

**Skagit County Planning Commission
Work Session: Planning Commission Bylaws
July 7, 2020**

Planning

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

Staff: **Hal Hart, Planning Director**
 Mike Cerbone, Assistant Planning Director
 Peter Gill, Long Range Planning Manager

Chair Tim Raschko: Good evening. The Tuesday, July 7th, 2020, meeting of the Skagit County Planning Commission is now in order. To begin we've got a few housecleaning items. Before we do that, I think it'd be a good idea to have a roll call, what with the electronic type meeting, so I'll call your name and please say whether you're here. First, Commissioner Mitchell?

Vice Chair Kathy Mitchell: Here.

Chair Raschko: Commissioner Candler?

Commissioner Tammy Candler: Here.

Chair Raschko: Oh, good. Commissioner Hughes?

Commissioner Amy Hughes: Here.

Chair Raschko: Commissioner Lohman?

Commissioner Annie Lohman: Here.

Chair Raschko: Commissioner Lundsten?

Commissioner Mark Lundsten: Here.

Chair Raschko: Commissioner Rose?

(silence)

Chair Raschko: Well, I see you!

Commissioner Martha Rose: I'm here.

Chair Raschko: All right. Commissioner Woodmansee? I believe he's absent. And Commissioner Shea?

Commissioner Joseph Woodmansee: ___ here.

Commissioner Lundsten: Woodmansee is here.

Commissioner Joe Woodmansee: I'm here. Woodmansee's here.

Commissioner Joseph Shea: Okay, I'm here.

Chair Raschko: All right, so everybody's present. Okay. Thank you all. So, Mr. Gill, would you please go ahead with your housecleaning items?

Peter Gill: Sure. So I just – to let everybody know, this meeting is being recorded. You heard that as we started. Please mute your microphones unless you're talking in order to cut down on interference. This goes for any members of the public that are also joining us by telephone. If you can, say your name before speaking for those that only have audio. That will help them out quite a bit. To be recognized during discussion items, you can raise your hand or you can put a little message in the Chat that says, I have a comment or I have a question. Please don't put anything else in the Chat box.

As usual, the Chair still runs the meetings and the procedural rules still apply that are part of the bylaws, which we'll talk about today.

A big welcome to the public that's joining us either by phone or Skagit 21 TV, their livestream or even on a recording in the future.

A couple of updates with respect to these virtual meetings: All the public remarks that we receive will get posted to the Planning Commission Meeting/Calendar webpage following the meeting. The June 16th comments that we received are on the website now under the Planning Commission Meeting page. Also for the Commissioners, the final recorded motion from last week is posted to the 2019 Docket projects page. If you want to look at that, the signed version is up there. And just when you were getting used to this platform for your virtual meetings, we are working with Information Services to see if there's a better platform for audio and some added functionality that might help the meeting process go on. And just quickly on the recorded motion, we have not set a date with the Board of County Commissioners to discuss that with them, but we are working on getting that date but it is not set yet.

With that, we should probably introduce ourselves – the staff. My name is Peter Gill. I am long range planning manager for Skagit County Planning and Development Services. Mike?

Mike Cerbone: My name is Mike Cerbone. I'm the assistant director for Planning and Development Services, Skagit County.

Mr. Gill: Hal?

Hal Hart: Okay. And Hal Hart, planning director and trying to make this work. Thank you.

Mr. Gill: Okay, that is all from me. Thank you.

Chair Raschko: Thank you. We'll go to Public Remarks. My understanding is we have no new Public Remarks for tonight's meeting, but we would like to complete the readings of those that were short for time constraints from June 16th. So I'll ask Mr. Gill to go ahead and complete the readings of those two public comments.

Mr. Gill: Thank you. So, yes, this is from Ellen Bynum, submitted June 15th, and we did – starting at the bottom on the page – we did not get through the last paragraph so I will start there:

We appreciate the efforts of the GMASC members to clarify the language of the proposed changes, but ask that the Planning Commission request legal review of the changes, if they have not already done so or received this information, before agreeing to a blanket change in the policies.

More work is needed for the public to understand how these changes are in the public interest. Please take the time to get and distribute additional information and integrate it into the proposed document, and distribute the revised update to the public so citizens can understand how the language revisions may or may not change the intent of Skagit County's Comprehensive Plan, policies and codes.

Thanks for your time and public service,
Ellen
Ellen Bynum, Executive Director, Friends of Skagit County.

That was the first one, and the second one that did not get completed was from Brian Lipscomb of 27765 West Gilligan Creek, Sedro-Woolley. And we didn't finish his bullets. Starting at the last bullet on the first page, it says:

- More than 14 Million was spent for studies done by USACE and they still utilized the 1963 cross section data upstream of Highway 9.

These critical mapping errors were presented to PDS in the past to which they replied that FEMA drew the maps. The mistakes were then presented to FEMA to which they replied that the County instructed them where to draw the lines on the maps.

Although PDS staff claim these proposed changes are minor, 14.34.190(5) is actually a MAJOR onerous proposal that presents no valid reason or mandate for prohibiting a well in a floodway. This new requirement would rely on the conscious use of knowingly incorrect maps to determine the legality of a well and unnecessarily infringes upon property owners rights, all while providing zero benefits to anyone.

No progressive decisions should be made until these maps are corrected and acknowledge the actual ground truth.

Respectfully,
Brian Lipscomb.

And so that completes the few public remarks that we received on June 16th, and I did not receive any additional ones or public remarks for this meeting.

Chair Raschko: Okay, thank you, Mr. Gill. At this point we'll turn to our main item of the night which is Planning Commission Bylaws. Mr. Gill, if you would kindly introduce that topic I would appreciate it.

Mr. Gill: Sure. So I'm going to go ahead and share my screen so that we can go over the memo that was sent out to the Planning Commission and is posted on the website, dated July 1st, 2020. So at the retreats this winter a number of times we discussed the Planning Commission bylaws and the idea of updating them. That was brought up by a couple of different commissioners. It was 2009 the last time the Planning Commission bylaws were updated. These bylaws are important. As you know, they're kind of the business rules for how these Planning Commission meetings are conducted. The bylaws themselves say that they are to be reviewed periodically and actually Skagit County Code also says that they need to be updated and reviewed periodically as well.

So we are tonight just interested in figuring out what sections of the bylaws you all are interested in updating, and then coming back to you all with potential changes to those sections that you may be interested in and having further discussion once we have some improvements or some changes to them. We can – it might be useful to kind of go through the sections of the bylaws themselves and kind of talk about what's in there now. As part of the memo, Exhibit A was the actual bylaws and the resolution from 2009 to add these – or to update these – that were previously done in 2001. And so the first article is the Name. I'm not sure that that needs to be addressed.

Article II is Authorization and the Purpose, so what RCWs – the Washington code that requires or sets out the role of the planning commissions in the counties.

We have General Rules, including vacancy, removal, different meetings; the organization and their duties, so the role of the department as well as the role of the chair and members and vice chair. We have meetings, so how meetings are to be done; what the rules are; what's a quorum; how voting happens; what's a regular meeting versus a special meeting.

Commissioner Candler: Are we – I'm sorry to interrupt, but, Chair, can I have the floor for a second?

Chair Raschko: Go ahead.

Commissioner Candler: Are we supposed to bring things up as you get to them or are you going to go through the whole document first and then we talk about it?

Mr. Gill: Well, I was just going to get through the last of the articles and then kind of open it up to, Here's – you know, Here's some ideas of what you might be interested in, and then see where that goes.

Commissioner Candler: Okay, thank you. Sorry for the interruption.

Mr. Gill: That's fine. Chairman, if I could, I'll just keep going. Article VII is Ethics and Rules. There are some feelings that we might need to revisit those sections. And then, finally, Amendment of

the Bylaws. So as I referred to in the beginning, looking at these bylaws periodically, whatever periodically means.

Attached to the bylaws is the Simplified Rules of Procedure, the Appendix A that is kind of the how business is done. And there's very useful information in there as well. So that is all open game. We do have – we do not necessarily – we have to be cognizant of the Skagit County Code and make sure that we're not overshooting what the bylaws are for, as we move forward – right? And so Skagit County Code 14.02.080 talks about the role of the planning commission, and then the legislative process is also in Skagit County Code in 14.08. And so as we go through we just need to make sure that we're not overstepping the bounds of what's actually in the code as well.

So that is just a little introduction and I will turn it back over to the chair.

Chair Raschko: Thank you. I really don't want to sit and repeat everything that's been done, but unless somebody has a better suggestion I think we might go through this now in each section. People, please ask for the floor to state any changes or concerns you might have or things that, you know, you might just want to walk through. Does that sounds workable? Nod your heads. All right.

So we'll start with Article I. I doubt anybody'll have any heartache over that. And Article II, Authorization and Purpose. I believe most of that is code from state law, and basically there's not much we can do to amend or change that. Am I correct? Somebody – okay, does anybody have anything on the General Rules?

(silence)

Chair Raschko: Article IV, Organization, Officers, Duties. I myself, hearing no others, I'd say our j and k, ___ notify the planning commission members of the proposed schedule for consideration. I believe that was done tonight, but it seems to me that's something that hasn't happened consistently in the past. Is that correct? Does anybody have any feel for that? Go ahead, Commissioner Lohman.

Commissioner Lohman: I think what we tried to do was say to try to give staff our desire of when we want to be noticed for the upcoming meeting, and we shot for, like, a week out before the meeting so that we had plenty of time to prepare. Sometimes in certain situations we want to be noticed sooner, and I think that's what that was partly for – if I'm understanding what you're saying.

Chair Raschko: Pretty much, yes. I might be wrong, but I had thought that even tonight we were told that we will be told when the – not the Planning Commissioners but the Board of County Commissioners will act on our recorded motion. So that pretty much fulfills that in my mind. I guess what I was reflecting on that in the past, if my memory serves me, that hasn't always been done. So ___ to say thank you for observing that in the sense _____ hopefully that'll continue in the future.

Ms. Mitchell?

Vice Chair Mitchell: Let's go ahead and let Annie finish and then I'll be next.

Chair Raschko: Okay. Go ahead, Annie.

Commissioner Lohman: I believe I misspoke. I was thinking two things at once. This was when we have done our business and then it goes up to the Board of Commissioners and how that goes; i, j, and k are related to that relationship that the Planning Commission has with the County Commissioners.

Chair Raschko: Right. Okay. Commissioner Mitchell.

Vice Chair Mitchell: Yes, thank you, Chair. This might have actually gone under Article III, General Rules. I don't know. I'm tossing this up to you guys. The general rules say where we meet and those kinds of things. Is this a place to put in – now that technology has changed – where somebody can join a meeting remotely, even though we're all in the main room? That might be something that needs to be added or updated. I can see Peter nodding a little bit. You understand what I'm getting at. I don't know where that would go. Would that be General Rules or someplace else, sir?

Chair Raschko: So you're asking that of Peter Gill?

Vice Chair Mitchell: I'm asking of both you and, really, generally everybody. The technology's changed and we have been told before where we can add – oh, I see Mike's raising his hand – that we can join meetings if we're in another location, and that, I don't believe is addressed currently in the bylaws.

Chair Raschko: I thought it was.

Mr. Gill: Chair?

Chair Raschko: Yes? Go ahead.

Mr. Gill: This is Peter. Yes, I think that's a great idea, a great suggestion to make sure that if we do update these that we reflect access remotely, whether it's someone's on a – or out of town versus we're in some kind of emergency like we currently are. I think that makes good sense to put in here. This section IV is kind of roles (**rules?**) of the Planning and Development Services and so I guess we would need to figure out if that is the best place for that or if it would be under Article V which is Meetings and kind of procedures there. I think regardless of where it goes it would be useful to put something in there about remote meeting access.

Vice Chair Mitchell: Thank you.

Commissioner Lohman: Mr. Chairman, this is Annie.

Chair Raschko: Go ahead.

(silence)

Chair Raschko: Go ahead, Annie.

Commissioner Lohman: I think that the proper place to put it would be under "Meetings." And my reason for this is a few years ago I personally made a request in to call in on a telephone because I got stuck on the other side of the pass. But because we didn't have it written down, the chairman at the time said that he couldn't allow it because we hadn't anything in our rules of procedure, which if you look at Article V, Meetings, section 1 is Rules of Procedure. I think that if we could

sneak something in there about participating via telephone or via remotely like we're doing, that would be the place to put it.

Chair Raschko: Okay, thank you. Any more comments on that?

Commissioner Lohman: Mr. Chairman? This is Annie again.

Chair Raschko: Yes, Annie?

Commissioner Lohman: I spoke to the County Commissioners at the time – Commissioner Dahlstedt and Commissioner Wesen – and both of them said that they themselves – that the Board of County Commissioners periodically – not hardly very often, but *they* have utilized participating via telephone. So it's not like it's an odd thing to do.

Chair Raschko: Well, I agree. My own experience in the private sector is that it all happened all the time in board meetings and that type of thing. It probably should be accommodated. Any other comments on that?

(silence)

Chair Raschko: Okay. So you have that noted, Mr. Gill?

Mr. Gill: I do. Thank you.

Chair Raschko: Okay. I'd like to move on to j. And I believe I understand the purpose of j but I think the way it's worded it seems ambiguous. When I first read it I took it to mean that the Planning Commission can vote for and approve a recorded motion and then the Planning and Development staff can change it. I think it'd be a good idea to clarify the wording there so that what it indicates is that the Planning Department can make a recommendation that differs from the Planning Commission's recorded motion, but they can't change the recorded motion. Are there any comments on that?

(silence)

Chair Raschko: No? Okay.

Vice Chair Mitchell: I do – sorry! I was trying to formulate.

Chair Raschko: All right.

Vice Chair Mitchell: Thank you. I want to make sure I understand what you were saying, Tim. Is this part – are you asking specifically about what we would like to have for the norm for the transmittal operation? Is that right?

Chair Raschko: What I'm getting at is the way j is worded. It says "notify the Planning Commission members of any staff proposed changes to" the "approved recorded motion..." Okay?

Vice Chair Mitchell: Oh, I see.

Chair Raschko: It says that you have to *notify* the Planning Commission. I would infer that that means they're making the changes to our approved recorded motion. I know that's not the intent but I think just the way this is worded implies that and it should be cleaned up.

Vice Chair Mitchell: Okay. I get what you're saying and we have had those discussions before and it's worded – I think this is worded pretty poorly. Because the recorded motion always stays as-is. The transmittal when it goes from the Planning Commission's recorded motion through staff, staff oftentimes adds their take on things. I don't know what you call that report; maybe it's a memo. Those things together plus other materials all then will go to the Board and what's supposed to happen is we're supposed to be given those information – all those pieces of information that the Board of County Commissioners would see and also would be told in a timely manner – and that's where I don't know what 'timely manner' would be – and also when those dates would be, so either we could watch in or go to the meeting or, you know, chime in if need be. There have been times in the past where at those meetings the Board of County Commissioners has even asked Planning Commission members in the audience to explain something or clarify something. So it is important for us to follow those and then the part that goes afterward. So i and j, I think both could be worded much better to go with that whole process. If somebody can word it better, I'm game for that.

Chair Raschko: Okay, so we now have a request to speak from Commissioner Lohman, Commissioner Woodmansee, Commissioner Shea, and Commissioner Candler, so we'll go in the order that they came. Commissioner Lohman?

Commissioner Lohman: I want to pass for a moment.

Chair Raschko: All right. Commissioner Woodmansee?

Commissioner Woodmansee: Yeah, it seems to me one day is not much of a notice that we're recommending a change, so I kind of have an issue with the one day – one business day ahead of the meeting. It seems like it should be a little bit longer period that a proposed change is recommended.

Chair Raschko: Okay, thank you. Commissioner Shea?

Commissioner Shea: Yeah, I think the one business day is a little bit too short. And I also kind of have a concern with the wording about changing the recorded motion. It seems like that motion shouldn't change. _____ that they should make recommendations but I know – not to make the process longer, but if there was a need to change a recorded motion, why wouldn't it come back to the Planning Commission to get a new motion? I know that might be obviously way more time than what they're trying _____. I think what this might be saying is that a motion is made that isn't actually practical and in the moment the day before or something like that it's brought up and maybe staff has a slight change that would make the motion work in the setting. But I guess that's my comment.

Chair Raschko: Thank you. Commissioner Candler?

Commissioner Candler: Yeah, I think that was a good catch, Tim. I didn't notice that but I don't even understand what it could possibly mean as it's worded. Our recorded motions I don't think could just be changed by anyone before – without further action by *us*. I mean, I remember just recently the motion had an incorrect name and there would be like a scrivener's type error on it, but I – does anyone maybe from the department or anybody know what this – I'm assuming this

doesn't mean that – I see Mr. Cerbone's got his hand raised. If you can shed some light, I'd appreciate it.

Chair Raschko: Okay, who?

Mr. Cerbone: Me, Chair – Mike Cerbone.

Chair Raschko: Okay.

Mr. Cerbone: So I read this and I think Commissioner Candler's correct. You know, we can't change your motion. It's your motion. We can, as Commissioner Mitchell suggested, we can recommend to the Board something different than what your recommendation is. And so I think the intent here – I didn't write it, but the way it's worded, it appears to be drafted so that you have notice of that so that you can attend that meeting and so that you can provide information about that. I think, you know, some of the other wording could be cleaned up on that too because it says "not less than 1 business day prior to any action by the Board..." So to get at what Commissioner Woodmansee was saying, you could potentially look at that and perhaps consider changing that to whatever information we relay to the Board you want within one day. Because then you'll get it a fair amount of time ahead of whether there was a hearing or whether there was an actual action. Because if you remember, the Board doesn't necessarily need to have a hearing to act on your recommendations. But if they do have a hearing, I would imagine you would potentially want to know before that hearing so that you could attend the hearing and not necessarily before the deliberations or action that's going to occur.

Chair Raschko: Okay, thank you. Commissioner Mitchell?

Vice Chair Mitchell: I think part of what it is is we need to have clarification on the language for each group of documents. We need to have clarification on what the timing would be. So at this point in time we know that the Planning Commission recorded motion has a good name, the staff recommendations subject to you all perhaps should be called "staff recommendations" and/or "memo," because you may not change anything. Or you may simply say, Hey, go with what the Planning Commission said. But oftentimes you have other facets to address. The timing needs to be spelled out because what you just said is something that I was not aware of in all these years – is that the Board of Commissioners can act on parts or all of our recorded motion without having a meeting? That I did not know. I always thought it went before the County Commissioners to have a meeting and a public meeting. So I think there needs to be at least a week notice to the Planning Commission members, especially since so many people are working people, where people could be notified to be able to see what the staff recommendations would be so if there's anything else that needs to be added in, they can be ready to do that either by written submittal or to be there in person. The Board of Commissioners always has the capability – and they've done it many times before – if they want clarifications, that's when they come back and ask the Planning Commission for information or additional information. So I think we just need to be clear on what we're going to call the group of documents for each step of the way and the timing. And that's why I was pointing out both i and j, because I think i and j *do* connect. It's just a question of how this body would like to address that.

Chair Raschko: Okay, Commissioner Shea? Did you have something else?

Commissioner Shea: Yeah. I guess a typical Board of County Commissioner meeting is – when do you normally have that agenda item in the docket, like a week in advance or two weeks in advance? I'm not sure if you have to have all of the supporting documents in at the same time to

get into the lineup, but it seems to me that maybe following that one week you have to submit something like that or give us notice a week in advance similar to what you have to do for like an agenda item. That would make sense.

Chair Raschko: Does staff have a comment on that?

Mr. Gill: Yeah. So this is Peter. We certainly can make sure that everything goes to the Planning Commission once documents are on the agenda. And like Commissioner Shea said, it's usually at least a week beforehand. What we don't have much control on is what the Commissioners or the Board does once they get all the materials in front of them. So if they change things at the meeting in response to public comments or whatever it is, they would be able to make that change without actually us providing notice to you. I guess – do you see? There's a difference there as the documents go forward, but I guess I just want to make that part clear. Right? *They* can change it, but as far as what the department does certainly we could provide notice at least a week in advance.

Chair Raschko: Okay. Commissioner Lohman, it's your turn again.

Commissioner Mitchell: That's Mitchell. I've got a question.

Chair Raschko: Did you have something else, Annie?

Commissioner Lohman: Yes. This is Commissioner Lohman. I think what it's trying to get at is it's a heads-up to the Planning Commission if staff disagrees with the deliberation results or the transmittal to the Board of County Commissioners – that the Planning Commission wants to be in the know so that we can make sure that somebody from the Planning Commission can be present when it goes before the Board of County Commissioners.

Chair Raschko: I think that's a good summary. Commissioner Woodmansee, do you have something else?

Commissioner Woodmansee: No, I just was agreeing with the one-week concept.

Chair Raschko: All right. Commissioner Mitchell, please.

Vice Chair Mitchell: Thank you. Every once in a while things go really smoothly where everybody agrees and it's easy. There was a situation in the past, and I think Commissioner Lohman and Candler would remember the situation. There was one time where the recorded motion from the Planning Commission was four pages long and staff recommendations was 13 pages long for other things, a lot of other things. And we didn't know that. But there were at least three, perhaps four, Planning Commission members that went to the Board of County Commissioners' meeting because they had a roomful of people there interested, and at that point in time one of the Board of County Commissioners held up the two reports and asked were the Planning Commissioners aware of the recommendations. Everybody said no, we had not seen it at all. Nothing. So that was 13 pages of something very different from what the Planning Commission had recommended. One of the Board of County Commissioners then looked to the audience and said directly to the Planning Commissioners present and anybody else and to staff – they then told staff to inform the Planning Commission members that they had significant changes – I'm paraphrasing, if you will – number one. Number two, they asked specifically for the Planning Commission members to look through those informations and then write their own submissions into why there may be differences, because there was a schism between what the Planning Commission had done and

intended and the way staff interpreted it. I'm not saying right or wrong. I'm just saying that there was a huge chasm. And so that process elongated but that gave people a chance to go for clarifications where there were misunderstandings. The whole problem stemmed from the fact that there was a chasm, but the Planning Commission was never informed of the transmittals and they went into it blind. And so fortunately the Board of Commissioners put the brakes on and pushed things back and allowed people to then see what staff was recommending beyond what the Planning Commission had said, and then they could have all the information to look at then. And it did elongate things a little bit but not terribly. I think it was just maybe a couple, three weeks or something. And so by coming back and doing these bylaws now you can see why it's so important that we have agreements right up front where we don't run into that kind of situation again.

Chair Raschko: Thank you. At this point, I'd like to recommend that both staff and any individual commissioner that would like to try to rewrite this – my understanding is that this is a first go-around and after tonight's meeting those things that come up as subjects that might – some people might want to see changed or whatever – so we're coming back to it. So if people – staff – would make an attempt to rewrite that to match these intents that have been vocalized, and if any individual commissioners would like to do the same to submit as proposals, why don't we do that and then come back? So, Annie, you had another comment?

Commissioner Lohman: I just want to remind the Commission that this is the *Planning Commission's* bylaws. And while we look to staff for advice and whatnot, this is *our* document and we really should take a lot of ownership of it.

Chair Raschko: That's a very good point and I just want to encourage members of the commission to submit their own proposals for each of these, you know, if they're so inclined. I think that's very laudable. Thank you, Annie.

Anybody else on this topic?

Vice Chair Mitchell: Yes, you missed me.

Chair Raschko: Who did I miss? Oh!

Vice Chair Mitchell: Mitchell.

Chair Raschko: All right, Commissioner Mitchell. I'm sorry.

Vice Chair Mitchell: Thank you, sir.

Chair Raschko: Go ahead.

Vice Chair Mitchell: Tagging on to what Commissioner Lohman had just said and what she has asked for before, that brings up to the comments and learning that the Board of County Commissioners can act in their own time on things ahead of time – which they always have the right to do. Are the Board of County Commissioners aware at this point that we're revisiting the bylaws, staff?

Mr. Gill: This is Peter. I do not believe they are. It is in our work plan, but as far as what we are talking about tonight specifically, no.

Vice Chair Mitchell: Okay, so this – thank you – this is the question that comes to mind right now. For that portion that’s sort of an area that had been grazed on at least in my mind and probably other people weren’t aware of is it okay or is it appropriate to tee up to the Board of County Commissioners at this point in time informally that if there are situation that they’re going to act, you know, ahead of time, could we have a courtesy heads-up or something?

Chair Raschko: Is there a reply to that?

Mr. Gill: This is Peter, Chair.

Chair Raschko: Yes.

Mr. Gill: So, yeah. I mean, we – whatever you put in here we can present to them this. If there’s an issue with it they can bring that up for sure. As far as the timing and providing notice, I don’t see why they would have a problem with that.

Vice Chair Mitchell: Thank you.

Chair Raschko: And Commissioner Lohman.

Commissioner Lohman: I don’t have anything. I didn’t chime in.

Chair Raschko: Oh. Okay. Okay, well, I see no more requests to speak. Let’s move on. Anything else on Section 5? I’d be surprised. So why don’t we go to Article V, Meetings. Is there anything regarding Article V that anybody would like to speak to?

Commissioner Candler: I do.

Chair Raschko: (unintelligible)

Commissioner Candler: This is Commissioner Candler.

Chair Raschko: Yes?

Commissioner Candler: On Section 4, I noticed that we have – I think it’s Section 4 – “Not less than one regular meeting shall be held each month unless no matters are pending on the Commission calendar.” So the point is that regularly we have taken August off. It’s common. It’s happened many years. This doesn’t allow that, so we should probably, if we want to continue to have one month off, we should update that.

Chair Raschko: Very good. Any comments on that?

(silence)

Chair Raschko: All right. Is there anything more?

Commissioner Lohman: Mr. Chairman?

Chair Raschko: Yes? Is it Commissioner Lohman?

Commissioner Lohman: This is Commissioner Lohman. I just wanted to remind that at the very beginning when you were talking about remote access and teleconferencing into the meeting that I suggested that maybe this would be the section that we put it in, because it's procedures on how we conduct our meeting. It talks about quorum and all that kind of stuff.

Chair Raschko: Okay. Is that noted?

Mr. Gill: Yes.

Chair Raschko: All right, thank you. Anything else on Article V, Meetings?

Commissioner Lundsten: I have one comment. This is Mark.

Chair Raschko: Commissioner Lundsten, yes?

Commissioner Lundsten: Yes, Commissioner Lundsten. I agree with Annie that _____ remote carte blanche here. And I'd just like to get a clarification on Section 2, the second sentence – or the third sentence, rather. The final sentence. It seems to me I'm not sure if we could – I'd like to have Peter or Mike or anyone who knows this put that in a little different language. It looks to me like someone who's disqualified from the meeting takes part in the meeting, and I'm not sure which way it goes. I'm not sure exactly how the mechanics of that work. Does anyone have an explanation for that? "...those challenged members may return to their seat and participate fully..." and then they fully disclose their reasons for their disqualification before the Planning Commission renders a decision. Is the decision about whether or not the member is disqualified to be in the meeting?

Chair Raschko: Any comments? I agree with you fully, Mark. I mean, it seems strange to have somebody disqualified because of a conflict of interest or some such thing and then because you don't have a quorum they're brought back in on a decision. That seems strange.

Commissioner Lundsten: And further – I don't know. Maybe Tammy has a take on this, but I – since we're discussing legislative matters only, what disqualifications do we have on legislative issues? I don't – as I understand it, we get disqualified for quasi-judicial issues and not for legislative. So I'm not sure the utility of this paragraph or that last sentence either. I'm not sure what that _____. But I'm not – go ahead, Tammy.

Chair Raschko: Who's speaking?

Vice Chair Mitchell: I was going to say I can help with that a little bit.

Chair Raschko: Go ahead, please.

Vice Chair Mitchell: But I see Mike Cerbone's hand raised. Do you need to speak first, Mike?

Chair Raschko: Go ahead, Mike.

Mr. Cerbone: So Commissioner Lundsten has hit the nail right on the head, in my opinion. This is here. These requirements are for quasi-judicial decision. And so that is something you'll see elsewhere in here, that this board was historically responsible for legislative and quasi-judicial acts. Still I think that's why that's there, but we can certainly research that more and look at the Open Public Meeting(s) Act and make sure that whatever you want to do is consistent with it. But

when I see that and I see the disqualification, that leads me to believe that that's because of a quasi-judicial decision.

Commissioner Lundsten: Right.

Commissioner Lohman: Mr. Chairman, this is Annie.

Chair Raschko: Go ahead, please, Annie.

Commissioner Lohman: I need to remind you, though, that when we're doing Comp Plan updates we also do map amendments, which can be specific properties rather than just a generality of a zone. And we have in the past had commissioners that needed to recuse themselves because either it was their own property or their family's property, and so they recused because of that. I mean, we didn't have the quorum issue, but that was why sometimes while we are doing legislative sometimes the legislative kind of – it gets kind of fuzzy there.

Vice Chair Mitchell: And that's part of what I wanted to tag onto, Chair. There was a history here of the map amendments. Thank you, Mike. This is where I was going to tag onto part of what you were saying too. With the history with the map amendments portion of it, I can't remember specifics, Commissioner Lohman, or _____ – somewhere in the past, there were two people on the Planning Commission that would be involved with that mapped property and so there are situations when people should recuse themselves. But I've got a whole section to come up with when we come to the ethics, once we remove the quasi-judicial portion of this, because there are other ethics to consider on what we do and what we can do and should do. And so it may seem on the surface that this is crystal clear and easy, but it's not. And so having said so, I would please ask staff to check in with legal on any situations once we were to remove in these bylaws language for the quasi-judicial portion – which believe we should – focus on the legislative portion because there are other areas that would be legally important to know for where things should be recused. Am I explaining that well enough, Commissioner Lohman?

Commissioner Lohman: My trouble is there is a time where we need to recuse ourselves because of what I just said. But I don't know what you do when you don't have a quorum, if because you recuse yourself how you handle that there. And I think we need to do some further research and inquiry on this.

Vice Chair Mitchell: Through legal, right?

Commissioner Lohman: Yes.

Chair Raschko: Anything else?

Commissioner Candler: Yes. I couldn't type fast enough.

Chair Raschko: Oh.

Commissioner Candler: I got one jump ahead of Joseph, though!

Chair Raschko: Okay, Commissioner Shea.

Commissioner Shea: I think that if a quorum was impossible because someone had to recuse themselves that it would just be tabled until the next time that a quorum could be made with that

person recusing themselves. Yeah, it seems simple to me but obviously I'm not sure about the quasi-judicial aspect to it. But that's what I would say, that it'd be tabled until the next meeting when you could have a quorum – that that person could recuse themselves and you'd still have a quorum.

Chair Raschko: Thank you. Commissioner Candler?

Commissioner Candler: Well, I find it interesting – and it's addressed later – that challenge appears to be synonymous with disqualified here. I don't know if that probably comes from somewhere, which I found interesting. And I agree with Annie: I'd like to take a little bit more time to look at this.

Chair Raschko: Okay, thank you. Commissioner Mitchell?

Vice Chair Mitchell: Thank you. I think Commissioner Shea hit the nail on the head. If for some reason we had a quorum that can't be met and somebody is disqualified then we should not have that meeting period. It should be delayed.

I also have another comment for meetings in general.

Chair Raschko: Okay.

Vice Chair Mitchell: Is it okay for now or does somebody else need to speak?

Chair Raschko: I think we're ready to move on on that one. Are we not?

Vice Chair Mitchell: Okay. So the meetings in general: We have done this in the past – forgive me if I'm just not seeing this in here. I believe in our bylaws we should state that we should have at least one or more annual meetings with the Board of County Commissioners. And the reason I say one or more, one should be enough but there may be some years like when we had the big year when we got the seven-year comp plan plus the comp plan _____. Those things happen. Those timings happen – where we may want to meet with the Board of County Commissioners again or they may want to meet with us. But I'd like to see it put in writing that we have an annual meeting with the Board of County Commissioners – at least one and possibly more.

Chair Raschko: Any comments? Commissioner Candler?

Commissioner Candler: I would just ask Commissioner Mitchell to articulate the stated purpose of that meeting.

Vice Chair Mitchell: Yes, the stated purpose of the meeting in the past is one, to interface with the Board of County Commissioners. People who've been around for a long time may have, others may not. Any given year can be different for the state of the county, if you will. To check in with them. Sometimes it's sort of like a meet-and-greet. Sometimes it's more of a there's some issues that they want to update us on or let them know where they think there are some important things to let us know. The other thing is to provide a dialogue for questions back and forth – whatever might be pending for that kind of timeframe. We do not have that mechanism to do that as a body at this point in time.

Chair Raschko: Anymore comments? I'd just make a short comment. We could require them to meet with us but they may not want to.

Vice Chair Mitchell: It wouldn't be required. It'd be always an ask. They've always been very courteous about that in the past. I understand what you're saying, Commissioner Raschko.

Chair Raschko: Are we ready to move on? Anything more under Article V, Meetings?

(silence)

Chair Raschko: Seeing nothing, I'll go to Article VI, Committees. I've never seen one.

(silence)

Chair Raschko: All right, Article VII, Ethics and Rules of Conduct. Commissioner Mitchell?

Vice Chair Mitchell: Yes, sir. Thank you. Since this is the appropriate point in time, I'd like to ask staff for the ramifications of doing this. My first gut feeling says strike Section 1 entirely, and if we do that would we be able – aside from relabeling Section 2, which could be something else, perhaps we would then call it "Legislative Actions." Would that be appropriate, from what you understand?

Chair Raschko: Is there anybody who wishes to answer that?

Mr. Gill: Chair, this is Peter. I think – if I could – I think we do have to ferret out the site-specific rezone issues before completely removing Section 1, and that will be a conversation with legal to make sure that if we do remove Section 1 we don't create some kind of an issue that's related to those site-specific issues that Commissioner Lohman and Mitchell brought up earlier.

Vice Chair Mitchell: Thank you. That helps.

Chair Raschko: Commissioner Lundsten, did I see you waving?

Commissioner Lundsten: Yeah, I was just asking for a clarification. I agree with Kathy and I think that I understand how some legislative things could have a conflict of interest. For example – and I just wanted to double-check if this is what you're talking about for either Kathy or Peter or Annie when they were talking about this issue. The Mangat property: If one of us had some interest with that piece, for example – if we knew the people or whatever. We changed the zone for those owners. That would be what you're talking about. Is that right, anyone that was discussing it?

Commissioner Lohman: Yes. This is Annie.

Commissioner Lundsten: Yes.

Vice Chair Mitchell: And, yes. This is Kathy.

Commissioner Lundsten: Okay. Just to be clear. Thank you.

Vice Chair Mitchell: Another example, if you will. If somebody was a brother-in-law or sister-in-law, ___ sunshine, you should say those kinds of things. The same kind of thing under when we get into this for ethics later. It's really best for us to say if somebody is on the board of some organization or something else, rather than to either say nothing or pretend we aren't or to hide the fact. It's just to put everything in the sunshine is always a good idea. And if – this is where I don't know where to go. I think we need legal advice. If we were to recuse ourselves – let's say

that we – your Mangat property issue – let’s say that they were a family member or we knew them so well that we were – well, we had an interest in it ourselves. Would our discussing it be enough? And that’s where we cross into some of the ethical legislative issues on when to recuse, even though we have talked about it.

Chair Raschko: Okay, I –

Commissioner Lohman: Mr. Chairman?

Chair Raschko: Thank you. Annie?

Commissioner Lohman: Mr. Chairman?

Chair Raschko: Yes?

Commissioner Lohman: This is Annie. You’ve got to be careful that – I mean, I’m on the Planning Commission. It’s no secret that I’m a farmer. It’s no secret that I participate fully in the farming community. And so that’s not the kind of thing that they’re talking about. Or if you are in the Audubon Society or anything. Those aren’t the things that they’re talking about. It’s when it gets down to like it says here, “pecuniary or slash ownership interests.” That’s what they’re talking about. And some of those map amendments *can* get into that. But responding to the suggestion that we strike Section 1, I don’t think we should. But what we probably might consider would be to instead of calling it “quasi-judicial actions,” call it something else. Because the very first thing it talks about is the appearance of fairness doctrine, which we absolutely have to adhere by, and then it talks – then it *does* talk about a quasi-judicial thing. And I think maybe sometimes you might want to preserve that. I can’t remember why we left it in in 2009. I’d have to go back and research that a little bit. But ____ that there was a really strong reason for leaving this in because back in 2009 we weren’t doing quasi-judicial items either. So maybe if we retitle it. And I disagree with the titling Section 2 in calling it “legislative” because we do get into policy, land use policy and some stuff too that you would argue that it would be more policy. So then it says “legislative” so then that’s not ____ title anymore. Anyway, those are my comments.

Chair Raschko: Thank you. Let’s see, we have first Commissioner Mitchell, then Candler, then Shea. So Commissioner Mitchell. Excuse me, Kathy, but in keeping with the proper way to do it, you have spoken just before. Ms. Lohman, so if you could kindly wait until after Commissioner Candler and Commissioner Shea have spoken, I’d appreciate it. Okay, so that’d be Commissioner Candler.

Commissioner Candler: Thank you. I don’t know – I think when you’re looking at any given thing that we’re looking at – some kind of a recommendation that we need to make – it is difficult, I think, to determine as a lay person what is quasi-judicial, what is legislative, what is quasi-legislative. And so if – I don’t know if we are actually going to be requesting – this isn’t really bylaw-related. This is more sort of what we do every day and what we *should* be doing. But it seems like we might need to either have a training or some discussion about which is which and what we’re doing, if we can put them into categories. This type of action if this way; this type of action is another way. But it just seems like maybe that might be appropriate. I don’t know what others think.

Chair Raschko: Who would you have present that type of training?

Commissioner Candler: Probably our – the Planning Department lawyer, or someone.

Chair Raschko: Are there any comments on Commissioner Candler's comment?

Vice Chair Mitchell: Yes.

Commissioner Lundsten: I have one.

Chair Raschko: Wait a minute. I'm sorry. We had Commissioner Shea next and then Mitchell and then we'll come back to you, Mark. Okay? I'm sorry.

Commissioner Shea: Yeah, so it's a point of clarification. So if someone recuses themselves from an action that there's a conflict of interest _____, if there's _____ line items on an agenda they can still participate in those other agenda items as long as they're not – there's no conflict of interest with the other agenda items? I just wanted to clarify.

Chair Raschko: Okay. I think then next we had Commissioner Mitchell.

Vice Chair Mitchell: Thank you. Okay, so Commissioner Lohman was technically correct that back in 2009 we were not doing – the Planning Commission was not doing quasi-judicial functions; however, they were still on the books. And it was somewhere – somebody else can probably remember – within the last couple years where that finally came off the books to where we were then doing – the Board of County Commissioners had changed their flow of everything to where we were solely doing legislative and that's when it became crystal clear that only legislative stuff comes before the Planning Commission, not quasi-judicial stuff. So there's a reason why some of that stuff had stayed on the books for so long. And regardless of what we end up labelling the sections or decide is between what legal advises us and people want to do as a group is whether it's all actions or legislative or something else. There's two things that we're going to have to always consider, whether we keep some of this language in or not, and that is – one is the appearance of fairness – conflict of interest and appearance of fairness. Regardless of what we are charged with by the Board of County Commissioners and whether we call it solely legislative actions or all others, I think that they call all other actions – because quasi-judicial was such a tight ball of actions. So whether we keep any of this stuff in or not, we're always going to have to figure out how to address the conflict of interest issues and the appearance of fairness anyway. And I think Commissioner Candler is correct. We do need some more retraining on that, especially in the realm of ethics and what we're charged to do. Because over time it gets pretty fuzzy for people, given what comes across their desks. And so we have to keep – regardless of how this looks between quasi-judicial, legislative, or not, we're going to still have to address the ethics questions of conflict of interest and appearance of fairness anyway.

Chair Raschko: Thank you. Commissioner Lundsten.

Commissioner Lundsten: I think it's a little simpler, actually. I agree – I don't disagree with what Kathy says but I think it's a little easier to comprehend if you put it in terms of a zoning change for a specific property. And besides Mangat we've had Quaker Cove. And if any of us were – our sister-in-law was involved in one of those things, we would disqualify ourselves or talk about it and maybe we didn't think that there was anything that would – I don't know how we would decide what degree of separation it takes where you have a conflict of interest. It seems ___ the quasi-judicial is not the proper term and that the rezone of specific properties is more accurate. And then the question really is – where we need our schooling is: How long? How connected? Or is it just if it's someone – is there a second cousin? Does that count? And so on. I mean, where is that line? And that's – how would we determine it? So I think that – when I got on the Planning Commission I talked with Julie for a while and it was really clear in about five minutes that what

the legislative rules were and what made up a conflict of interest, and she hadn't really brought up to me that the – the zoning change of a specific property, but this is the one thing that I think is the one exception and I think we've narrowed it down pretty well. So I suggest that we have a clinic on how we determine that. I think that's what my question would be.

Chair Raschko: Yeah, it seems like some legal help here would be very good. I believe we had Candler next and Woodmansee and then Lohman. Did you have something, Commissioner Candler?

Commissioner Candler: Well, my comment is sort of skipping ahead to the next section but it's also back to what we've already discussed. I think I'll just throw it in here right now. I have a question and maybe somebody – maybe this comes from some law or something that I don't know about, but it says not only does the person – if there's someone challenged, they have to, like, leave the room. And I don't – that seems strange at a public meeting, so I'm not sure if there's not some law that says that we have to do that, I don't know that that's the best way to do it. But we can talk about that if other people have comments on it.

Chair Raschko: Okay, Mr. Woodmansee?

Commissioner Woodmansee: _____ on the same page I am. I don't believe that you have to leave the room if there's a conflict. You can still participate as a citizen and make a comment. Now I would be happy to be standing corrected on this but you don't lose your right as a public – as a private person to make a comment on a proposal. You lose your right to deliberate on it if there's a conflict, but I don't believe you'd have to leave the room and that you couldn't listen to what was being said and that you couldn't – maybe you have the actual piece of property and you're the proponent. You shouldn't – you can't be silenced, I don't think. Anyways, that's my comment.

Chair Raschko: Commissioner Lohman?

Commissioner Lohman: The leave the room – this is Annie. Can you hear me?

Chair Raschko: We can.

Commissioner Lohman: To leave the room, I think, is a little bit over the top, but I believe what it was getting at was a clear separation that you weren't going to be participating in the vote, so there was a distinction that you – so that you were definitely sitting it out. And I don't know how you would accomplish that. I don't think you need to leave the room, but I don't know what the language – what alternative language we could put in here to reflect that clear separation that you weren't going to be voting. And responding to Commissioner Lundsten's question about when do you have to recuse, I think that it's incumbent upon any commissioner if you have some kind of tie-in to something, especially if it's a particular piece of property on like a map amendment zoning change or something like that. Just because you acknowledge that, Hey, this guy is my fourth cousin or my wife's cousin or some kind of link doesn't mean that you have an interest in the action. It's just that you said it out loud, it's out on the table, and the commission has the opportunity to say, Well, we can clearly see that you don't – we agree with you; you don't – you're going to be able to adjudicate this thing fairly and so that you can still participate. I think it's just – it goes back to the appearance of fairness and the conflict of interests doctrine where they just want you to say it out loud.

Chair Raschko: Thank you. Ms. Mitchell?

Vice Chair Mitchell: Yes, thank you. I've got two comments that wrap into what both folks have been saying. Back to the leaving of the room: I remember a planning commissioner in the past being absolutely incensed when that happened to her, and it was a shame except for the fact – I just want to pose this idea to you guys and see what you think, because I think it's – removing somebody for a conflict of interest in that instance is not – in my mind, and I'd like to have other opinions on this – not just the vote, but it's the act of being involved with the deliberations, because in the deliberations that's where people put forward ideas, opinions and things that can sway the public, sway the votes, sway the interests, sway the information. That is part of what they were doing to try to remove people from. It's not that they don't have the right to make a public comment. They always do. But when we're talking about leaving the room, I always thought that that meant from the deliberation section and the voting section and that, so that they could not influence, sway, or affect the decision when they have an interest in it either way during that timeframe. That doesn't mean that they wouldn't be able to be involved in other items on the docket or on the agenda that evening, but for that portion of it they would not be involved. So that's one thing to think about.

Number two: I'd like staff to ask legal if they could help us with pecuniary interest. It seems so simple, yet it may not be. For instance, if we take the zoning examples like Commissioner Lundsten was bringing up and some of the things that Commissioner Lohman was bringing up, pecuniary issues can extend further than we might realize. For instance, tax breaks. Rezones can impact things that are not easily apparent and so part of what we have to find out is what legal says is pecuniary interest. And I wanted to know that all along on where that stops and starts and where some of the other ethical considerations would come in.

Chair Raschko: Okay, we have Commissioner Candler and then Shea. Commissioner Candler, please.

Commissioner Candler: Oh, I _____. What Commissioner Lohman was saying caused me to decide to speak on an issue that I had. She mentioned a fourth cousin situation, you know, that might not be a real conflict. So if you recuse yourself because you see a name you recognize on the document – oh, I didn't know this was happening, but that's my fourth cousin – and you don't recuse yourself because you don't believe you have a pecuniary interest, apparently another commissioner can challenge you and you are automatically disqualified. So if I say – so say Commissioner Mitchell says, "My fourth cousin's the petitioner here but I don't have an interest and I don't want to recuse." And I say, "Well, I'm going to challenge you then because I want to." Maybe I don't like the way you're going to go on this or something. Then the way it's currently written it appears that the challenge is an automatic disqualification. There is no – if I'm reading it right, there's no vote or anything. And I don't know if that's the way all of these types of things work but I don't think – it has caused me some concern as to a disqualification being automatic after someone raises a *challenge*. I have not seen – that just doesn't seem like due process. But anyway, I'm going to stop that comment. If anybody else has anything on that, then we can pursue it, but otherwise we can –

Chair Raschko: Okay. And if anybody has anything on that I think it's _____ now and then we'll come back to Commissioner Shea and Commissioner Mitchell.

Vice Chair Mitchell: Commissioner Raschko, I do have something specifically on that. This is Commissioner Mitchell.

Chair Raschko: Thank you.

Vice Chair Mitchell: Thank you, sir. Okay, so in past discussions years ago when we were talking about when to recuse, when not to recuse and how that goes, that is also something I think that we should put into our bylaws. And because you guys have already touched on it, you hit on the same thing that I've had a problem with. So there can be a discrepancy between when somebody thinks they should recuse themselves or not. We've been in situations where they said that they shouldn't be recused when other people thought they should be recused and yet had no voice to challenge, and they were shut down because of some situations. There's other situations where somebody *should* recuse, *does* recuse, and yet how do we know that that was correct? And so I'm going to throw out a piece of language and I'm hoping that this will – Peter, if you could write this down to get to legal. There should be something – I don't know if this is the right language – something like “procedure and right to a fair hearing,” because what we're doing as the planning commission as a whole is we are trying to give the public in total the right to a fair hearing. That's our ultimate goal, right? That's the baseline goal. And so if there's conflicts within, we have to know right up front if there end up being conflicts between recusing and not recusing and different degrees of those recusals, what to do in each instance. So, again, if somebody recuses themselves and maybe they shouldn't have been – other people said they shouldn't – then there should be a pathway to discuss that. If somebody thinks that they shouldn't be recused and yet the majority thinks that they should have recused, that's happened before too. I've been in one of those. So there should be procedures to ensure the right of the hearing for everybody and that would come back to the ethical questions on what to do, and I think we should ask legal, What could that – what should that tree be – if we run into that problem or situation, what do you do? This situation ____ bar graph, what do you do in a little tree diagram. If this happens, then you do this. If this happens, you do this – to make it simple, because what is fairness to one person is not fair to another. You guys, I'm throwing up this language of – Peter, if you could ask legal something about the procedure and the right to a fair hearing. How do we do that?

Mr. Gill: Sure. Yes, I can relay that.

Vice Chair Mitchell: Thank you.

Chair Raschko: I had a comment on that as well before we go to Mr. Shea. But what would happen if we are considering something and nobody's recused themselves, but a particular commissioner says, “Hey, Commissioner B, I happen to know it's your third cousin this is concerning and I want to challenge your participation here.” So that's not challenging a refusal to recuse. It's challenging ____. And then in having that happen, the person's automatically removed – or are they? But what I'm getting to is ____ when people try to stack their deck by challenging the people they think might think differently than they do on certain issues. You know, to sway the possible vote. Does that make sense to anybody?

Vice Chair Mitchell: Yeah – Commissioner Raschko, this is Mitchell again. It does entirely and I think that's why I was trying very awkwardly saying we need a tree of what we should do and can do and advice from legal in that situation. Because we fall back to the very basic bar always of having the appearance of a fair hearing and that can go, you know, 360 around on what could happen. And so you're 100% right. Somebody could be just throwing out, trying to stack the deck, saying things erroneously or whatever, so we need to have procedures to know what to do if that happens. Look, most of the time everybody does things the right way. It's that slim time when it doesn't that we're still supposed to give the public a fair hearing, and that's when we need to know what's right.

Chair Raschko: Okay, it's time for Mr. Shea to speak.

Commissioner Shea: Thank you. I have a couple things I wrote down here but the first one I don't think was mentioned, but I think part of maybe leaving the room the language might have to do with the comfort of commissioners being able to speak towards an item, or the public – they may not feel quite as comfortable if someone who has a conflict of interest is still sitting up there in the physical setting in the commissioners' room. They might not feel as comfortable to express their views or what have you. I think that might be part of it as well.

The other thing, I think you can still have your ability to comment – addressing Commissioner Woodmansee's comments – you can still have your public comment time if you do recuse yourself from something. So I think you still should be able to voice any concerns you have, even if you recused yourself. You just have to go through the normal public comment method.

And I appreciate those last couple comments about stacking the deck. I do think voting after a challenge would be a fair thing to do to make sure that everyone's on board so someone just can't challenge someone and get them off of that item. So yeah.

Chair Raschko: Okay, now it's time for Commissioner Lohman to speak, if you still wish.

Commissioner Lohman: In reading that, it talks about at the start of a hearing. And I'm wondering if that is intended to be that way or if it's poorly worded from drafting last time. I kind of agree with what Commissioner Shea just said about the leaving the room. But I think it all goes back to understanding what the appearance of fairness doctrine says and what is required of us as we operate under that appearance of fairness. And that's what this section is trying to get at, as well as the conflict of interest, and it's probably a little bit poorly worded for how that goes. And I don't understand exactly how the challenge goes and it almost seems like it's waited until the very end before we disclose that we have a conflict, where we've had workshops and all these other opportunities to have disclosed so why do we wait till the very last second to do this challenge/slash/disclosure? I'm struggling with it and I'm thinking that maybe we need to just revisit this whole thing and come up with some better language to get at what we're actually really asking for.

Chair Raschko: Okay, thank you. Commissioner Woodmansee.

Commissioner Woodmansee: Yeah, I must be missing that. I didn't see where it says anything about leaving the room in the paragraph, and so is that something that we're just assuming because you can't go back to your seat once you've left the room? And I'm – you know, I don't have any projects coming up but I do think that if somebody excludes themselves that they should be able to hear what's said by all parties, *including* the commissioners, and whether they have an interest in it in saying something or not – they may not – but their ability to hear what's said in real time, I don't get the leave-the-room aspect of this. Because they're limited to their –

Commissioner Lohman: It's at the top of page 4.

Chair Raschko: It's also in Section 2, All Actions. It's in the first sentence.

Commissioner Woodmansee: Okay. So I missed it so I thank you for clarifying that for me.

Chair Raschko: Okay. Is there anybody else? I see Commissioner Mitchell wishes to speak.

Vice Chair Mitchell: Yes, sir. To Joe Woodmansee – Commissioner Woodmansee – to understand that we're hearing what he's saying. Normally under the times where we're operating

in the normal Commissioners' planning commission room, the cameras are usually on outside the waiting room. And so when somebody's asked to leave the room – if that were to happen; the slim time that it would happen – they would go out there and sit out there. They could still see/hear everything, yet people can speak freely inside the room. They would have access to be able to seeing those. When we're in a situation like where we are right now, I don't know what to say because this is a strange situation we're under now. But normally somebody would have ability in real time – if they had to leave the room – to be able to still see and hear what's going on in the room.

Chair Raschko: Okay, are we close to wrapping this up on this issue? Does anybody else wish to speak?

Commissioner Woodmansee: I do. I've got one – just one more clarification.

Chair Raschko: All right. Go ahead, Joe.

Commissioner Woodmansee: So what if you voluntarily step down and you're not challenged? Are you still leaving the room? Or in the rare occurrence that a commissioner *would* have something that he actually *was* involved in, is that commissioner not allowed to participate in the public process of it? And I'm just putting it out there because it seems like if we're going to clarify all this we should clarify all aspects of it. So anyways, that's all I've got.

Chair Raschko: Commissioner Candler?

Commissioner Candler: I agree with that reading. It's an "only" and "if." *If* you're challenged, then you leave the room. If you recuse, apparently you don't. It doesn't make any sense. People are entitled to their opinions – we've got some different ones here – but this leaving the room idea, it doesn't make sense to me. It doesn't make sense to me in a public hearing, it doesn't make sense to me in a setting where you could step off of the immediate bench and go in with the public area. But, I mean, it's a little bit insulting because it sort of seems like it's presupposing that, a, if you are the person who's recused – or challenged, rather – you're going to be, what? Making faces and trying to get somebody to, you know, vote your way? We're all adults. I don't see that happening. And the other thing is it's also insulting as a planning commissioner that I'm not going to say what I think in front of your face, only behind your back! That's not how that – you know, for me – is going to work. And if they're watching from the lobby, I'm all of a sudden emboldened to say something rude about them or whatever? You know what I mean. So anyway, I'm done with that but it doesn't make sense to me to have anybody leave a room in a public meeting.

Chair Raschko: Yeah, I mean, I might be inclined to agree with you. On another board when people were recused, they just did not participate in the discussion or vote but they still kept their place.

Did you have something else, Commissioner Mitchell?

Vice Chair Mitchell: Yes. Just by virtue of the fact that this was the information that we've been dealt with, which I think is exactly why we need as much clarification from legal as they can possibly give us as to why this stuff may have been in there, so we can understand where we need to go for the appearance of fairness and everything else, and treat everybody fairly, well, et cetera. And so I'm kind of surprised that the language in here is so confusing, but this is what

we've had since 2009. I do want to thank staff and everybody here for allowing us to start working on this now because it's very much needed.

Chair Raschko: Okay, thank you. We have a few more. We have Commissioner Rose and then Commissioner Hughes, and then Commissioner Lundsten. _____.

Commissioner Rose: So I've sat on a few boards with different organizations and there have been times when something needed to be discussed and somebody was the topic of the discussion and we were asked to leave the room. And that was so that the people left in the room could speak freely like we were talking about. And so when I reread this one sentence, I'm thinking that the leaving of the room has to do with the challenge about whether that person can participate or not. If somebody raises a challenge to a member, they can ask the member to leave the room so they can discuss the why so that they could get the rest of the commission to agree or disagree, and then bring the person back in. I think that's what that's talking about. But that's my humble opinion and I just thought I'd chime in on that. It just occurred to me as I listened to everybody.

Chair Raschko: Okay. Commissioner Hughes?

(silence)

Chair Raschko: Amy?

Commissioner Hughes: Hi. This is Amy. Would Robert's Rules of Order help us with any of this? Is there some language under Robert's Rules of Order that could make this sound smoother and easier and give guidelines? I just – I guess I'm requesting instead of a yes or no answer for us to ask staff to research that.

Mr. Gill: Chair? Thank you. I will look into that as well. Thank you.

Chair Raschko: And Mr. Lundsten? Mark?

Commissioner Lundsten: Oh, I'm sorry. I just request the staff just again have Julie come and just clarify some of this. It shouldn't take that long for her to lay out the principles and so we could suss out what's still relevant and what is not. It seems like legislative issues *can* have a conflict of interest obviously, as we discussed, but perhaps we – it's still included in Section 2, and I would say that we *should* keep the idea open of eliminating Section 1. But what I would like the staff to – my request is to have Julie simplify this for us. What are the nuts and bolts of it, the basics? We have – I think we keep orbiting around it. I'd just like to zero in on it. Legislative versus quasi-judicial; when legislative could be a conflict; and how we determine that. That's, you know, that's it. Those three things, boom, boom, boom. So I'd like to – that's how I'd like to proceed. Thank you.

Mr. Gill: Chair, this is Peter.

Chair Raschko: Yes?

Mr. Gill: Yeah, so I can make that request certainly. This also begs the idea of even if we do get this clarified in the rules, it sounds like some training would be helpful. That was one of the items on the list that had been mentioned in the past, is what kind of training the planning commission would like to see in these bylaws. We know that the Open Public Meetings Act does require at least a certain amount of training on that act and there is a certain amount of land use background

that would be helpful for everybody to have that same at least base level of information. This quasi-judicial, you know, recusal issue is another training issue.

Anyway, so I'm not jumping ahead but I do want to put that on the table that training, I think, would be useful to have something in here – the bylaws – about training for commissioners.

Chair Raschko: Thank you. Okay, we have Commissioner Lohman and Commissioner Shea and then Commissioner Mitchell. So go ahead, Commissioner Lohman, please.

Commissioner Lohman: I don't have anything.

Chair Raschko: Oh? Commissioner Shea.

Commissioner Shea: Yeah, I believe I'm responding to Commissioner Rose. I think in Section 2, from how I read it, in the first paragraph it talks about if you chose yourself that you had a conflict of interest that you would still have to leave the room. And then the second paragraph is the whole family, immediate family, but then if someone challenged you you would also have to leave the room. Correct me if I'm wrong, but that's just how I'm reading it. So it doesn't matter. If someone challenged you or if you pulled yourself out of the discussion, in this it says that you would still have to leave the room. But correct me if I'm wrong.

Chair Raschko: All right. ___ comment is Commissioner Mitchell.

Vice Chair Mitchell: Thank you. Regarding training in the past we've had, most of the training that I've seen in my number of years has been focused on Robert's Rules via the Jurassic Parliament training, which has helped a lot, which has also touched on some of the ethics, but not directly. And so I'm asking specifically somewhere in the near future if staff could see if they could find – whether it's through our HR department or somebody else – on the ethics training itself. What we think we may know is okay today. Like, business for me in 1990s may not be what is true today. I don't know. But I think ethics training's a very important thing. It's one of those things that people should know – the right things to – you know, how to comport ourselves – but that doesn't always happen. So I think a simple laying down of training to revisit those things so people know what is customary for 2020.

Chair Raschko: Okay, thank you. Okay, we should probably wrap this up. Going forward, I think some training would be very good. But there's two issues. First of all, there's the training. But second is the question of how this should be properly worded. And whether you're going to vote to throw people out or not, and whether they leave the room or not. I mean, those – we need to figure out what we want to have in the rules. So where do we go with that? Any recommendations?

Commissioner Lohman: Mr. Chairman? This is Annie.

Chair Raschko: Yes, Annie?

Commissioner Lohman: Responding to your question, we have enjoyed a planning commission that is pretty respectful, I think, of each other, which is pretty amazing. There's nine people, we come from all different experiences and whatnot. But I haven't seen any knock-down, drag-out fights or mudslinging or anything terrible at all. I've really been very proud of the planning commission on how we've conducted ourselves, especially in the public. And so sometimes you have stuff written down because there's *other* organizations or *other* public commissions, if you will, that don't get along well. And so some of the language may not be speaking to us and may

kind of prick a little bit of our sensibilities because we all behave ourselves and respect each other greatly. But in the event that you do have a bad actor you have to have language written in there to take care of it. And so while it sounds horrible to tell somebody you've got to leave the room, there are some people you've got to tell to leave the room! I don't know of any of you nine that I would ask you to do that. I just haven't experienced it with you. You've all been fabulous. But someday you might have that guy or gal that you need to have some plain language to help you manage their behavior. So I just want to throw out there that some of this language isn't necessarily written for us because we're doing what we should be doing, but there's always that bad guy.

Chair Raschko: That was a very good comment, and maybe you kind of answered *my* question. I guess these are our bylaws and we can decide whether we want to have a vote in the event of a challenge or any of those things, so I guess going forward what we should do is each person prepare for the next revisit to this discussion and prepare their own proposals – what we should have – and we should come together to common ground on it and make a decision what we want in here – with some legal advice. Does that sound fair at all?

Vice Chair Mitchell: Tim? Commissioner Mitchell here. I'm next on the list anyway, but I do agree with what you're saying. The one caveat would be it sure would be handy to have information from legal, hopefully in writing, where we could see that stuff first and digest it first so maybe that will help guide us on what our thoughts may be and where they should go from here. Because it's pretty – it's actually pretty complex.

Chair Raschko: Very good point. Okay, Commissioner Candler.

Commissioner Candler: Thank you. I'll try to keep it very brief. Commissioner Lohman's point is *very* well taken. If there's an unruly person or a person who is acting inappropriate in any way we need a way to be able to address that, and I think the better way to address it is to deal – because that could come up in *any* context. It could be someone who's at a public hearing. It could be a planning commissioner who should have recused themselves. But I think that – I don't if it needs to be in our bylaws or what the law even says about public meetings and how we kick people out, but maybe we need to empower ourselves in a paragraph that we can take control of that situation and kick out *any* person, whether it be a planning commission or a member of the public or planning department personnel – *anyone* who is disrupting the meeting or interfering with the obstruction of fair process in the meeting.

Chair Raschko: Yeah. I think we already have that ability with the – gosh, I'm having a senior moment – with the rule of – what's it called? Order?

Commissioner Candler: Right. Something like that.

Chair Raschko: Yeah, yeah, it's in Robert's Rules.

Vice Chair Mitchell: Point of order, sir.

Chair Raschko: If somebody's being abusive or something and just say – you know, call for that and the chair makes a decision. And he can – but the problem with that is it requires somebody to have some spine to stand up to somebody who's going to try to _____. So....

Commissioner Candler: But it just seems like a more – I like that way of dealing with it better than just carte blanche kicking out a planning commission member from the room in the event that some planning commissioner might not act right.

Chair Raschko: Okay. Commissioner Mitchell, did you have something?

Vice Chair Mitchell: Yes. I think everybody's points have been excellent tonight – showing a lot of forethought. And the problem is when we have difficult situations – I think we've all seen this in the past – even though it may be written down somewhere we may or may not remember that at the right time. And you're right, Commissioner Raschko, you have to have spine. And whether it's the chair, the vice chair, or the acting chair – heaven forbid both are gone at the same meeting – that's why everybody needs to be on board with this and talk this through first. And when we take up the quasi-judicial component, which we have, and everything comes to legislative, that's why I think the component with the ethics is such a big, important thing for us to decide now and to get these new bylaws right. Because the tone of how the planning commission is run from here forth, if it's another – what was this? Eleven years since this update? It's possible that we could be setting the tone for the next 11 years, and hopefully we'll have done a good enough job on it to give people the foundation to make the right decisions and the right actions at the right time, especially – heaven forbid it's in the uncomfortable situations. And that's where things get difficult, is when it's uncomfortable. So I think each of your points were great.

Chair Raschko: Okay. Well, I want to apologize for the term that escaped me in my senior moment was 'point of order.' What? Did somebody else have something to say?

Commissioner Lundsten: I did.

Chair Raschko: Okay.

Commissioner Lundsten: I just wanted to – regarding Tammy's comment, I agree with your intent and I think there's one point about the law that I did pick up from the Jurassic Parliament stuff, and that is that – whether it was in the clinic or in the materials I don't recall, but the public can say anything they want in a meeting and we really can't stop them, but we can stop them by law if they disrupt the meeting. And language is not – according to how I recall the explanation, they have the freedom of speech to say anything they like about us or about the issue or anything, but if they cause anyone harm or if they stop the proceeding of the meeting, then they can be ejected. So just a fine point which I – I just – I remember from our clinic that we had or our seminar with Jurassic Parliament. But the law does provide that ability in a very specific way.

Chair Raschko: Okay, so attempting to summarize, we've heard that training would be a very good thing. Second, legal help on this stuff would be a very good thing. And, third, that we all need to attempt to come back together with suggestions for how to change this, with attorney's help, to get these rules into a format that would be good for the next decade. Is there – am I missing anything on that?

(silence)

Chair Raschko: No? Okay, so what are the next steps? Or – excuse me, maybe we need to move on to Amendment of Bylaws, Article VIII. Anything on Article VIII?

Vice Chair Mitchell: Yes, Commissioner. This is Commissioner Mitchell.

Chair Raschko: Yes, Commissioner?

Vice Chair Mitchell: And this falls right into what we would need to know from Peter Gill. Under Article VIII, the second sentence says “The initial draft of a proposed amendment must be provided to the Commission at least one meeting before adoption.” That’s pertaining to reviewing these bylaws. Depending on how much information comes, do you think we’re going to be looking at two, three meetings on this?

Chair Raschko: Whom are you asking?

Vice Chair Mitchell: Staff.

Mr. Gill: Chairman, this is Peter. I would expect at least two more meetings. That would happen after the break. So what I can do is I can try to get written feedback from legal to you all during the break, and then hopefully then we can formulate any changes and come back together with a set of changes to consider and discuss.

Chair Raschko: Okay. Thank you. Anything else?

(silence)

Chair Raschko: Okay. I’d like to get the opinion of the commission: Do we need to go through the rules of procedure?

(silence)

Chair Raschko: Nobody?

Vice Chair Mitchell: Commissioner?

Chair Raschko: Yes?

Vice Chair Mitchell: It’s Mitchell again. You know, guys, I hate to say it but I think we do because they do – maybe you’ll wish to look at that in the future, ask us to look at it more closely because that’s sort of the meat of this – the specific how-tos. Fortunately, I think that looks pretty good, but when you get to the page 5 under Appendix A – page 4 and 5 – when you’re talking about Other Meeting Guidelines, the first four are pretty easy but when we start to item e, f, g, h __ that’s great, but this is also possibly where some of the ethical issues or other kinds of things might go. I don’t know. I don’t know where the commission as a whole and staff and legal might suggest that they go but it’s very possible that that’s where some of the ethics stuff would go in. I really don’t know.

Chair Raschko: Let’s see – did you have something, Mark? No?

Commissioner Lundsten: I was just going to bring up the quasi-judicial issues here that would obvious to me seem like they’d be struck from the document. The _____, for example. I think that’s the only one. That’s all I was going to bring up.

Chair Raschko: Thank you. Well, I have to agree, Commissioner Mitchell, that in the Simplified Rules of Procedure under (B)(c) Appearance of Fairness, those three items might bear some discussion as well, because that comes right back to what we’ve been discussing.

Vice Chair Mitchell: Yes, thank you.

Chair Raschko: Any other questions?

Vice Chair Mitchell: I want to finish this sentence. It's actually my thought that was delayed. It's hard to stress enough how to get that right because, again, that's the foundation of the whole reason that we're here, is appearance of fairness and a fair hearing for the public. So I do think we're going to need to work at that once we get some more information back from legal.

Chair Raschko: Okay. Any other comments?

Commissioner Lohman: Mr. Chair? This is Annie.

Chair Raschko: Okay, Annie. Yes?

Commissioner Lohman: Number (c), where it says "Appearance of Fairness" –

Chair Raschko: Right, "Quasi-Judicial."

Commissioner Lohman: I guess I'm questioning if that's the only time. Where it says the "Quasi-Judicial hearings" in parens, I'm questioning whether that's – the accuracy of that and whether we should strike what's in the parens, because I was always under the impression that we had to adhere to that appearance of fairness doctrine in general *anyway* and not just only specifically for quasi-judicial hearings. And so there again I'm questioning the writing of how that got written, and I don't recall what happened in 2009. It's too long ago.

Chair Raschko: Okay, anybody else?

Mr. Gill: Chair, this is Peter.

Chair Raschko: Yes, Peter?

Mr. Gill: Yeah, so if we're talking generally about anything in the document – not specific to this section – I think it might be worth putting something in there about public remarks, since that recently has come up as a significant issue. If that's something that you want to do every meeting, every other meeting, every – you know – once a month, and what that looks like, that would certainly be helpful for the department.

Chair Raschko: Okay.

Commissioner Lohman: Add that to the bylaws or as a – what are you asking for, Peter?

Mr. Gill: Whether that should be added to the bylaws, yes.

Chair Raschko: To the bylaws or to the procedures?

Mr. Gill: Well, to the procedures really, where you have the public hearings, how that works, things like that. I'm not sure exactly where it would go. I'm not saying where it should go. I'm just saying whether it needs to be in here or not. That's something you all should consider.

Chair Raschko: Okay.

Vice Chair Mitchell: Chair?

Chair Raschko: And who is this?

Vice Chair Mitchell: Mitchell.

Chair Raschko: (unintelligible)

Vice Chair Mitchell: So now all my pages are all running together! Under whatever meeting section that lays out how a basic meeting should go, I think they should be in there, whether it's worded for every meeting or certain meetings. But I personally would like to see the public remarks become written language as an addendum to how the public can have input that differentiates itself from public comments. I'd like to see that written in the bylaws, however the commissioner as a whole feels it should be done.

Chair Raschko: Could you – I'm sorry, could you repeat? It should be *what*?

Vice Chair Mitchell: It's possible that some – there're probably a couple places it could go. Under meetings, general procedures ___? And now I lost my place on which pages those are, but under the Meeting, general rules of procedure – wherever it was where we could insert comments. You know how you read the agenda, et cetera, so forth?

Chair Raschko: Yes. Okay.

Vice Chair Mitchell: Oh, there we go. It might be under – yeah, under Meetings in general, whether it becomes a new section, perhaps a new Section 3, or something like that. But under which situations you would accept – find it acceptable to have public remarks. Special meetings, not always necessarily; deliberations, if there's deliberations where we have huge meetings where they could go two or three meetings, certainly not. I think the chairs in the past – multiple chairs in the past – have often not had public remarks at those meetings because there's too much material. But I'm sure we could find language together.

Chair Raschko: Okay. And anybody else? Ms. Hughes?

(silence)

Chair Raschko: Amy, did you have something?

Commissioner Hughes: Am I in there?

Chair Raschko: You are.

Commissioner Hughes: This is Amy. Okay. Regarding public comments, we did have a section under Simplified Rules of Procedure where the Chair – under (B)(1)(b) – “Chair reads the following statement as a guideline prepared by staff in advance.” We have that, don't we?

Vice Chair Mitchell: Commissioner Hughes, we do but that's public comments. We're talking about public remarks versus public comments. You know, at the beginning of the meeting where sometimes the public has remarks that are not about –

Commissioner Hughes: Yes, and I understand that. Wouldn't it read, though, basically the same? Because when we start out our meetings the Chair does outline to the public what they can do.

Vice Chair Mitchell: True.

Chair Raschko: Any other comments, opinions?

(silence)

Chair Raschko: Okay. Mr. Shea?

Commissioner Shea: Yeah, I know I'm new but we're talking about sometimes there's comments and sometimes there's not, and then there's a mention about a timeline ___ consistency that's every meeting, or if we receive them once a month, or – I guess I just wanted a little bit more clarification of why. I understand the time constraint can be an issue if there's too much material but _____ about why we wouldn't just do comments at every meeting as they come in.

Chair Raschko: Does anybody wish to answer that?

Mr. Gill: Chair, this is Peter.

Chair Raschko: Yes? Go ahead.

Mr. Gill: In the past, it has been because the – when there is a public hearing scheduled at the meeting, the public remarks that are not really part of the formal comment period on items that are on that agenda for that hearing – it seems like that adds confusion and an additional time issue on that agenda. That, in my understanding, has been why it has certainly been limited on meetings where there is a formal public hearing. Now you don't have very many public hearings in one year. It looks like a couple, maybe a few. This year we'll get a few, so that's good. So that would be one circumstance, Commissioner Shea, where it would make sense to limit any comments people make to the items that are on the hearing.

Commissioner Lohman: Mr. Chair?

Chair Raschko: Yes?

Commissioner Lohman: This is Commissioner Annie Lohman.

Chair Raschko: Go ahead.

Commissioner Lohman: The reason for initiating having the public remarks was there was an awful lot of the public that wanted the ability to address *in public* the Planning Commission, and so over time we developed the language to let the public know that it was not adding to the record or they weren't formally recorded remarks. It was just an opportunity for the public to be able to talk to the commission in public. And we created a set-aside period of time on our agenda to do that, and we had very specific language coaching the public on if it's a hearing that they can't talk about – or hearing or deliberation where they cannot address the commission on *that* topic. But they could talk to us about anything. And I do not think that – I understand that it's awkward sometimes to insert the public chance to talk to us. They only get three minutes at the mic. I mean, they can submit stuff in writing but they're only getting three minutes at the mic. So, yes, it's awkward to do all that, but I think it's our duty to do it.

Vice Chair Mitchell: Can I add something?

Chair Raschko: Yeah, Commissioner Mitchell.

Vice Chair Mitchell: This is Commissioner Mitchell. She's 100% right, and we have found over the years – for instance, when we do the capital facilities plans, there were some years where those were jam-packed and it was standing room only for public comments. Then after we all got our act together – and that means each department and everybody else _____ good form that it is now. We've had the public hearings for the capital facilities plans where there's *no* public comments where there would have been plenty of time for public remarks. And so what's happened over time – and this is where it's a little bit of a crystal ball effect between what staff and chair can decide together when you know the materials that's coming before you. Sometimes we get it right, sometimes we get it wrong, but more often than not we've erred more on inserting time or allowing time for public remarks at the beginning, even if there's a public hearing if – and this is a big if – we think it's not going to be a really long, convoluted thing. And it's back to following the Board of County Commissioners' lead before. They tend to err and allow people to have public comments in their realm – it's different than ours – _____ for public remarks that are other topics, so if that doesn't sound too confusing. It's to allow people to have as much access as possible. And, yes, it is a little bit of a crystal ball effect ___ deciding which meetings it'll work, but more often than not we try to build those in because it still tends to be limited time.

Chair Raschko: Commissioner Candler?

Commissioner Candler: And I have a little bit different position on that. I think that on the night when we have the public hearing it *is* too confusing. We direct the people at the very beginning – the chair will read this thing saying they can't talk about what they're there to talk about or what everyone else is there to talk about, and so I think that people do tend to get that confused. Also it can tend to run – if you have an entire roomful of people wanting to speak on the hearing that night, you know, we have to limit *those* comments and/or continue the hearing to another day or stay late or whatever. On those nights when we have a big show, it's confusing and it causes us to split our focus on what we're talking about. I think most of us at that point are really focused on the issue of the hearing that night and so some of the other comments, if they're appropriately placed, don't talk about the subject of the hearing (and) are kind of maybe not processed quite the same way. So my view is that they shouldn't even be on there – not to limit people from being able to have access to us, just not on those nights. I don't think that they should be on that night – the public remarks that could be random anything. Some of the things that come to us aren't things that are ever going to come in front of us as a board. We had a section of public comments one night that was for a zoning issue that was not going to ever come in front of us. And that was fine, you know. Those people were upset and they wanted to talk to us about the zoning, but it didn't have anything to do with what we do. And so on a night when we're already pressed for time at a public hearing, I think that could be reserved. They could come a different night. That's my thought.

Chair Raschko: Okay. Mr. Woodmansee?

Commissioner Woodmansee: Having spent the majority of my business life on the other side of the table, I would lean much more toward the other direction. And my experience is that having multiple and to the point of it being exhausting, public comments that are unrelated to a topic on an agenda is fairly rare, and having went to meetings for the last 30 years as on the other side of the table. And so to me I don't see that as confusing. I mean, you make a statement at the beginning that if it's an agenda item you cannot speak to it now, and if it's not on the agenda and

you want to – I mean, most of the time it's somebody saying, Hey, this police officer did a good job, ___ saying, I'm tired of this in the city. It's one or the other. Usually, you know, you really get a nice comment or somebody's just finally fed up with an issue – you know, gang violence or something in their neighborhood or something. So I would err toward having public comment at most meetings unless we had something that we already knew was a hot button night and that it was going to be stacked up and then that would make the exception in the timeframe of that. But my normal policy would be to have public comments available for non-agenda items on a regular basis. Those are my thoughts.

Chair Raschko: Ms. Mitchell?

Vice Chair Mitchell: Thank you. I've spent at least ten years in the chairs in the back of the room before being appointed to the planning commission, and having sat back there for all those years and watched an awful lot of things and see people come and go, I cannot stress enough how many times I've seen people on either side of me or nearby that have come down from way upriver or they've taken a ferry or something else because they did want to bring something to the planning commission that was important to them for public remarks, understanding that it wasn't part of the permanent record. But they saw us as a voice and a conduit to the public in general because of the Skagit 21 accessibility to staff, to the planning commission itself to have an ear, and also to the Board of County Commissioners. And there have been some times where some of these folks don't have access to the internet and they don't see the agenda items that we don't have public remarks that night, yet they've driven an hour, hour-and-a-half to come down there straight from the farm fields or wherever they've been working thinking they could have public remarks and been turned away. And it's very disheartening to see that happen. And I realize our time – everybody's time – is precious but it's one of those instances – I personally prefer to err on allowing somebody to speak for those three minutes when they come down anyway, although I will say I understand the other commissioners' points very well. That's not it. All those points are very well taken.

Chair Raschko: Okay, thank you. Anybody else? Mark. Go ahead, Mark.

Commissioner Lundsten: I agree with Kathy and Joe a lot. I think it's – I see Tammy's point very well. But, unlike Joe, I've spent most of my time on the other side of the table and it really is important. I think it speaks well for the County and for the commission and for the board that we have that opportunity at planning commission meetings. It's a very good ritual to maintain, I think.

And one other quick thing: I was misinterpreted, I think, at the start when I mentioned quasi-judicial and legislative. I was just saying change the language. I didn't mean to say strike the section. But throughout public hearings there are a few – in number 2 it says legislative proposals of a – I mean, it has quasi-judicial there and after (b) and then it designates for legislative hearings in (1)(b) and quasi-judicial in (c), and I was just referring to those terms, Peter and staff – not to strike the whole thing but to adjust it according to the discussions we we'd been having. That's what I meant to say. So thank you.

Chair Raschko: Okay. Is there more on Simplified Rules of Procedures? Any other points anybody wishes to visit?

(silence)

Chair Raschko: Okay, so that pretty much –

Commissioner Lohman: Mr. Chair?

Chair Raschko: Yes?

Commissioner Lohman: This is Commissioner Lohman – Annie.

Chair Raschko: Okay. Yes, Annie?

Commissioner Lohman: On Appendix, page 2 where they talk about public meetings and it – will call to order, roll call approval of minutes, and so on. A lot of that, I think, is just housekeeping on cleaning it up because we don't keep minutes and we don't do it the way that it's listing it here and we haven't ever, I don't think. So I'm wondering if we ought to just clean that up and maybe just if you could ask blanketly if we see anything that's obsolete or that – because if you're not doing it per your bylaws then you need to rewrite your bylaws because then you're not following them. So maybe what you could do is tell us – or request that we find any of these other anomalies and just leave it at that and just bring them to the next meeting.

Chair Raschko: What I was going to suggest summarizes just that and is that – well, hopefully staff has been taking notes and will make their own version. But I would heartily encourage everybody in the commission to take and modify these things as you see fit, and it would be very helpful if you submit it to staff ahead of time. And I don't know how that works legally – if they can redistribute it or what. How would that work, Peter?

Mr. Gill: So, Chair, so, yes, I can collect anybody's comments and note where the comment came from and add it to kind of a single document and then, you know, you all can go through it – each of the comments – and figure out which ones you all can agree on. That would be one way to do it. Another way to do it would be for me to make some changes and you all make your own changes so that when we're in the meeting you can ask for modifications of my version. It's really up to you all how you want to do it.

Chair Raschko: Maybe that would be the better way to just let everybody make their own modifications and staff could _____ modifications, or we could just go through it and pound it out. So is there any – yes?

Vice Chair Mitchell: I think this is a good place to put this in because I would like to be corrected if this is wrong. I think there still are some times, although it's rare, where we do have to take minutes. The last time was last January 7th – I think it was January 7th, 2020, when we had the meeting up in the upstairs room where we had, you know, pizza and other kinds of things. And if I remember right – guys, help me – was it Kim Adams was taking the notes, the meeting minutes for us that night?

Chair Raschko: Yes.

Vice Chair Mitchell: And actually the reason I know that is because I was going to ask for a copy of those meeting minutes because we did touch on some of this – the bylaws ideas – and my notes are really skimpy. And I forgot to ask Ms. Adams for those notes and they're not posted and I think we need them. And so although it's rare when we have meetings where we do – and either chair or staff asked her to take the meeting minutes for us; it still happens – it's possible that we could have open house meetings where the staff is requested to take meetings where we are participants. There have been times when we – in the past where we've had meetings in the foyer at Continental Place that were actually planning commission meetings that were more open house

kind of things where it may be – you know, some of it's formal, some of it's informal – where meeting notes might be taken. So let's remember some of those instances that are rare when we're fixing up some of the stuff or cleaning up some of the stuff, because we still have some of those things that apply.

Commissioner Lohman: Mr. Chair?

Chair Raschko: (unintelligible)

Commissioner Lohman: It's Annie. This is Annie. I was talking about the order of business specifically. I wasn't talking about we aren't going to record – that meeting wasn't videoed or audio recorded. I was talking about the order of business and the way that I read it or interpreted it would be what the agenda would look like. And that isn't how we lay out our agenda, and so I was just maybe speaking too vaguely because, of course, every meeting gets recorded in some fashion, whether it be minutes or audio or video.

Chair Raschko: Anybody else?

(silence)

Chair Raschko: Okay. Well, thank you, Annie. That was a good point. I still recommend, and I'd like a consensus, that the way we go forward is for people to list their recommended changes and have staff do the same, and when we come back together we'll just go through this point by point and try to come to consensus. Does that sound acceptable to everybody?

Vice Chair Mitchell: Mr. Chair?

Chair Raschko: Yes?

Vice Chair Mitchell: I need some clarification here. Would that be *after* we get the information from legal and for more information from staff? Because it would be – I need to know which one to prepare for.

Chair Raschko: It'd be really helpful to have a legal opinion on some of these things.

Vice Chair Mitchell: You bet. Some of the staff information, they could help us with some of the stuff before we get to the real meat of it ____ question. I'd like to see us get some of the information before we submit something.

Chair Raschko: Yes. Well, I believe earlier in this meeting Mr. Gill opined that we would probably come back to this after August – after the August break. Is that correct?

Mr. Gill: Yes, Mr. Chairman, yeah. So we – the next meeting in July is the two hearings, one on the Countywide Planning Policies and the flood code. And that is the last meeting before your August break, so it will be after the August break so I can make a request to legal on some of these things and forward you that information in preparation for meetings in September.

Chair Raschko: _____ that information we can work out our own proposals for it, what we want this thing to look like. Is that unacceptable to anybody? Yes, Annie? I mean, Kathy?

Vice Chair Mitchell: Thank you, sir. It's one of those things where one more thing before – I don't want to put the cart before the horse. Some of these legal questions were complex enough and et cetera, so forth, I do wonder if it's worth having a workshop to go over that information together before we try to finalize anything, or put more information forward still. Does that make sense? Where we could have Q&As off of that together?

Chair Raschko: You know, the first thing that struck me tonight is that – I apologize to everybody. I should have had the foresight to invite our legal representative to be in this meeting, and it probably would have been very helpful. And your suggestion that we do have a workshop with legal present might be a very good one. Are there any other comments on that, from staff as well? Do you have something, Peter?

Mr. Gill: No, I do not.

Chair Raschko: Okay. So, Kathy, you've proposed that we have a workshop with some legal help there, correct?

Vice Chair Mitchell: Well, yes, although my knowledge before is that legal in the past – staff, help me if I'm wrong – what they do is they usually advise us something in writing and they rarely do it when we're on camera or in a meeting because it's privileged information – sometimes; I don't know what qualifies as privileged or not privileged. But in that instance, at least let us get that information in writing. The other points that staff is having us identify to get more clarification on while each of us does our own, then come together and have a workshop – it would be great if legal would come and help us in real time. I just don't know if that would really happen.

Chair Raschko: I think it would happen. We can make that, I think. And that would be in August – I mean in September – pardon me – after the recess. I like the suggestion. Anybody else?

(silence)

Chair Raschko: Okay, can we do that then?

Unidentified male voice: Yes.

Chair Raschko: So with that, unless anybody has anything else, we'll bring our discussion of the bylaws to a close for tonight. Okay? And we'll move on to our Director Update.

Mr. Hart: Thank you. This is Hal Hart. Can everybody hear me?

Vice Chair Mitchell: Yes sir.

Mr. Hart: Great. You bet. So the commissioners and staff have been talking like we do all along – oh, by the way, to the chair and everybody: great job tonight. I thought it was very helpful, and we *do* need to go back. This is complex and it's good to touch bases. That's my comment on what you were working on. So good job.

The Commissioners – tonight I just kind of want to talk to you briefly about what the Commissioners are dealing with and what they see on the windshield, and obviously you can have those discussions as well. The number one thing that I'm constantly – I would say it's probably eight hours a day – and that's support of our permit system. It was just reported this evening that on June 29th we had our record call day, so something like 200 calls a day are coming

in and people working on their projects. And understand that during COVID-19, all this now is not face-to-face. Even though we're preparing for the time when that might happen, there's just a lot of things we don't know about COVID at this point. So the Health Department and the state health department are very cautious and we're all thinking of this in a precautionary way, so everything is more and more online and that requires a lot of phone calling. So supporting the permit process as it's been going forward is also seen as key to the County's continued ability for economic development to continue.

As you know and I've reported in the past, usually between 200 and 230 new single-family homes occur each year. But we have also done some innovation and along that line we are – I talked to staff last night and well into the evening they were doing video inspections of places where people were living in. So we didn't want to come in contact. So it gives you an idea of the innovation that's taking place within our staff team right now, and that takes a lot of our focus. But that will continue, we think, that's going to continue at least for the next three or four months. And again, we're working with intake. How to take in a time period of COVID – how do we take permits in through the process? How do we communicate what's occurring to residents of the county, and how can we use our portal, which is any information that we have to submit for permits, and make sure we're using that the best we can?

The number two issue that was really a key issue last year and continues to be in Washington state, housing is still tight. It's a really odd situation, but maybe now for different reasons. So many apartments dwellers are not able to actually pay their rent right now so that's affecting both the statewide rental market and also how people see the future in investment. So we're kind of watching that as well. And one of the things that came up was ADU changes. So that's a potential to come your way in the year ahead – so additional (sic) dwelling units. And what are the rules for that and how we might make that easier for people to invest in the future?

Number three is the Shoreline Master Program. As you know, we have applied for a grant. I think we're hearing that we are likely to have gotten it. I'm still waiting for the final. I'm not sure if Mike has seen the final approval from DOE yet. But we will engage in that process with a consultant and hopefully finalize the recommendations that we had drawn up previously.

Number four is agricultural tourism effort. The Commissioners absolutely want to get this on track this year and so we'll be looking into that effort. There are multiple efforts going on so it's a bit confusing. So we would work with all the stakeholders in the county and what would come out of that would be legislation I think that you would see come down the pike. So first is engage the stakeholders in that countywide dialogue, and then refine that and bring that back as changes to code. So the idea being: Where is the agricultural community today on these? How can we make it more productive in terms of tourism? And there're some divides out there.

And then finally number five is ___ for the docketing system itself maintaining what you're all doing. Making sure that we have support – we have Peter to support you in achieving the goals that the Commissioners want to achieve in the legislative realm.

So those are the top five and that's the ongoing discussion. As I said before, I'm also always in favor of Planning Commission working and reaching out with the Board of Commissioners to have that discussion as well. Thank you.

Chair Raschko: Thank you. Are there any questions for the director or comments?

(silence)

Chair Raschko: Okay, well, thank you, Hal. We'll turn then – ____? Okay, we'll turn then to Planning Commissioner Comments and Announcements. We'll start with Ms. Candler. Have you anything? No. Ms. Hughes? No. Ms. Lohman?

Commissioner Lohman: No.

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

Commissioner Lundsten: No.

Chair Raschko: Oh, okay. Ms. Rose? And Mr. Woodmansee?

Commissioner Woodmansee: No.

Chair Raschko: Boy, this is going easy. Mr. Shea, you must have something.

Commissioner Shea: No, I do not!

Chair Raschko: Okay. Ms. Mitchell?

Vice Chair Mitchell: No, thank you.

Chair Raschko: You know, I don't either. Anyway, I want to thank everybody. I thought it was kind of a difficult session tonight and I think everybody did very well so thanks. So (with) that, we'll stand adjourned.