

By-Laws Committee Report – Meeting Thursday, April 3, 2025 at 4 pm – Submitted by Commissioner Christy Holy

The By-Laws Committee met at 4 pm on Thursday, April 3rd, 2025 in the BOCC Room 160.

Attendees: Commissioner Susan Fisch, Commissioner Chris Noble, Commissioner Christy Holy, Commissioner Jeff Tozzer

There were also multiple members of the public in attendance, both in the room and online.

Commissioner Chris Noble suggested that our first order of business should be to elect a chair, since our previous chair, Commissioner Pickett had requested to leave the committee at our last commission meeting. Commissioner Holy volunteered to chair, and the committee voted her in.

Due to the fact that we had not previously had a chair, no agenda was created prior to the meeting, although the four commissioners had been communicating via email regarding requested agenda items.

Commissioner Holy put forward a verbal agenda, which included:

- 1) The Task – A majority of commissioners on the CRC voted at the last commissioner's meeting to reconvene the by-laws committee in order to create a by-law or rule that would help create an environment where those making public comment would feel safe from being publicly targeted by any of the Charter Review Commissioners. This occurred after one public commenter found herself the target of online attacks after speaking at a commissioner's meeting.
- 2) Each person on the committee would get a chance to suggest by-law changes
- 3) Discussion about Commissioner Tozzer's request to review Mr. Worthington's request to add something to the by-laws disallowing CRC commissioners from swearing an oath to any NGO, creating a dual-allegiance to the commission and the NGO
- 4) Public Comment

All four commissioners agreed to the agenda, and Commissioner Tozzer suggested that we have two public comment periods, as we do in regular commission meetings. All agreed.

Commissioner Holy opened the floor for Public Comment on the Agenda.

Public Comment

-Point No Point Treaty of 1855 - oath does not acknowledge that we have a treaty

-bylaws and charter language should be changed if there is a conflict of interest with an oath sworn to an NGO

- Johnston is a public figure, and people should be able to edit her info any way they want

- there is no agenda posted for this meeting

-there was a quick escalation of this matter

-elected officials should operate with a different standard of showing respect

Business - Commissioner Holy opened the floor for comments from each commissioner regarding their suggested By-Law Changes.

1. Chair Fisch - My suggestions are:

a. Commissioners must identify when they are speaking on behalf of themselves. Our by-laws currently have rules about public statements made on behalf of the commission. This is not a First Amendment issue.

b. If a Commissioner responds to a statement made by the public, they should refrain from identifying or personally attacking the person making the comment. This is not a First Amendment issue.

c. Commissioners should understand that attacks on citizens making comments or suggestions to the Commission create a "chilling" effect on citizens. This is not a First Amendment issue for the Commission but it is for the citizens of our community as it seeks to protect their First Amendment rights..

d. Understanding by Commissioners that our county emails are the property of the county and that there are rules related to how county resources can be used.

2. Commissioner Tozzer –

a. Requested that Dee Boughton be contacted regarding his concerns that the 1st Amendment was being violated

b. Called for evidence to be submitted that he had done something wrong

c. Asked what kind of penalty was being assessed

d. Discussed that Substack is a way that people get their news, so he is a reporter, and he should be able to say or print whatever he wants

e. Referred to Robert's Rules of Order

3. Commissioner Holy

a. Reiterated that there was no need to review evidence, because Commissioner Tozzer was not being charged with anything and that our task was to try and create bylaws that encourage a code of conduct that will encourage public comment, rather than creating a hostile environment

4. Commissioner Noble

a. Made a motion

Action – To encourage the public to provide comments, when speaking publicly, the CRC Commissioners shall refrain from referring to the commenters by name. Chair Fisch seconded.

Discussion ensued. Discussion closed. Discussion reopened. Commissioner Holy called for a vote. Commissioners Fisch, Noble, and Holy voted to approve the motion. Commissioner Tozzer opposed the motion. Commissioner Holy will request that the recommendation of the committee be added to the agenda of the April 14th meeting for the review of the full commission. Commissioner Tozzer also requested that the bylaw change be sent to Dee Boughton, because he was concerned that it violates the first amendment. Chair Fisch said she would send the completed wording to Dee Boughton for his review.

The motion carried.

5. Commissioner Tozzer

- a. Requested that we review John Worthington's agenda item
- b. John Worthington was asked to come up and discuss his item – he did
- c. Made a motion

Action – CRC Commissioners should refrain from swearing an oath to a non-governmental organization, as it creates a dual allegiance to the commission and the organization

There was no second. The motion failed.

Public Comment Period

- Ethics laws/ ethics for commissioners
- Governing ourselves on the commission
- Provide public disclosures of any affiliations, once you are elected, you should have to disclose and put on public record
- Someone's feelings masquerading as law -truth suppression, censorship

Adjournment

*Note – the meeting took two hours. There was a lot of public comment, and commenters were not timed.

Going Forward

After the meeting, Chair Fisch sent the following wording to Dee Boughton to review, based on the committee's consensus:

A.7 To encourage the public to provide public comments to the Charter Review Commission, when making public statements, commissioners should refrain from identifying public commenters.

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These changes would be in addition to our rules, and there is no enforcement mechanism. Chair Fisch asked him to answer the question – “Does this violate the first amendment?”

Commissioner Holy will send this report to the executive committee to add an item to the agenda for the April 14th meeting.