

A few days have passed since our last meeting and I have received a great many positive calls and emails from people, some who like me and some who usually do not. I've gotten more direct personal feedback on this issue than on any other two issues combined, including the North Douglas Crossing and the AJ Mine. Some think I should really tell you off, but I can't do that. I have a few things to say, but let me first apologize for any lack of skill I may have in delivering my message. I mean no disrespect in any way. I am afraid I have done a poor job of making my objectives clear in the past. I ask your indulgence.

When I first joined the Assembly, it all seemed so complicated. Oh, I had read the Charter and Roberts' Rules of Order, but that didn't come close to explaining how things really worked. It seemed clear from watching that some people knew how the system worked and others did not.

So I went away to Harvard's Kennedy School of Government to attend three intensive weeks designed specifically for Executives in State and Local Government. It was an amazing, enlightening, and inspiring experience.

I learned a lot, but one thing sticks out, just now and that is "The Lesson of the Complicated Thing." This Assembly is like any other group of individuals brought together to serve a common purpose. This lesson is not just for elected officials. It applies to all of us; to our work relationships, our volunteer relationships, our social and family relationships, all the same.

Whenever we come together to consider a problem and a course of action, it is as though there is a complicated thing in the middle of the room and we are all seeing it from a different angle. We cannot change our vantage point, so what I see from my side may be completely different from what you see from yours. Maybe I see where the gas goes into it. Maybe you see an emergency access panel. Maybe someone else sees fluid dripping out of the bottom or smells smoke. In order to come to informed decisions, we have to be willing to listen to each other and give consideration to each person's observations and concerns.

I know I am jumping to conclusions, but I dare say that everyone in this room wants to do whatever we can within the limits of our power to encourage and support growth and development in our community. The Mayor does, the City Manager does, the Planning Commission and Community Development Department do, and I do. It's been like this since I was first sworn in, and probably forever before that. It's not just because it's budget time. Daily, we pray, and scheme, try to "think outside of the box" for new ways to encourage growth and development, in hopes that we will somehow save ourselves from the difficult and unpopular decisions we are forced to make in the face of limited resources.

In the old day, prior to Watergate and the Open Meetings Act, projects could be "expedited." If you knew how to play politics, you could find a way around almost any obstacle.

Let me tell you a story: Watergate was a pivotal point in my personal political awareness. I was 15 years old and I thought the world of Richard Nixon. He'd enforced desegregation in the South and was the master of détente. His efforts changed our relationship with China from a terrifying unknown into an alliance the Soviet Union could not ignore. (Plus, he did his hair just like my dad's ... what's not to love?!)

So when his political opponents accused him of involvement in some kind of "break-in" in some office building, I thought that was crazy! We all knew that the party bosses were well practiced at all kinds of power plays. To stop the game mid-stream and accuse our President of being THE guy who somehow invented and orchestrated it all seemed ludicrous to me!

I still feel bad for Mr. Nixon when I think about how that all went down, but the game was wrong and it had to end one day. Maybe if he had taken his Quaker upbringing more seriously, he wouldn't have gotten so close to the edge of that slippery slope, that, in the end, sucked him in and spit him out. But then, he also wouldn't have been President or visited China, and my dad really WOULD have had to build the bomb shelter he was always talking about.

The sixties are over. Back-room deals are no longer allowed. There are new rules to the game, and a public process that must be followed.

Everyone understands that people make mistakes, and if we discover them, we need to own up and make it right. That is what we did with the Atlin Drive Rezoning issue.

The rules we agree to IN WRITING, protect the rights of all property owners EQUALLY. Adoption of the CODE has passed through the Public Process. We all agree! Any reinterpretation of those rules that does not pass through the public process violates the rights of the many to benefit the few.

The people are listening. If the public believes we operate strictly on a solid foundation and allow the rules to govern our decisions, we will have their trust and their permission to go forward and act on their behalf. And if do not, we truly ARE undermining the public trust in this institution.

I was shocked and saddened when I read the discussion as recorded in the minutes of the Feb 28th Planning Commission meeting on the Zoning Ordinance change we adopted at our last meeting. As a body they seem uncertain about whether the Assembly WANTS to retain over-riding authority to "grease the skids," and allow certain projects to go forward for "political reasons," even when a project does not, strictly speaking, meet the limits set in code.

The Planning Commission diligently scrubs through the facts of an application and the related CODE and makes their ruling based on the LAW. But when they receive word that the law department has re-interpreted CODE to suddenly allow for something that staff has already ruled is not permissible, what are they SUPPOSED to believe?

In an email from Sr. Planner, Beth McKibben, on November 15, 2011, included in the record for the recent Planning Commission action (SGE2011 003), Ms McKibben said, "[a] Rock Crusher is not permitted in this zoning district. It cannot be allowed by the Planning Commission or the Assembly without an amendment to the zoning code." At that point, the permit application was stalled indefinitely. Then five months later at the Planning Commission hearing on April 10th the community learns that the law department has reinterpreted the code WITHOUT the Assembly. At our meeting last week, I was looking for an explanation. We all should be.

Is this a question of whether a secret needs to be protected from the people in case they decide to appeal? Does it make sense to you that the people are the enemy against whom we must guard, and that they AND YOU cannot be trusted to hear the attorney's justification for reinterpreting a rule that the Community Development Department already knew and had used?

There are TWO other gravel pits and TWO other crushers on property directly to the east and directly to the south of the proposed site. On the pit to the east, a crusher has been in place and operational for 50 years. No one is surprised that it is grandfathered in, but a pit's life is not infinite and one day it will be retired. The pit and crusher to the south was not mentioned in the staff report for SGE2011 003. But that crusher is not running today. It was held to the standard in the Table of Permissible Uses for Rock Crushers (4.150) that the legal opinion in question seems to disregard. It ceased operation when the road into the Montana Creek Subdivision was completed.

Both owners of both pits expressed surprise and disbelief when they were asked about the new legal interpretation, but the one who attended the Planning Commission hearing, when asked if he would like to testify, said "it would be a conflict of interest." And the other did not attend, and when asked by a neighbor said he would not complain because if this goes through it sets a new standard that he will be able to take advantage of.

So what do you think? Is this a tempest in a teapot because some crazy WOMAN doesn't want something in her own back yard, or is this a smoking gun? Presidential impeachments have begun over less obvious questions.

But how do we move forward? Do we truly need a citizen or citizens to go through all the work and frustration that is required to appeal a Planning Commission decision that would NOT have been possible if the Attorney's office hadn't reinterpreted the code that Ms. McKibben said could not be changed without Assembly action?

I still maintain that this is a simple mistake. They happen all the time. And there must be an administrative avenue for fixing it, just as the mistake was fixed with the Atlin Drive Rezoning.

My fellow assembly members, one of you must find the courage to ask yourself and this body whether a mistake has been made. One of you must wonder out loud whether I AM seeing something significant from my side of this complicated thing that sits in the middle of our circle. Please raise your hand and ask for the floor. I am at your mercy.