you've got the document you want. We also want to give you an update on the agri-tourism project at that meeting as well. And then December 8th is the last meeting in 2020, and so we will hopefully be able to wrap up the bylaws in December. But we'll have to see how that goes.

Mr. Hart: Okay. The only other comment, I would say, is as we're moving through towards the end of the year I will be giving you update in the director dialogue if you want them on a couple of other issues. One would be the ag tourism effort, which is finally underway and we're really psyched about that. And then the other one would be just to give you an update on where we are on our Shoreline Master Program as we move forward. So those are other, you know, countywide processes. But we want to keep you in the loop because things could come back to the Planning Commission. So you need to watch as the process unfolds.

Chair Raschko: Any questions for staff? All right. Do I see –

Mr. Hart: There's a question. Yes.

Vice Chair Mitchell: I've got a question.

Chair Raschko: Commissioner –

Vice Chair Mitchell: Mitchell.

Chair Raschko: Yes.

Vice Chair Mitchell: When we were having our discussions earlier (when) we were still technically under the Ethics things, I had mentioned some lists that were pretty good from sources. They're not my sources. Actually both of them originated from APA sources. And I forwarded those to Peter. There's two lists of those things, Peter. Could you make sure everybody sees all those ahead of time? It's not me saying that. It's the – is it AAP or APA?

Mr. Gill: American Planning Association, so APA.

Vice Chair Mitchell: So that's basically where those came from. If you'd share those with everybody, maybe that'll shortcut some of the stuff. And you said November 24th we were going to revisit bylaws?

Mr. Gill: Yes.

Vice Chair Mitchell: Is that correct? And not before then, correct?

Chair Raschko: Correct.

Vice Chair Mitchell: Okay, thank you.

Chair Raschko: Anybody else – questions for staff?

(silence)

Chair Raschko: Well, thank you very much. We'll move on. Commissioner Comments and Announcements. We'll start with Mark Knutzen.

Commissioner Knutzen: Nope, I've got nothing. Thank you.

Chair Raschko: Okay, Joe Shea?

Commissioner Shea: Nothing here.

Chair Raschko: Joe Woodmansee?

Commissioner Woodmansee: Nope, I'm good.

Chair Raschko: Martha Rose?

Commissioner Rose: Nothing.

Chair Raschko: Mark Lundsten?

Commissioner Lundsten: Nothing.

Chair Raschko: Amy Hughes?

Commissioner Hughes: No comment.

Chair Raschko: Tammy Candler?

Commissioner Candler: Yes, please, really briefly. I want to thank everybody for putting the time in on these bylaws, but I do feel I need to call out specifically Kathy Mitchell. She's putting a ton of research in. It's obvious from quoting all these random places. And it's arguably tedious but definitely important. And I know she's not the only one putting time in, so I want to thank Commissioner Mitchell but also everybody for putting the time in on this.

Chair Raschko: Thank you. I'd like to second that. Kathy Mitchell?

Vice Chair Mitchell: Sorry, muted again. No comments. Thank you.

Chair Raschko: Okay. I just want to thank everybody. This has been a tough meeting for me! I want to thank everybody for their efforts and for their open-mindedness. I also want to exhort everybody to please – as Commissioner Mitchell was saying at the end of the staff report, there's a ton of good stuff out there. We need to come back to Conflict of Interest, and please, if you can, try to have some ideas to present. I mean, not everybody has to but if you can come up with something that might be usable and might make a form of a motion, I think it would really help to get the conversation going.

I'd also like to thank Julie Nicoll for being here again. Thank you. And with that, we'll call the meeting adjourned.