

**Skagit County Planning Commission
Deliberations: Bylaws
March 28, 2023**

Planning

Commissioners: Kathy Mitchell
Mark Knutzen (absent)
Vince Henley
Amy Hughes
Tim Raschko, Chair
Joe Woodmansee
Tammy Candler, Vice Chair (via Zoom)
Martha Rose
Jen Hutchison

Staff: Jack Moore, Planning Director
Sarah Ruether, Long Range Planning Manager
Jenn Rogers, Assistant Long Range Planner

Chair Tim Raschko: (gavel) Good evening and welcome to the March 28th, 2023, meeting of the Skagit County Planning Commission. Have we everybody present? Let's see. I believe that Commissioner Candler was going to be on Zoom.

Vice Chair Tammy Candler: That's correct. I'm here.

Chair Raschko: All right. And Commissioner – that's right – Commissioner Knutzen is absent. So thank you. I'd entertain a motion to approve the minutes of our last meeting.

Commissioner Vince Henley: I so move.

Commissioner Kathy Mitchell: Second.

Chair Raschko: It's moved and seconded to approve the meetings. Is there discussion on the minutes – corrections?

(silence)

Chair Raschko: Well, then all those in favor, say "aye."

Multiple Commissioners: Aye.

Vice Chair Candler: Aye.

Chair Raschko: Oh, thank you. All opposed, say "nay."

(silence)

Chair Raschko: Okay, so we approved the minutes. We have time tonight for Public Remarks. Is there anybody who wishes to address? No?

Unidentified Voice: (unintelligible)

Chair Raschko: All right, that's okay. Thank you. Okay, so we're done with the Public Remarks and we will instantly turn to our Bylaws Deliberations. And bringing us up to speed – and please correct me if I'm inaccurate – but I believe we have approved most of this document. Section – or *Article VII*, I should say, will be discussed tonight. Vince has kindly rewritten that and we'll go over that. In addition, there are some changes by the additions by the attorneys, and I've seen a few other minor changes on the parts of that I thought we had already approved. So unless anybody feels otherwise, I think we should start out with Article VII. Vince has distributed a Before and After copy, so if you want to go ahead, please.

Commissioner Henley: Okay. Basically this was – I don't know whether we should bring this up on the screen or not. You've all got two copies of it, okay? The colored copy is what we've been working with all along. The black and white copy is the one I've been using. The original one had some – I'd say – confusing language. I've tried to clean that up. And also there were some redundant items in the bylaws and I've tried to eliminate those. But basically the sense of Article VII and its intent should be intact, and we can go down and discuss that. If you want to follow along on what we had in the past, you can use the colored section there – all right? – for Article VII and we'll go down the current draft. And that draft is printed today so it's fresh off the press. Is there anyone who doesn't understand what we're trying to do here?

(silence)

Commissioner Henley: Okay. Article VII has to deal with a pretty naughty subject. It has to do with Ethics and Rules of Conduct. I understand the history of how this came about and what it was intended to do and I wanted to make sure that it was as understandable as possible and as direct and to the point as I could make it. So you won't see very many changes but you will see some.

On Section 1, the Statement of Ethical Principles, I think that this is something that we've talked about as aspirational, but I also want to say something about that and we'll get to that a little bit further down the document.

The Statement of Ethical Principles is divided into a couple parts. The first one, under A, is to serve the public interest. And that's basically our job. And what we should do is under this serve the public interest category, Section A: Recognize the rights of citizens to participate in planning decisions. That sort of seems like a no-brainer to me, but if there's a debate on that I'd like to hear about that now.

The second item is to give citizens full, clear, and accurate information. And I think we all have an obligation to do that.

I also want to assist in the clarification of community goals. Community goals are usually expressed pretty much by the Comprehensive Plan, I would suggest, and I think if it's up to us to interpret them and clarify them we should do that.

And also we want to make sure that there isn't secret information floating around. We want to ensure that the information available to decision-makers – in this case, the Board of County

Commissioners – is also available to the public. And we want to pay special attention to the interrelatedness of decisions and the long-range consequence of present actions. We've all seen situations in the past where there are unintended consequences and I'd like to suggest that this section is designed to make sure that the unintended consequences are few and far between.

Any questions so far?

Chair Raschko: Yes.

Commissioner Henley: Okay.

Chair Raschko: Should we take each section one at a time and go for consensus on that section before we move on?

Commissioner Henley: I would go with that.

Chair Raschko: Okay. Is there any discussion then of Section A?

Commissioner Mitchell: I've got a comment.

Chair Raschko: Go ahead.

Commissioner Mitchell: I think it looks fine the way that Vince has outlined it.

Chair Raschko: Okay.

Commissioner Amy Hughes: May I ask a question?

Chair Raschko: Go ahead.

Commissioner Hughes: Why is number 3 being crossed out, since it was put there at one point?

Commissioner Henley: Well, the question comes about a choice and opportunity for all persons – choice and opportunity of what? It's an undefined item.

Commissioner Hughes: Okay.

Commissioner Henley: So if it's undefined, why do we need it?

Commissioner Hughes: Okay. Thank you.

Chair Raschko: Yeah, I had difficulty deciding what that meant and who all the persons are responsible?

Commissioner Henley: It seems to me that if we can't figure out what it means then it shouldn't be in the bylaws.

Chair Raschko: Okay, anything else on Section A?

Commissioner Martha Rose: It seems very clear.

Chair Raschko: Okay, so we have consensus on Section A. Great. Thank you.

Commissioner Henley: Okay. Section B, and that's strive to achieve high standards of integrity and proficiency. And I think we have a fiduciary duty to always maintain those two things.

We should exercise fair, independent, and honest judgment.

We should publicly disclose any interest in any matter that comes before the Commission. Now there has been discussion in the past about the pecuniary interest – financial interest or so on. What I would suggest – there're all sorts of interests, not necessarily all of them financial. But if it needs to be something that is understood, when we're in an open meeting and talking about, you know, plans and projects, it would seem to me that any interest at all ought to be publicly disclosed so it can be challenged by the public if they so choose.

Disclose any real or seeming incompatibility between a conflict of one's private interests and one's public or fiduciary duties. I think that's fairly simple.

And the number 4, neither seek nor accept any gifts or favors.

Any questions so far?

(silence)

Commissioner Henley: Okay.

Commissioner Rose: I was going to wait till the end.

Commissioner Henley: Okay. You want to do it now?

Commissioner Rose: The end of the section.

Commissioner Henley: Which one?

Commissioner Rose: Well, I don't know because I want to hear the rest of it first.

Commissioner Henley: Oh, okay. All right. Item 5, abstain from participating as an advisor or decision-maker on any plan or project in which you have previously participated as an advocate, except as part of your duties as a planning commissioner. I think that's basically unchanged.

Not participate as an advocate on any plan or program in which – oh, I'm sorry. I'm just repeating that. No, I'm not repeating it. Sorry, item 6: Not participate as an advocate on any plan or program in which you have previously served as an advisory or decision-maker except after full disclosure and in no circumstance earlier than one year following the termination of the role as an advisory or decision-makers. This has the sense to me of something that legal people might have inserted into the document. I don't claim authorship on that. It's pretty much as it was in the original.

The next item I did change, and that is because it talks about being privy to confidential information. And for the purpose of the bylaws, I would suggest that since the Planning Commission meetings are open to the public there should be *no* occasion where confidential information is disclosed to *any* commissioner, either privately or in a meeting. All right? I think if

you did that, you would be violating the Open Public Meeting Act and I think that that is, therefore, not necessary in our own bylaws. Yes?

Commissioner Mitchell: I've got a comment on that. I was reading it because in the way that sometimes we will get information from legal, as happened in the past, where they have advised us on something and it is confidential. And so we are not to disclose that because of legal ramifications. It doesn't happen very often, but every once in a while it does. So I was reading it because of that. In this instance we shouldn't give away –

Sarah Ruether: You might have an executive session if that was the case.

Commissioner Henley: Can you give me a better example of a place where that might actually be a case?

Commissioner Mitchell: Yeah. One of the examples when a long, long time ago somebody – I wasn't on the Planning Commission then; it was around 2010 – and the Planning Commission had operated the way they normally do and somebody had made accusations that ended up going to legal. And I don't know if there was a suit or not. That much I don't know. But there were certain things they weren't allowed to discuss. There was another situation where there was a – I don't know what you call it, a conflict or what, of interpretation between what lay people were reading the language to be and the information went to our legal department, and they made their interp of whatever it was. It went to staff and to us so we could see what the thinking is behind that, and it comes clearly stated "confidential." That kind of thing. In those instances you don't divulge anything.

Commissioner Henley: Okay.

Commissioner Joe Woodmansee: I have a question.

Commissioner Henley: Go ahead.

Commissioner Woodmansee: I'm reading this: There should be no occasion where confidential information is disclosed to any commissioner, either privately or in a meeting. Well, you might get something confidential emailed to you or sent to you one way or another, and then I'm not sure how that applies. You know, you don't control what everybody says to you. So somebody could tell you something that's confidential – break somebody else's trust or something – and that's not on the commissioner who was told it. So how does that – like a – how does that kind of a scenario apply? Would that apply?

Ms. Ruether: I've been a planning commission member and had legal action taken upon. It was when I worked with, first, the City of Anacortes and there was an executive session where they shared the details of the, you know, lawsuit that were confidential. So as – you know.

Commissioner Henley: But does the Planning Commission actually have executive sessions?

Ms. Ruether: I did when I was a planning commissioner.

Commissioner Henley: Hmm.

Ms. Ruether: I'm just saying as – this was at the City of Anacortes.

Commissioner Mitchell: For as long as I – it's been a long, long time I've not known that the Planning Commission has had executive sessions, but maybe that was a difference between – were you on a city planning commission? That might have been different in how it held its operations. I don't know.

Chair Raschko: Well, the only reasons you're going to have executive session, as I recall, were for personnel matters and legal matters. Is that right?

Jack Moore: Chair, if I may? So in a lot of the meetings that the County has, the only time they are not recorded and publicly disclosed is for potential litigation. So if there was something that came up, legal matter that involved a potential litigation, then it's possible that legal counsel might need to speak with the Planning Commission and inform you of, you know, legal matters. It would seem rare, but if you are going to have this section in the code you might carve out an exception for legal.

Commissioner Henley: Well, in the original here, there are – actually there two items that deal with confidential information, and they both say – number 9 says, not use confidential information to further a personal interest. Certainly I would agree with that. And number 10, not disclose confidential information. But it seems like this is somewhat redundant. I think that this could stand to be rewritten a little more clearly, and I would agree to do that, but we won't get through this tonight. But I think that hearing what I heard here, it seems to me that if we do run the risk of receiving information that is confidential, then we probably ought to address it in the bylaws. But my original position was – is that we *shouldn't* receive confidential information.

Yes?

Commissioner Mitchell: Which may be the case, but I'd fall back on what Commissioner Woodmansee was saying. Sometimes people will say things that – and then you can only go with your own conscience, I think, for what'd be confidential and what wouldn't. I don't know. Jack, do you have any advice?

Mr. Moore: I'm actually trying to think of examples of what you might – you know, Commissioner Henley might be trying to address. And maybe the idea or what you're trying to curtail or identify – is there a different way that we could describe it that might take care of the concern you may have?

Commissioner Henley: I'll wordsmith it to see if I can come up with something that is very clear and rarely invoked.

Commissioner Woodmansee: Chair, I have a kind of a comment on this. I can see where not having number 10 on the old one, where it says not disclose confidential information – I could see, you know, in this hypothetical that somebody could tell you something that would handicap you from sharing what needed to be shared, because our ethics is you can't share confidential information. So somebody could try to get around the corner by telling you something that's confidential. In the old bylaw you're bound to not share confidential information. I mean, I kind of feel like that there should be something said to the Commission in here that – this is *way* off the top of my head, but *anything* told to us in our public role as a planning commissioner people should understand that it could become public information. I mean, we're not in the secret-keeping business.

Commissioner Henley: No, we're not, as a matter of fact. We're –

Commissioner Woodmansee: So if somebody comes to us and says, Hey, this is confidential but...they shouldn't have the expectation that – we may have a different – we have something else we're weighing to whether we *should* say something or not. Do you see where I'm going down that road?

Chair Raschko: If that's the case, then maybe you should tell them well, don't tell me then.

Commissioner Woodmansee: Yeah, I know – if they haven't already just told you! Right?

Commissioner Henley: Well, also I could see a scenario where someone would on purpose compromise a planning commissioner by revealing confidential information that they should not, and I don't know how to protect against that.

Commissioner Woodmansee: I almost feel like that if you get told something like that that affects the deliberation, you have an *obligation* to share it. And I don't know how fine that line is but it could be pretty darn fine, I think.

Jenn Rogers: Chair Raschko, I'm so sorry to interrupt. Commissioner Candler has had her hand raised.

Chair Raschko: Did she?

Commissioner Woodmansee: Well, she'd be a good one to opine on this.

Ms. Rogers: I think we'll have to wait until we can switch over to Zoom.

Chair Raschko: Why don't we do Commissioner Candler and then Commissioner Mitchell? Are you out there, Tammy?

Commissioner Henley: Is she there?

Vice Chair Candler: Are you guys talking to me? I don't know how that language is there or whether that's something that was important to someone at some point, but I tend to agree with Commissioner Woodmansee. I don't want to see people who would otherwise engage with us afraid to talk to us, and that's another concern that I have about that language. I've had people who actually are in public roles being concerned about talking to me, getting confused. In that particular case it was whether it was a quasi-judicial or quasi-legislative act that we were doing. I can't remember exactly how it went. But I wouldn't want that to hinder us from talking to members of the public, and I think – because that's an important thing that we do in our role. And I agree with Commissioner Woodmansee that if it becomes important to the discussion I wouldn't want to raise an expectation necessarily that the things that they're telling us are going to be private. Yeah, that's it. Thanks.

Chair Raschko: Thank you.

Commissioner Mitchell: What I was wondering about was the instances – quasi-judicial stuff, which doesn't happen to us very often, is very different than legislative stuff. In legislative stuff we can talk to anybody about anything, and it's the quasi-judicial stuff where it can get you really tripped up. So between that question and the rare case where legal would tell us something that's confidential, if that's the case, then maybe we should ask Jason what he would recommend if we should even say anything about something or not. This section really is just about ethics in general

and that was just – you know, it's being honorable is the main thing. And perhaps with Vince bringing up the whole point, maybe – because those instances where we really would have to keep things confidential would maybe come under a different area rather than just ethics in general? If that's the case, then maybe we can just remove 9 and 10 because everything else would say that we behave ethically. Unless, like Vince was saying, he thinks he can wordsmith something to make people understand.

Chair Raschko: Go ahead.

Jen Hutchison: I almost appreciate the way that it does clarify, though, that confidential information should not be used for personal gain. And also the work that Commissioner Henley has put into the revision of this, it almost perhaps might just need a little bit more detail added on. So where it's speaking to "there should be no occasion where confidential information is disclosed privately or in a meeting," if so then the duty of the Commissioner is to notify that this "may become public at a further date" perhaps should be worded in there, that it might be our duty to notify that this may not remain confidential. Something to that degree perhaps?

Commissioner Henley: I would suggest that one of the things that this Article VII ought to do is specify that in the general case of things, commissioners should not be receiving confidential information. *However*, if they do because of some of the circumstances that we've talked about here, then you need to decide how that information is to be disposed of. All right? And I think not communicating it beyond yourself might be a good start. But I don't know if that gets through the legal prohibitions that we're going to be dealing with, so we might need to ask counsel about this particular one.

Chair Raschko: Okay.

Commissioner Rose: So I always like wording things in the positive, so I think about a sentence that's something like "Any information conveyed to a planning commissioner is deemed to be sharable" or not –

Commissioner Henley: Public information.

Commissioner Rose: Yeah. In other words, instead of saying all the nots and don'ts and whatever, flip it around and make it a more positive statement. And so that doesn't shut down – so in other words, the concern that someone might hold back telling you something you need to know to be a good planning commissioner because they're afraid it's going to be deemed – somebody will read it wrong and say that was supposed to be confidential. If you just simply say any information conveyed to a planning commissioner for the purpose of their job as a planning commissioner is shareable. Something like that. So that's my read at it. Because you don't want to shut down those conversations that might happen about something – and I don't have any examples. But you don't want to intimidate people. You want to sort of welcome the sharing of information that might help us do our job better, even if it is something that other people didn't know about. You know, like I don't know if it could be related to a project or some back information – because we get these notices, okay, to rezone, for example. And if let's say you got some private information about ulterior motives of the person wanting the rezone – I'm just using this as a farfetched example – gosh, I don't know; even though somebody might have told you that, but, you know, hey, I heard that maybe that – you know, some of it might be hearsay but – and maybe we could get cynical and say maybe they're doing it on purpose to kill something that should go through. But nonetheless, it helps with the whole discussion if all of the information that we get can be shared; therefore, the minute it's given to a planning commissioner, they ought to

be able to talk about it freely. But go at it from the positive side. Figure out some wording that, you know –

Commissioner Henley: Well, let me suggest that we hold this item over and I'll take a crack at wordsmithing it so that it meets the intention that we're trying to express here. I like Martha Rose's attitude on, you know, once you've revealed it it's shareable. But that doesn't stop the situation that Commissioner Mitchell was talking about. So we need to find some balance here in being able to reveal information and when to keep it secret. When I put this particular area together, I spent an awful lot of time with my copy of Black's Law Dictionary, and I can tell you they talk about a lot of different things in terms of fiduciary responsibilities and confidentiality.

Chair Raschko: Okay, so are you proposing just to do the rewrite or are you proposing to ask the attorneys for their advice as well?

Commissioner Henley: I would propose that I would do a rewrite *and* also send it to the attorneys and see what they would say. Does that sound –

Chair Raschko: That would be our attorney, the Planning Commission's attorney.

Commissioner Henley: Yes.

Chair Raschko: Okay. All right, well, that sounds like a reasonable plan. Amy?

Commissioner Hughes: Before we move on, could you give me some Cliff notes so I can quickly write down what you propose to slash or take out and what is new, just so I can kind of bring these two together? Do you have that at the top of your mind just so you can – just on this section. It seemed like –

Commissioner Henley: I can send everyone a copy of what I propose.

Commissioner Hughes: Okay, so can you tell us – maybe I'm getting some help here. Nine and 10 are going to be taken out.

(Commissioners whispering/speaking inaudibly)

Commissioner Henley: No, VII is the new proposal, all right? Nine and 10 will be used as feedstock for coming up with something better.

Commissioner Hughes: Okay. Of the old, which ones are coming out, according to this?

Ms. Ruether: I could suggest something too. If I had gotten this earlier, I could have gone through and compared it to the old drafts and put the edits in so that everyone knows what's different.

Commissioner Hughes: Yeah.

Ms. Ruether: I mean, that was the reason we had a redline document, was to show you where things had been changed. So I could take this and compare it to the document and put those edits in so that it's –

Commissioner Henley: I think that's fine, I think. But the problem was is that we had so many – how would I put it? – so many changes that we hadn't yet agreed to share. I mean, that we hadn't

agreed to incorporate in the document, that when I thought about adding another color and more things it just didn't work for me. I'm sorry. I think we need to start over with a new base.

Ms. Ruether: I don't – you know, let's see how it looks. I don't want other people's changes to get lost in the process. Some of it's the same. You know, deleting things, you don't see all the red lines that's deleting it, and it will show you what's deleted. I just think it might help for clarity. If it ends up being too crazy, we can think of a new way to present it, but I think – I just – you know, for transparency –

Commissioner Henley: Well, the normal process –

Ms. Ruether: I could do that.

Commissioner Henley: – would be to go through the document and either accept or reject the change – okay? – one at a time.

Ms. Ruether: Okay. Well, it's up – yeah. I'm just offering that. That's up to you.

Commissioner Henley: That would be the way to do that.

Chair Raschko: Okay, we're going to have Commissioner Hutchison and then we're going to move on.

Commissioner Hutchison: Okay, so I'm looking just real quickly at page 1 in Commissioner Henley's revision document, number 3. Is it possible that we can just remove two words from there – “disclose any real or seeming...conflict of one's private interests and one's public...” rather than – I'm on page 1, number 3.

Commissioner Henley: We're working on number VII here.

Commissioner Woodmansee: She's on B.3.

Commissioner Hutchison: Right. It's in this section, though. We're on section B right now. We're reviewing 1 through 9 of section B. So number 3 –

Commissioner Henley: Yes?

Commissioner Hutchison: I was just looking at “incompatibility between a...” I don't know that those three words are necessary for the point to be made, is all I'm –

Chair Raschko: Which are the three words?

Commissioner Hutchison: So “disclose any real or seeming incompatibility between a conflict of one's private...” So –

Commissioner Henley: Well, you have _____ and not only, you know, make sure that you don't have a real conflict, but you want to make sure that you don't have the *appearance* of having a real conflict.

Commissioner Hutchison: Absolutely. So when you have the word “seeming” I think it expresses that perfectly.

Commissioner Henley: It does, yes.

Commissioner Hutchison: So “disclose any real or seeming conflict.”

Commissioner Henley: Yes.

Commissioner Hutchison: Do we need the extra – can we omit “incompatibility between”? I don’t know what’s incompatible. I don’t know that the –

Commissioner Henley: Okay.

Commissioner Hutchison: I enjoy the way that it’s reading as far as “disclose any real or seeming conflict,” and the rest of that statement is perfect, in my opinion.

Commissioner Rose: I’m having trouble with the same number.

Commissioner Hutchison: I don’t know that those three words are necessary to clarify what you’re –

Commissioner Henley: Okay.

Commissioner Hutchison: It’s still making the statement, whether it’s real or seeming, and just you’re expressing any conflict of one’s private –

Commissioner Henley: Well, it seems to me if we just deleted those words “___incompatibility,” all right?

Commissioner Hutchison: Between.

Commissioner Henley: And “between.” Okay, “or seeming conflict..”

Commissioner Hutchison: Is that okay? You’re still making the same point there.

Commissioner Henley: Yeah, I think that’s still okay.

Commissioner Hutchison: I believe that’s a valuable statement.

Commissioner Henley: Yeah. That’s okay.

Commissioner Mitchell: I think that sounds better.

Commissioner Hutchison: Yeah?

Commissioner Mitchell: Yeah.

Commissioner Henley: Yep, that works.

Commissioner Hutchison: I didn’t mean to go backwards but I felt us moving on to Section 2 _____.

Commissioner Rose: I wanted to comment on that same one.

Commissioner Henley: Which one?

Commissioner Rose: The same one.

Commissioner Henley: Uh-huh, okay.

Commissioner Rose: Number 3. Can I have the floor?

Commissioner Henley: Sure.

Commissioner Rose: I didn't want to butt in too much. I thought originally we were going to go through the whole section and then go back. But I'm just wondering if there could be an example because "Disclose any real or seeming conflict of one's private interests and one's public or fiduciary duties." I understand, like, I'm going to develop a piece of property and so – this is an imaginary one – and there might be a question about a rezone. That would be a conflict if my piece of property was – that's a black and white situation, in my book. But how about if I believe that – if I personally believe – not have a stake in an – no monetary stake, but I just have a strong belief about something – which we all have strong beliefs about things; that's why we're here – of course it's going to affect the way I vote. My strong beliefs are going to affect the way I vote. Now sometimes they're changed by the discussions that happen in this room. It's happened to me many times. So how do you decide if the way I strongly feel about something is a conflict and affecting – and is that what this number 3 is talking about?

Commissioner Mitchell: I've got an example that might help.

Commissioner Henley: Well, the disclosure – if I can just – just let me think about it for a minute. If you've disclosed something and you become challenged by a member of the public, okay, or another Planning Commissioner – all right? – then you'd have to analyze whether that was an important enough thing to influence your vote from differently than you would otherwise do. In other words, if it would change the way you would vote I would suggest that the revelation of that is significant.

Commissioner Mitchell: I can think of two examples where there really were challenges. And one was a long time ago with one of the past County Commissioners, and somebody from the public had challenged whether that person had conflict of interest because she had been advocating for a guy whose property was going to be in this rezone, for example. And when challenged, she chose to do – I guess you would call it the honorable thing by stepping down, and then she left the room and she wasn't privy to the discussions and those kinds of things. So another situation where it was the same kind of thing because there were several of us right behind that curtain when it happened, and the lawyer was standing there. And so he turned around to that Planning Commission member – a different person – and said will this be a conflict for you on how – can you review this and make your decisions without, you know, personal conflict on it? And she said she could. She said okay, let's move on.

And so those are two different outcomes by a public challenge, and it was one of those things where whether it was real or not, it was the seemingly perception from the public – and I can give you a third hypothetical would be – let's say that the property next door my parents owned, and it was part of a rezone or something like that. A member from the public could challenge me and say can you really make a decision on this? Even though I wouldn't have, you know, financial or pecuniary interest in it, can you make an honest, you know, decision on this without your personal

whatevers coming into it? And, you know, more often than not that you could say yes. That comes back to the honorable or the honesty of somebody's, you know, own person.

And it's that tricky thing about perception, and this is why I was asking about the quasi-judicial versus the legislature. I think that we are trained when we go through all our training that we – you have to pay extra special, careful attention when there's quasi-judicial legislative stuff than just legislative. So does that help?

Commissioner Rose: I have a question for both Vince and whoever else. So I was revisiting the word "interests." If interest represents monetary interests or personal gain of some sort, that's one definition, but I don't think that's how I was interpreting it the first time through, or the second or fifth time through. But when Kathy was breaking that down I was listening to her and I realized that the way you use this word "interest" is probably more along the lines of – because it could also mean I'm interested in housing the homeless, or I'm interested in alternative energy, or I'm interested – you know, I have all these interests, but do I make money off of them? No. So in this case, I believe that when you have this word "interest" here I think you're referring to something where you're actually going to receive some sort of personal benefit from it. Is that what you mean?

Commissioner Henley: I do mean some sort of personal benefit, but it doesn't necessarily have to be financial.

Commissioner Rose: Right. It could be a position or it could be a – it could be something abstract.

Commissioner Henley: It could be many different things.

Commissioner Rose: But it doesn't necessarily –

Commissioner Henley: But what I was trying to do, I was trying to get away from strictly the financial thing because there're all sorts of other interests that are not financial but which would necessarily be able to influence your decision on, say, a planning matter.

Commissioner Rose: Right. So I'll give a very personal example. I'm an advocate of alternative energy so, yes, I want to see windmills allowed in the Skagit County as long as the scope and whatever is reasonable. Does that fall under this? I don't benefit from it. It's just a personal interest. We all benefit from it, but....

Commissioner Henley: I would say that it does, but I would have to have a more specific example.

Commissioner Rose: Well.

Chair Raschko: Amy, please.

Commissioner Hughes: Thank you. I would like to refer this to someone who is knowledgeable about the trainings we receive. It seems like in the numerous public open meetings trainings that we're required to do for this or some other boards we might attend, this has been covered. And I just would like, before we spend any more time on this, to go to what our state trainings outline for us on this subject before we take it another step. Go ahead.

Commissioner Hutchison: Might we just replace the word "interests" with the word "gain" to provide that clarity that you're looking for?

Commissioner Henley: I don't think it's broad enough.

Commissioner Hughes: Yeah, and I think we need to check this with what the state already has outlined with those trainings that we take. What are the trainings that we're required? Open meetings – and does that contain conflict of interest? In one of these trainings, they do talk about what is conflict of interest.

Chair Raschko: Well, it looks to me like we're not going to come up with a viable solution to this tonight and we will need some outside help. Does anybody disagree with that?

Commissioner Henley: No. I can rework it.

Commissioner Mitchell: I've got one more comment.

Chair Raschko: There's one more comment, please.

Commissioner Mitchell: One more comment, if you guys don't mind – add in, too, while we're thinking about this and asking staff for help – is any one of us could end up on the Planning Commission and a lot of people have because they came from a certain industry, whether it's farming, housing, forestry – you know, we could go on down – fishing, all kinds of things, and I think that's why people were chosen and placed here. And so interests is a tricky thing because an interest could be defined narrowly or way – you know, all inclusive. And I think that's why there's other places in the bylaws where it absolutely said “pecuniary,” and then we changed that to “financial” for laymen's terms. And that's why we backed off on that, was to leave it at – you know, the pecuniary interests. Because it's very difficult to define other interests other than coming back to being honorable or not.

And I realize that this sounds like it may be a cop out, but it's really not, and that's why the last line underneath these lists was “These principles are aspirational in nature and they seek to inspire voluntary commitment through appeals to conscience. They are a positive obligation.” And I think anybody that's been on this Planning Commission for a long time now or any length of time has been here in an honorable nature and an interest coming from a certain industry or background or something like that has not been considered a conflict. You know, anybody could be axed from a planning commission decision if the were a farmer, for instance. Or, you know, a forestry or something else like that. So that's where I think we should maybe back off trying “interests” that way. I don't quite know how yet.

Chair Raschko: Okay, so –

Ms. Rogers: Chair Raschko, Commissioner Candler has her hand raised.

Chair Raschko: Commissioner Candler's back! Go ahead, please, Tammy.

Vice Chair Candler: Thanks. I think Commissioner Mitchell and Commissioner Hughes covered a lot of what I was thinking. Maybe we need some outside help, but I had always kind of thought of this as pecuniary interest/financial interest *solely* because of that exact thing that Commissioner Mitchell was talking about. We actually attempt, I think, to get – well, I don't know historically, but it feels like we have attempted to get some people from different industries and different areas because they bring their perspective and because they bring their knowledge, and with that experience and knowledge comes, I think, a representation – for lack of a better word – of their larger group, whether it be contractors or whatever. But I think I always thought it was meant to

be pecuniary interest, and so I would definitely want some help trying to figure that out. If Commissioner Henley has learned something different in his research that's one thing, but I think we do need help.

Chair Raschko: Okay, thank you. I agree. Okay, what I'd like to do is minimize iterations, and I could see Commissioner Henley going and reworking this and I really appreciate the offer, but I could see us back here in two weeks or a month in the same place. So what I would really appreciate is if Commissioner Henley would do so and seek help from our legal advisors, and then if we could have the copies with comparison in advance to look at. And in addition, if anybody else feels they wish to make an attempt so that we can have some more ideas, I think that would be great as well. But if everything could go to staff so that they could have a copy and distribute it in a timely manner, I think that would really help? Is there any comments on that?

Commissioner Henley: Nope, it sounds good to me.

Chair Raschko: Okay, we can go forward with that. Okay, so I presume what we're talking about there is Sections A and B because – A and B. I think Section 2 –

Commissioner Henley: B.3 and B.7, this looks like what we're talking about here.

Chair Raschko: So why don't we continue through to Section 2, and if we get bogged down again we'll _____.

Commissioner Henley: Okay. Not a lot of changes here, okay. It's conduct. "Members of the Planning Commission shall take such time as to prepare themselves for hearings and meetings and act according to Section 1.B.9 above, which basically says you need to be prepared." So I just made that reference. It was already in the document so _____.

And then we talk about ethics and rules of conduct continued. This talks about attending meetings. That's unchanged from the draft – the other draft document. Right? The Planning Commission member with a conflict of interest in an item before the Commission must state that a conflict of interest exists and withdraw from the participation, the public hearing or working session, et cetera, et cetera. And Sections 1.B, 2, 3, 5, and 6 above all apply to that. So I was just trying to tie that reference back so that you understand how comprehensive it is.

The next one was something that was already there. It's unchanged – okay? This is – it sounds to me like what they're trying to do is if some interest that a Planning Commissioner has needs representation, this provides an avenue by which representation can be acceptable.

And if you do participate and you have a conflict of interest, it's cause for removal from the Commission. I don't think that's any different than it has been before.

Any questions?

Chair Raschko: Well, I do have one thing. I believe earlier in the document – the original document – it has Attendance and it's a different number.

Commissioner Woodmansee: It says "4" somewhere else.

Chair Raschko: Pardon me?

Commissioner Woodmansee: It says “4” somewhere else.

Chair Raschko: 5.9. 5.9, I believe.

Commissioner Hutchison: That was in reference to – a recording of the possible vacancy.

Chair Raschko: It says “four consecutive absences except in the case of sudden illness or other unforeseen hardship in any one calendar year...will amount to a potential vacancy.”

So anyway, here it says 4 (and) here it says 3. I think we don’t need it in two places, so what’s your pleasure on where to have it?

Commissioner Henley: Your call. I think they serve different means.

Commissioner Mitchell: They do.

Commissioner Henley: It’s their different purposes.

Commissioner Mitchell: Mm-hmm.

Chair Raschko: Well, Section 9 is Attendance, as part of the section’s title.

Commissioner Henley: The second – you have to understand Section 3 is the kinds of things that you do when you’re thinking about censuring a member of the Commission.

Chair Raschko: Well, I’m talking about Section – the part above that. The very first bullet on the page.

Commissioner Hutchison: On top of page 3. We’re talking the three _____.

Chair Raschko: It says any member absent from three consecutive regular meetings –

Commissioner Hutchison: But in the attendance portion, outside of –

Chair Raschko: – may be removed for cause. All I’m saying is that on another page in here it says if you miss *three* you’re removed for cause.

(several Commissioners speaking inaudibly)

Chair Raschko: So it just seems to me that it’s redundant. It should be in one place or the other.

Commissioner Henley: Okay. I can do that.

Chair Raschko: Well, how many do we want it to be?

Commissioner Mitchell: Why don’t we just take the original one?

Chair Raschko: Well, it was in both.

Commissioner Mitchell: I know. What I mean is –

Chair Raschko: Take the one under “Attendance,” Section 9?

Commissioner Mitchell: The one that’s under “Attendance” in Section 9 is the one that is probably critical.

Chair Raschko: Okay, so this one we would just knock out the first bullet.

Commissioner Mitchell: Only if everybody agrees.

Commissioner Henley: So you want to delete the first bullet on page 3 of the section 2 there?

Chair Raschko: Of Article VII?

Commissioner Woodmansee: It’s actually the section below.

Chair Raschko: This is open for debate. If somebody wants to remove number 9 on Section 5, we can do that.

Commissioner Henley: I’m easy. What’s your pleasure?

Commissioner Woodmansee: I would make a motion that we keep the attendance one in Section 9 the way it is and delete the bullet under the Ethics.

Commissioner Mitchell: Second.

Chair Raschko: Moved and seconded to ___ Section 9 and remove the bullet. Any more discussion on that?

(silence)

Chair Raschko: All in favor, say “aye.”

Multiple Commissioners: Aye.

Chair Raschko: Okay. Thank you.

Commissioner Henley: Okay, so we’re deleting that top bullet then.

Chair Raschko: Thank you. So we’re on to Section 3.

Commissioner Henley: Okay. And I think we’re finished with that Section 2 now. Now we’re talking about Section 3. It has to do with censuring a member. And there’s not much change here. It talks about the rationale for censuring a member and what the intention is. Censuring a member of a public body “is a public statement condemning the member’s inappropriate behavior with the hopes of reforming him or her so that he or she will not behave in the same way again.” Lots of luck with that!. “Members can be censured for misconduct at meetings; failing to follow the proper procedures; violating confidentiality,” and that refers back to the previous section where we got all hung up on confidentiality. All right? But if we’re going to have it here as part of the reason for censuring, we need to get that defined really well. “Moral misconduct; absenteeism; lying; disloyalty” – this almost sounds like a Russian purge! – “working against the organization, including the undermining of a decision of the organization” – and I think that’s right; “conspiracy;

and violating other values that the organization holds dear,” which sounds to me like a catchall. But I did not invent that.

“Censure is one way for the other members of the governing body to avoid the appearance of agreement with the objectionable behavior of a fellow member. The presiding officer cannot censure a member of the governing body for misbehavior, only the body can do so. The presiding officer can also be censured for not following parliamentary rules in meetings, and for denying members their basic rights to make motions, participate in debate, and vote.”

Any questions about any of that? That’s basically unchanged.

Commissioner Woodmansee: I have one question.

Commissioner Henley: Sure.

Commissioner Woodmansee: You substitute the word “organization” for “governing body” in the last bullet point. What was the reason for that?

Commissioner Henley: Where are we talking about now?

Commissioner Woodmansee: The last bullet point.

Commissioner Henley: Oh, the violating the other values that the organization holds dear?

Commissioner Woodmansee: Yeah, and it used to say “the governing body holds dear” and then it goes back to talk about the governing body below that.

Commissioner Henley: Hmm. Well, we talk about the organization in the third bullet up.

Commissioner Woodmansee: So I’m assuming that the governing body and the organization are one and the same.

Commissioner Henley: Yes. They probably are. We probably ought to use the same term, though, right?

Commissioner Woodmansee: Right.

Commissioner Henley: Okay. What’s your preference?

Commissioner Woodmansee: I would suggest that we reinstate “governing body” where it says “organization” now.

Commissioner Henley: Okay. I’m okay with that.

Chair Raschko: Okay, have we consensus then on Section 3? Does everybody agree with Section 3?

Commissioner Mitchell: Looks good to me.

Chair Raschko: How about you, Tammy?

Vice Chair Candler: Yes, looks good.

Chair Raschko: Thank you.

Vice Chair Candler: I agree with the change requested by Commissioner Woodmansee as well.

Chair Raschko: Okay. So let's move on to Section 4.

Commissioner Henley: Section 4 is unchanged. "Local governments and public bodies are different from private organizations. Under the First Amendment to the Constitution, elected officials and citizen volunteers have the right to speak out when they hold a different view from the body. At the same time, they may not try to undermine the body's decision." This is just information.

Chair Raschko: Is everybody content with Section 4?

Commissioner Mitchell: Looks good.

Chair Raschko: All right, Section 5 then, please.

Commissioner Henley: Section 5, Quasi-judicial Actions. And this is – I didn't add anything to this. This all comes – I think this was inserted by the attorneys, if I seem to remember this. All right? But it's a tie-back to the Revised Code of Washington. And I don't think it's – it's not particularly unclear. It makes sense.

Chair Raschko: Any comments on Section 6 – Section 5?

(silence)

Chair Raschko: Is everybody okay with Section 5 then?

(silence)

Chair Raschko: How about Commissioner Candler?

Vice Chair Candler: Yes, Section 5 – fine.

Chair Raschko: All right. Thank you. Section 6 then.

Commissioner Henley: Section 6 also unchanged. "Any member of the Commission who in his or her opinion has a financial interest in any matter before the Commission that would prejudice his or her actions so shall (sic) publicly indicate and shall step down," leaving the "room and refrain from voting and any manner of participation with respect to the matter in question so as to avoid any possible conflict of interest or violation of the appearance of fairness.

If a member of the Commission or his or her immediate family has a financial interest in the matter at hand but does not think this would prejudice his" or "her opinion the member should publicly disclose this interest on the record prior to the start of the hearing and allow persons to challenge his" or "her participation in the hearing. If so challenged, the member shall step down, leave the hearing room and refrain from voting and any manner of participation with respect to the matter in question. If *not* challenged the member may participate."

So this puts the burden of challenging on the public.

Chair Raschko: Any comments on –

Vice Chair Candler: I do.

Chair Raschko: – Six? Go ahead, please.

Vice Chair Candler: I don't really know where it comes from and I could be wrong, but I don't love the part that requires the member to leave the room. This is an open meeting, it's an open room, it's a public process, and I think that – I'm assuming that the reason for having them leave the room is so that they won't exert undue influence over their fellow members, but I think that being an ethical person, you know, that is already covered by the part right before that that talks about not trying to influence it or not voting. So I don't like that the person needs to leave the room, but if it's required by some rule or RCW I guess it needs to be in there, but I don't – that's my only comment.

Chair Raschko: Does anybody know that?

Commissioner Henley: No, it probably has to do with the appearance of fairness doctrine in RCW 42.36, I guess.

Commissioner Mitchell: I don't know specifically, other than the example earlier where a Planning Commissioner did have to leave some years ago. And I believe that was the way they had to do it, but that was a quasi-judicial situation, too.

Chair Raschko: I vaguely recollect reading through all of this stuff while we were trying to compose this, where we had examples from multiple jurisdictions from all over the United States, I saw them both ways – if I remember right.

Commissioner Mitchell: Yep, you're right.

Chair Raschko: So I don't know. Maybe that's another question for the attorney. Go ahead, Martha, please.

Commissioner Rose: The only argument that I can think of in favor of requiring the Commissioner to leave the room is in case there was a thought that their presence would make people that make – they might hold back certain comments or they might not feel free to express their real feelings about the proposal if this person is sitting there. Especially maybe they know this person and maybe they don't want to – maybe they just feel intimidated. I could see that could happen sometime. So it might be better to have it – to *make* them leave, you know, for that reason.

Chair Raschko: That's plausible.

Commissioner Rose: Yeah.

Chair Raschko: Joe?

Commissioner Woodmansee: So I'm kind of in Tammy's camp here. It's one thing to say you can't participate in the process; it's another thing to say you can't *watch* the process. And so, you

know, the next – so what? You can watch it the next night and then get offended by the person that didn't want to say it in front of you?

Commissioner Mitchell: In that instance, I think they were watching from the screen out in the other room.

Commissioner Woodmansee: Gotcha.

Commissioner Mitchell: But it was exactly what Martha was talking about with the undue influence and people speaking freely. I don't know how to – I understand completely what Commissioner Candler's saying. I don't know what to do other than to pass it back and say we've got new legal advice now from a long time ago and I would feel more comfortable if we can ask Jason what is the best thing to do. And, again, quasi-judicial versus legislative: what to do, please. What do you guys think? Joe?

Chair Raschko: Joe?

Commissioner Woodmansee: May I? So if you have the credibility or the ethics or whatever to call yourself out, that, Hey, I need to step down. At that point you've already shown that, you know, you're taking the high road, right? And so it just seems like a little bit of a penalty that you can't hear in real time, you know, and maybe – I don't know if there's always a TV on out there or not. But it just seems like it's a little bit, you know, against maybe what should be right. So if there's *not* something specifically in the RCWs or something or in our codes or something that I'm not aware of, it just seems like, you know, you should be able to take a seat in the back. If you speak up at all, you should be told to leave.

Chair Raschko: Well, I think the real question is whether it's in an RCW or some other regulation. We need to discover that.

Commissioner Henley: Well, we can check. We could check that.

Chair Raschko: And if it is or isn't – if it is not, then we can decide which way we want it to be.

Commissioner Woodmansee: Sure.

Chair Raschko: Okay. Anything else on number 6?

Commissioner Woodmansee: I was just going to say for me it's not like it's a do-or-die thing for me on this, so I'm not – you know, I can go either way. But it seems a little harsh that you can't be in the room is all.

Chair Raschko: Okay, anything else, Vince?

Commissioner Henley: That's all I have.

Chair Raschko: Okay. Well, thank you. Okay, I would suggest at this point we go back to the other parts of the document and not to rewrite it but to take a look at the changes that were put in by the attorneys. And there's one other change I found that somehow showed up. Are there any other suggestions?

(silence)

Chair Raschko: Okay. So looking at the – what’s the term for it when you’ve got all the colors? You’ve got all the colors on the paper, all the corrected – okay, page 1.

Commissioner Henley: Comments is what they’re called.

Chair Raschko: *That’s* what they’re called! Okay. Is there anything on page 1? I have one small thing. The blue ink right above Article III, General Rules, it says “To this end, the Planning Commission shall work to promote the best interest of the public of the county over time.” I just think it would sound better if we said “promote the best long-time interest of the people of the county.” Is that getting too nit-picky?

Commissioner Hughes: I like that.

Commissioner Mitchell: Can you say it again?

Chair Raschko: Change it to “promote the long-term interest of the people of the county,” rather than saying “promote the best interest of the people of the county over time.” Not a big deal. We can move on.

Commissioner Woodmansee: No, I’m fine with your change.

Commissioner Mitchell: It’s fine.

Chair Raschko: All right.

Commissioner Mitchell: Sarah, did you get that?

Ms. Ruether: Mm-hmm.

Commissioner Mitchell: Thank you. Could you repeat it one more time for those of us that are braindead?

Ms. Ruether: “Promote the long-term interests of the county” – change it to that? Is that correct?

Commissioner Woodmansee: The *people* of the county.

Chair Raschko: Okay. I don’t think we need to go over this since we’ve already approved it. I think page 2 is as-was. Page 3, though, the red ink at the bottom – that’s number i – under Section 4, Recording Secretary duties. I thought we had rewritten that part. And then I think this comes out of the Snohomish County bylaws.

Ms. Ruether: Yeah, it did. I was responding to your request and I looked – you know, Jason and I looked through other bylaws that had something similar, and this is - it just happened to be Snohomish County had something similar to your request.

Chair Raschko: Okay. So is everybody okay with that section?

Commissioner Mitchell: One point of clarification: So the red is what Jason had suggested, correct?

Ms. Ruether: Mm- hmm, mm-hmm.

Chair Raschko: Okay. Okay, Section 6, Legal Advisor, has some changes. It says, “The Prosecuting Attorney, or their designee, is the sole legal advisor of the Planning Commission. The Prosecuting Attorney’s duties include preparing memoranda of law as requested and reviewing drafts of ordinances, resolutions, and bylaws.” Are there any thoughts on that section?

Commissioner Henley: I’m trying to find where you’re looking.

Chair Raschko: Oh, we’re on Section 5, Chair Pro-Tem – no, Section 6. Excuse me.

Commissioner Henley: Section 6?

Chair Raschko: Legal Advisor.

Commissioner Henley: Joint Meeting? No.

Chair Raschko: Page 4.

Commissioner Mitchell: I think that was also Jason’s wordsmithing.

Ms. Ruether: Yeah.

Chair Raschko: It’s under Article IV, Section 4 – excuse me, Section 6.

Commissioner Woodmansee: It’s toward the top of page 4. I think flip one more page. There you go. Section 6 there. It’s in green.

Commissioner Henley: And stick it in the Legal Advisor section? Is that what we’re talking about?

Commissioner Mitchell: Yes.

Chair Raschko: The purple

Commissioner Henley: Yeah, I see it.

Chair Raschko: – verbiage is new and that is what we’re discussing.

Commissioner Mitchell: It looks fine.

Chair Raschko: Any other comments on Section 6?

Commissioner Henley: That looks good.

Chair Raschko: Okay, if not, we’ll move on. Section 10, Public Remarks. It reads “Opportunity for public participation at Planning Commission meetings is encouraged. An opportunity for public comment will be provided at or before every regular meeting where final action is taken.” That is new verbiage. So that means if there’s going to be action we’re required by our bylaws to have public comment available. Which I don’t see as a problem. Does –

Commissioner Woodmansee: I have a question. So if we’ve already had a public hearing on something and we’re deliberating the next meeting or a meeting later, are we still taking public comments on that deliberation?

Chair Raschko: Now there's a difference between public comment, is there not?

Commissioner Woodmansee: Yes. Thank you. Thanks for that distinction. So this is – so somebody could still make a public comment on something that we're deliberating on, even though they're not part of the deliberation that night.

Commissioner Hutchison: In the past it's been clearly written that those public remarks are not to do specifically with deliberations of that hearing.

Commissioner Hughes: Mm-hmm.

Commissioner Mitchell: Right. I think I get the distinction that Commissioner Woodmansee's after. Because what he's saying – let's assume that we are in the process and we are going through three meetings of deliberations for some long stuff. We would normally only have one public comment period – right? – and we'd go into deliberations. Does this read now like we would have to have a public comment for each of those other deliberations? I know we wouldn't, but could you interpret it that way?

Ms. Rogers: I think – and we can check with Jason on this, but the Board of County Commissioners has adopted this with the new OPMA rules, so – sorry. The Board of County Commissioners has adopted this procedure because of the new OPMA rules. So what they do is they'll deliberate on the proposal and right before they take a vote they'll open it up briefly and say, Is there anyone that would like to make last minute comments before we take a final vote?

(sounds of surprise from several Commissioners)

Chair Raschko: I remember the preamble used to say you can discuss anything you want except what's on tonight's agenda.

Several Commissioners: Right.

Chair Raschko: So that's changed. Is that what we're hearing?

Ms. Rogers: Let me – I think we should talk with Jason just to make sure I'm understanding that correctly, because that's the change that the Board has made with their final actions.

Chair Raschko: All right, let's do that.

Ms. Rogers: And that's what it sounds like they're getting at.

Commissioner Mitchell: It does. It does, and so that's why, I think, Commissioner Woodmansee was asking what he was asking. That's new for us.

Ms. Rogers: I think they're differentiating between open public remarks and public comment before a final action is taken. So public remarks are that where they have that, you know, that addendum that this is not about what is currently being deliberated on tonight. It is a little confusing _____.

Commissioner Mitchell: Right. I think we're understanding the difference between how the public remarks would work if we had them at that time. It's just this other thing now that I'd like

confirmation on because that *would* be different. And I know Jason knows what he's doing – it's not that. It's our understanding what he's saying is what's important.

Ms. Rogers: We can double-check and see if that language – if that's what he's trying to attempt, is make sure he's meeting the requirement.

Commissioner Mitchell: Right.

Chair Raschko: Somebody already asked if Commissioners are having their meeting, they're about to vote on something, they finished deliberating, and they ask the public. Is that part of the public record, whatever those people say?

Ms. Rogers: Well, it'd be included in the testimony and in the transcript but it would not be included in the public comment – the *compiled* public comments that we already completed, because that's already been completed, it's been posted. So we wouldn't add it to that, but it would be included in the transcript at the end of the meeting.

Chair Raschko: Right. So quasi.

Commissioner Mitchell: Wow, interesting.

Chair Raschko: Okay, are we done with that?

Commissioner Woodmansee: No.

Commissioner Hughes: I just need some verification. So does this statement change our operations of how we normally proceed?

Ms. Rogers: Let me double-check with Jason before I answer that.

Commissioner Hughes: Okay, because my concern would be I need public comment prior to the day of deliberation in case I need to clarify, verify, and check accountability. And so to have somebody be able to come in at the night of deliberation doesn't allow me to do my due diligence.

Ms. Rogers: Understood.

Commissioner Hughes: Okay, thank you.

Chair Raschko: Okay, I believe we're done with that part. And I think that takes us to number VII, which Commissioner Henley is working on. And that should do it. The one last thing I would appreciate would be removing Exhibit B because I don't see how it has any value here.

Commissioner Mitchell: Yeah. I move that we detach Exhibit B from further draft.

Vice Chair Candler: Second.

Chair Raschko: Is there a second – did somebody second it?

Commissioner Mitchell: Tammy did.

Chair Raschko: It's been moved and seconded to remove Exhibit B. Is there discussion?

Commissioner Woodmansee: I concur with that request.

Chair Raschko: Pardon me?

Commissioner Woodmansee: I agree with that.

Chair Raschko: Okay. Any other discussion?

(silence)

Chair Raschko: All those in favor –

Multiple Commissioners: Aye.

Chair Raschko: – of removing Exhibit B, say “aye.” Aye. Okay. So Exhibit B is out. Is there anything else we need to do here tonight?

Commissioner Mitchell: I would like to ask a question. There were a lot of good questions and points made tonight and we’ve asked a series of questions to go back for help from staff and legal. Could you issue those to us because it was so – we did this so haphazardly? I could not repeat them back to you now.

Ms. Ruether: I know. I couldn’t either. I’m going to have to watch it over and I think we’re going to have to get this all in one draft. I think having all these things, I can’t extract either.

Commissioner Mitchell: Thank you.

Ms. Ruether: It looks like we need a lot more work on this!

Chair Raschko: Okay, just to summarize, though: Commissioner Henley has volunteered to rewrite part of that with the help of our legal help. And hopefully he could submit it –

Commissioner Henley: And that’s Jason, right? Jason is our legal counsel?

Chair Raschko: Jason is.

Commissioner Henley: Okay.

Chair Raschko: Or his appointee.

Commissioner Henley: Okay.

Chair Raschko: Anyway, submit it in a timely manner such that it can be distributed. At the same time, other people who have ideas on the same thing could submit what they wish to staff for distribution. And then there were numerous tasks that you were going to complete, which I presume you’ve listed.

Ms. Ruether: Say that again. Tasks I _____?

Chair Raschko: Okay. Anything else?

(silence)

Chair Raschko: Am I missing anything?

Commissioner Henley: Not from me.

Chair Raschko: Okay. Well, like I said a little earlier, it'd be really nice to minimize the number of iterations we're going to do this, so I appreciate everybody's effort coming up in the next couple weeks. I do have one question for staff, though. When is the next time we'll be doing – working on this?

Ms. Ruether: I don't know. I need to talk to Jack.

Chair Raschko: Well, when is our next meeting?

Ms. Ruether: All of this is – I have to get it checked with Jason. I have to compare this draft, so it depends on getting all of that done.

Chair Raschko: Okay, so in other words, we don't know exactly when.

Ms. Ruether: And what Jason's schedule is, so....

Commissioner Henley: It looks like you've got agritourism for the foreseeable future on the calendar.

Chair Raschko: What I was trying to get an idea of is how quickly Vince would have to jump on this.

Ms. Rogers: The next meeting is April 11th, so typically we would like to release materials out to you the Wednesday prior to that, so that would be April 5th.

Chair Raschko: Okay. All right. Unless there's anything else, we will close the discussion of the bylaws.

Commissioner Henley: Okay.

Chair Raschko: I've lost my agenda but I believe it's time for the Director's Update. Mr. Moore.

Mr. Moore: Chair, the Commission: I'd like to share some various goings on with the Planning Department and the County. This week we're meeting with the Guemes Island Planning Advisory Committee to discuss saltwater intrusion, which is a big concern for them. We're going to go over some upcoming rules and some recently passed rules and find out if that seems to – get their input on that. See if it seems to be meeting their interests along with coordination with the Department of Ecology.

I recently met with the Economic Development Association of Skagit County to further some coordination between the Department and their organization in the hope of helping business recruitment in the county and helping to identify good locations for those businesses to come in and set up shop.

Continuing interaction with the Port, primarily on – well, some long-term goals that they have, and prepping the – helping them to prepare their information for submittal to the Department, and then also discussing current projects and how permit review can run smoothly, based on their submittals and especially some coordination with stormwater rules from the Department of Ecology.

I'm doing some coordination with Skagit 911. We are updating or putting in place a contract for fire marshal callouts. We recently changed how we do interaction with Skagit 911 using some new electronic callout methods instead of pagers and phones. So making some improvements there.

I met with the Sheriff's office DEM to talk about some changes with some work duties that have been in the Planning Department specific to some FEMA work that we have determined may be more appropriate to be placed in DEM. So we're transferring a currently unfilled position to DEM for them to continue that programmatic pre-disaster mitigation work. Specifically one major component of that would be the Community Rating System that Skagit County participates in. So that's a system where we do a lot – we document all the good work that Skagit County's doing preemptively to help reduce flood risk, and thereby the effect would be that any flood policy holder gets – currently gets a 25% discount on their premiums. So it's not a County government benefit but it's a direct to the floodplain policy holder benefit. I'm very interested in continuing that position and the Planning Department will be handing off that to DEM and assisting in any way we can.

Our building team recently – last week – attended some training on the new state development codes that'll be in effect July 1st. So the updated version of the residential code, building code, et cetera, fire code will be this year. Last cycle the big focus or big – we'll just say it was a bit of an uproar in the building community – was over the energy codes. There won't be such a drastic jump this time. One of the big areas of focus that'll be new for us and everyone is something called the Wildland Urban Interface Code. It's a fire safety code. It will require some different considerations in construction in order to help reduce fire hazard.

Currently, timeframes: We are at approximately 35 days to initial review of all building permits.

And I think that's all I have, unless you have any other questions about what the Planning Department might be up to.

Chair Raschko: Any questions/comments?

(silence)

Chair Raschko: I'd say – last meeting it was 40-something. Now you're down to 35?

Mr. Moore: Yes.

Chair Raschko: And it wasn't that long ago it was up – what, about 70?

Mr. Moore: Yes. We've been over a hundred in (the) recent past, unfortunately with some various reasons for that. But, yes, we're down to 35. Our application numbers are trending upward so we're definitely hoping to hold firm on our timeframes in order to, you know, keep people moving on their projects.

Chair Raschko: Well, that's remarkable. I think it is. I hope so.

Commissioner Rose: Yeah, it is. It's good, right? 35 days?

Commissioner Woodmansee: Compared to a hundred, it's great!

Mr. Moore: I think so.

Commissioner Woodmansee: Yeah, Jack's felt the pressure on the other side of that for sure!

Chair Raschko: Anything else for Director Moore?

(silence)

Chair Raschko: Okay, well, thank you. Okay, we'll go to Planning Commissioner Comments and Announcements. Let's start with Tammy.

Vice Chair Candler: I don't have any, thank you.

Chair Raschko: Okay. Thank you for attending. Joe?

Commissioner Woodmansee: I don't have anything tonight.

Commissioner Rose: I have nothing.

Commissioner Henley: No, I'm done.

Commissioner Hutchison: Nothing for me, thank you.

Commissioner Mitchell: Nope, nothing here.

Commissioner Hughes: Nothing.

Chair Raschko: Well, thank you again, everybody, and thank you, Vince, for the work you did. Gosh, I look forward to finishing this!

(laughter)

Commissioner Henley: I'll do my best!

Chair Raschko: No, it wasn't directed at you! So with that, thank you, everybody, and have a good night. We stand adjourned (gavel).