

Charter Review Commission (CRC)
Climate & Environment Committee Meeting Minutes
May 19, 2021

1. Recording/ Roll Call

Start time: 10:03

Kevin joined a bit late; Kyle left early; Kevin left a bit early.

2. Minutes/Notes – Minutes approved.

3. Review of suggestions and proposals received for Climate and Environment position. Continue discussion about Build-out Analysis- Sharon Abreu and Liz Lafferty lead discussion.

Sharon presented two proposals for amended language in Section 2.30, 2(d) of the Charter.

Discussion, including:

- Sharon: Use the strongest language we can use - "strongly recommends"
- Kevin: There are rules regarding rule-making - very thorough and engaging public process and a vetting with the PA's office to make sure it's within the parameters of the scope under the ordinance in which they're working. Two things on rule-making now: Rules for creation of ordinances applicable for this commissioner and rules where the state is granted authority.
- Can say that the C&E Commissioner will consider build-out analysis within the first 24 months in office, or something like that. Doesn't think build-out belongs in the land use section of the Charter.
- Kyle: we should build as much of this into the C&E Commissioner's role as possible - not intending for that person to take over the Comp Plan.

- Dick: Explain to the public that the C&E Commissioner can and will conduct a build-out analysis - address the public concerns that this is needed.
- Kyle (in chat): Education, outreach, further community conversation, etc. also.)
- Bob: Could we send this new Commissioner some of our concerns?
- Liz: The county now has funding for a build-out analysis. Obtained by Liz Lovelett she believes.
- Kevin: Liz Lovelett has been working with the SJCC on the build-out analysis, and he believes community development is moving forward on this.

4. Takeaways from CRC discussion on Wed. May 12:

- Sharon: Concerns about fear/anger/pushback from some in the county
- Kevin: Elected official got a raise before that vote took place - just got a massive raise. It was justified, BUT happened at the same time we had furloughed a ton of our public employees. _____(?) cost the county \$250,000, and they just DID IT. So he's less concerned about the funding for this new position we want to create. We need to more clearly articulate what we're putting forward. We're delaying our presentation until next week - one reason is to make sure we go thru Randy's thoughts and that we can have a very clear and concise presentation.
- Liz: We need to pivot the conversation about cost to the cost of NOT doing this - the fiscal health of our county over the long term - the economic fallout of not doing this is catastrophic. we're looking directly, squarely at the fiscal problem, and the bigger problem is in not doing this now.

5. Action Plan/Next Steps

Anne Marie: Working Title we agreed on - is it appropriate to create an office as well as the head of the entity, and are the titles office and officer what we want?

Discussion, including:

- Kevin: "Director" would be an appointed position. Kevin thinks "Commissioner" makes a lot of sense. We now have county councilmembers - they are no longer called Commissioners, so they wouldn't have the same title as this new position.
- Discussion of "office" vs. "department" language - every other elected position in SJC is part of an "office".

Motion by Bob to adopt the language of our working titles to our permanent titles:

Office of Climate & Environment
headed by the
Climate & Environment Commissioner

Discussion.

Vote: Motion passed - 7 in favor, 1 abstention (Tom)

Anne Marie: Administrative powers & duties and how we are going to expressly state those. **Is there an area in the Comp Plan that would relate to our previous conversation about build-out - she's planning to get back to us by Monday 5/24.**

Some other counties have code enforcement language in their Charters!
Best to focus on local rather than state issues.

- Bob: Issue of lack of enforcement in SJC because there aren't enough people to do it.
- Kevin: Enforcement is in our write-up right now – Prosecuting Attorney is giving us advice along the way - partial enforcement is

in the draft - we need more clarity on how that is going to work - every time you write a law you are very prescriptive with what the jurisdiction is and what it isn't, so its important that we outline in our report next week that this position will have authority under - and then we cite the statutes - won't be GMA, but Critical Areas Ordinance, CP, etc? One place will be doing the inspections, the other place will be doing the environmental stuff.

G.

Anne Marie: Authority to Adopt, Rules, Orders & Statutes: She read the language. This is what Randy proposed to us.

Discussion, including:

- Kevin: He's generally in favor of a version of this language. We need to detail out what that authority is, and say this but more bluntly.
- Bob: Could we add and such other powers as shall be commensurate with their authority under this Charter.
- Kevin: Thinks we're wordsmithing a bit here.
- Bob: Clause: ... shall have the powers as are necessary to properly exercise the authority they are given under this amendment.

Anne Marie: State Environmental Policy Act:

Two issues:

1. Does this meet county permits?

Yes, as well as private and public permits. SEPA page for state has check list - Gov't agencies use the SEPA checklist ... adverse environmental impacts. Goes on to recommend ways to have minimum impact....

Discussion, including:

- Dick: This is critical - too many cases where the county - applicant submits a checklist and it's on the basis of that they issue a declaration of no significance, modified declaration of no significance, or needs an EIS. This Commissioner will need to be in on this checklist, at the beginning.
- Will review and comment occur after the permit is issued?
- Anne Marie: Add some language (which she suggested) on climate and environment related issues or impacts.

I.

Anne Marie: Coordination of the Emergency Management Act:

Our language:

Cooperate with SJC Dept. of Emergency Management during disaster or emergency situations as it relates to the mission of the office.

Recommended language:

Coordinate on Emergency Management functions at the local level....

Seems to her this might be okay. Others?

Discussion, including.

- Bob: “Coordinate” is better than “Cooperate”.
- Kevin: It's important for us to not overstep our role and to clarify what that role is.

Anne Marie: Contract Authority:

Concern is that our proposed language relates to the budget process and legislative authority of the SJCC.

Discussion, including:

- Kevin: How does it work right now with the Environmental Resources division? Does Public Works or the Auditor sign that

contract? That's an office or departmental function - we just need to clarify that.

- Dick: If it was within your budget, you could contract. Agrees with Kevin - whatever it is for everybody else is what it should be for this office.
- Kevin: Quick conversation with Milene about how this works needs to happen. Kevin will take this on.

Anne Marie: Concern about lobbying:

Influence, educate and advocate ... including relevant ...

Recommended to work with SJCC ... which has an influence in the Climate & Environment area.

Discussion, including:

- Kevin: Opposed to that language. He was lobbied by several of our county officials when he was in the state senate, more often than our SJCC.
- Dick: Again, whatever applies to the other county officials should apply to this one.
- Liz: Don't we want this office to have stronger educational component?
- Anne Marie: Yes, and outreach - we have that as a separate bullet - ...in concert with SJC community orgs...
- Bob: In favor of this person lobbying like crazy, but his experience with state government in Tennessee there are laws about anybody who spends more than a certain amount of time needs to be a registered lobbyist.
- Kevin: Different lobbying rules for elected officials. He talked in D.C. with senators Murray or Cantwell many times - it wasn't considered lobbying. Wouldn't use the word "lobbying" - we are "advocating and educating" - this is an important discrepancy. We don't need to say "influence".

Action: All agreed with dropping the word "influence".

Anne Marie: Concern around accepting gifts:
Accepting gifts is a legislative activity.

Discussion, including:

- **Kevin will ask Milene how this works as well.**

Anne Marie: Cultural Resources piece - she needs help on this:
We got a citation from the Prosecuting Attorney – she needs help figuring out how the county comes into play there. Recommended that we have a finding on the relationship of SJC and our Indigenous people.

Discussion, including:

- Bob: What does this new office have to do with that?
- Kevin: You deal with cultural resources under environmental resources because you're dealing with the land.

(Kevin left the meeting.)

- Dick: It's already in state law, so why are we bringing it up as a separate issue? It's already there.
- Anne Marie: Randy would like us to define how we are not overlapping with other agencies (?) **Maybe she'll ask Kendra.**
- Anne Marie: We have to have somebody at the county level that makes the contact, and right now that person is in the Environmental Resources division.
- Dick Maybe we just need to state the case.

Anne Marie: Recommendation that we drop the employee assumptions that Kyle put together - education, experience - not enforceable to limit who could be involved. Could limit solid waste - the person will be involved in reviewing and commenting on draft solid waste plan in Environmental Resources.

Anne Marie has to get this document back together and out to us. Recommendation is that it should be brief and not too complicated. **She hopes we'll help her and we'll have something out early next week for the full CRC.**

Note: Tom will be away next week – won't be on the meeting.

6. Public Comment:

Alexandra Gayek:

1. Money secured by Liz Lovelett is for a water study - didn't include any build-out analysis.
2. Debra Lekanoff, etc put forward a bill about salmon recovery - concept of "net ecological gain" as a standard being applied - meant to change the GMA to consider how things are evaluated. Is there anywhere in the Charter we can insert this concept of net ecological gain? Bill is HB1117 - didn't make it all the way through but made it through several committees - may have just run out of time to vote.

7. Adjourn – Adjourned at 11:55am