

**San Juan County Charter Review Commission Findings**  
**July 18, 2021**

**Charter Review Commission (CRC) findings are derived from research by CRC members, presentations by former and present elected officials, comments received from the public, and the experience and input of CRC members. Each of the findings listed below identifies a problem with the existing Charter and states the CRC's solution to those problems. Divided votes indicate that some CRC members' interpretations and conclusions differed from those of the majority; however, the majority supported the finding.**

**All evidence supporting the following findings, including documents and oral and written comments by elected and appointed officials, as well as members of the public, was presented and discussed at regular open public meetings of the CRC. Oral and written presentations made the CRC are referenced in CRC minutes, which are available at [www.sanjuanco.com](http://www.sanjuanco.com) on the Charter Review Commission page.**

**Finding 1. Charter Introduction**

The existing Preamble to the Home Rule Charter sets out the County's intention to take control over its own local government to the extent allowable under Washington's Home Rule Charter provisions. It is important, however, for the Preamble to also set the tone for the Charter. Upon review of constituents' concerns and deliberations of the CRC, the CRC proposed three separate amendments addressing the Preamble. After further deliberations, the CRC merged the amendments recently adopted by the Charter Review Commission into a single amendment. Those amendments were: 1) the Acknowledgement of the Coastal Salish People; 2) the amended Preamble; and 3) the Declaration of Community Values. The new amendment serves as an introduction to both the people of San Juan County who own this Charter and the values they hold dear. The new introduction shall appear consecutively at the beginning of the Charter.

- 1) Acknowledgement: The recognition of the Coastal Salish people filled a void in our county's "founding" documents. The text of this acknowledgement was developed by the Environmental Services Division of Public Works within the San Juan County Government and developed in close collaboration with representatives of different tribes in the San Juan County area over a period of time. This text has been endorsed by these tribal representatives. It is further recommended that these words be spoken at the beginning of San Juan County Government meetings as a matter of practice.
- 2) Preamble: The Preamble reminds us all of three things: 1) why we adopted a Home Rule Charter; 2) the importance of the equal protection of the law; and 3) our place as part of the natural world around us.
- 3) Declaration of Community Values: It is important for members of a community to agree upon and understand what its common values are. It is also important for the local government empowered by that community to understand the values it is to employ when as it conducts the People's business. These values provide a yardstick with which to

measure the success of the local government and, indeed, the success of the community as a whole, in living up to its highest aspirations. The Declaration of Community Values should serve as a guiding light to our County Council, other elected officials, and the heads of departments of our county government. We can use those values as a measure of the success of our leaders. By enshrining these values in the County's principle document, they are permanently held up as our explanation of who we are.

Pursuant to Section 8.32 of the Charter, the CRC via a motion (May 27, 2021, 14 in favor, two abstentions) and affirmed by a second motion (June 16, 2021, consisting of 13 in favor, two opposed, one abstention), recommends that the Charter Preamble be amended to include the Acknowledgement of the Coast Salish People, the amended Preamble, and the Declaration of Community Values.

## **Finding 2. Climate and Environment Commission**

In response to constituent concerns regarding climate change and other impacts on the environment of our county, the CRC conducted extensive research into these matters:

- 1) The United Nations Intergovernmental Panel on Climate Change (IPCC), representing over 2,500 climate scientists and 30 years of research, has concluded that global warming caused by greenhouse gas emissions of human activities is the most pressing challenge facing the world today. Cooperating governments throughout the world have adopted emission reduction targets and programs to keep global warming below the 2°C increase, in an effort to reduce catastrophic impacts of climate change and ultimately sustain all life on Earth.
- 2) All of the Washington State charter counties have some form of a Climate Action Program or major climate and natural resource protection plans except San Juan County.
  - Clark County's program is housed in their Department of Environment & Sustainability.
  - Snohomish County's program is in the Conservation and Natural Resources Department as an Office of Energy and Sustainability.
  - Pierce County has an Office of Sustainability and passed legislation in 2016 that identifies lead activities for each department in the administration and the City of Tacoma has an Office of Sustainability.
  - Clallam County has a program within its Department of Community Development,
  - King County's Climate program includes not only greenhouse gas reductions but also land conservation and food sustainability.
  - Whatcom County has Climate Action Plan dating back to 2007 and the City of Bellingham has programs and plans in its Department of Natural Resources and Environment.
- 3) According to the Climate Impact Group at University of WA (September 2019):
  - Spring snowpack declined by 30% on average from 1955 to 2016.
  - Washington glaciers are shrinking and Glaciers in North Cascades decreased 56% between 1900 and 2009.

- Sea Level rise is affecting Washington's Coast. At Friday Harbor the sea rose over 4 inches between 1934 and 2018. Seattle experienced a rise of 9.7 inches between 1899 and 2018.
  - Coastal waters are warming and acidifying-sea surface temperature off the Washington coast increased .9 to 1.8 F from 1990 to 2012.
  - Peak streamflow is occurring earlier. Spring peak streamflow has shifted up to 20 days earlier from 1948 to 2002 in most snow-dominated water sheds in Puget Sound.
- 4) According to The Islands Climate Resilience Report, Madrona Institute (November 2017):
- Climate change is expected to increase fire activity in Puget Sound region due to warmer air temperatures and drier condition. Across the Pacific Northwest, the area burned is projected to double by 2040 relative to 1916-2006. The San Juan Islands will likely be affected by smoke even when the wildfires themselves are on the mainland.
  - By 2100, coastal bluffs in San Juan County may erode by approximately 100 to 155 feet in areas with high exposure to wind and waves, and 75 to 115 feet in areas with less exposure (relative to 2000) under moderate and high emissions scenarios respectively.
  - Many salmonids, including coho, chinook and steelhead trout, are moderately to highly vulnerable to climate change impacts. Salmonids are likely to experience reduced summer rearing habitat due to lower water flows and fewer vernal pools, as well as increased temperatures.
  - Wild and cultivated shellfish in the nearshore environments around San Juan Islands will face significant pressure from ocean acidification, which will inhibit their growth. Increase runoff from more intense winter precipitation, coastal erosion, and warmer temperatures will decrease water quality, affecting growth and survival.
- 5) The Sea Doc Society reported only 75 Southern Resident Killer Whales (SRKW) remain in the wild. The population is facing extinction. The SRKW face critical challenges as food sources decline (the salmon population has plummeted in Salish Sea, including the critical king salmon) and shipping traffic and boat noise increase (Orcas communicate and track food through sound). Additionally, humans releasing contaminants and toxins into the water weaken SRKW immune systems. Finally, climate change is a significant additional stressor on salmon and resident orcas populations.
- 6) Washington State requires each county and city to have a solid waste recovery plan for contamination reduction and an outreach plan that addresses contamination of materials accepted as part of the recycling program. San Juan County would see noticeable savings by keeping organic waste out of the landfill bound waste stream, which comprises 20-30% of the waste leaving on the ferry, according to estimates. San Juan County residents want to reduce contamination from the waste stream and most residents want to participate in a viable reduction program. Waste disposed of in landfills ultimately results in methane production. Methane is a highly potent greenhouse gas, second only to CO<sub>2</sub> in creating climate change and reduction of methane emissions must be a priority to reduce climate impacts and temperature changes.

- 7) Washington State has established a deadline of 2045 for achieving zero carbon usage.
  - Transportation and heating account for about 45% of U.S. greenhouse gas emissions.
  - Transportation and heating are the largest sources of energy usage for a average household in San Juan County, with 53% of residential energy used for driving and 26% used for heating.
  - San Juan County is the largest individual employer in the county and also a significant source of carbon emissions.
  - San Juan County has a goal of net zero emissions for its governmental operations by 2030.
  - The San Juan County fleet includes 350 pieces of equipment including standardized vehicles, non-law enforcement boats, various off-road vehicles (graders, loaders, pavers etc.) and rentals. Only 4% (six vehicles) are hybrid-electric/fully electric of the roughly 150 traditional road vehicles.
  - Consumer Reports studies shows that the fuel savings alone can be \$4,700 or more over the first seven years of purchasing an electric vehicle. Typical total ownership savings over the life of most electric vehicles ranges from \$6,000 to \$10,000 for vehicles under \$50,000.
  
- 8) Residents of the San Juan Islands, as well as tourist come from all over the world to hike, kayak, fish, and view our wildlife. Tourism is the number one industry in San Juan County. To create a sustainable and resilient San Juan County, climate and environmental protection must become priorities.

San Juan County Council Resolution No. 08-2008 established an initial benchmark of local climate change response and San Juan County Council Resolution No. 20-2020 updated that earlier resolution. While No. 08-2008 and No. 20-2020 lay out meaningful goals, few climate actions have been implemented to date.

Pursuant to Section 8.32 of the Charter, the CRC via a motion (July 7, 2021, 12 in favor, 1 opposed, 4 abstentions) and affirmed by a second motion (June 16, 2021, consisting of 13 in favor, two opposed, one abstention), recommends that Section 4 – Administrative Departments be amended to establish a Climate and Environment Commission to provide a mechanism for citizen engagement and transparency in the County’s efforts to address climate change and the protection of our environment.

### **Finding 3. County Council Term Limits**

The CRC, in response to constituent concerns, deliberated on the question of term limits for elected officials, specifically County Council members, and whether or not term limits should be structured to allow candidates to sit out a term and then run for office in a subsequent election. Findings included the following points:

- Term limits are a vital political reform that will bring new, fresh perspectives and better incentives to local government.

- While term limits, if too short, may cause the County Council to lose important institutional knowledge, three consecutive four-year terms, a total of twelve years, will provide a safeguard against that problem.
- Term limits are a necessary corrective to inequalities that inevitably hinder challengers and incumbents.
- Voters are skeptical about long term political careerism.
- The biggest opposition to term limits are elected officials and special interests.
- Term limits counterbalance incumbent advantages and promote independent judgement.
- Without term limits elected officials can become enmeshed in a government culture and insulated from their constituents.

Pursuant to Section 8.32 of the Charter, the CRC via a motion (May 6, 2021, 13 in favor, 4 opposed, 1 abstentions) and affirmed by a second motion (June 16, 2021, consisting of 13 in favor, two opposed, one abstention), recommends that Section 5.20 – Qualifications; Residency for County Council Members be amended so that County Council terms shall be limited to three consecutive terms, provided that after being out of office for one full term he/she may run again.

#### **Finding 4. Initiatives and Referendums**

Initiative and referendum processes in the Charter currently tie initiatives to revenue sources, impose high signature requirements, and do not regulate paid signature gathering, thereby restricting grass roots democracy. The CRC investigated matters concerning initiatives and referendums and found the following:

- 1) Fiscal component: The onus should be on the initiative petitioner to identify a source of funds for any measure. The initiative process takes a great deal of effort; frivolous initiatives are unlikely, even with the financial clause removed. We believe the electorate should be well informed, but to identify a possible source of funds should not be the role of the petitioner.
  - A fiscal analysis is important. If an initiative passes that has a fiscal impact, the County would then make the appropriate decision for funding, whether it be proposing a new tax, rebudgeting, or another financing strategy. The voters in our County are very aware that most things have a cost.
  - It is one thing to make the voters aware of the possible costs of an initiative proposal, which is reasonable. It is very different to have to name the source of those funds within the initiative, whether it be a new tax or rebudgeting of existing funds, or another source. Requiring a ballot measure to contain a funding component undermines the primary issue that petitioners desire to have on the ballot.
- 2) Signature number requirement: A San Juan County registered voter or group of voters may sponsor an initiative proposal by filing with the County auditor a proposal to enact a new ordinance or an amendment to an existing ordinance. Also, a proposal to repeal any enacted ordinance, or portion thereof may be filed as a referendum. Currently, valid signatures of fifteen percent (15%) of voters in the last gubernatorial election are required

to place the question on the ballot. To ensure this number of valid signatures, additional are needed.

- At 15%, San Juan County has the highest signature requirement of all counties in the state of Washington. Clallam, Clark, King, and Pierce Counties enjoy 10% signature requirements; Whatcom County requires 8%, while Snohomish requires 7%.
  - The Washington state standard is 8% of the votes counted in the last gubernatorial election. The States of California, Oregon, and Idaho only require 6% of gubernatorial voter turnouts to propose amendments to statute.
  - San Juan County consistently has a very high voter turn out. In the last gubernatorial election, San Juan county had the highest percentage (90.76%) of voter participation in the state of Washington (84.11% state average). Even though this is to be celebrated, this further increases the number of signatures required to place an initiative on the ballot.
  - Suspicion raised by private data mining scams hinders the collection of signatures making this traditional democratic right more difficult.
  - The rise of online purchasing keeps voters at home and out of the public square further limiting access of petitioners to voters.
- 2) Paid signatures: San Juan county seeks to protect its initiative process by encouraging grass roots direct democracy and hindering the corporate astroturfing of our public dialogue and initiative process.
- This proposal is not a ban. Signature gathering is hard work and it is reasonable to compensate people for their effort. Just the same, voters should have the right to understand the motivations of the petitioner. Paid signature gathering is generally done by people out of the county and by out of state people with little interest and no understanding of the ideas they are petitioning.

Pursuant to Section 8.32 of the Charter, the CRC via a motion (July 12, 2021, carried unanimously) and affirmed by a previous motion (June 16, 2021, consisting of 13 in favor, two opposed, one abstention), recommends that Sections 6.21, 6.22, and 6.41 of the Charter be amended to activate and inspire a more robust culture of direct democracy in San Juan County.

### **Finding 5. Non-Discrimination**

SJC County Charter is one of the two out of seven WA State charter counties that does not contain a clause on non-discrimination. The Charter is silent on this issue and issues related to anti-racism, anti-discrimination, diversity, equity and inclusion. While San Juan County is obligated to uphold the Charter and county, state and federal statutes, ordinances and regulations on issues of anti-discrimination, human rights, affirmative action, etc., the act of amending the Charter to include a San Juan County commitment to these principles and values reinforces their importance to the functioning of the county government.

The CRC obtained additional information on matters of non-discrimination from:

- Review of other charter county charters and structures of government

- Presentation by County Executive Dave Somers, Snohomish County, on April 21, 2021 to the full CRC in which is explained the importance of having such a clause in the County’s Charter as it reinforces the importance of taking action on issues of non-discrimination at the county level, both in government and in the community)
- Information provided by a diverse range of constituents in the County to individual J&E Committee Commissioners as well as the full CRC. Many of these individuals either work with marginalized, disenfranchised, minority individuals in our community or spoke of their own personal experiences with racism and discrimination as minority persons.

In discussion with the County Manager and the Head of the HR Department the J&E Committee learned that there is nothing that prevents the County from entering into contractual commitments with any contracted entity, even if it engages in discriminatory practices. Additionally, these two individuals expressed an interest in findings ways to work more with women-owned and minority-owned businesses in the County as is currently being done in other counties in the State.

- CRC Commissioners have knowledge of entities contracted by the SJC government that practice discrimination in their operations.
- This clause would require that contractors that bid on work with the SJC government demonstrate that their businesses make an effort to comply with both state and federal laws.

Pursuant to Section 8.32 of the Charter, the CRC via a motion (July 12, 2021, 14 in favor, 3 opposed, 0 abstentions) and affirmed by a previous motion (June 16, 2021, consisting of 13 in favor, two opposed, one abstention), recommends that the Charter be amended to include a new Section 10 – General Provisions on Non-Discrimination in the Exercise of County Powers and Performance of its Duties to localize state and federal non-discrimination legislation and policy commitments and uphold the core values and affirmation stated in Resolution 31/2020 on a Safe and Inclusive Community.

### **Finding 6. Justice and Equity Commission**

The CRC, in response to its own and constituents concerns regarding matters concerning the equal and equitable rights of all residents regardless of sex, gender, race, ethnicity, religion, socio-economic class, ability, etc. deliberated the ability of the Charter and the current structure of local government to ensure that the core values of San Juan County Resolution 31/2020 as well as county, state and federal laws and regulations are upheld. Additional matters discussed included:

- Recruitment/inclusion of regional native individuals in government elected, appointed office and civil service.
- Incentivizing younger and multicultural populations into local government elected/appointed/decision-making positions.
- More law enforcement involvement in community building
- Lack of community representation on the Law and Justice Council of the County Government.
- Recognizing and honoring the first peoples of the San Juan Islands.

Key Reference Document:

- San Juan County Resolution No. 31/2020 Affirming Commitment to a Safe and Inclusive Community

Additional Sources:

- MSRC information related to comparison of San Juan County with other charter counties on issues of justice, equity, diversity and inclusion, and county oversight bodies
- Internet research on justice, equity, diversity and inclusions issues in other county governments in Washington
- AGO, No. 2, March 20, 2017 “Use of Race- or Sex-Conscious Measures or Preferences to Remedy Discrimination in State Contracting”
- WA Supreme Court, June 4, 2020 Letter to Members of the Judiciary and Legal Community, Statement on Anti-Racism
- Presentations: SJC Sheriff; Justice Katie Loring and Ms. Linnea Anderson, Superior Court of SJC; Snohomish County Executive Manager; Diversity, Equity and Inclusion Specialist Consultant (Kevin Carter, Orcas Island); Berto Gandara (Priest, Orcas Island Episcopal Church); Sam Barr, Salish Nation representative
- Interviews with SJC government management and staff; Lopez Island Family Resource Center, Executive Director; Council Member Jamie Stephens; Chair, Law and Justice Council, Lindsey Callahan, Deputy PA; Chief Examiner, Civil Service Commission, Kathy Obenhaus; Stephen DiJulio, Principal, Foster Garvey PC, Seattle, WA; Patrick Hamacher, Director of Council Initiatives, King County Government
- Concerned constituent input – multiple individuals including those representing minority groups in SJC (Orcas, Lopez, San Juan)
- Gender and Diversity disaggregated data of San Juan County employees and San Juan County population – provided by County Manager, Mike Thomas

Pursuant to Section 8.32 of the Charter, the CRC via a motion (July 12, 2021, 13 in favor, 3 opposed, one abstention) and affirmed by a previous motion (June 16, 2021, consisting of 13 in favor, two opposed, one abstention), recommends that Section 10 – General Provisions, be amended to include a new section creating the Justice, Equity, and Inclusion Commission to support the intent, meaning and implementation of SJC Resolution 31/2020 ‘Affirming Commitment to a Safe and Inclusive Community’ and work in collaborative partnership with all branches of the County Government to ensure that the principles of ‘Non-Discrimination’ as included in the Charter and in county, state, and federal laws and regulations are upheld.