

Charter Review Commission (CRC)

Justice & Equity Committee Meeting Notes
Monday, May 17, 2021

1. Recording/Roll Call Start time: 4:15pm
In attendance: Kyle, Sharon, Jane, Kevin
Members of the Public: Sheriff Ron Krebs, Deputy Mike Hairston, Kim Ott, Michelline Halliday, Zac Reimer, Linnea Anderson
2. Approval of Minutes from May 10, 2021
Kyle - two corrections:
 1. Gave credit to Kevin on comment made on land & sea acknowledgment - was actually Kyle's comment - on p. 4
 2. Elexis Fredy - in bullet point with DolanMinutes approved as amended.
3. Continued discussion on Committee's report to CRC on May 20.
 - A.
Discussion around Prosecuting Attorney's comments emailed today – issue of "oversight" - Jane meeting with Randy at 2pm on Tuesday 5/18.
Kevin: We have oversight in various ways in SJC - ordinance passed by SJCC a couple of years ago as a sanctuary county - had a mandate on all officials in the county. Was that later made simply advisory? If so, not broadly advertised. There is case law and constitutional arguments about independently elected officials controlling their own staff. He read some of the citings. How can't there be any oversight over any elected official?
Sheriff Krebs: Ordinance was passed - he took an oath to uphold the laws. If we need to put someone in place to make sure they're following those rules, that's sort of the public eye. They're always under public scrutiny.
Jane: Justice & Equity Commission – has review mandate.
Kevin: Yes - in defining the authority of this commission - be as descriptive as possible.
Discussion of Jane's document, including:

"Affirmative Action" - do we need to replace those words as Randy has instructed?

Jane: The words can come out and we accomplish the same thing. King County has latitude to use those words because of a somewhat exceptional status. She recommends we accept what Randy has suggested.

Kevin: Likes Randy's language - let's put that in.

Jane asked Sharon to crosscheck Randy's language with the edits Sharon just made in Jane's document. Let's capture Randy's wording.

Kevin finds Randy's language problematic because case law is an interpretation. Laws and regulations are laws, not on "applicable court interpretation".

B.

Kevin: We need to hear from Randy how to get to "yes" on some of these things.

Jane: The Law & Justice Council has no citizens on it.

C.

Jane: It's an easy fix based on Randy's suggestion.

D.

Jane: Having this reinforces the importance of this. Pierce County Charter has a clause on nondiscrimination as well as this clause.

(Discussion resumed following Public Comment)

Kevin: Being repetitive on something this important is fine - makes sense to have this in a standalone section. Would remove "affirmative action" language here.

Jane Section 2.60 of the Charter relating to committees, commissions and board composition.

Kyle: #3 is a placeholder - is it covered already? But reiterating it in multiple places, as Kevin said, is not a problem.

Kevin: Operations Committee said to wait and see what the J&E Committee came up with on this.

Jane can have something for us to look at tomorrow.

Kyle: To have a statement to capture our intention - anywhere we settle on the word "county" we expand that to say "County Council and all elected officials" - call it out and including "... to include anti-harassment,

anti-bullying", etc. Catch-all for everybody who doesn't have the personnel manual. Randy called out some of that specifically in his letter.

Jane is going to work with the Operations Committee language. Amy Vira may have assisted them with that. Doesn't think we can put all this in one clause.

E.

Jane: Just look back at the language and get a bit of a blend - if there's a vacant seat. If there's still a place for that in this section - addressing if someone vacates their seat.

Kevin: Reply from King County on whether or not it is exempt from I-200: They are not exempt. They have a bold county executive and council and they're willing to push what is right.

Jane: When she found out about King County's 3-year plan, Randy checked into it and was told the plan doesn't mean anything.

Kevin would strongly push back on that....

Jane: You don't create a plan that doesn't have any meaning.

Kevin: I-200 mainly references to university system and also methods of government hiring. Randy's point is well made and it is the law. Affirmative Action does not exist in WA State. All of us are getting caught up on words, and words really matter. But changing the words doesn't change the goal. He found Randy's memo very constructive and thought provoking. If there are words that trip us up, but we can still accomplish our bold goals, let's do it.

E.

Jane: Find out why the change was made in 2012. If the meaning of the section has been lost, then we pull that back in. This language is from the Whatcom County Charter, not the SJC Charter.

Kevin: Randy pointed out to us that it is 4 consecutive meetings - that's a big deal. Kevin supports Jane's recommended language on this.

Jane will re-look at the text of the SJC Charter section, Randy's comment on this, the language she proposed and make sure we're not hamstringing ourselves on this. She can do this by later in the day tomorrow. Then we can put this proposal to the full CRC. All agreed to this process.

F.

Jane didn't change any of this language - it's the current Charter language. Just added "such procedures will ensure compliance with Article 10" and would need to take out anti-racism language again. Randy said this additional language is not necessary because we have

our nondiscrimination section (2nd paragraph, on county's conduct in contracts).

Kevin: Just for clarification: The county SHALL not ... that does not meet our policies?

Kevin: Then he would just go ahead and delete this one. We're getting wordy. The more subcommittees can tighten up our language, the better - think about what will appear in the Voters Pamphlet.

Kyle: Let's come back to these findings if there's time.

Jane: If we decide not to include this italicized text, then we can move the findings 1,2 & 3 here up into the Non-discrimination section and further justification for that proposed amendment to the Charter. (Jane is making a note of all the things she's going to work on.)

G.

Kevin: The land acknowledgment should be the first thing in the Charter - "We" is okay or "San Juan County" acknowledges ...

Linnea suggested in the chat:

"Coast Salish....and all indigenous peoples...."

Jane: Are we thinking of bringing this amendment before the full CRC this Thursday?

Kyle: No desire to make changes to it. How it gets used in the Charter - used early on in the matrix. Would love for it to have a placeholder for this Thursday. Not yet a strong position from this committee for inclusion right now.

Kevin:

1. This goes BEFORE the Preamble, literally the first item in the Charter - it deserves that placement - it preempts everything. We should vote on this as a recommendation from our subcommittee to the full CRC.

2. Spoke with councilmembers from 2 local tribes and one elder - biggest takeaway was "make it simple" - pushed him toward a university in B.C. - Simon Fraser University.

Kyle found out - hasn't seen any county with any consistent use in a charter of what MRSC found and no consistent statement like this in consistent meetings in WA State - which is profound - placing this first and foremost is correct, and certainly past time.

Kyle will email Kevin that language, so he can start using it at the beginning of all our meetings.

Kyle supplied the language in the chat:

"Let us acknowledge we reside on the ancestral lands and waters of the Coast Salish people who have called this place home since time immemorial and let us honor inherent, aboriginal and treaty rights that has been passed down from generation to generation."

Kevin: Boards & Commissions - pushed for language - consider residency differently than we have in the past - let's make those changes in the charter. Make sure we acknowledge and include members of Coast Salish tribes in our discussions – e.g., Planning Commission should have a member of the tribes regardless of whether or not the person is technically a resident of SJC. Where possible, we allow for this, and we make it happen whenever we can. We might want to add one sentence that says this - something like "... a member of a Coast Salish tribe regardless of voting registrar or legal residence in SJC" to clarify this.

Kevin: Would Jane add that language? Kevin will help push that. We want the recommendation to go to the right person. Believes we have the authority to expand it. Since Randy didn't comment on it, he expects that we do.

Jane: Composition of the Law and Justice Council is in the RCW.

Sheriff Krebs said to check that out with Randy.

Jane will do that in her meeting with Randy tomorrow.

Jane: Discriminatory place/street names in SJC - hasn't done anything with that - needs attention.

Kyle: There's another proposed resolution for 2021 that covers that, that expands Res. 30-2020.

Kevin: Resolutions don't do anything anyway. We will make this a mandate of the Commission we're establishing - one of the actions they will embark upon - direct the Commission to do an audit/review of all county place and street names and make recommendations to the SJCC with regard to appropriate changes. Where appropriate, the County will start listing Coast Salish traditional names on maps - getting those changed on official maps is a huge task, but let's move in that direction where appropriate.

Jane: New Deal SJIs language Kevin shared with us.

Kevin: It's online at <https://www.newdealsanjuanislands.com>

Kyle will supply that language to Jane to be part of the recommendation for Thursday - add a sub-bullet for that. "Within the first year of establishment, the Commission shall do an audit of all place and street names ..." And "pass an ordinance that all maps reference traditional names in addition to current names."

Jane: These findings may need to be good enough for Thursday, unless we have other findings we want to add. Read them through if we can, if we haven't already. We never went through language for describing the tasks and functions of this Commission we want to create - will only be able to use limited language in the Charter. Will need an accompanying piece that she shared with us on April 26. On Thursday, after she's spoken and clarified with Randy what this body will do, that we all need to agree on the text for this Commission by Thursday. She'll do her best with what she's started on and tweak the language after meeting with Randy where needed.

Kevin thought that document Jane sent was a really good outline. Having more detail in the tasks for the Commission makes sense. Randy is trying to tell us that under the law there are some restrictions. Looks forward to hearing what comes out of her conversation with Randy tomorrow. He hopes the Commission will have oversight countywide, even if just going to the Auditor with suggestions on something and saying we really need you to pay attention to this. And can go public with its recommendations so the public can pay attention to it as well.

4. Continued discussion on supportive Findings.

Need to continue work on our Findings.

5. New Business:
Jane meeting with Randy tomorrow.
Will we be having a J&E Committee meeting next Monday 5/24?

6. Public Comment 5:20

Michelline: Supports our work and thanked us for everything we've done.

Linnea: Thanked us for working on these issues on behalf of the residents and working to make our county government well functioning.

7. Adjourn – Adjourned at 6:28.