

## Attachment I, Page 1

### A Review of Violations of the Bylaws and Rules of Order During the CAORC Process:

**Introduction.** The following is a rendition of facts for consideration that occurred both at the Critical Area Ordinance Review Committee and after the results of this committee were delivered to the Planning Commission. The rationale for this review is that there are significant violations of the bylaws and rules of order that took place that compromised the effort of the committee.

#### **CAO Review Committee Participation**

On February 1, 2007, the minority wing of the CAORC, submitted the following message read by Planning Commissioner, Henry Werch:

To: Critical Areas Committee  
From: Amy Hiatt, Jill Silver, Henry Werch, George Yount

Thursday, February 01, 2007

The reason that we have not submitted a final report is that the scope of that report has continued to grow as the various sub-committees adopt reports that we cannot endorse, since all of the reports sit on a base of rejection for both the settlement agreement and the legitimacy of the Department of Ecology's BAS. We believe this is a dangerous foundation on which to build an ordinance, because we believe it might cost the county taxpayers a lot of grief and money in addition to failing to properly protecting the critical areas – and it amounts to a setback from where we even are now with the existing ordinance. This has required us to broaden our report to address all of the critical areas.

Therefore, we have chosen to separately prepare and submit a comprehensive alternate report to the Planning Commission, covering matters addressed by the various sub-committees. What results will allow the Planning Commission to review the alternatives and then follow its by-laws and customary procedures to develop a single recommended draft ordinance to the Board of County Commissioners, or allow two draft ordinances to go forth and be considered, one from the Majority and the other from a designated Minority.

The above is a unilateral decision made by four CAO Committee members including one Planning Commissioner. This decision was followed by their abstention on all following decisions made by the committee (i.e. They fundamentally withdrew themselves as cooperative members of the committee). This change in directions in order to be valid would have to be brought before the Planning Commission, discussed and approved by a

majority vote. This action was never accomplished. As such, the standard reporting requirements as called out by the Planning Commission by-laws and Roberts Rules must apply.

### **CAORC Reporting Requirements**

Several times during the nine month development of the CAORC Report, the Chair reminded the committee that the reporting requirements must be followed (See Appendix 1, email dated April 13, 2007, 11:05 AM, Subject: CAO Reports). It was also necessary to point out that the by-laws are backed up by Roberts Rules Newly Revised (RONR) which confirms that the rules of the assembly as far as possible, apply to the committee (<http://www.parlipro.org/smallboards.htm> ,52. Committees, Special and Standing). In addition RONR confirms the legitimacy of the reporting requirements stated in the Planning Commission by-laws. This accomplished by the following statements:

If the minority submits a report, (or more properly, their "views," it may commence thus:" "The undersigned, a minority of the committee appointed, etc., not agreeing with the majority, desire to express their views in the case." After the committee's report has been read and the motion to adopt has been made and the question stated, it is usual to allow the minority to present their views, but if any one objects to its reception, the chair should put the question to vote on its being received. It requires a majority vote to receive it, the question being undebatable. When the minority report is read, it is for information, and cannot be acted upon except by a motion to substitute it for the report of the committee. Whether the views of the minority are read or not, anyone can move to substitute the resolutions they recommend for those recommended by the committee. Where the minority cannot agree, each member may submit his views separately.

The point that must be understood by the above is that there can only be one committee report (not multiple reports) and that the minority views must contain an issue relating directly to the majority report with which it is submitted. Also, the minority views must be reviewed by the committee before being moved on to the assembly. The minority views were submitted as reports (first violation) and were never reviewed by the committee before going to the Planning Commission (a second violation).

### **Planning Commission Cooperation**

Peter's plea for cooperation (see Appendix 2 below, email of June 22, 2007, 2:22 pm) called out for cooperation and a search for the common ground and to compromise on our differences. This plea failed. The majority wing of the Planning Commission continued to outvote the minority wing. A search for common ground cannot be realized when facts and data are ignored while the boogie-man scare tactic coupled with suppositions, innuendos and untruths are used.

**Summary.** The minority wing of four members of the CAORC (that included one Planning Commissioner) made several serious violations of the rules of order and bylaws. They made a unilateral decision to break away from the committee process and create their own direction without getting approval from the Planning Commission. They violated the reporting ground-rules that were identified several times by the Chair of the committee. They fundamentally withdrew themselves from the committee and committee's decision making process. Their reports were not submitted for review through the committee (as required) prior to going to the Planning Commission. A minority report on FWHCA was submitted and accepted following the completion of the CAORC process. Neither the committee, nor the public ever saw this report prior to its presentation to the Planning Commission. All reports originating from the Planning Commission or a Committee of the Planning Commission are subject to the Open Public Meetings Act to ensure public policy is transparent. These are serious violations and, as such, the minority reports produced by the CAORC should not have been recognized by the Planning Commission. If not for the good nature of the majority wing of fourteen members, these reports would not have been allowed to move forward to the Planning Commission. Yet the Planning Commission seems to recognizing these reports over those created by the majority. In addition the Planning Commission should examine the qualifications of those creating the minority reports and compare that with the quality of those that created the majority reports. The majority reports were developed by a diverse group of fourteen members that include two scientists, two who have masters' degrees in science and a variety of others with applicable backgrounds (See Attachment B). The minority seems to be made up of representatives of interest groups that do not qualify as scientists. Finally, it should be pointed out that the Minority finds the action by the Planning Commission Majority reprehensible and we urge the BoCC to consider these violations as this draft moves through the approval process.

## Appendix 1 to Attachment H

Hello CAO folks,

Please see below per Bud. Thanks,  
Cheryl

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**From:** Bud Schindler [mailto:schindlerbudval@earthlink.net]  
**Sent:** Friday, April 13, 2007 10:35 AM  
**To:** Jeanie Orr; Cheryl Halvorson  
**Cc:** Brent Butler  
**Subject:** CAO Reports

Hi Cheryl,

Please pass this along to the CAO Committee.

The PC by-laws provide a good indication of what the groundrules are for submitting the CAO reports to the PC. Keep in mind that the by-laws deal with the protocol between the PC and the BoCC but they can also be interpreted as similar to that between the CAO Committee and the PC. The by-laws state that minority reports may be submitted with a majority report and that the minority report shall (1) contain the concurrent opinion of two or more members who participated in the discussion and voted in the negative, (2) be signed by such members, (3) not contain diverging opinions, and (4) contain an issue relating directly to the majority report with which it is submitted.

The by-laws also state that one or more business days before any minority report is submitted to the BoCC a copy of such minority report shall be (1) submitted to the PC secretary and (2) made reasonably available to all PC members. Also, the timing of minority reports shall follow the same time line as the PC majority report and be submitted in the same BoCC packet. Such minority reports shall be disseminated to the entire PC on the day the minority and majority reports are submitted to the BoCC.

I suggest that we as a committee be as consistent as possible with these groundrules. Therefore, I suggest that all reports to the PC be available electronically early next week such that we have time to prepare and discuss the points of agreement/disagreement between the committee report and the minority reports. Not to do this and expect it to be done by the PC would, in my view, invite a degree of confusion that we cannot comprehend. For the minority report developers to submit their issues with the majority report without first discussing these issues with the committee, could lead to misunderstandings, confusion and failure to make a valid minority view point. For us as a committee to openly discuss each point of agreement and disagreement and document them as such is in the best interest of our committee and our effort as a committee.

Bud

## Appendix 2 to Attachment H

Hi All,

Please see below from Peter.

Thanks,  
Jeanie

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**From:** Peter Downey [mailto:peterdowney@cablespeed.com]  
**Sent:** Friday, June 22, 2007 2:15 PM  
**To:** Jeanie Orr  
**Subject:** RE: [Fwd: For Your Information]

Jeannie,

Please send the out to the Planning Commission,

All,

I have purposefully been mute up to this point on CAO politics, however, the time has come to bury the hatchets and get to work. The issues have been well aired and the polarizing rhetoric has got to stop! Neither the "majority report" nor the "minority report" will move forward unmodified.. But I assure you that something will. If you can not work together then you will lose your ability to influence the process and that would be a shame. So... stop the political positioning and get to the meat of the issues. Including

1. What is the common ground (e.g. protection of critical areas functions and values, need for some buffer widths, zoning in J.C is low impact; etc.)
2. What are the differences and why.
3. How do we create a working document that recognizes our common ground and compromises on our differences.

Above all we need to create a document that works for the people of J.C., protects our precious resources and is enforceable.

Thanks

Peter