



San Juan County 2021 Charter Review Commission (CRC)  
Minority Report

Presented to the San Juan County Council on

7/20/2021



## Contents:

1. [Introduction](#)
2. [Background](#)
3. [Process](#)
4. San Juan County **CRC amendment recommendations**

Propositions to be placed on the 2021 November ballot

- A. [Concerning the Climate and Environment Commission](#)
- B. [Concerning Initiatives and Referendums](#)
- C. [Concerning the Acknowledgment, Preamble, and Declaration of Community Values](#)
- D. [Concerning Nondiscrimination in the Exercise of County Powers and Performance of its Duties](#)
- E. [Concerning Term Limits for Council Members](#)
- F. [Concerning Justice, Equity, and Inclusion Commission](#)

## 5. **CRC Minority Report**

### **The CRC Commissioners minority statements**

- A. [Concerning the Climate and Environment Commission](#)
- B. [Concerning Initiatives and Referendums](#)
- C. [Concerning the Acknowledgment, Preamble, and Declaration of Community Values](#)
- D. [Concerning Nondiscrimination in the Exercise of County Powers and Performance of its Duties](#)
- E. [Concerning Term Limits for Council Members](#)
- F. [Concerning Justice, Equity, and Inclusion Commission](#)

6. [Summary](#)
7. [Referenced material](#)

## Introduction

The following constitutes a minority report by those commissioners of the 2021 Charter Review Commission (CRC) whose analyses and concerns were not to the same degree shared by their fellow commissioners. Accordingly, this report is submitted to briefly memorialize those analyses and concerns lest they be forgotten. The signers below are few but politically divergent, sharing with their fellow commissioners their concern for the welfare of our county.

The voters of San Juan County, WA, elected 18 citizens to form the CRC. All commissioners are duly elected and represent their communities and all inhabitants of San Juan County, WA. When the CRC convened earlier this year, we were prepared to review the current charter and workout where there were problems or omissions and then propose solutions in the form of propositions that will be presented to the voters for the November 2021 election cycle. We acknowledge the hard work and the commitment of our fellow CRC Commissioners; the timeline was tight; many meetings and hours of work and we performed our duties with gusto and passion. We thank them. As in any other governmental and political processes, there were passionate different point of views and compromise, and agreement. This report does not cover the many compromises and agreements but rather what a few of us felt that this report is necessary to advance the collaborative efforts when elected officials and citizens disagree. This report intended to highlight the minority's views.

## Background

San Juan County is unique as it is one of seven Washington counties that uses charter form of county government. The charter (constitution) allows for three elected officials representing the three county districts and make up the San Juan County Council. Our charter is unique in other ways as it combines the legislative and executive powers under the authority of the San Juan County Council; this is different from other counties, state, and federal government where the legislative, executive, and judicial branches are separate and have separate functions. San Juan County also elects a prosecuting attorney and judges. The prosecuting attorney is the legal authority and for civil matters, the attorney to the San Juan County Council, its departments and other elected officials, such as the sheriff, auditor, treasure, and others. In criminal matters involving state law the PA represents the state. The prosecuting attorney is also the legal advisor to other "taxing districts", legal term to describe entities such as the fire departments, school districts, libraries, and others. These entities are not part of San Juan County government, and their elected officials are not subject to the San Juan County Charter. The judges are also elected by the citizens of San Juan County, and they are the judicial branch and are considered state offices.

The SJC Charter allows for propositions to be presented to the voters via three ways: The Charter Review Commission, The County Council and by San Juan County citizens.

## Process

There are 18 elected officials representing San Juan County District #1 (San Juan Island, Stuart, Spiden), District #2 (Orcas Island, Waldron, Blakely), and District #3 (Lopez, Shaw, Decatur). The CRC elected a chair and vice chair, appointed staff support, met via Zoom, and utilized the San Juan County communication systems. The CRC compiled numerous items for its members' review and evaluation. Sub-committees were appointed, and members joined the sub-committee where their passion and interest lay. During the many meetings in the first few weeks the CRC commissioners

interviewed elected, nonelected and department heads that makeup San Juan County government. It was evident that there were no current or potential structural or procedural problems that were identified for the CRC to review, study, and recommend propositions to improve the way San Juan County officials and staff can better serve the inhabitants. We discovered minor tweaks that the sub-committees included in their review, and some were serious enough for an amendment recommendation and others were considered as just recommendations to the San Juan County Council because, were either more minor, or beyond the CRC's authority to propose to the voters.

There are other serious issues and concerns that we, our neighbors, and friends wrestle with such as:

- a. wage income as one of the lowest in the state,
- b. affordable housing for our residents that work two or three jobs to survive,
- c. high rate of poverty within our young families with school age children, and
- d. transportation issues.
- e. mental health and other health concerns for our aging population
- f. budget authority

This charter review period could have been a great opportunity for us to “review” these issues, but we arrived at proposals unlikely to substantively improve the economic and living conditions of our neighbors, friends and inhabitants of San Juan County or the natural environment upon which they rely.

During the June 1 and 2 townhall meetings, the CRC presented 11 charter amendment recommendations based upon erroneous assumptions of law and authority. Upon clarification, these became 6 propositions presented to the San Juan County Council on July 13, 2021. They were brought forward by a majority vote of the CRC. Four are problematic in concept and ineffectual in a small ‘all islands’ county such as ours.

## Summary

The Charter Review Commission process was disappointing, for the most part, in that good productive propositions that could have benefitted our county community into the future did not come to fruition. The charter review period would have been a great opportunity for us to fulfill our mandate to “review” how well the charter is working, but we arrived at propositions that have no substantive effect that could improve, but could potentially worsen the economic and living conditions of our neighbors, friends and inhabitants of SJC.

However, the CRC did make some effective recommendations for which we acknowledge the quality and support the work on “Tourism management plan, enhanced election observations, online records transparency, clarification of administrative departments under the county manager, clarifying the budget responsibility of the county auditor and easier online budget access” and more. We feel that these are properly in the realm of recommendations.

Along the way we seem to have lost what the CRC purpose and task are. And finally, we do thank the San Juan County Council for calling the CRC in action as required by the charter and we hope that future CRCs will be as energetic and committed as the current 18 colleagues.

Material referenced (These links below point to the full text found on the San Juan County CRC website):

San Juan County Charter - [HOME RULE CHARTER \(codepublishing.com\)](#)

SJC Council meeting 7/13/2021 - [AV Capture ALL](#)

SJC CRC proposed propositions - [Charter Review Commission | San Juan County, WA](#)

<a href="#">Climate and Environment Commission</a>	<a href="#">Nondiscrimination in the Exercise of County Powers and Performance of its Duties</a>
<a href="#">Initiatives and Referendums</a>	<a href="#">Term Limits for Council Members</a>
<a href="#">Acknowledgement, Preamble and Community Values</a>	<a href="#">Justice, Equity, and Inclusion Commission</a>

## San Juan County Charter Review Commission amendment recommendations presented to the San Juan County Council on July 13<sup>th</sup> 2021

(Space consideration only the first pertinent part of the proposition is shown)

- A. PROPOSITION NO. \_\_\_\_ Concerning the Climate and Environment Commission
  - a. Section 4.60 – Climate and Environment Commission
  - b. The people of San Juan County establish the San Juan County Climate and Environment Commission to advance climate action, the protection of our environment, and the implementation of San Juan County Resolution 20-2020 by providing oversight and support to San Juan County’s department responsible for environmental stewardship and reduce and mitigate the impacts of climate change. The San Juan County Resolution to Respond and Adapt to Climate Change, 20-2020, charges the County with the responsibility of leading the community in reducing its carbon footprint and adapting to changing ecological and economic conditions.
- B. PROPOSITION NO. \_\_\_\_ Concerning Initiatives and Referendums
  - a. The San Juan County Charter Sections 6.21, 6.22, and 6.41 shall be amended to read as follows:
    - i. Section 6.22 – Initiative – Procedures
      - 1. 1) Any legal voter or organization of legal voters of San Juan County may file an initiative proposal with the County Auditor,
    - ii. Section 6.41 – Referendum – Procedures
    - iii. Section 6.80 – Paid Signature Gathering
      - 1. Paid signature gatherers collecting petition signatures for San Juan County initiatives and referendums must visibly display a statement showing they are paid, to each person from whom they receive a signature. This may be fulfilled by posting a legible and conspicuous sign, or placard, or wearing a badge stating, “Paid Signature Gatherer.
- C. PROPOSITION NO. \_\_\_\_ Concerning the Acknowledgment, Preamble, and Declaration of Community Values
  - a. ACKNOWLEDGEMENT
    - i. 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 have been passed down from generation to generation.

- b. PREAMBLE
    - i. We, the people of San Juan County, Washington, establish this Home Rule Charter, securing for ourselves the rights granted by law and the responsibilities of self-governance.
  - c. DECLARATION OF COMMUNITY VALUES
    - i. DECLARATION OF COMMUNITY VALUES
- D. PROPOSITION NO. \_\_\_ Concerning Nondiscrimination in the Exercise of County Powers and Performance of its Duties
- a. A NEW SECTION shall be added to Article 10 – General Provisions on NonDiscrimination in the Exercise of County Powers and Performance of its Duties to read as follows:
    - i. In the exercise of its powers and in the performance of its duties, the county shall ensure that no person is discriminated against in hiring and conditions of employment, compensation, or termination of county officers or employees, or in the treatment of residents and visitors in the provision of government services on account of sex, race, color, national origin, religious affiliation, disability, sexual orientation, gender identity or expression, marital status, pregnancy, body type, age except by minimum age and retirement provisions, status as a care provider for dependents, military status, or status as a veteran who was honorably discharged or who was discharged solely as a result of sexual orientation, gender identity, or expression. The County Council, department heads, and elected officials shall take all steps necessary to accomplish the purposes of this section consistent with the county, state and federal constitutions, laws, and regulations.
    - ii. In the contracting of professional services with any person, firm, organization, corporation, or other non-governmental entity, the County shall ensure adherence to the grounds listed in clause (1). For the purchase of goods, and those services and goods acquired through cooperative purchasing, the County should direct vendors to adhere to clause (1) to the maximum extent possible. This restriction does not apply to contracts and grant agreements with public entities
- E. PROPOSITION NO. \_\_\_ Concerning Term Limits for Council Members
- a. Section 5.20 – Qualifications; Residency for County Council Members
    - i. .... No person shall be eligible to be elected or appointed to more than three consecutive full terms for the position of County Council Member, regardless of which district the Council Member resides, provided that this term limit eligibility requirement shall expire three years after the end of the third term for purposes of filing for office but shall remain in effect for an additional one year for purposes of appointment.
- F. PROPOSITION NO. \_\_\_ Concerning Justice, Equity, and Inclusion Commission
- a. A NEW SECTION shall be added to Article 10 – General Provisions on the subject of the Justice, Equity and Inclusion Commission to read as follows:
    - i. Section 10.60 – Justice, Equity and Inclusion Commission
      - 1. There is hereby established a Justice, Equity, and Inclusion Commission which shall provide advice and support to, and collaborate with the county government, elected and appointed officials and county employees, with the exception of the county's Superior and District Court judges, on matters concerning justice, equity, diversity and inclusion.

# Response CRC Minority

## SAN JUAN COUNTY CHARTER REVIEW COMMISSION

### A. Concerning the Climate and Environment Commission

#### **“Climate & Environment Office, Elected Commissioner and Advisory Committee:”**

The initial proposal was to recommend an amendment to establish an elected climate and environment commissioner and establish a climate commission whose membership is stipulated in the charter to advise and recommend action for the county council in the form of resolutions.

The county council in its June 29th, 2021, meeting established a separate department and appointed a manager to consolidate current activities and personnel under “one roof” if you will. That is admirable and this action is well positioned under their charge and their oversight. The CRC could have created a strongly worded recommendation about the issues present and future and what the council needs to consider in its function as the leader of San Juan County and in charge of administering all its departments.

There already exist provisions in state law (RCW 43.21C.030 for example) that all counties and municipalities must adhere to. There is no need for another layer of charter language to help administer, supervise, educate, shepherd and direct legislation creation; the San Juan County Council is on it. The county council has authority to administer and regulate all that is needed to preserve our ecology and ecosystems, and active citizens, the press, and local nonprofits fill gaps without additional public expense. The failure on one governmental body to perform its function is not automatically resolved by formation of another government body.

In its form as presented, this proposed amendment is covered by the San Juan County Council action of their meeting June 29th, 2021.

**For the reasons given we do not support this amendment.**

Signed Tony P. Ghazel Date 7/16/2021

Signed Thomas C. Stov Date 7/17/2021

Signed Paul J. Dossell Date 7/17/2021

I support this proposition for purposes of letting the voters decide, for which purpose I have abstained rather than opposed this proposition as it coursed through the CRC process.

Signed Bill Appel Date 7/16/21

SAN JUAN COUNTY CHARTER REVIEW COMMISSION

B. Concerning Initiatives and Referendums

The San Juan County Charter Sections 6.21, 6.22, and 6.41 shall be amended to read as follows:

We materially, have no issue with this amendment recommendation other than it will be tricky if an initiative or referendum is approved by the voters but cannot be funded. This proposition will remove current language in the SJC charter Section 6.21 (2) that reads as follows:

“No initiative proposal requiring the expenditure of additional funds for an existing activity or of any funds for a new activity or purpose shall be filed unless provisions are specifically made therein for new or additional sources of revenue which may thereby be required.”

In our view removing the limitation will burden the county council and the different department heads affected, with trying to allocate funds that the county doesn't have except by cutting funding for programs potentially including criminal justice, social programs, and physical and mental health programs.

**For the reasons given we oppose this amendment.**

Signed Tony P. Ghazel Date 7/16/2021

Signed Thomas C. Stov Date 7/17/2021

Signed Paul J. Dessert Date 7/17/2021

Signed Bill Appel Date 7/16/21



SAN JUAN COUNTY CHARTER REVIEW COMMISSION

C. Concerning the Acknowledgment, Preamble, and Declaration of Community Values

This amendment language is more language in the charter than is necessary. Potentially, this language could lead to claims of appropriating land that we “took”. We already have treaties in place and this language is well beyond what is required in reviewing a charter and suggesting recommendations.

**For the reasons given we do not support this amendment**

Signed Tony P. Ghazel Date 7/16/2021

Signed Thomas C. Stov Date 7/17/2021

Signed Paul [Signature] Dessell Date 7/17/2021

I support this proposition for purposes of letting the voters decide, for which purpose I have abstained rather than opposed this non-substantive proposition as it coursed through the CRC process.

Signed Bill Appel Date 7/16/21

SAN JUAN COUNTY CHARTER REVIEW COMMISSION

D. Concerning Nondiscrimination in the Exercise of County Powers and Performance of its Duties

A NEW SECTION shall be added to Article 10 – General Provisions on NonDiscrimination in the Exercise of County Powers and Performance of its Duties to read as follows:

The San Juan County Council has already passed resolution 31-2020 which is the blueprint of this amendment language; the San Juan County Council resolution is the proper place for such an item, and we totally agree with the San Juan County Council. Why, then, is this amendment needed to be in the charter? It is too verbose and has many items that are enumerated as potential subjects of disqualification if one fails one of the tests.

The second part of this amendment attempts to hold the county hostage to the language when trying to procure services from potential contract bidders. How will this section be enforced and will it, more importantly, it will discriminate against our local contractors that do not have the means and time to check all the necessary boxes to be a qualified contractor in San Juan County. This will put a financial hardship on many of our, small, and local service providers. The chair of the CRC in our July 12<sup>th</sup> meeting said that large corporations such as Microsoft and T-Mobile “may” be doing this already but will not be scrutinized as they may be “the only providers” of some services. It is neither rational nor fair to impose a stricter bar for our small and local services providers than the large multinational corporations.

The SJC Prosecutor has recommended removal of the proposition on the basis that it will be easy to contest by project bidders.

**For the reasons given we oppose this amendment.**

Signed Tony P. Ghazel Date 7/16/2021

Signed Thomas C. Stov Date 7/17/2021

Signed Paul Dossell Date 7/17/2021

Signed Bill Appel Date 7/16/21

SAN JUAN COUNTY CHARTER REVIEW COMMISSION

E. Concerning Term Limits for Council Members

The San Juan County Charter Sections 5.20 shall be amended to read as follow:

Section 5.20 – Qualifications; Residency for County Council Members

We oppose term limits in general, we feel that the electorate in San Juan County is educated, smart and participatory in numbers relative to our population more than any other county in the state. However, setting a three-term limit for our county council members seems like a good compromise. We have no issue with this proposition.

**For the reasons given we neither support or oppose this amendment**

Signed Tony P. Ghazel Date 7/16/2021

Signed Thomas C. Starn Date 7/17/2021

Signed Paul J. Desselt Date 7/17/2021

Signed Bill Appel Date 7/16/21

SAN JUAN COUNTY CHARTER REVIEW COMMISSION

F. Concerning Justice, Equity, and Inclusion Commission

A NEW SECTION shall be added to Article 10 – General Provisions on the subject of the Justice, Equity and Inclusion Commission to read as follows:

Section 10.60 – Justice, Equity and Inclusion Commission

The language of the proposal is well thought through and is commendable. Our colleagues on this task worked hard and we are grateful. This could be a recommendation to the San Juan County Council to utilize in their decision-making processes but does not need to be a San Juan County charter amendment. We trust our elected officials and are to hold them accountable if we encounter a deviation from accepted community values. Do we think that the council will not operate in the best interest of the inhabitants of San Juan County? Do we think that future elected council members will be tyrants and destroy everything that has been done in San Juan County with respect to justice, equity, and inclusion? We do support the message to the San Juan County government and all its departments to adhere to its passed resolutions regarding this and other resolutions.

**For the reasons given we do not support this amendment.**

Signed Tony P. Ghazel Date 7/16/2021

Signed Thomas C. Storn Date 7/17/2021

Signed Paul D. Dossell Date 7/17/2021

I support this proposition for purposes of letting the voters decide, for which purpose I have abstained rather than opposed this non-substantive proposition as it coursed through the CRC process.

Signed Bill Appel Date 7/16/21

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