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**POOR QUALITY ORIGINAL**

Honorable Stephen M. Warning  
Friday July 29, 2016 at 9:00

**FILED**

JUL 27 2016 10AM

Scott G. Weber, Clerk, Clark Co.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF CLARK

**IN THE MATTER OF: THE RECALL OF  
MARC BOLDT, Clark County Councilor;  
JEANNE STEWART, Clark County  
Councilor; and JULIE OLSON, Clark County  
Councilor.**

NO. 16-2-01367-1

**MEMORANDUM IN SUPPORT OF THE  
PETITIONS FOR RECALL OF  
CLARK COUNTY COUNCILORS  
MARC BOLDT, JULIE OLSON AND  
JEANNE STEWART**

**I. INTRODUCTION**

Thomas Mielke ("Councilor Mielke"), a legal voter of the State of Washington and Clark County, by and through his attorney Michael C. Kahrs, provides this memorandum in support of the recall of elected Clark County Councilors Marc Boldt, Julie Olson and Jeanne Stewart (collectively, "Councilors"), pursuant to RCW 29A.56 and Sections 33 and 34 of Article 1 of the Washington State Constitution. In this memorandum, Mielke makes a prima facie case that the Councilors engaged in malfeasance, misfeasance and breached their oaths of office in four particular and distinct ways. Mielke will show that the Councilors:

1) Knowingly violated the law by violating the Open Public Meetings Act ("OPMA") by authorizing Clark County to hire an outside investigator to undertake an investigation of the Councilors' political rival Councilor David Madore ("Councilor Madore");

2) Breached their fiduciary duty in grossly wasting public funds by awarding a designation as the paper-of-record to The Columbian newspaper which was neither the low

1 cost bidder nor the most widely circulated eligible paper in the County with the intention that  
2 The Columbian engage in a quid pro quo of smearing the political rivals of the targets;

3 3) Purposefully limited the access of political rivals from advice from the County  
4 Prosecutor's office; and

5 4) Abdicated their legislative responsibilities by permitting the executive branch of  
6 Clark County to unilaterally dissolve a County department without the lawful authorization  
7 from the legislative authority of Clark County, the Board of Councilors.

## 8 II. LEGAL AUTHORITIES

### 9 A. THE RECALL PROCESS.

10 Recall is the process by which an elected official may be removed from office before  
11 the expiration of his or her term. *Chandler v. Otto*, 103 Wn.2d 268, 693 P.2d 71 (1984). The  
12 right to recall is one of the enumerated rights available to all citizens of Washington.  
13 Washington Constitution, section 33. Section 34 gives the legislature the authority to pass the  
14 necessary laws to enable citizens to file petitions to recall public officials. In compliance with  
15 this mandate, the legislature enacted recall procedures. *See generally*, RCW 29A.56.110.  
16

17 The charges alleged must be signed by the person making them, and that person must  
18 verify under oath that he or she believes the charges to be true and that he or she has  
19 knowledge of the facts upon which the stated grounds for recall are based. RCW 29A.56.110.

20 Recall charges must:

21 (1) set forth the name of the officer subject to recall and the title of his or her  
22 office; (2) recite that the officer subject to recall has committed an act or acts of  
23 malfeasance or misfeasance while in office or that such a person has violated an  
24 oath of office; (3) concisely state the act or acts complained of; and (4) give a  
25 detailed description of each act.

*In re Recall of Davis*, 164 Wn.2d 361, 367, 193 P.3d 98 (2008).

1 The charges must be filed with “the elections officer whose duty it is to receive and file  
2 a declaration of candidacy for the office concerning the incumbent of which the recall is to be  
3 demanded.” RCW 29A.56.120. The elections officer must serve a copy of these charges upon  
4 the person whose recall is being sought, and must certify the charges to the preparer of ballot  
5 synopsis. RCW 29A.56.130. Within 15 days after receiving the charges, the ballot preparer is  
6 directed by statute to prepare a ballot synopsis of the charges and petition the Superior Court  
7 to conduct a hearing to determine the sufficiency of the charges and the adequacy of the ballot  
8 synopsis; the clerk of the court is directed to notify the person subject to recall and the person  
9 demanding recall of the hearing date on which the Superior Court is to determine the  
10 sufficiency of the petition. RCW 29A.56.140.

11 Charges are factually sufficient if "taken as a whole they ... state sufficient facts to  
12 identify to the electors and to the official being recalled acts or failures to act which without  
13 justification would constitute a prima facie showing of misfeasance, malfeasance, or violation  
14 of oath of office.” *Chandler*, 103 Wn.2d at 274. “Voters may draw reasonable inferences from  
15 the facts; the fact that conclusions have been drawn by the petitioner is not fatal to the  
16 sufficiency of the allegations.” *In re Recall of West*, 155 Wn.2d 659, 665, 121 P.3d 1190  
17 (2005). To be legally sufficient, the charges “must specifically allege substantial conduct”  
18 amounting to misfeasance, malfeasance, or violation of the oath of office. *Id.* at 667 (citing *In*  
19 *re Recall of Kast*, 144 Wn.2d at 815, 31 P.3d 677 (2001)). The legal sufficiency requirement  
20 protects officials from being “recalled for appropriately exercising the discretion granted him  
21 or her by law.” *Chandler*, 103 Wn.2d at 274. “Officials may not be recalled for their  
22 discretionary acts absent manifest abuse of discretion.” *In re Recall of Pearsall-Stipek*, 136  
23 Wn.2d 255, 264, 961 P.2d 343 (1998) (citing *In re Recall of Sandhaus*, 134 Wn.2d 662, 670,  
24 953 P.2d 82 (1998)). When an official is charged with violating the law, there must be  
25

1 evidence presented that leads to the conclusion that the public official intended to commit an  
2 unlawful act. *Id.* at 263 (citing *Sandhaus*, 134 Wn.2d at 668). Even if the charge is legally  
3 sufficient as pleaded, if an elected official can show “a legally cognizable justification ... that  
4 justification renders a recall petition legally insufficient.” *Greco v. Parsons*, 105 Wn.2d 669,  
5 671, 717 P.2d 1368 (1986).

6 The legislature has provided definitions of the terms misfeasance, malfeasance and  
7 what constitutes a violation of the oath of office:

- 8 1) “Misfeasance” or “malfeasance” in office means any wrongful conduct  
9 that affects, interrupts, or interferes with the performance of official duty;
- 10 (a) Additionally, "misfeasance" in office means the performance of a  
11 duty in an improper manner; and
- 12 (b) Additionally, "malfeasance" in office means the commission of  
13 an unlawful act;
- 14 (2) “Violation of the oath of office” means the neglect or knowing failure by  
15 an elective public officer to perform faithfully a duty imposed by law.

16 RCW 29A.56.110.

17 Petitioner Mielke now makes a prima facie case showing how the Councilors, one and  
18 all, engaged in specific and substantial conduct that amounted to malfeasance, misfeasance  
19 and violations of their oaths of office. As such, the voters of Clark County must be permitted  
20 to vote on the recall against Councilors Boldt, Olson and Stewart after an appropriate number  
21 of signatures are gathered pursuant to RCW 29A.56.180.

## 22 B. THE OPEN PUBLIC MEETING ACT.

23 The Open Public Meetings Act was enacted to ensure governmental bodies deliberate  
24 and take actions openly. RCW 42.30, *et seq.* RCW 42.30.030 requires that “[a]ll meetings of  
25 the governing body of a public agency shall be open and public and all person shall be  
permitted to attend any meeting of the governing body of a public agency, except as otherwise

1 provided in this chapter.” A public agency’s definition includes all municipal corporations  
2 including counties. RCW 42.30.020(1)(b). Clark County is subject to the OPMA.

3 The OPMA mandates that:

4 no governing body of the public agency shall adopt any ordinance, resolution,  
5 rule, regulation, order, or directive, except in a meeting open to the public and  
6 then only at meeting the date of which is fixed by law or rule, or at a meeting of  
7 which notice has been given according to the provisions of this chapter. Any  
8 action taken at meetings failing to comply with the provisions of this subsection  
9 shall be null and void.

10 RCW 42.30.060(1). It further prohibits voting by secret ballot when such a meeting shall be  
11 open to the public. “Any vote taken in violation of this subsection shall be null and void, and  
12 shall be considered an “action” under this chapter.” RCW 42.30.060(2).

### 13 III. ARGUMENT

#### 14 A. BACKGROUND ON CLARK COUNTY GOVERNMENT.

15 Clark County is a home rule charter. The recently passed charter was created in part to  
16 separate the powers of the executive and legislative branches of government. Clark County  
17 Charter (“Charter”), Art. 1, Sec. 1.5. Appendix A. The Clark County Board of County  
18 Councilors (“BOCC”) is the legislative branch of Clark County’s government. *Id.*, Art. 2. As  
19 the governing body and except in limited circumstances the BOCC’s meetings must be public.  
20 Charter, Art. 2 Sec. 2.5.B. *Id.*

21 The BOCC is the policy-determining body of the County. It exercises its legislative  
22 powers by the enactment of ordinances, resolutions and motions. Charter, Sec. 2.4. *Id.* Clark  
23 County’s County Manager is the manager of the executive branch of Clark County’s  
24 government. *Id.* Sec. 3.1. The County Manager has authority to supervise all administrative  
25 departments established by charter or created by council and execute and enforce all ordinances  
and state statutes not assigned to other elected officials. *Id.* Sec. 3.2. The County Code provides

1 that the County Administrator is the “chief administrative officer of county government.” Clark  
2 County Code (“Code”) 2.15.010.

3 The County administrator<sup>1</sup> shall generally advise, assist, act as agent for and be  
4 responsible to the board of commissioners for the proper and efficient conduct  
5 of the administrative affairs of the county as are placed in his/her charge by the  
6 board of commissioners. He/she shall be responsible for the enforcement of  
7 ordnances, orders, or regulations as directed by the Board of commissioners.

8 Code 2.15.040. Appendix B.

9 The Code sets forth the County Manager’s procurement authority. Code 2.09.030. This  
10 section permits the County Manager to engage professionals for contracts less than \$200,000.  
11 Code 2.09.030(1)(a). *Id.* Before such a contract is executed, the Manager is required to publish  
12 it on the Clark County website<sup>2</sup> for at least a week during which time any Councilor can request  
13 that the Board consider the contract during a meeting and vote on whether or not the contract  
14 should be entered into. Specifically, the Code provision says:

15 Prior to the execution of any contract subject to subsection (1) of this section,  
16 the county manager will publish all contracts and staff reports on the Clark  
17 County website including a summary of the contract purpose, funding sources,  
18 and contract term. The county manager will also provide a copy of the staff  
19 reports and/or contracts to county councilors for their review and will not  
20 execute the documents for one week to provide any councilor an opportunity to  
21 review and request individual consideration of a document prior to execution.  
22 Contracts signaled for individual consideration will be approved by a majority  
23 vote of the council at a public meeting.

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24 <sup>1</sup> The Charter uses “County Manager” but the Code which was in effect before the most  
25 recent Charter amendments uses “County Administrator”, the nomenclature in immaterial as the  
description of authority remains essentially the same and does not affect the issues raised in this  
Petition.

<sup>2</sup> The County maintains a website to post documents and information for the public and  
is commonly referred to as “The Grid”. There are two grids, one for BOCC documents  
[<https://www.clark.wa.gov/the-grid>] and one for proposed contracts to be posted  
[<https://www.clark.wa.gov/contracts-grid>]. Councilor Madore was the driving force in the  
BOCC Grid’s creation for the express purpose of ensuring Clark County operated in an open  
and transparent manner.

1 Code 2.09.030(2). If a posted contract is not “pulled” by any Councilor, the County Manager  
2 may execute the contract because explicit BOCC approval is not required on behalf of the  
3 County. Code 2.09.030(3).

4 B. THE COUNCILORS VIOLATED THE OPMA WHEN THEY APPROVED  
5 RETAINING AN INDEPENDENT INVESTIGATOR WITHOUT A PUBLIC VOTE.

6 The malfeasance and misfeasance alleged herein, appear against the backdrop of the  
7 County’s recent consideration of the Growth Management Plan update and the commensurate  
8 update of the County’s Comprehensive Plan. Councilor David Madore (“Madore”) has  
9 repeatedly questioned both planning staff including Community Planning Director Oliver  
10 Orjiako (“Director Orjiako”) and Deputy Prosecutors Chris Horne and Christine Cook about  
11 the correctness of certain testimony they provided the BOCC with respect to what needed to be  
12 considered and the measures and methods the County needed to take when determining various  
13 alternative versions of the proposed comprehensive plans under consideration. In support of  
14 these allegations, Madore produced a document which he supplied to other members of the  
15 BOCC and posted on the BOCC Grid alleging with specific detail the date, content, nature and  
16 effect of the erroneous testimony offered by Deputies Cook and Horne and Director Orjiako.

17 Exhibit A. Madore had repeatedly asked for an inquiry into the correctness of his allegations.

18 *Id.* This had been discussed by the members of the BOCC without a final action taken.

19 Madore’s request for an inquiry raised concerns with the political opponents of Madore. On  
20 March 2, 2016, the Washington State Council of County and City Employees, through Staff  
21 Representative Larry Clark, wrote Clark County Human Resources Director Francine Reis  
22 (“Director Reis”) and expressed a grievance alleging that Councilor Madore had defamed Clark  
23 County planning staff by saying that they had behaved in an “unethical, dishonest and  
24  
25

1 deceptive manner.”<sup>3</sup> Exhibit B. Shortly thereafter in a letter dated March 15, 2016, Director  
2 Orjiako, though his attorney, wrote Director Reis and initiated a Local Government  
3 Whistleblower and Equal Employment Opportunity discrimination complaint (hereinafter  
4 “Orjiako Harassment Complaint”). Exhibit C. The Orjiako Harassment Complaint alleged that  
5 Councilor Madore publicly harassed and demeaned Director Orjiako because of his race and  
6 that Councilor Madore was retaliating for Director Orjiako’s support of a particular version of  
7 the proposed Clark County Comprehensive Plan that was then under consideration by the  
8 BOCC. *Id.*

9 At approximately the same time, the Councilors had obviously met in a private  
10 executive session with Manager McCauley to discuss their actions, in violation of the OPMA.  
11 This is because there was a conversation about going forward with an investigation of  
12 Councilor Madore’s allegations. There was no actual authorization to go forward and there was  
13 absolutely no discussion of who the investigator and what the scope of the investigation would  
14 be. Moreover, there was absolutely no discussion that the investigation would look into the  
15 allegations *against* Councilor Madore. Based upon their discussion, Manager McCauley  
16 initiated the hiring of Rebecca Dean, an investigator favorable to the Councilors, to investigate  
17 unauthorized matters without comment or input from (or even the knowledge of) Councilors  
18 Madore or Mielke. The result of this was an investigation that was conceived outside of a  
19 meeting that involved Madore or Mielke. Mielke Decl.

20  
21 On March 19, 2016, just four days after the filing of the Orjiako Harassment  
22 Complaint,, Attorney Rebecca Dean wrote Director Reis and thanked her for the opportunity to  
23

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24  
25 <sup>3</sup> If one examines the list of complaints attached to this letter, one must draw the  
conclusion that Councilor Madore was doing his job – preparing legislation. He is an elected  
official for Clark County and this list shows the duties of an actively involved legislator.



1 conduct an investigation on behalf of Clark County. Exhibit D. The scope of the engagement  
2 letter identified the Union's grievance and the Orjiako Harassment Complaint as the subjects  
3 for Ms. Dean's investigation. *Id.* Six days later, on March 25, 2016, Clark County Manager  
4 ("Manager") Mark McCauley ("McCauley) signed the engagement letter indicating the assent  
5 of the County to its proposed terms. *Id.*

6 Between March 2, 2016, when the allegation regarding Councilor Madore was first  
7 made by the Union, and March 25, 2016, when the contract was executed by Manager  
8 McCauley, there were a total of 7 meetings noticed and convened by the BOCC. These meeting  
9 dates were March 2, 8, 9, 15, 16, 22, and 23, 2016. Each meeting had agendas published before  
10 the meeting and approved minutes published after the meeting on the BOCC Grid. Exhibit E. In  
11 addition to the minutes, audio or video recordings are made of the BOCC meetings. These  
12 recordings are also available on the BOCC Grid. None of the agendas or minutes for the March  
13 2016 meetings (or any other meetings, for that matter) indicated that the BOCC approved or  
14 directed the Manager McCauley to engage Dean during an open public meeting to investigate  
15 the allegations *against* Councilor Madore. Nor do the agendas or minutes reflect even that any  
16 investigator be hired to investigate anything – there is simply no record of this action being  
17 taken in an open public meeting.

18  
19 Proof that no contract was formally approved in a public meeting in compliance with  
20 the OPMA is explicitly evident after review of the transcript of the April 20, 2016 BOCC work  
21 session . Declaration of Michael C. Kahrs, Exhibit F.<sup>4</sup> In this work session, the Dean Contract  
22 and the process of approving it were discussed.

23  
24  
25 <sup>4</sup> An audio version is also available at <https://www.clark.wa.gov/sites/all/files/thegrid/042016BT.mp3>.

1 During the meeting, Manager McCauley claimed that “this Board discussed retaining an  
2 attorney or an investigator to investigate the allegations *made by Councilor Madore against*  
3 *planning staff and our PA’s office*. There was unanimity among the board to proceed with that  
4 and I think we had discussions on -- on more than one occasion.” *Id.* pp. 12-13. Emphasis  
5 supplied. Manager McCauley stated that while the Code requires a contract such as this to be  
6 posted, because he had “unanimous support of the Board to move ahead I elected just to sign it  
7 and get on with it.” *Id.* p. 13. The above statement is in contradiction with Councilor Madore’s  
8 statements during the April 20 meeting where he denies supporting the contract.

9 Following Manager McCauley’s explanation, Councilor Madore asked other members  
10 of the BOCC if the BOCC had, in fact, taken action in open public meeting to authorize the  
11 Dean contract. *Id.* p. 14. Councilor Stewart responded to Councilor Madore’s inquiry and  
12 admits that it was not. Stewart stated that,

13  
14 it was an executive session item and due to the sensitive nature, my assumption  
15 was that in an executive session on an emergency legal item -- that we could  
16 have a discussion and reach an agreement that we would enter into a contract  
17 with an independent person to do research and -- and -- prepare an investigative  
18 report so that we would know how to move forward. I don’t -- is -- I don’t see  
19 any reason why that isn’t a legitimate executive session.

20 *Id.* p. 14. Councilor Madore further challenged the other members of the BOCC, Manager  
21 McCauley and Deputy Prosecutor Horne to find where in the approved Board minutes the Dean  
22 contract was, in fact, indicated as having been approved. *Id.* pp. 18-19. Councilor Olson tried to  
23 justify the failure to follow proper procedure by claiming it was a fairly unique and unfortunate  
24 circumstance. *Id.* p. 24. Madore responded by stating the following:

25 We need to conduct the County's business according to Code in open public  
meetings, and if there are exceptions, that we should somehow understand what  
those exceptions are. We shouldn't find out that something happened in a  
newspaper when it should have been happening here in an open meeting.

1 *Id.* pp. 24-25. In response, Councilor Boldt agreed by saying “Okay. Very Good.” *Id.* p. 25.  
2 Councilor Mielke emphasized that all seemed to agree that the BBOC should follow Code,  
3 backing up Councilor Madore’s assertion that the BBOC had violated the Code and OPMA  
4 when it permitted the contract with Dean to be signed. *Id.*

5 Councilor Madore was quite clear about the requirements of the OPMA and noted that  
6 minutes were not taken in executive session, and further correctly commented that the BOCC  
7 cannot take action in executive session. *Id.* pp. 25-26. Councilor Mielke was quite clear that he  
8 and Madore would have liked to be a part of the discussion of the scope of the investigation,  
9 because they had not been included on the process in drafting or evaluating the Dean Contract.  
10 *Id.* p. 31.

11 Given the requirements of the Clark County Code, only one conclusion can be drawn –  
12 the County Manager at the direction of Councilors Stewart, Olson and Boldt, violated the code  
13 by immediately approving the Dean contract without posting it to the contracts Grid and  
14 providing all the Councilors with the opportunity to review the contract and take action on it in  
15 public. Code 2.09.030(2).<sup>5</sup> Furthermore, the targets of the instant recall petitions ratified this  
16 unlawful action during the April 20<sup>th</sup>, 2016 session, although they certainly were explicitly put  
17 on notice that public action had not taken place. From the circumstances described above a trier  
18 of fact could objectively conclude that Councilors Boldt, Stewart and Olson met separately  
19 discussed the Dean Contract and the topics which were to be investigated and directed Manager  
20 McCauley to execute the Dean Contract illegitimately on behalf of the County. Councilor  
21 Stewart admitted as such. A trier of fact would also conclude that, in fact, the OPMA was  
22  
23

24 \_\_\_\_\_  
25 <sup>5</sup> In accordance with Code 2.09.030, any contract for professional services exceeding  
\$100,000 must get Council approval. Since Councilors Madore and Mielke were never  
informed of the potential costs of the Dean contract, this code section was also violated.

1 violated not once *but twice* indicating, of course, that such a violation was not accidental, but  
2 intended. It was first violated when the Councilors that are subject to the recall petition met  
3 with Manager McCauley and decided to hire Dean to investigate Director Orjiaki's complaint  
4 against Councilor Madore without having this action in open session of the BOCC. It was then  
5 violated when Boldt, Olson and Stewart learned in an open Board session that the contract  
6 violated the OPMA and did not take action to "cure" the violation by voting in an open Board  
7 session.

8 Since the last election, Councilors Boldt, Olson and Stewart have been actively engaged  
9 in disparaging Councilor Madore and have conspired to cause the hiring of Dean in an effort to  
10 disparage him both politically and personally and cast doubt on his suitability for office.  
11 Indeed, since the filing of the Statement of Charges, Dean has issued a report that widely  
12 parrots the criticisms that they have been hurling at Madore, which is not surprising given that  
13 Dean's interview of Madore was partisan, adversarial, and not of a fact-finding nature.  
14 Declaration of Nicholas Power.

15  
16 The Supreme Court has defined that a "meeting" within the meaning of the OPMA  
17 "occurs when a majority of its members gathers with the collective intent of transacting the  
18 governing body's business." *Citizens Alliance for Property Rights Legal Fund v. San Juan*  
19 *County*, 184 Wn.2d 428, 444, 359 P.3d 753, 761 (2015). A meeting of three out of five  
20 councilors of the BOCC to discuss soliciting or approving a contract would be a violation of the  
21 OPMA. This is because three members constitute a quorum for the transaction of business. *See*  
22 *Clark County Council Rules of Procedure ("Rules")*, section IV (Appendix C): *see also*  
23 *Citizen's Alliance*, 184 Wn.2d at 445 ("Under Washington Law, the OPMA applies to a  
24 gathering of a governing body's members only if a majority of members are present.") (citing *In*  
25 *re Recall of Beasley*, 128 Wn.2d at 427, 908 P.2d 878 (1996)).

1 Thus the “executive session” the Councilors conducted was an illegal and unnoticed  
2 meeting of Clark County’s governing body. Even more fundamentally, it cannot be considered  
3 a proper session when not all the Councilors were informed of the meeting. While special  
4 meetings can be requested by any Councilor per the rules of procedure -- no such request was  
5 made because notification must be made to each Councilor that such a meeting is desired – and  
6 none was made to either Councilors Mielke or Madore. *Id.*, section V; Madore and Mielke  
7 Decls. Even if such a special meeting occurred, the action then taken was illegal because any  
8 action must be taken in an open session. Since there was no formal vote in an open meeting a  
9 blatant a violation of the OPMA occurred. *See Feature Realty, Inc., v. City of Spokane*, 331  
10 F.3d 1082 (2003).

11 In *Feature Realty*, the City of Spokane was sued for its wrongful interference with  
12 Feature Realty’s property rights. The City Council then considered a confidential memorandum  
13 to settle the case in executive session. *Id.* at 1085. “While no actual vote took place, an  
14 informal consensus was achieved by ‘going around the table,’ whereupon each of the council  
15 members indicated their approval of the settlement.” *Id.* The case was then dismissed by  
16 Feature Realty with prejudice. *Id.* After a subsequent disagreement, litigation ensued. *Id.* After  
17 the city realized it had violated the OPMA, it moved for summary judgment on the basis that its  
18 prior informal decision to settle the case was null and void. *Id.* at 1085-86. The issue before the  
19 federal court was whether or not the city council could approve the settlement during an  
20 executive session based on discussions with legal counsel. *Id.* at 1087. It was not disputed that  
21 an executive session could be convened to discuss matters with counsel. “[O]nly the action  
22 explicitly specified by the exception’ is privileged. All other actions are ‘beyond the scope of  
23 the exception,’ and must take place in public.” *Id.* at 1090 (quoting *Miller v. City of Tacoma*,  
24 138 Wn.2d 318, 327, 979 P.2d 429 (1999)).  
25

1 The Washington Supreme Court has found that a violation of the OPMA, specifically  
2 when allegations are made that a contract was entered into outside of a public meeting and  
3 where the executor exceeded the scope of their legal authority is a legally sufficient ground  
4 upon which to support a recall petition. *In Re Recall of Davis*, 193 P.3d 98, 164 Wn.2d at 103  
5 (2008). *Davis* is on all fours with today's case.

6 In *In Re Recall of Davis*, a Port of Seattle Commissioner signed a transition  
7 memorandum for the Port's Chief Executive Officer. In this memorandum, it assured the CEO  
8 up to a full years pay upon his resignation. *Id.* at 364-65. A recall petition was filed and at the  
9 subsequent sufficiency hearing, the OPMA challenge was found legally sufficient to support  
10 recall. *Id.* at 366. The charge in *Davis* included signing an agreement to pay money without a  
11 public vote. After review of the evidence, the Supreme Court held it could be inferred from the  
12 record that Commissioner Davis understood her duties as Port Commissioner and the legal  
13 necessity of voting in public session before potentially obligating the Port in any monetary  
14 agreement, and, for purposes of recall, intentionally acted outside the scope of these duties . . .  
15 .” *Id.* at 370.

17 Just like *In Re Recall of Davis*, the Councilors have violated their duties by failing to  
18 vote in public for the expenditure of public funds. Not only did the Councilors' actions violate  
19 the Code and the OPMA but it constituted a breach of their oath of office.

20 [W]here a municipal charter or code “prescribes a definite method for the  
21 enactment of ordinances, such requirements are mandatory, and no authority is  
22 vested in the lawmaking body of the municipality to pass ordinances except in  
the manner required by the charter . . .

23 *Savage v. City of Tacoma*, 61 Wash. 1, 112 P. 78, 80 (1910). Clark County's Code and Rules as  
24 well as State law mandated a process and the Councilors violated the mandatory provisions.  
25 Consequently, they violated their oaths of office and it was intentional.

1 The reason Rebecca Dean was hired in a meeting that violated the OPMA was so that  
2 she could create a report that legitimized the viewpoints of Councilors Boldt, Stewart and  
3 Olson. Dean's investigation was not objective nor did it follow general investigative protocols,  
4 permitting her to reach unfounded conclusions.

5 Councilor Madore attempted to be absolutely cooperative with the investigation.  
6 Indeed, Councilor Madore's private attorney contacted Dean over a period of 6 weeks after she  
7 had been retained and requested numerous times that his client be scheduled for an interview.  
8 Power Decl. While the reason for the delay or hesitation is unknown, it is commonly accepted  
9 practice to interview the primary witnesses as early as possible in the investigation. When she  
10 did finally interview Councilor Madore, she was immediately aggressive towards Councilor  
11 Madore in the interview and dismissive of the evidence that Councilor Madore provided and  
12 refused to interview key witnesses that Councilor Madore identified as being able to  
13 substantiate his claims.<sup>6</sup>

14  
15 It also is worth considering that the Dean Report was produced on July 5, 2016 just  
16 seven days after the Statement of Charges in the instant recall petition was filed (June 28,  
17 2016). While it is true that the timing might have been coincidental, given the irregularities  
18 surrounding the consummation of the Dean Contract, it does not take any stretch of the  
19 imagination to conclude that its "timely" release was urged by Boldt, Stewart and Olson so it  
20 could be relied on in the instant hearing.  
21  
22

23  
24 <sup>6</sup> Councilor Madore, through his attorney, informed both Prosecutor Golik and Dean  
25 that he intended to videotape the interview and that they should advise him if they had any  
objection to this request. No objection was made by either Golik or Dean. Upon arrival at the  
interview, Dean refused to allow the videographer to record the session despite being shown a  
copy of the letter which contained the request.

1           Moreover, after receipt of the Dean Report the BOCC moved with lightning speed to  
2 formally adopt the factual and legal conclusions by way or resolution on July 18, 2016.  
3 Councilor Madore asked for an opportunity to produce a point-by-point response to the Report  
4 and Councilor Mielke moved that a vote on the adoption of the Report be delayed so the BOCC  
5 might consider Councilor Madore's response. Councilors Boldt, Olson and Stewart voted  
6 against Mielke's motion postponing the vote on adoption and immediately voted for the formal  
7 adoption of the Dean Report.

8           While a complete analysis and critique of the 40 page report is beyond the scope of this  
9 pleading and unnecessary for instant purposes, some of Dean's conclusions are quite telling. In  
10 analyzing the AFSCME complaint of March 2, 2016, Dean concluded that Madore  
11 "micromanaged" staff and challenged them to show their methodology. It strains  
12 comprehension as to what is wrong with this. This is what elected officials are supposed to do –  
13 demand answers from and understand the available options provided by staff. While staff may  
14 not like this, this is nothing that Councilor Madore should apologize for – just the opposite. He  
15 was doing the job he was elected to do – draft complicated legislation that affects thousands of  
16 lives.  
17

18           Dean was consistently dismissive of Councilor Madore's explanations even when  
19 provided conclusive evidence. She refused to address issues he had raised even though the  
20 BOCC had originally contemplated hiring an investigator to examine his claims, not others.

21           At risk of belaboring the extent of contortions contained in the Dean Report a final  
22 example of what can be only be described as Orwellian occurs when Dean analyses the  
23 statements of Orjiako and Cook. Dean concludes, "Orjiako *made correct statements based on*  
24 *his misunderstanding of Madore's contentions*. Cook made what was obviously an error and  
25 confused the planning assumptions (such as population growth rate, rural/urban split and the



1 like) formally adopted by the Board with rural capacity analysis” Exhibit G, p. 23. Emphasis  
2 supplied. Dean’s notion that an erroneous statement can “autocorrect” because of a bureaucrat’s  
3 misunderstanding shows her clear bias. While such a statement might be “excusable” it most  
4 certainly is not “correct.”

5 Again, the Petitioner recognizes that a point-by-point critique is beyond the scope of  
6 this pleading but these examples serve to show that the conclusions of the Dean Report were a  
7 foregone conclusion and designed as a sham to give the Councilors political cover. In sum,  
8 clear evidence exists that Councilors Boldt, Stewart and Olson intentionally hired Dean to  
9 justify and ratify their version of events in an attempt to disparage and politically wound  
10 Madore.<sup>7</sup>

11 Further proof of their intentionality is that they had the opportunity to cure the violation  
12 on April 20, 2016 but failed to do so. They were told that the action was illegal and yet they  
13 refused to fix the problem. Interpretation of such an action is not unprecedented . *See In re*  
14

15  
16 <sup>7</sup> An example of Dean’s bias is further evident in her dismissal of Councilor Madore’s  
17 complaint that the record incorrectly reflected Madore’s vote during the consideration of Don  
18 Benton as an applicant for the position of Director of Department of Environmental Services.  
19 Dean stated, “[i]n my interview with Madore, he proffered a convoluted theory that he was a  
20 victim of mistaken interpretation of the hearing record that attributed Mielke’s comment to  
21 Madore, linked to a mistaken trust in staff’s recommendation to settle the Largent lawsuit, tied  
22 to the fact that Orjiako is represented by Gregory Ferguson, who also represented Largent. As  
23 a practical matter, revisiting the Largent matter several years after its closure is outside the  
24 Scope of this investigation.” Exhibit G, Dean Report at 40.

25 In reality, Councilor Madore’s explanation was simple, straight-forward and easy to  
understand. Dean’s dismissiveness rather is emblematic of actual purpose of the report in that  
it does not acknowledge the even the most provable assertions of Madore and seeks to sweep  
these under the rug. At the interview, Councilor Madore produced an email between him and  
Manager McCauley that substantiates Madore’s claim that the transcript of the hearing where  
Benton was being considered was, in fact, in error. In that email McCauley states that he  
reviewed and verified Madore’s claim that he did not vote the way it was claimed he had.  
Exhibit H.

1 *Recall of Sandhaus*, 134 Wn.2d 662, 953 P.2d 82 (1998). Sandhaus failed to secure a bond  
2 before taking office as the Adams County Prosecuting Attorney. After examining the facts, the  
3 Supreme Court determined there were no facts supporting an argument he intended to violate  
4 RCW 36.16.050 because he quickly cured the problem. *Sandhaus*, 134 Wn.2d at 670. Analysis  
5 on an attempt to cure is focused on the facts and circumstances of the record. *Davis*, 164 Wn.2d  
6 at 370. If the Councilors had felt they had not intended to violate the OPMA, they had the  
7 opportunity to cure their error when instructed otherwise. Unlike Sandhaus, the Councilors  
8 failed to cure the problem showing they intended to do so all along.

9 A classic example of curing such a problem happened when the Councilors sought  
10 indemnification from Clark County to pay for the defense of the instant recall action. Initially,  
11 on July 6, 2016, the Councilors made the decision in executive session that they should be  
12 indemnified by Clark County for the costs of defending against the instant recall petition.  
13 Mielke Decl. After being called to account for yet another violation of the OPMA, they then  
14 cured the error in a subsequent open session on July 13, 2016. *Id.* This curing action shows that  
15 the Councilors knew that their prior action was a violation of the OPMA and makes the case  
16 that violations are a part of an ongoing pattern and practice of the Councilors.

17 Much more than a prima facie case had been made that the Councilors have knowingly  
18 violated the OPMA. The Councilors are experienced in public governance and there is  
19 absolutely no authority for taking formal action in executive session just because of the subject  
20 matter. To conclude otherwise, would allow a governing body to claim all decisions must be  
21 made in an executive session. The Councilors also permitted the County Manager to violate the  
22 Clark County Code which has mandatory language requiring contracts affecting the public  
23 purse to be approved by the budgeting authority of Clark County – the BOCC. The voters of  
24  
25

1 Clark County are entitled to consider the actions of the Councilors and recall them for these  
2 transgressions if the voters of Clark County see fit to do so.

3 Finally, motive and intentionality can be found in that each of the Councilors was  
4 required to take open government training that specifically educates members of governing  
5 bodies on how to comply with the OPMA. RCW 42.30.205. This law has been in effect since  
6 July 1, 2014. The curriculum specifically covers what is required to comply with the OPMA.  
7 Accordingly, none of the Councilors can maintain that they simply did not know that they were  
8 violating the OPMA and their violation was unintentional.

9 Based on the actions of each Councilor subject to recall, Councilor Mielke asks that the  
10 ballot synopsis for issue number 1 be modified for each Councilor to state the following:

11  
12 Knowingly violated the Open Public Meetings Act, RCW 42.30, by holding a  
13 secret and closed meeting without notice to the public to approve a contract to  
14 investigate a fellow councilmember and breached his/her oath of office by  
15 permitting the County Manager to violate the Clark County Code.

16 C. THE COUNCILORS PROVIDED FINANCIAL BENEFITS TO A POLITICAL  
17 ALLY.

18 Each spring counties must designate a qualified newspaper to serve as the official  
19 county's newspaper of record. RCW 36.72.075. The award of this designation confers  
20 substantial business on the winner of the contract as various legal notices are required to be  
21 advertised in the paper of record to constitute adequate notice. When two or more legal  
22 newspapers are qualified under the provisions of this section to be the official county  
23 newspaper, the county auditor shall advertise, at least five weeks before the meeting at which  
24 the county legislative authority shall let the contract for the official county newspaper, for bid  
25 proposals to be submitted by interested qualified legal newspapers. *Id.* State law provides little  
discretion when awarding such a contract. The final sentence of RCW 36.72.075 reads, "the  
county legislative authority shall let the contract to the best and lowest responsible bidder,

1 giving consideration to the question of circulation in awarding the contract, with a view to  
2 giving publication of notices the widest publicity.”

3 The County timely solicited applications for consideration of paper of record status.  
4 Various local newspapers applied. After examination of the merits of the applicants, two papers  
5 were disqualified as not meeting the statutory requirements of RCW 36.72.075. Exhibit I. Only  
6 two qualified newspapers remained, The Columbian and The Reflector.

7 In the material submitted with its bid, the Columbian claimed a weekly circulation of  
8 24,152.<sup>8</sup> *Id.* The Columbian required an ad rate of \$1.77 per line for the first insertion and  
9 \$1.45 for subsequent insertions. *Id.* In the material submitted with its bid, The Reflector  
10 claimed a larger weekly circulation of 28,218. *Id.* The Reflector was less expensive with an ad  
11 rate of \$1.02 per line for the first insertion and \$0.84 for subsequent insertions. *Id.*

12  
13 Despite the fact that the Reflector was more economical and had a wider circulation,  
14 Councilors Boldt, Stewart and Olson voted to select The Columbian as the County’s paper of  
15 record. Councilor Boldt’s, Stewart’s and Olson’s votes were not cast in favor of The  
16 Columbian because it was the better selection; rather, the three Councilors supported the  
17 lucrative contract as a quid pro quo for unfavorable political coverage of political enemies.

18 While The Columbian has always had an anti-Madore and anti-Mielke political slant,  
19 since the award of the contract The Columbian has waged an unwavering no-holds-barred all-  
20 out-war editorial campaign against the Councilors’ political enemies, Madore and Mielke, who  
21 did not vote in favor of making The Columbian the paper of record. Anti-Madore and Mielke  
22 “articles” and opinion pieces have run on April 3, April 4, April 5, April 6, April 7, April 12,  
23

24  
25 <sup>8</sup> This number had been was subsequently revised downward by 3000 or 11% from the number  
originally submitted. Exhibit J.

1 April 14, April 15, April 19, April 20, April 21, April 22, April 23, April 26, May 5, May 12,  
2 May 14, May 15, and May 16, 2016. Exhibit K.

3 Perhaps the most glaring example out of the above is Columbian Editor Lou  
4 Brancaccio's ("Brancaccio") column of May 14 wherein he begins, "[i]f you laid out all the  
5 complaints, lawsuits and other stupid stuff Republican County Councilor David Madore is  
6 involved with, the pile would reach from here to the doorsteps of Hell..." *Id.* Brancaccio then  
7 proceeds to make various false statements including, alleging that "[a] county department head  
8 is suing him for what he has said about his department." This statement is false. To date there  
9 has been no suit filed against Mr. Madore or Clark County relating to what Councilor Madore  
10 has said about anyone.<sup>9</sup> Brancaccio goes further and ridicules Councilor Madore's Christian  
11 faith. In a tongue-in-cheek manner Brancaccio says, "[n]ow, in no way am I saying that Madore  
12 believes he is like Jesus. What I'm saying is – like Jesus – he finds strength to continue by  
13 embracing the struggle before him." *Id.*

14  
15 Brancaccio abundantly signaled his willingness to "play ball" in his editorial piece  
16 published March 19, 2016 where he describes Councilor Madore as "delusional" and exhibiting  
17 "inappropriate behavior" toward other Council members. *Id.* The Columbian's efforts to  
18 disparage Councilors Madore and Mielke do not stop with its reporting. Despite not having any  
19 other merchandise offered for sale, The Columbian has taken upon itself to be a vendor of  
20 coffee mugs with a quote "Don't Do Stupid Stuff" emblazoned on the mug and attributed to  
21 Brancaccio.<sup>10</sup> Beside the quote is a cartoonish depiction of Councilor Madore energetically  
22 excavating with a pick-axe at the toe of a bank upon which stands an idealized version of the  
23

24  
25 <sup>9</sup> The whistleblower complaint was filed by a Director Orjiako was subsequently found to be without merit even by the Councilor's hand-picked investigator. Madore Decl.

<sup>10</sup> <http://www.columbian.com/dont-do-stupid-stuff-mugs/>.

1 likeness of Brancaccio who looks down at the excavating Madore with a critical eye. Editor  
2 Brancaccio often appears at BOCC meetings with the mug in hand communicating his  
3 unfavorable view of Councilor Madore. Exhibit L. Not only does he have the mug in his hand,  
4 Brancaccio also wears a tie depicting the M&M candy characters a reference to his use of the  
5 term "M&M boys" to refer to Councilors Mielke and Madore. With full recognition of the  
6 rights of free press and expression, the remarkable increase in editorial vitriol and bias against  
7 Madore and Mielke when compared to the lackluster circulation numbers and expense of  
8 advertising can lead to no other conclusion that the paper of record designation was awarded on  
9 a quid pro quo basis where the designation would be granted as an award for the past and future  
10 "hit pieces" put out by The Columbian against minority board members.

11  
12       Circumstantial evidence shows a quid pro quo political arrangement between  
13 Brancaccio of The Columbian and the Councilors. Circumstantial and direct evidence are  
14 equally reliable before the trier of fact. *State v. Delmarter*, 94 Wn.2d 634, 638, 618 P.2d 99  
15 (1980). The Reflector was the paper of record the past two years. It meets the two criteria  
16 required in RCW 36.72.075. The recommendations of Clark County purchasing agent go  
17 beyond the statutory requirements. But it is also misleading.

18       First, an online website for legal notices is available to the whole County. Thus The  
19 Columbian had no advantage over The Reflector in this area. Second, the Reflector had the  
20 larger paper circulation over a larger geographical area. The decision to approve the paper of  
21 record based on the two criteria was non-discretionary when only one newspaper met both. By  
22 ignoring its statutory obligations pursuant to RCW 36.72.075, the Councilors committed  
23 malfeasance, misfeasance, and violated their duty to faithfully execute their oath of office.  
24 Councilor Mielke has no objections to the language of item number 2.  
25

1 D. THE COUNCILORS VIOLATED THE OPMA AND THE CHARTER WHEN THEY  
2 PERMITTED COUNTY MANAGER McCAULEY TO ELIMINATE A  
3 DEPARTMENT WITHIN CLARK COUNTY.

4 The Department of Environmental Services was first proposed by Commissioner Steve  
5 Stuart. A draft ordinance creating the department was prepared by prior County Manager Bill  
6 Barron and sent to Commissioner Stuart with a proposed timeline for its creation. Exhibit M.  
7 Then Commissioner (now Councilor) Boldt had a "significant interest" in the proposal. Exhibit  
8 N. Analysis of the funding requirements of the Director's position was presented August 18,  
9 2009 and approved August 25, 2015, then Commissioner Boldt signing on behalf of the BOCC.  
10 Exhibit O. The position of Director of the Department Environmental Services was approved  
11 by the BOCC on August 25, 2009. Exhibit P. Funding was approved for the department  
12 through the budgetary process each fiscal year including 2016. Exhibit Q.

13 During the 2015 budget planning process, the BOCC duly authorized and adopted a  
14 budget that both contemplated the existence of and funded a Department of Environmental  
15 Services for fiscal year 2016. Mielke Decl. At this time, Don Benton (Director Benton) served  
16 as the Director of Clark County's Environmental Services Department.

17 On April 29, 2016, Director Benton filed a whistleblower complaint with the  
18 Washington State Auditor and sent the same to Director Francine Reis. Exhibit R. In this  
19 complaint, Director Benton alleged that County Manager McCauley directed Benton to prepare  
20 a report that directly contradicted the BOCC's action taken on December 15, 2015. *Id.* The  
21 allegations in that complaint echoes the allegations above with respect to the Dean contract in  
22 that the Councilors that are now subject to recall directed Manager McCaulley to accomplish a  
23 directive from Councilors Stewart, Olson and Boldt, but not on behalf of the BOCC.  
24 Specifically, Director Benton alleged that he was ordered to stop the process of putting a  
25 particular parcel into surplus as had been previously authorized by the Board. Director Benton

1 alleged that this was part of Manager McCauley's ongoing vendetta against Councilor Madore  
2 and Mielke as they had supported putting the parcel into surplus.

3 In support of his allegations, Director Benton detailed the disciplining of his staff  
4 because of support they had shown minority BOCC members. Specifically, Director Benton  
5 detailed that one of his staff had been disciplined by Manager McCauley at the behest of  
6 Councilors Boldt, Stewart and Olson because he had indicated his support of Councilor  
7 Madore's version of events with respect to Director Orjiako's and Deputies Horne's and  
8 Cook's lying to the Board about procedures used to measure potential land use densities.

9 Likewise, the whistleblower complaint alleged that Manager McCauley at the behest of  
10 the majority rescinded his approval of the promotion of another of his staff as political payback  
11 for Director Benton's support of Councilors Madore and Mielke. Moreover, Benton listed a  
12 litany of other ethical and legal violations including violations of the OPMA occasioned by  
13 Councilors Stewart, Olson and Boldt.

14  
15 On May 11, 2016, just 12 days after filing his whistleblower complaint, Director Benton  
16 was fired by Manager McCauley. On that same date Manager McCauley announced that the  
17 services then housed in the Environmental Services Department would be reassigned to other  
18 departments effectively dissolving the department despite the fact that the BOCC had budgeted  
19 for the existence of the department for the entire 2016 fiscal year. Exhibit S.

20 Once again, the Councilors facing recall were obviously informed of this move before it  
21 was made because no comments were made at the BOCC meeting that day. Councilors Madore  
22 and Mielke once again had to learn of this change via The Columbian. Madore and Mielke  
23 Decls.

24  
25 At the executive session on May 18, 2016, Councilor Mielke objected to the action,  
raising concerns that such an action infringed on the powers of the BOCC. Manager McCauley



1 presumptively stated that he had the power to do it and that was that. Mielke Decl. Councilor  
2 Boldt stated it was McCauley's independent decision, abrogating any power to oversee such  
3 decisions by the county manager to which Olson and Stewart demurred. Mielke Decl.

4 Councilor Mielke objected to the dissolution and called Emily Sheldrick at the  
5 Prosecutor's Office to ask for legal assistance. He left a message. Mielke Decl. He then called  
6 Prosecutor Golik and left another message. *Id.* He then emailed Prosecutor Golik about these  
7 problems. Exhibit T. His request was responded to that afternoon by Deputy Prosecutor  
8 Sheldrick who parroted Manager McCauley's justification stating that "since [the] question  
9 concerns personnel matters, it should be directed to the County Manager. Exhibit U. Mielke  
10 took exception because it had to do with employee salaries, budgets and departmental structure.  
11 *Id.* In the exchange, it was proposed that the issue could be discussed during an executive  
12 session. Mielke accepted this as "better late than not at all." *Id.* Mielke then stated "that we  
13 authorize the existence of a department by budget and only the Board does [the] budget, only  
14 the Board can authorize the money budgeted to be moved." *Id.* Prosecutor Golik returned  
15 Mielke's email agreeing an executive session of the BOCC should resolve this matter. Exhibit  
16 T.

17  
18 At the executive session on May 26, 2016, Councilor Mielke tried to discuss this issue  
19 with the Board. He was steamrolled by Councilor Boldt, who claimed Manager McCauley had  
20 the power to do such despite the fact that Boldt previously had favored having a separate  
21 department in the first place *and had voted for funding to establish it in the first place.* Such a  
22 reversal indicates that Councilor Boldt's action was politically motivated and not structurally  
23 expedient in that something that is formally done by the BOCC must be undone by the same  
24 process. The other two Councilors, Olson and Stewart, went along with Councilor Boldt.  
25

1 The Clark County Charter specifically grants the BOCC the power to levy taxes,  
2 appropriate revenue and adopt budgets for the County. Charter Sec. 2.4. The process of  
3 establishing a county budget is set forth in RCW 36.40 *et seq.* The budget is submitted by the  
4 auditor or chief financial officer each year. The county Board then considers the proposed  
5 budget and makes whatever changes it feels are advisable. RCW 36.40.050. The budget process  
6 requires both revenues and expenses to be described by offices, departments, services and  
7 institutions. RCW 36.40.050. Once the budgetary hearing is complete, the BOCC fixes and  
8 determines each budget item and adopts it by resolution. RCW 36.40.080 states as follows:

9  
10 Upon the conclusion of the budget hearing the county legislative authority shall  
11 fix and determine each item of the budget separately and shall by resolution  
12 adopt the budget as so finally determined and enter the same in detail in the  
13 official minutes of the board, a copy of which budget shall be forwarded to the  
14 state auditor.

15 When interpreting a statute, courts first look to its plain language.” *State v. Armendariz*,  
16 160 Wn.2d 106, 110, 156 P.3d 201 (2007). If the plain language is subject to only one  
17 interpretation, the court's inquiry ends because plain language does not require construction. *Id.*  
18 The power of the county’s legislative authority is clear – the BOCC has the responsibility for  
19 the final budget, not the County Manager.

20 Where a statutory scheme contains the words “shall” and “may, it is presumed “shall” is  
21 mandatory and “may” is permissive. *Scannell v. City of Seattle*, 97 Wn.2d 701, 704-05, 648  
22 P.2d 435 (1982) (citing *State ex rel. Public Disclosure Comm'n v. Rains*, 87 Wn.2d 626, 633-  
23 34, 555 P.2d 1368 (1976)). RCW 36.40.080 uses the mandatory language while RCW  
24 36.40.070 states taxpayers may appear to testify and the hearing may be continued as required.  
25 This establishes the legislative use of permissive language in the statutory scheme. Therefore,  
the mandatory language requiring that each item (read department) must be fixed separately is  
absolute and mandatory.

1 This mandatory language also includes transfers of funds from one division to another.

2 RCW 36.40.100 states the following:

3 The estimates of expenditures itemized and classified as required in RCW  
4 36.40.040 and as finally fixed and adopted in detail by the board of county  
5 commissioners shall constitute the appropriations for the county for the ensuing  
6 fiscal year; and every county official shall be limited in the making of  
7 expenditures or the incurring of liabilities to the amount of the detailed  
8 appropriation items or classes respectively: PROVIDED, That upon a resolution  
formally adopted by the board at a regular or special meeting and entered upon  
the minutes, transfers or revisions within departments, or supplemental  
appropriations to the budget from unanticipated federal or state funds may be  
made

9 The plain language makes it early that all county officials including the Clark County  
10 Manager are bound by this statute and their authority is limited to what the approved budget  
11 has provided for. A county may transfer appropriations between departments provided a formal  
12 resolution is adopted by the board at a regular or special meeting and entered in the minutes.  
13 Obviously, the dissolving of the Department Environmental Services and the movement of its  
14 staff to other departments require a transfer of funds from the original department to the  
15 remaining departments for salaries. No such resolution was made and voted on. The County  
16 Manager violated RCW 36.40.100 when he made such a transfer without BOCC approval. The  
17 Councilors violated this same statute when they permitted the County Manager to violate this  
18 statute.

19 Moreover, County Manager McCauley violated the Clark County Charter and Code,  
20 and even after being made aware of such a violation the Councilors let him carry on. The  
21 BOCC has the sole authority to adopt budgets for the County. Section 2.4.A. Code 2.15.050  
22 sets forth the duties of the county administrator. Nowhere does it permit the County Manager to  
23 dissolve a Department established by the BOCC. At most, the County Manager has two  
24 functions: (1) recommending an annual budget and provides budgetary supervision (Code  
25

1 2.15.050(1)); and coordinating the functions and work of the officers, committees, institutions  
2 and departments of Clark County. Code 2.15.050(4).

3 The Councilors also violated their oath of office when they let Manager McCauley  
4 violate the Clark County Charter's' separation of powers requirement. Section 1.5, titled  
5 "Separation of powers and cooperation of branches" states the following:

6 On January 1, 2015, the effective date of this charter, the legislative and  
7 executive powers shall be separated into two (2) branches of government. Each  
8 branch is to dutifully fulfill its responsibilities, and shall not extend its authority  
into the other branch, as defined in this charter.

9 The power of the BOCC is clearly set forth in Section 2.4. There, it provides the BOCC  
10 with enumerated powers as the legislative body. Section 2.4.E. The BOCC members are not  
11 permitted to interfere in the administration of the executive branch by issuing orders to any  
12 individual subject to the supervision of the county manager or other elected official. Section  
13 2.6.A. The county manager is also provided powers in Section 3.2.B. These powers permit the  
14 manager to supervise "all administrative departments established by this charger or created by  
15 the council." Section 3.2.B.(1). The county manager has the power to appoint chief officers of  
16 each administrative department. Section 3.3.A. No where does the Charter give Manager  
17 McCauley the power and authority to reconfigure Clark County's administrative structure.  
18 "Abdication or transfer of the legislative function to other governmental branches is  
19 unconstitutional." *State v. Brosius*, 154 Wn. App. 714, 719, 225 P.3d 1049, 1051 (2010) (citing  
20 *Brower v. State*, 137 Wn.2d 44, 54, 969 P.2d 42 (1998)). By permitting the County Manager to  
21 dissolve a department and manipulate the budget without oversight, the Councilors abdicated  
22 the BOCC's legislative function to the executive.

24 Again, the Councilors then had the opportunity to cure Manager McCauley's improper  
25 action dissolving the Department and moving various employees and their salaries to other

1 departments. Of course, they took no action. Manager McCauley spent many years as an officer  
2 in the United States Army. As such, he has an understanding of the chain of command. In such  
3 a situation as this, it is inconceivable that an individual with this background would not have  
4 discussed this action with the Councilors. Such actions were violations of the Councilors oath  
5 of office and are acts of malfeasance and misfeasance.

6 By not forestalling the dissolution of the Department by Manager McCauley or  
7 undertaking appropriate process to dissolve the Department, Councilors Boldt, Stewart and  
8 Olson either abdicated their budgetary responsibility under the Charter and RCW 36.40,  
9 colluded in secret in violation of the OPMA, or violated their responsibility to the charter by  
10 unlawfully delegating their legislative power to the executive.

11 Based on the actions of each Councilor subject to recall, Councilor Mielke asks that the  
12 ballot synopsis for issue number 4 be modified for each Councilor to state the following:  
13

14 Knowingly abdicated his/her budgetary and legislative responsibility granted by  
15 the Clark County Charter and Code to the County Manager to dissolve a county  
16 department that had been approved and budgeted by the Board of County  
17 Councilors for the 2016 fiscal year and knowingly violated the Open Public  
18 Meetings Act in doing so.

17 E. THE COUNCILORS OBSTRUCTED MIELKE'S AND MADORE'S ACCESS TO  
18 LEGAL COUNSEL FROM THE CLARK COUNTY PROSECUTOR'S OFFICE.

19 In response to Councilor Stewart's comment at the April 20<sup>th</sup> meeting of the Board  
20 about it being an executive session item and that it could be moved forward without a vote  
21 because it was an emergency legal item, Chris Horne of the Prosecutor's Office stated the  
22 following:

23 I would tell you that in light of the fact that I am one of the subject of one of  
24 those investigations and in light of what else has happened I don't think it is a  
25 good idea for me to give you a response. I can speak with – I – In most cases I  
would be glad to advise the whole council but given the potential that this will be  
seen as me trying to benefit myself –I-- I have to be careful and so what I would  
tell you is that we will look at that and we will provide you with a written

1 response and we will try to get it to you within the next 48 hours. We may go  
2 back and listen to the taped discussion.

3 Kahrs Decl., Exhibit F, pp. 14-15. Horne promised Councilor Madore a written explanation but  
4 to date none has been forthcoming. Such has been the recent pattern and practice of the  
5 Prosecuting Attorney's office with respect to inquiries made by Councilors Mielke and  
6 Madore.

7 On multiple occasions Councilor David Madore has submitted questions to the  
8 Prosecuting Attorney or his deputies requesting legal opinions on a variety of matters  
9 concerning the operation of County governance.<sup>11</sup> Madore Decl. The Prosecuting Attorney or  
10 his deputies has continually failed to respond to Mr. Madore's written inquiry for legal  
11 assistance.

12 After the dissolution of the Department of Environmental Services, Councilor Mielke  
13 had sought legal assistance from the Clark County Prosecutor's Office. By email, it had been  
14 refused and Mielke had been told to contact the County Manager even though the nature and  
15 extent of the authority of the County Manager was precisely what information he sought. At the  
16 executive session, he was provided no explanation. He made it clear that he had questions  
17 about the legality of the action and the Councilors were aware he never received legal advice  
18 from the Prosecutor's Office and by inaction they ratified the actions of the Prosecutor's office.  
19 He still hasn't received this advice.

20  
21 RCW 36.27.020 defines the duties of prosecuting attorneys. Specifically, RCW  
22 36.27.020(2) provides that the prosecuting attorney shall "be legal adviser to all county and  
23 precinct officers and school directors in all matters relating to their official business...." By  
24

25 <sup>11</sup> When Mielke and Madore were in the majority on the three person Board, they never  
obstructed the minority member from requesting legal assistance from the Clark County  
Prosecutor's Office. Decls. of Mielke, Madore.

1 withholding legal assistance to the minority members of the BOCC, the Councilors violated  
2 their statutory duty. The Councilors cannot rely on the BOCC's Rules of Procedure as  
3 justification. Item XI in the Adopted Rules of Procedure provides that "requests to the  
4 Prosecuting Attorney for formal legal opinions relating to the county board will be presented in  
5 writing and approved by the county manager, board chair or a majority (3) of the board." Such  
6 a provision is in conflict with RCW 36.27.020 and divests minority members of the BOCC  
7 from obtaining legal advice as must be provided by statute. The attempt to frustrate minority  
8 access to council has been ongoing and not limited to the passage of the ordinance vitiating the  
9 Rules of Procedure.<sup>12</sup>

10 By passage of the ordinance enacting the Rules of Procedure, Councilors Boldt, Stewart  
11 and Olson have abrogated the rights of minority members of the BOCC and continue to  
12 frustrate their right to obtain advice from the Prosecuting Attorney as is their right pursuant to  
13 RCW 36.27.020.

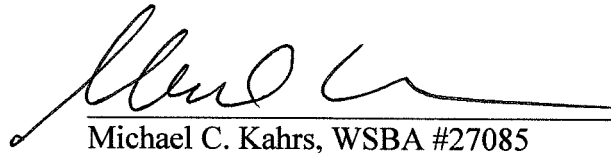
#### 14 IV. CONCLUSION

15 Petitioner respectfully asks that the Court find the acts alleged herein satisfy the criteria  
16 for which a recall petition may be presented to the voters and certify the adequacy of a ballot  
17 synopsis pursuant to RCW 29A.56.140 and further direct the synopsis to the county auditor  
18 with an appropriate order commanding that an election be held so that the citizens might be  
19 allowed to recall their elected officials for the above described malfeasance and misconduct.  
20  
21

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22  
23 <sup>12</sup> On April 19 2016, the Board voted to allow Deputy Prosecutor Horne and Cook to  
24 continue to advise the Board on Growth Management Act matters despite Councilor Madore's  
25 accusation that they knowingly provided false information to the BOCC. It was only after  
Madore's personal attorney intervened and personally met with Prosecutor Golik did the  
prosecutor's office decide not to use the waiver and retained outside counsel to advise the  
BOCC on matters concerning the GMA. Power Decl.

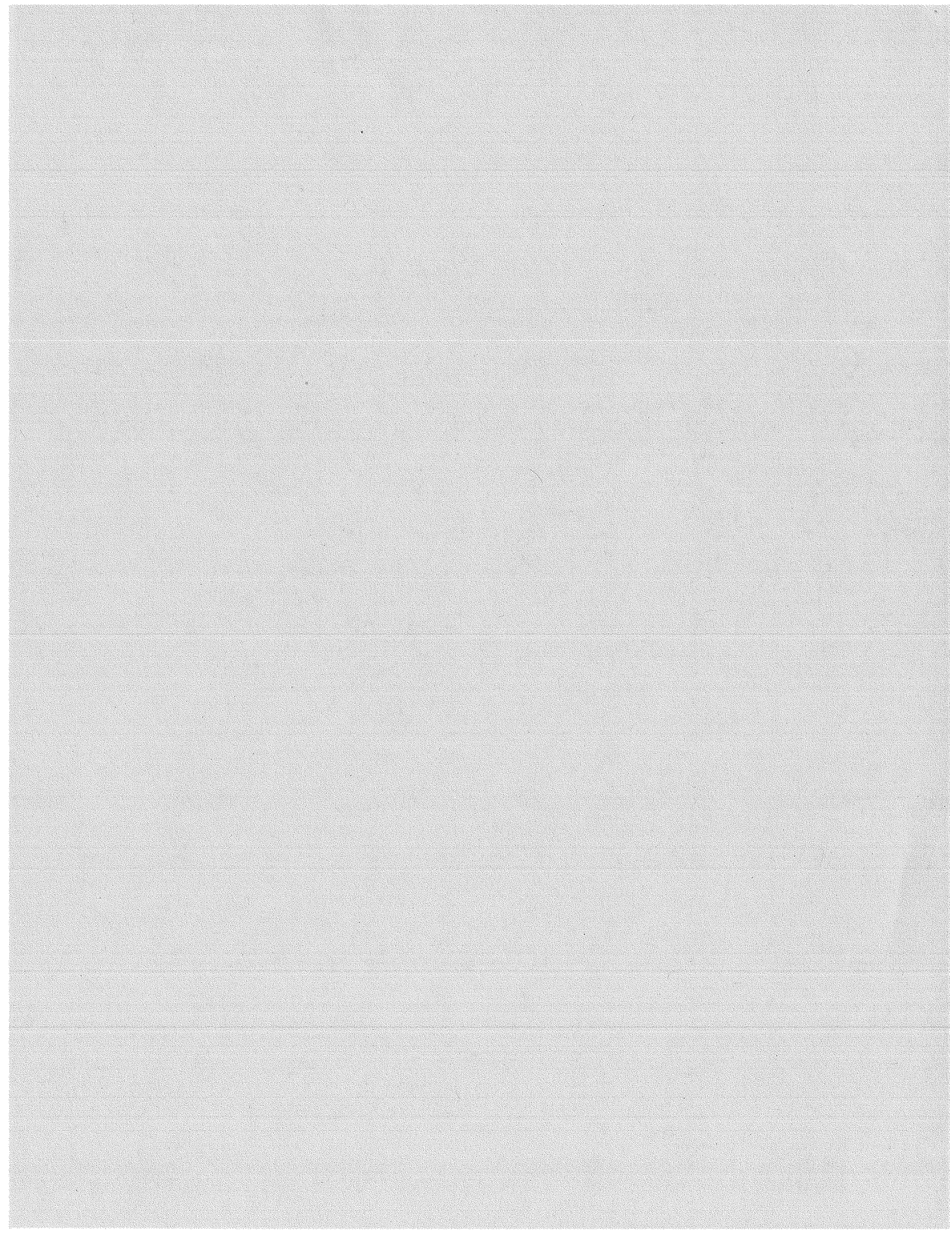
SIGNED THIS 25 day of July, 2016.



Michael C. Kahrs, WSBA #27085  
Attorney for Petitioner Mielke

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## **APPENDIX A**

## **ARTICLE 1 – POWERS OF THE COUNTY**

### **Section 1.1 General powers**

The county shall have all powers possible for a home rule county under the state constitution.

### **Section 1.2 Intergovernmental relations**

The county may, in the exercise of its powers and performance of its functions and services, agree by contract or otherwise to participate jointly or in cooperation with any one (1) or more other governments, governmental agencies or municipal corporations, and share the costs and responsibilities of such powers, functions and services.

### **Section 1.3 Construction**

The powers of the county granted by this charter shall be liberally construed, and the specific statement of particular powers shall not be construed as limiting the general powers. Reference to the state constitution and general law in this charter shall be construed as a continuing reference to them as they may be amended from time to time. This charter and ordinances enacted hereunder shall supersede special and general laws which are inconsistent with the charter and ordinances to the extent permitted by the state constitution.

### **Section 1.4 Name, boundaries, county seat**

The corporate name of this county shall remain Clark County, and the boundaries and county seat shall remain as on the date of enactment of this charter until changed.

### **Section 1.5 Separation of powers and cooperation of branches**

On January 1, 2015, the effective date of this charter, the legislative and executive powers shall be separated into two (2) branches of government. Each branch is to dutifully fulfill its responsibilities, and shall not extend its authority into the other branch, as defined in this charter.

## **ARTICLE 2 – THE LEGISLATIVE BRANCH**

### **Section 2.1 County council composition**

The legislative power of the county not reserved to the people or executive branch shall be vested in a county council. The council shall consist of five (5) members. The voters of each of four (4) districts shall nominate and elect one (1) council member to represent their district. The fifth member shall be nominated and elected by the voters of the entire county.

### **Section 2.2 Organization**

- A. The council member nominated and elected countywide shall be the chair of the council.
- B. The chair shall preside over council meetings and ensure the orderly and efficient conduct of council meetings. The chair, or his or her designee, will be the county's spokesperson to articulate council policies, vision, strategies and plans; represent the county before the governor, state legislature and other state and federal agencies; meet and greet important visitors; supervise constituent response processes for the council as a whole; and serve as the county's lead representative at dedications, ceremonial activities and other public events.

- C. The council shall annually elect one (1) of its members as vice-chair, who shall act in the absence of the chair.
- D. The chair of the council shall serve on all boards and commissions that require representation by two (2) or more council members. Otherwise, the council shall vote to appoint its members to boards and commissions.
- E. A majority of the council shall constitute a quorum at all meetings.
- F. The council shall take action by and pursuant to the vote of at least a majority of its members, except where a different vote is required by this charter. A two-thirds majority of members equals four (4) votes.
- G. Except as otherwise provided in this charter, the council shall be responsible for its organization and rules of conduct for business.

**Section 2.3 Terms of councilmembers**

The term of office of each council member shall be four (4) years, and until a successor is elected and qualified.

**Section 2.4 Powers of the council**

The enumeration of particular legislative powers shall not be construed as limiting the legislative powers of the council. The council shall be the policy-determining body of the county. The council shall exercise its legislative power by adoption and enactment of ordinances, resolutions and motions. Subject to state and federal law, it shall have the power to:

- A. Levy taxes, appropriate revenue, and adopt budgets for the county.
- B. Establish compensation for all county employees and provide for the reimbursement of expenses.
- C. Adopt by ordinance comprehensive plans and land development codes, including improvement plans for present and future development in the county.
- D. Conduct public hearings on matters of public concern to assist in performing its legislative responsibilities.
- E. Carry out other legislative duties as authorized and required by law.
- F. Set collective bargaining guidelines and approve collective bargaining agreements.
- G. Confirm or reject appointments to boards and commissions forwarded by the county manager.
- H. Have concurrent authority with the county manager to nominate members to the following boards and commissions. Members are appointed by the council.
  - 1. Clark County planning commission.
  - 2. Clark County historic preservation commission.
  - 3. Board of equalization of assessment.

**Section 2.5 Rules of procedure**

- A. Subject to limitations provided by this charter, the council shall adopt by ordinance rules of procedure governing the time, place and conduct of regular meetings and hearings and the introduction, publication, consideration and adoption of ordinances.
- B. All meetings shall be open to the public, except to the extent executive sessions are authorized by law. A verbatim public record of each public meeting shall be kept. The record shall be retained in the form provided by ordinance and as required by state law for a reasonable period of time. Written minutes shall be promptly recorded and include a summation of actions from each council meeting and a record of votes by each councilmember.
- C. The council shall meet regularly and no fewer than twenty-two (22) times in a calendar year.

**Section 2.6 Relationship with other branches**

- A. Council members shall not interfere in the administration of the executive branch. They shall not issue orders to or direct, either publicly or privately, any officer, agent, employee, contractor or vendor subject to the direction and supervision of the county manager or other elected official.
- B. Nothing contained herein shall prohibit a council member from:
  - 1. Referring a citizen complaint or submitting a request for information to the county manager or another elected official.
  - 2. Submitting a request to the county manager to work with a department head to investigate a constituent issue.
  - 3. Requesting information or advice pertinent to the legislative deliberations and actions of the council from any officer, agent, employee, contractor or vendor subject to the direction and supervision of the county manager or other elected official.

**ARTICLE 3 – THE EXECUTIVE BRANCH**

**Section 3.1 Composition and powers**

The executive branch shall be composed of the county manager, assessor, auditor, clerk, prosecuting attorney, sheriff, treasurer and the officers and employees of administrative departments and elected executive offices established by state law or this charter or created by the council. The executive branch shall have all executive powers of the county under this charter.

**Section 3.2 The county manager**

- A. Appointment.
  - 1. Appointment or termination of a county manager shall require a simple majority vote of the council.
  - 2. The county manager shall be selected on the basis of his or her executive experience and professional administrative qualifications.
  - 3. No member of the council shall, during the time for which he or she was elected, be appointed county manager.
  - 4. The county manager shall serve at-will. The council shall establish the county manager's terms of employment, including compensation, by written contract, provided the county manager's employment shall be at-will and terminable in accordance with contract terms and this charter.
  - 5. Employment of a county manager shall not be construed as changing the relationship of the council members or other elected officials to their constituents, or the relationship of the council members to other elected officials.
  - 6. The county manager shall designate a qualified employee of the county as his or her deputy county manager. The deputy county manager shall perform the duties of the county manager during the county manager's extended absence or disability.

**B. Powers and Duties.**

The county manager shall be the county's chief executive officer and have all executive powers of the county which are not expressly vested in other elected officers by state law or this charter. The county manager shall have the power to:

- 1. Supervise all administrative departments established by this charter or created by the council.
- 2. Execute and enforce all ordinances and state statutes not assigned to other elected officials.

3. Present to the council an annual statement of the county's fiscal and governmental affairs, and any other report which he or she may deem necessary.
4. Annually prepare and present to the council a budget and budget message setting forth proposals for the forthcoming fiscal year.
5. Prepare and present to the planning commission comprehensive plans, including capital improvement plans, and development ordinances for present and future development; present the planning commission's recommendations on these matters to the council.
6. Determine the organizational structure of and assign duties to administrative departments which are not specifically assigned by this charter or ordinance.
7. Sign or cause to be signed on behalf of the county all deeds, contracts and instruments not otherwise reserved to others by this charter or state law.
8. Conduct collective bargaining on behalf of the county, subject to state and federal law and budget direction provided by the council and as allowed by state law.
9. Manage properties owned by the county.

The specific statement of particular executive powers shall not be construed as limiting the executive powers of the county manager.

### **Section 3.3 Appointments by the county manager**

- A. The county manager shall appoint the chief officer of each administrative department.
  1. The county manager shall appoint chief officers on the basis of their abilities, qualifications, integrity and experience concerning the duties of the office to which they are appointed.
  2. No time limitation shall be imposed on the term of employment for appointed chief officers of administrative departments.
- B. The county manager shall appoint members of boards, commissions and task forces except as provided by state law, intergovernmental agreement or this charter. Appointments by the county manager shall be presented to the council during a regular council meeting. Within thirty (30) calendar days, the council shall accept or reject the appointment by a majority vote. Failure to act within thirty (30) days constitutes acceptance of the appointment. A rejection applies to that board, commission or task force position only.

### **Section 3.4 Administrative departments**

- A. The administrative departments shall consist of the departments and agencies of the executive branch that are not headed by other elected officials.
- B. The chief officer of each administrative department shall appoint all officers and employees of his or her department. The chief officer shall comply with the county's human resources policies and procedures when appointing officers and employees to positions covered by human resources policies and procedures.

### **Section 3.5 Other elected officials**

Other elected officials include the assessor, auditor, clerk, prosecuting attorney, sheriff and treasurer.

### **Section 3.6 Appointments by other elected officials**

Other elected officials shall appoint all officers and employees of their respective elected executive offices. Other elected officials shall comply with the county's human resources policies when appointing officers and employees unless alternate human resource policies have been adopted by that official. The chief officers shall be appointed on the basis of their abilities, qualifications, integrity and experience concerning the duties of the office to which they are appointed.

## **APPENDIX B**

**2.09.030 County manager procurement authority.**

- (1) The county manager is authorized to execute contracts in the amounts and subject areas set forth below for:
  - (a) Contracts for the procurement of professional services not to exceed two hundred thousand dollars (\$200,000) upon compliance with all other applicable state and federal laws. Professional service contracts funded by the general fund in an amount exceeding one hundred thousand dollars (\$100,000) shall require prior council approval.
  - (b) Contracts on behalf of the department of community services and health department to implement grants received by the state and federal government and other funding for vulnerable populations: one hundred percent (100%) of the contract amount; provided, however, the contracts are within the annual budget approved by the board of county councilors.
  - (c) All bids for capital project contracts that are in the board of county councilors' approved capital plans and fully budgeted. Once all bid requirements are satisfied the county manager is authorized to execute these capital project contracts without limit.
  - (d) For capital equipment items in the board of county councilors' approved equipment acquisition plan that are fully budgeted, the county manager may execute these contracts, without limit, once all bid requirements are satisfied.
  - (e) Supply and maintenance contracts shall be limited to two hundred thousand dollars (\$200,000). Supply and maintenance contracts funded by the general fund in an amount exceeding one hundred thousand dollars (\$100,000) shall require prior council approval.
  - (f) Interlocal agreements: The county manager may execute interlocal agreements upon approval by the board of county councilors, provided, the county manager may execute interlocal cooperative agreements to share in purchasing opportunities with other governmental entities.
  - (g) When the county proposes to lease property, the county manager may execute leases in compliance with Chapter 2.33A once the board either declares the property surplus and available for lease or adopts policies and procedures to surplus the property. The county manager may grant easements for utility service necessary to provide power, water, sewer, telephone or other utility service to a particular portion of county property.
  - (h) Leases where the county is the lessee: The county manager may execute new leases upon approval of the board of county councilors. Once approved, the county manager may execute extensions or renewals if budget authority has previously been granted.



- (i) Expenditures of discretionary funds categorized as "county-wide" will only occur with prior approval of the council.
- (2) Prior to the execution of any contract subject to subsection (1) of this section, the county manager will publish all contracts and staff reports on the Clark County website including a summary of the contract purpose, funding sources, and contract term. The county manager will also provide a copy of the staff reports and/or contracts to county councilors for their review and will not execute the documents for one week to provide any councilor an opportunity to review and request individual consideration of a document prior to execution. Contracts signaled for individual consideration will be approved by a majority vote of the council at a public meeting.
- (3) All other contracts not discussed in subsection (1) of this section are subject to prior approval by the board of county councilors prior to execution by the county manager. (Sec. 3 of Ord. 2015-05-07)

**Compile Chapter**

The Clark County Code is current through Ordinance 2016-04-03, passed April 26, 2016.

Disclaimer: The Clerk of the Board's Office has the official version of the Clark County Code. Users should contact the Clerk of the Board's Office for ordinances passed subsequent to the ordinance cited above.

County Website: <http://www.clark.wa.gov/>  
(<http://www.clark.wa.gov/>)  
County Telephone: (360) 397-2232  
Code Publishing Company  
(<http://www.codepublishing.com/>)

**2.15.010 County administrator.**

There is herewith created, under the classification and compensation ordinances of Clark County, the position which shall be known as county administrator and designated as chief administrative officer of county government. Said position shall be appointed by the board of county commissioners. (Sec. 1 of Ord. 2007-03-10)

**Compile Chapter**

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**2.15.040 Powers.**

The county administrator shall generally advise, assist, act as agent for and be responsible to the board of commissioners for the proper and efficient conduct of the administrative affairs of the county as are placed in his/her charge by the board of commissioners. He/she shall be responsible for the enforcement of ordinances, orders, or regulations as directed by the board of commissioners. All appointed department heads under the jurisdiction of the board of commissioners shall report to the county administrator. (Sec. 4 of Ord. 2007-03-10)

**Compile Chapter**

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**2.15.050 Duties.**

In order to serve effectively, the county administrator shall:

- (1) Recommend an annual county budget and exercise continuous budgetary supervision in conjunction with the director of the budget;
- (2) Confer with and assist all department heads and receive reports of the activities of such departments under the jurisdiction of the board of commissioners;
- (3) Recommend improved or standardized procedures;
- (4) Assist in the coordination of the functions and work of all officers, committees, institutions, and departments of the county, and devise ways and means whereby efficiency and economy may be secured in the operation of all offices, institutions, departments and their functions;
- (5) Conduct continuous research in improved administrative practices;
- (6) Represent the county in its intergovernmental relationships as directed by the board of commissioners;
- (7) Recommend long-term plans of capital improvement with accompanying financial plans;
- (8) Direct the enforcement of human resource policies and practices through a central human resources department;
- (9) Examine regularly at periods fixed by the board of commissioners of accounts, records, and operations of every commission, department, office, and agency under control of the board of commissioners and report these findings to the board of commissioners. On a regular basis he/she shall make recommendations to the board of commissioners for action to be taken relative to the efficient operation of the county, the betterment of public service, and the future needs of Clark County;
- (10) Direct the purchase of all property, equipment, supplies, services and related contracts and the enforcement of the purchasing ordinance through the general services department;
- (11) Develop financial plans in which revenues and expenditures are forecasted against anticipated county growth;
- (12) Manage county-owned property and facilities, as directed by the board of commissioners. (Sec. 5 of Ord. 2007-03-10)

**Compile Chapter**

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## **APPENDIX C**

placing it on the county's website at [www.clark.wa.gov](http://www.clark.wa.gov) and emailing it, on request, in accordance with RCW 42.30.080.

## **VI. Quorum**

A quorum is necessary for the transaction of board business. A majority of three (3) councilors will constitute a quorum and is the minimum number of votes required to take any action, regardless of the number of councilors present.

## **VII. Agenda, Conduct of Regular Meetings and Special Board Hearings**

- A. All Board of County Councilors meeting agendas will provide for the following order of business:
- a. Special recognition, if applicable
  - b. Pledge of Allegiance
  - c. Invocation
  - d. Bid awards, if applicable
  - e. Public Testimony on Consent & Separate Business Items
  - f. Consent Agenda
  - g. Separate Business
  - h. Open Public comment
  - i. Public hearing matters, if applicable
  - j. Councilor communications
  - k. Adjourn
- B. The county manager, or his or her designee, is responsible for reviewing the board meeting agenda prior to posting. Any councilor may request an item be removed from a consent agenda for discussion. The board will consider an item removed from a consent agenda as a separate item of business. Approval of a consent agenda is by a simple majority voice vote of the board.
- C. Agendas for regular and special board meetings will be posted in the sixth-floor Hearing Room, placed on the board website at [www.clark.wa.gov](http://www.clark.wa.gov) and emailed upon request at least four (4) calendar days in advance of the meeting.
- D. The county manager has authority to place ordinances, resolutions and/or staff reports on the meeting agenda after review of the proposed agenda items with the Budget director during their weekly review the Wednesday preceding the next regular meeting. A councilor seeking to put an item on a meeting agenda will take the item to the board chair with the support of at least one other councilor. All ordinances will be reviewed and signed by the Prosecuting Attorney, or designee, prior to action by the board.
- E. The form, enactment, amendment and repeal of board ordinances; the nature and passage of board resolutions; and the nature and passage of board motions shall conform to Section 8.1 through Section 8.6 of the county charter.

## **IX. Executive Sessions**

The board may meet in executive session only to discuss matters set forth in RCW 42.30.110, including pending litigation, site acquisition of real estate and the price thereof and certain personnel matters. Executive sessions must be an extension of a properly noticed public meeting. At the end of an executive session, the board must reconvene in regular session to take action or adjourn.

## **X. Minutes**

Action minutes will be kept of all regular and special board meetings. Audio or video recordings will be kept for all work sessions and Board Time. Minutes will be open and available to the public. Audio recordings will be uploaded to The Grid. Minutes are not required for executive sessions.

## **XI. Legal Opinions**

Requests to the Prosecuting Attorney for formal legal opinions relating to the county board will be presented in writing and approved by the county manager, board chair or a majority (3) of the board.

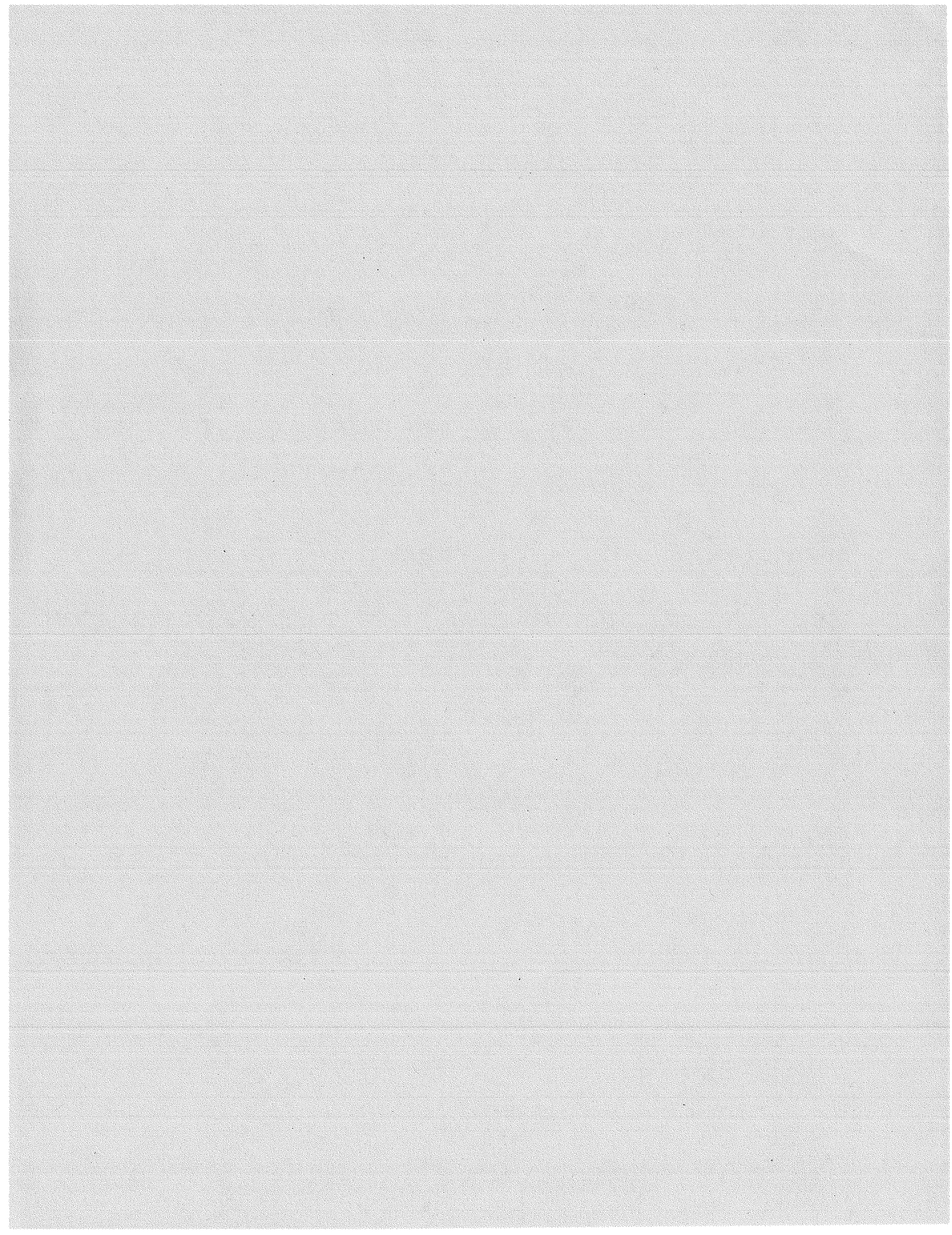
## **XII. Ad hoc, Special Committees and Task Forces**

Ad hoc, special committees and/or task forces may be established as determined and recommended by the board. Each will cease to function when it has completed its duties and made its final report. Appointments to such groups will be made by the board.

## **XIII. Appointments to Boards, Commissions and Task Forces**

- A. The county manager will appoint members of boards, commissions and task forces as provided by state law, and the appointments will be presented to the county board during a regular meeting. The board will confirm or reject the appointments by a majority vote within thirty (30) calendar days. Failure of the board to act within thirty (30) calendar days constitutes acceptance of the appointment.
- B. The board will have concurrent authority with the county manager to nominate members of the: Clark County Planning Commission; Clark County Historic Preservation Commission; Clark County Board of Equalization of Assessment.
- C. Any recommendation for appointment must be made with the written résumé of the candidate's qualifications, which will be included with the agenda for the appropriate council meeting. Résumés are not required for reappointments.
- D. Vacancies in any board, commission or task force will be reported to the board on a monthly basis.





**TABLE OF EXHIBITS**

<b>Number</b>	<b>Description</b>
A.	Madore exhibit highlighting the false testimony on Growth Management Act
B.	Washington State Council of County and City Employees letter to Director Reis dated 03/02/2016
C.	Orjiako Harassment Complaint letter to Reis dated 03/15/2016
D.	Dean acceptance letter to Reis dated 03/19/2016
E.	Agendas and minutes for March 2, 8, 9, 15, 16, 22, and 23, 2016 BOCC meetings
F.	Transcription of the April 20, 2016 opening meeting of the BOCC
G.	The Rebecca Dean Report
H.	Email thread between Councilor Madore and Manager McCauley about an err in a transcript
I.	Staff report submitted to the BOCC for its deliberation on the paper of record with original circulation figures
J.	Spreadsheet showing updated circulation figures for the newspapers
K.	Representative articles and columns run in the Columbian showing prejudice against Councilor Madore
L.	Columbian mug photos with Editor Brancaccio showing his contempt for Councilor Madore
M.	July 17, 2009 memorandum from County Manager Bill Barron to County Commissioner Steve Stuart
N.	August 2009 BOCC Retreat Commissioner Topics
O.	August 18, 2009 Staff Report on new Director of Environmental Services
P.	August 25, 2009 Consent Agenda for BOCC
Q.	2015-16 Department of Environmental Services line item budget

R.	Benton's whistleblower complaint filed with the Washington State Auditor and sent to Director Reis
S.	May 11, 2016 news release from Manager McCauley announcing the dissolution of the Department of Environmental Services
T.	Email thread between Councilor Mielke and Prosecutor Golik
U.	Email thread between Councilor Mielke and Deputy Prosecutor Sheldrick

## Clear allegations of wrongdoing by the Prosecuting Attorneys and Planning Director

It appears that the accused parties have substituted a "straw man argument" in place of the actual specific alleged misconduct that must be investigated. The evidence for that diversion is the March 1 entry of the following table as well as the absence of these specifics from the Rebecca Dean contract.

To be clear, the very specific allegations are listed in the following table:

**Specific Allegations Table A**

Date	RCW 9A.76.175 alleged violation
January 13, 2016	<p>The Planning Director and Attorney Cook insisted that the RVBLM (Rural Vacant Buildable Lands Model) including the RVBLM assumptions as published on October 20, 2015, were revealed to and approved by the county commissioners in previous years and by the county councils of 2015 and 2016. (See Table 1 below)</p> <p>The truth is that the RVBLM and the associated assumptions were not revealed to the Board nor were they approved. Councilor Madore knew this to be the case and challenged the Planning Director and Attorney Cook. Their response was to insist that they were correct and misled the councilors by asserting that table 2 (general planning assumptions) were the RVBLM assumptions.</p>
February 16	<p>The Planning Director and Attorney Cook insisted that the same RVBLM planning assumptions that they insisted on January 13 were approved by the BOCC, were in fact not the RVBLM assumptions at all. The assumptions as published in Table 1 were not the RVBLM assumptions. They insisted that they were instead, the urban VBLM assumptions. When challenged by Councilor Madore, they insisted that the RVBLM assumptions were not those specified in Table 1. When pressed to specifically identify which of the 8 assumptions in table 1 were not the actual RVBLM assumptions, they could not specify any and said they would get back with the Board with the specifics (which never happened).</p>
February 23	<p>The Planning Director and Attorney Horne (substitutng for Attorney Cook), insisted that there the RVBLM did not exist and it was not used. Councilor Boldt independently insisted the same thing. Attorney Horne's statement was that they did not "technically" use the RVBLM. He then explained that Judge Poyfair in a 1997 court order, prohibited the county from basing the rural capacity numbers on an RVBLM because it produced erroneous results. That was true in 1994 and remains true now. The truth is that the RVBLM was not only used at the direction of the Planning Director, but all of the rural lot capacity numbers were the product of the RVBLM. The repeal of Alternative 4 was based upon these false and misleading statements. Rather than allowing any doubt or any other answers, in each of these answers, the Attorneys and Planning Director adamantly insisted that there were no other possible answers.</p>
March 1, 2016	<p>Attorney Chris Horne misconstrued the allegations against Prosecuting Attorneys Cook and Horne and the Planning Director to be instead, against GIS staff.</p>

**RCW 9A.76.175** A person who knowingly makes a false or misleading material statement to a public servant is guilty of a gross misdemeanor. "Material statement" means a written or oral statement reasonably likely to be relied upon by a public servant in the discharge of his or her official powers or duties.

**Table 1: GIS Rural Vacant Buildable Lands Model (VBLM) Assumptions**

Ref	A (existing)	B (proposed)
1	Every possible rural parcel shall be counted as a parcel that will develop regardless of conditions that would likely make such development unlikely.	These rural VBLM assumptions should be used not to reflect what is possible, but to reasonably plan for what is likely. Parcels that cannot reasonably be expected to develop should not be counted as parcels likely to develop. Cluster development remainder parcels that are known to be prohibited from further development should not be counted as parcels likely to develop.
2	Rural parcels located in areas far from basic infrastructure with continuous long term commercial forestry operations should be counted as parcels that will develop.	Parcels located in areas far from infrastructure with long term commercial forestry operations likely to continue should not be counted as likely to develop. These assumptions are not used to authorize or to prohibit the development of individual parcels. Rather, these assumptions should only be used for tallying parcel totals for general planning information.
3	Rural parcels including 100% of environmentally constrained areas that lack sufficient area for septic systems and well clearances shall be counted as rural parcels that will develop.	Rural parcels that have less than 1 acre of environmentally unconstrained land sufficient area for septic systems and well clearances should not be counted as likely to develop.
4	History shows that about 30% of dividable parcels with homes and 10% of vacant dividable parcels do not develop further. So those deductions have been applied to urban planning totals for years. But every rural parcel shall be counted as a parcel that will divide to the maximum degree possible.	History shows that about 30% of dividable parcels with homes and 10% of vacant dividable parcels do not develop further. So those deductions have been applied to urban planning totals for years. These same deductions should be applied to rural planning totals as well.
5	As long as county code allows, lots that are up to 10% smaller than the minimum lot size should be considered as conforming lots and counted as parcels likely to develop.	Same
6	Although county code prohibits most nonconforming parcels from developing, all nonconforming parcels with 1 acre shall be counted as rural parcels that will develop.	Due to some exceptions from the norm, 10% of nonconforming parcels with at least 1 acre of unconstrained area will likely develop.
7	A 15% urban Market Factor provides some margin for the law of supply and demand to comply with the GMA requirement to provide a sufficient supply and achieve the affordable housing goal. But a 0% Market Factor shall be used for rural areas.	A 7.5% rural Market Factor should be used to provide a reasonable margin for the law of supply and demand to comply with the GMA requirement to provide a sufficient supply and achieve the affordable housing goal. Implementation of this rural Market Factor is accomplished by deducting this percentage of parcels from the total available rural parcels. Note that this rural Market Factor is half of the urban Market Factor of 15% in order to also satisfy the GMA goal of reducing low density sprawl.
8	A 27.7% infrastructure deduction for infrastructure including roads, storm water, parks, schools, fire stations, conservation areas, lakes, streams, protected buffers, Etc.. A 0% deduction shall be used for rural areas.	Same



WASHINGTON STATE  
COUNCIL OF COUNTY AND CITY EMPLOYEES  
AFSCME AFL-CIO

2102 Carriage Drive SW - Bldg. G  
Olympia, WA 98502  
Phone 360-438-7449  
Fax 360-438-7463  
E-Mail c2olympia@council2.com

Affiliated with:  
American Federation of State, County & Municipal Employees  
Washington State Labor Council

CHRIS DUGOVICH President/Executive Director

March 2, 2016

Francine Reis  
Director of Human Resources  
Clark County  
PO Box 6000  
Vancouver, WA 98666

Dear Francine:

In response to our concerns regarding Councilor Madore's activities related to the Comprehensive plan process, you sent a letter dated December 18, 2015 asking that we bring forward any future concerns.

Subsequent to your letter, Councilor Madore has publicly alleged, through an editorial in the Reflector and on several Facebook posts, that "planning staff" acted in an unethical, dishonest and deceptive manner. (Reflector op-ed January 27; David Madore Facebook post January 27; David Madore Facebook post February 22; BOCC Public Hearing February 23; David Madore Facebook post February 29.)

Our members feel these allegations are unfounded and defamatory. In addition, these allegations appeared a little more than a month after your letter, so it's difficult to conclude that these are not retaliatory actions.

These unfounded allegations have a negative effect on our members' credibility and their ability to conduct their work engaging the public, tantamount to creating a hostile work environment. Further, these allegations tend to cast a shadow on all county employees in carrying out their duties serving the public.

We recognize that this is uncharted territory for the County to have to address the behavior of an elected official, however unless Councilor Madore's public allegations cease we will have no choice but to file an Unfair Labor Practice.

Sincerely,

Larry Clark  
Staff Representative  
AFSCME, Council 2

cc: Karyn Morrison, President, Local 307CO

### MADORE: LIST OF ALLEGED LABOR/CONTRACT VIOLATIONS

- Directly contacted the Washington state Department of Commerce regarding the county's comprehensive plan update.
- Drafted Alternative 4 of the comprehensive plan update.
- Dictated what was to be analyzed regarding Alternative 4 in the Draft Supplemental Environmental Impact Statement.
- Prepared the Powerpoint presentation for the March 11<sup>th</sup>, 2015 Board of County Councilors (BoCC) comprehensive plan work session.
- Made the staff presentation at the March 11, 2015 BoCC work session.
- Directly contacted the consultant, ESA, regarding the document the consultant was preparing for the County Draft Supplemental Environmental Impact Statement.
- Edited the first draft of the Draft Supplemental Environmental Impact Statement.
- Modified open house materials for open houses that were held on March 24<sup>th</sup>, 2015 and April 1<sup>st</sup>, 2015.
- Revised the Alternative 4 maps in between the March 24<sup>th</sup> and April 1<sup>st</sup> open houses.
- Made presentations on Alternative 4 at the March 24<sup>th</sup> and April 1<sup>st</sup> open houses.
- Made a presentation on Alternative 4 at the La Center Grange, August 13<sup>th</sup> of 2015.
- Drafted the Alternative 4 Update-Population Forecast Correction for the October 20<sup>th</sup> BoCC hearing.
- Created LPA Alternative maps for Agriculture, Forest, and Rural zones, also for the October 20<sup>th</sup> BoCC hearing.
- Made the staff presentation at the October 20<sup>th</sup> BoCC hearing.
- October 30<sup>th</sup>, sent an email directing staff how to conduct public involvement and when to schedule joint Planning Commission (PC)/BoCC work sessions and hearings.
- Edited the press release and legal notice for the November 9<sup>th</sup> joint PC/Board work session.
- November 2<sup>nd</sup>, prepared a staff report for the joint PC/BoCC work session on November 9<sup>th</sup>.
- November 4<sup>th</sup>, emailed his staff report and maps directly to the PC hearing on November 19<sup>th</sup>.
- Drafted the legal notice for the November 24<sup>th</sup> BoCC hearing.
- In an email, dated November 12<sup>th</sup>, he directed staff not to present their information or "advocate" as he called it by presenting their analysis at the public meetings on November 16<sup>th</sup> and 17<sup>th</sup>, or at the Planning Commission hearing on Thursday November 19<sup>th</sup>.
- For the November 16<sup>th</sup> & 17<sup>th</sup> public meetings, he prepared the informational materials for the these meetings and also directed staff to prepare a Powerpoint presentation with information he provided. He also directed staff regarding what materials should be sent to the printers or "J2", including contacting them directly to see if we had given them materials yet and offering to get the printed materials for us.
- Directed the department staff on how public notices should be prepared, per an email dated November 17<sup>th</sup>, 2015.

LAW OFFICES OF  
**GREGORY D. FERGUSON, PC**  
EMPLOYMENT, OPEN GOVERNMENT & CIVIL LITIGATION

March 15, 2016

*Via Email and Regular Mail*

Francine Reis  
Director of Human Resources  
Clark County, Washington  
PO Box 5000  
Vancouver, WA 98666-5000

Re: Oliver Orjiako – Whistleblower and EEO Complaint

Dear Director Reis:

I write for the purpose of initiating a Local Government Whistleblower and discrimination and harassment complaint on behalf of my client, Community Planning Director Oliver Orjiako. This complaint is being submitted to you in writing pursuant to County policy No. 23.0 and the County's policy No. 3.0 prohibiting discrimination and harassment in the workplace ("Equal Opportunity Employment and Harassment").

**Whistleblower Complaint/Governmental Waste and Mismanagement**

As you may be aware, Mr. Orjiako has repeatedly voiced complaints that Councilor David Madore's solitary efforts to develop his proposed "alternative 4" have violated the Growth Management Act (GMA) and the County Charter. Councilor Madore has single-handedly commandeered the usual functions of the planning department, alienated staff and preempted public participation, thereby violating many of the basic tenants of the GMA and outlined in the Charter.

As many are aware, growth management in Washington took a notable turn with the passage of the GMA in 1990. The GMA, codified primarily in RCW Chapter 36.70A, was enacted in response to rapid population growth and concerns with unchecked suburban sprawl, environmental problems, quality of life and the impact of growth on rural areas. The GMA requires the fastest growing counties, like Clark County, to adhere to GMA goals regarding:

- Sprawl reduction
- Concentrated urban growth
- Affordable housing
- Economic development
- Open space and recreation
- Regional transportation
- Environmental protection

EXHIBIT C



- Property rights
- Natural resource industries
- Historic lands and buildings
- Permit processing
- Public facilities and services
- Early and continuous public participation
- Shoreline management

Councilor Madore's efforts to unilaterally engage with and hire outside consultants and third parties who he hopes will deviate from the GMA—absent full public participation and transparency—has circumvented both letter of, and important public policies underlying, the GMA.<sup>1</sup> Moreover, his singular actions have contravened the Board's public participation resolution No. 2014-01-10. The ultimate consequence of Madore's gerrymandering has been the gross waste of government funds and a colossal waste of County staff time.

Further, in retaliation for my client's opposition to his efforts to circumvent the GMA, Councilor Madore has publicly harassed and demeaned Mr. Orjiako from the dais during board meetings demonstrating a clear abuse of authority. He has used his bully pulpit to target staff with reprisals and factual falsehoods. Accusations of fraud, deceit and pursuit of an "anti-rural growth agenda" have been leveled against my client with complete disregard of the mandates of the GMA and absent any objective factual basis.

Notably, Councilor Madore accused my client of spearheading a scheme of growth data manipulation during a time when Mr. Orjiako was on extended bereavement leave for nearly a month, residing with relatives in Africa. Though it was impossible for my client to have done what Madore claims, the specious allegations continue nonetheless. Most recently, he accused my client and his staff of criminal conduct in an effort to turn up the heat against those opposing his circumvention of the GMA.

County employees have not lied nor misled anyone. There is no such thing as an "anti-rural development agenda." Indeed, the statute itself embodies a strong public policy in favor of preserving the character of rural lands:

RCW 36.70A.011  
Findings—Rural lands.

The legislature finds that this chapter is intended to recognize the importance of rural lands and rural character to Washington's economy, its people, and its environment, while respecting regional differences. Rural lands and rural-based economies enhance the economic desirability of the state, help to preserve traditional economic activities, and contribute to the state's overall quality of life.

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<sup>1</sup> An example is Peter Silliman, who was the subject of controversy last year when he was appointed with Madore's backing to his position with the board. Silliman is a former freeholder who led the campaign against the Home Rule Charter. As reported by *The Columbian*, he has no background in urban planning. Prior to working for the County, he was an engineer at CenturyLink.

The Legislature has dictated that preserving Washington's rural character<sup>2</sup> is not a choice, but a legal mandate. Washington public policy as expressed in the GMA affords protection from retaliation and termination for those like Director Orjiako who in good faith strive to uphold its mandate.

Mr. Orjiako requests the Board of County Councilors to adopt a resolution affirming that it will follow the GMA and its policy mandates in all respects. Additionally, Mr. Orjiako respectfully asks that an independent investigation be conducted into Councilor Madore's actions as outlined above and into his abuse of public office, official misconduct<sup>3</sup> and perpetual conflicts of interest.<sup>4</sup>

### Complaint of Discrimination and Harassment

From the outset, Councilor Madore was hyper critical of my client's work, and expressed visible irritation with Mr. Orjiako's formal communication style and Nigerian accent. Mr. Orjiako was often interrupted and verbally dismissed by Madore in public settings, and generally treated less favorably than other white male department heads possessing far less knowledge, experience and education.

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<sup>2</sup> (15) "Rural character" refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:

- (a) In which open space, the natural landscape, and vegetation predominate over the built environment;
- (b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;
- (c) That provide visual landscapes that are traditionally found in rural areas and communities;
- (d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;
- (e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;
- (f) That generally do not require the extension of urban governmental services; and
- (g) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.

<sup>3</sup> 9A.80.010  
Official misconduct.

- (1) A public servant is guilty of official misconduct if, with intent to obtain a benefit or to deprive another person of a lawful right or privilege:
  - (a) He or she intentionally commits an unauthorized act under color of law; or
  - (b) He or she intentionally refrains from performing a duty imposed upon him or her by law.
- (2) Official misconduct is a gross misdemeanor.

<sup>4</sup> 42.23.070  
Prohibited acts.

- (1) No municipal officer may use his or her position to secure special privileges or exemptions for himself, herself, or others.
- (2) No municipal officer may, directly or indirectly, give or receive or agree to receive any compensation, gift, reward, or gratuity from a source except the employing municipality, for a matter connected with or related to the officer's services as such an officer unless otherwise provided for by law.
- (3) No municipal officer may accept employment or engage in business or professional activity that the officer might reasonably expect would require or induce him or her by reason of his or her official position to disclose confidential information acquired by reason of his or her official position.
- (4) No municipal officer may disclose confidential information gained by reason of the officer's position, nor may the officer otherwise use such information for his or her personal gain or benefit.

Mr. Orjiako is one of the few (if not the only) department heads that Councilor Madore has decided to permanently remove from his meetings calendar. Rather than schedule in advance as is customary, he randomly drops by my client's office unannounced in a manner calculated to catch Mr. Orjiako unprepared and off balance. Mr. Orjiako's efforts are consistently undermined, and his work product is picked apart. He is a regular recipient of Madore's hostility and public ridicule. Indeed, Councilor Madore treats no other department head with such contempt. The evidence strongly suggests that race and national origin are a motivating factor in Madore's behavior toward my client. That behavior has resulted in a hostile working environment in direct violation of County policy.

Notably, Councilor Madore has a documented history of treating protected class members less favorably than white males. His rather recent unilateral hiring of Don Benton over a superior female candidate Anita Largent resulted a \$250,000.00 settlement and the loss of the proven talent she would have brought to the position. Contrary to his recent public attempts to re-write history, Councilor Madore did in fact "hire" Don Benton as Director of Environmental Services. The transcript of the County board time meeting wherein the decision was made is undeniable. Madore instructed then County Administrator Bill Barron to hire Mr Benton without a single minority or female candidate even being considered:

**Barron:** Just so you know, my interpretation is this [Benton's hiring] will devastate the organization, not only the department but this organization because this is bypassing every human resource process we have for hiring department heads, just so you know.

**Madore:** Bill, I heard what you said earlier and, um, I can assure you your fears are not going to come to pass.

**Barron:** I have no fears. I'm just telling you the reality  
... I do what I am told.

See attached board time transcript, Ex. "A".

Councilor Madore's recent efforts to wave the flag of diversity while espousing the hire of a female "candidate" for a position that is not even yet open and available and who received over \$13,000.00 in campaign donations from Councilor Madore smacks of the same type of historical collusion and cronyism that truly will "get the county sued" yet again.

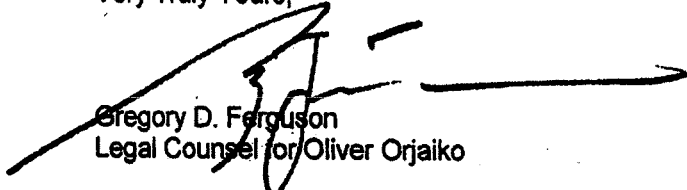
As I believe Mr. Barron often said, "Process is your friend." Yet, Councilor Madore casts process and policy aside when it comes to his treatment of Mr. Orjiako, while simultaneously beating the drum of equality when he believes process can be used to his personal advantage. Councilor Madore has not suddenly seen the light and embraced diversity. Rather he raises the subject only as a foil to direct public attention away from his discriminatory and retaliatory treatment of Director Orjiako.

Councilor Madore's public attacks and harassment of Mr. Orjiako, a dual Nigerian-US citizen who for twenty-five (25) years has devoted himself to the service of Clark County and its citizens, is reprehensible, and occurs during a time where Clark County is lacking needed racial diversity.

Whistleblower/EEO Complaint  
Francine Reis, Director HR  
March 15, 2016  
Page 5

Mr. Orjako requests a full investigation into Councilor Madore's conduct and requests protection from future retaliation as a consequence of his good faith report of discrimination and harassment.

Very Truly Yours,



Gregory D. Ferguson  
Legal Counsel for Oliver Orjako

CC: Chris Horne, Chief Civil Deputy, Prosecuting Attorney's Office (via email)

EXCERPTS OF BOARD TIME PROCEEDINGS

DATE TAKEN: Wednesday, May 1, 2013

PLACE: 1300 Franklin Street, 6th Floor  
Vancouver, Washington

COURT REPORTER: Cindy J. Holley, CCR

Rider & Associates, Inc.  
360.693.4111

to pull together both sides of the aisle up there and pull together a coalition and have it hold during a very, very challenging time to me says that he knows how to work with people and get them to buy in. The people that work most closely with him have a lot of respect for him.

COMMISSIONER MIELKE: Okay.

COMMISSIONER MADORE: Bill, you have his resume. I invite you to communicate with him and give us your feedback.

BILL BARRON: Okay. Now I'm to do what? I'm to interview him --

COMMISSIONER MADORE: Yes.

BILL BARRON: -- or just start the process? I can't learn anything more than what you've already said about him, so there's no use in me interviewing him. If you want him as the job, I'll just start him through the process, start him through the process.

COMMISSIONER MADORE: Okay.

BILL BARRON: Because it does no good for me to interview him. You're obliterating every process that we've had in place for 14 years.

COMMISSIONER MIELKE: I think --

BILL BARRON: I've told you that.

COMMISSIONER MIELKE: -- you need to ask the question how he's going to deal with this, his other job, how he feels he's going to deal with the legislature --

have teachers, doctors, firemen, policemen. That's what the legislature is made up of.

COMMISSIONER MADORE: Yup

BILL BARRON: So I'll just have to communicate with him and tell him what then and have him come in to process for the job and I'll make an announcement to the department.

COMMISSIONER MIELKE: Okay. This will work out.

BILL BARRON: Just so you know, my interpretation is this will devastate the organization, not only the department but this organization because this is bypassing every human resource process we have for hiring department heads, just so you know.

COMMISSIONER MADORE: Bill I heard what you said earlier and um I can assure you your fears are not going to come to pass.

BILL BARRON: I have no fears. I'm just telling you the reality.

COMMISSIONER MIELKE: Okay

BILL BARRON: I do what I'm told.

COMMISSIONER MADORE: I care about this team and I will make sure that this team is going to be healthy.

BILL BARRON: Well I will assure you that it will have a grave impact on this team. Not even the personality we are not talking the person. I'm talking the process and I told you process

# REBECCA DEAN PLLC

March 19, 2016

VIA EMAIL  
Francine Reis  
Human Resources Director  
Clark County  
PO Box 5000  
Vancouver, WA 98666

Re: Engagement – Clark County/Investigation

Dear Ms. Reis:

Thank you for the opportunity to conduct an investigation on behalf of Clark County (“the County”). I appreciate your confidence and look forward to working with you.

Accompanying this letter is a Statement of Services and Charges. This letter and the Statement of Services and Charges are my engagement agreement with the County and will continue in effect unless we make other written arrangements.

### *The Scope of the Engagement*

You have asked me to conduct investigations into the following:

1. Whistleblower and EEO complaint filed by Oliver Oriako dated March 15, 2016 (Exhibit A)
2. Retaliation complaint filed by AFSCME dated March 2, 2016 (Exhibit B)
3. Clark County Council requested an investigation into allegations made by Councilor Madore that staff in the Department of Community Planning and the Prosecuting Attorney's Office intentionally provided false information, manipulated data, improperly influenced the outcome of the Thorpe Review, and reported rural VBLM results/assumptions that were inappropriately manipulated to advance their own agenda, and were insubordinate to the Council. These allegations were made in public meetings, on Facebook postings, in emails and in an op-ed article from January 1, 2016 to present.

I understand that you have retained me because I am a lawyer with experience in workplace investigations. Nevertheless, I will be conducting a factual investigation, and will not be acting as legal counsel to the County. Consequently, many of the ethical rules and standards applicable to an attorney when the attorney represents a client, such as a duty of confidentiality and the attorney-client privilege, do not apply to this investigation. I assume that, to the extent you deem necessary, you have consulted about these issues with the County's employment law counsel.

*Additional Information Regarding Workplace Investigations.* It is possible that I may later be asked to provide information regarding the investigation to third parties or subpoenaed to testify in a deposition, arbitration or in court and/or to produce my investigation file. If this occurs, all time spent in responding to the request or subpoena, preparing to testify, and testifying is within the scope of the original representation. I will bill the County at my regular hourly rate at the time services are performed and for the associated costs. I recognize that if the County is a party to formal legal proceedings, the County or its trial counsel may be able to recover some expenses from the other party. It is not, however, feasible for me to directly bill and collect these costs from the County's opposing party.

I will not provide information concerning the investigation to third parties without the County's knowledge and consent, and without the County's express consent, will not respond to informal requests for documents. I cannot, however, become involved in disputes between the County and parties to a dispute regarding the scope or enforceability of a subpoena. I will notify the County or



March 19, 2016

its representative of any request for information or documents or the service of a subpoena. With regard to subpoenas, I will give the County and its trial counsel a reasonable opportunity to review the file, assess whether the entire file or a portion of the file should be withheld, and decide whether to interpose objections to a subpoena or move to quash. Nevertheless, I will not assert objections or file a motion to quash myself, and unless the County takes action to oppose the subpoena, will appear and/or produce the file upon the subpoena return date.

*Check for Conflicts of Interest*

I have not identified any conflicts of interest.

*Contact Information*

Please contact me with any questions that you may have about my work or any other aspect of my services. You can reach me at (206) 465-3594 or by email at rebeccadean@comcast.net. My fax number is (206) 420-8900.

It is my understanding that you will be my primary contact with regard to this investigation, although others may assist with scheduling and arrangements for the investigation. Because of the nature of this engagement, I will assume that I should not communicate with others concerning the investigation process or results unless you advise me otherwise.

*Fees*

My hourly rate is \$240. If you ever have a question about a bill or disagree with an entry, please call me immediately. My hourly rate is typically adjusted annually and changes in the rates go into effect immediately. Those changes will thus be reflected in the next month's billing statement.

*Other Practices and Procedures*

The Statement sets forth in more detail certain practices and procedures. Please review it and contact me if you have any questions. If there are any changes that you would like to see, we will need to agree to them in writing.

*Questions*

Please call me at any time regarding questions you may have about my services, billing practices, or the terms of this engagement.

Very truly yours,

REBECCA DEAN PLLC



Rebecca Dean

Agreed this \_\_\_ day of March, 2016,

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Mark McCauley, Acting County Manager

## STATEMENT OF SERVICES & CHARGES

This Statement of Services & Charges ("statement") sets forth my standard practices and billing procedures, which will apply to your account unless we have agreed in writing to other arrangements. Please review this statement carefully and contact me promptly if you have any questions. This statement, as modified by my engagement letter and any subsequent written communications, is my contract with you. If you have not received an engagement letter, this statement will be my contract with you.

### *The Scope of Engagement*

The engagement letter sets forth the scope of my engagement and the nature of the services that I will provide. If there are any significant changes in the future in the scope of this engagement, I will confirm those changes in writing with you.

I will at all times endeavor to provide services in accord with professional standards. However, any expressions on my part concerning the outcome of this engagement are expressions of professional judgment and are not guarantees of results. Additionally, my services are subject to rules of professional conduct, are necessarily limited by my knowledge of the facts, and are based on the state of the law at the time I render services.

### *Basis for Fees*

My fees for a particular matter may be based upon a variety of factors, depending on the nature of the engagement and any special written arrangements you have made. I keep records of the time I spend on your work, which will be reflected on the invoice sent to you. I bill in tenth of an hour increments. Although the majority of the work I perform is based upon the hours expended, we may agree upon alternative fee structures for particular projects.

I am often asked to estimate the fees and charges for a particular matter. I will attempt to prepare estimates upon request, although it is often very difficult to make an accurate prediction. Please understand that any estimate I provide is not a maximum or fixed-fee quotation and, absent my express written agreement to the contrary, the ultimate amount due may vary from the estimate.

### *Ancillary Charges*

You will be charged for certain expenses advanced or incurred in connection with this engagement, including travel expenses (such as air fare, airport parking, transportation, and selected local travel expenses such as mileage or parking charges), and third party expenses. I do not charge for long distance telephone calls made within the United States or in-office copying.

Examples of third party expenses include copying performed by out-of-office services and shipping charges, outside messenger services and similar costs. For the most part, third party expenses are passed through to you at my cost. With the exception of minor outside service copying and shipping charges, I usually will arrange for direct billing of the third party expenses to you, but will often advance payment on your behalf if the amount is less than \$500 and if your account is current. In the alternative, I may request an advance deposit for expenses.

I would be pleased to discuss the specifics of my charges and to answer any questions that you may have.

*Billing Statements*

I typically bill for fees and charges at the earlier of completion of a short-term project or a monthly basis. I normally transmit invoices by email. If you prefer another delivery method, please let me know at your earliest convenience. Payment is due upon receipt of the invoice. While I understand that a reasonable time is needed for processing invoices, I ordinarily expect payment within 30 days of the invoice date. Any other billing arrangement must be specifically provided for in writing.

Billing for expenses may lag an additional month or more, depending, for example, on how fast third party vendors bill me, on your behalf, for their services.

If you disagree with a statement or have questions about your bill, please contact me immediately so I can investigate any issues. I will forward a statement of account to you if you have any outstanding invoices.

*Retainers and Other Deposits*

I may ask for an advance fee deposit or a retainer. You grant me a security interest in any such deposit. Unless we agree that a deposit is a retainer, which is earned when paid, advance fee deposits will be credited toward invoices as they are billed. Any unused advance fee deposit will be returned at the conclusion of the engagement.

All retainers and advance fee deposits will be held in a trust account pursuant to applicable ethical rules. Under some of those rules, you might not receive the interest earned on trust accounts. Interest on certain accounts must be paid to a charitable foundation for use in connection with pro bono legal services.

*Delinquent Accounts*

Like other businesses, I have substantial cash requirements for which I must borrow money if accounts are not paid promptly. I therefore add a late payment charge to accounts not paid within thirty (30) days of the invoice date. The late payment charge is currently assessed at a rate of 1% per month on any unpaid amount.

If your account becomes delinquent and you do not arrange satisfactory payment terms, within the bounds of the rules of professional conduct, I reserve the right to cease or suspend work on your behalf and, if applicable, to withdraw from the engagement and to pursue collection of the account.

*Standard Purchase Order Terms & Procurement Processes*

It may be that you have a procurement process for services, which may involve a purchase order containing standardized terms. The engagement letter and this statement control over any such terms. Please note that I cannot agree to any terms that are not disclosed in advance, and submission of invoices does not indicate my acquiescence in such provisions. In particular, some purchase orders include insurance requirements and indemnity and defense agreements. With regard to insurance, I maintain professional liability and commercial general insurance commensurate with the risks associated with my practice. If you have any questions about my coverage, I would be happy to answer them. Unless we agree otherwise, I assume that my current coverage is sufficient. Please note that I cannot consent to an indemnity or defense agreement.

*Files and Termination of Services*

You may terminate my services at any time, with or without cause, by notifying me. I reserve the right to cease performing services and to terminate this engagement for any reason consistent with

March 19, 2016

the applicable ethics rules. Termination of my services will not affect your responsibility for payment of fees for my services and ancillary charges for third party services rendered before termination. Upon termination of the engagement, I will return to you original papers and any property you provided to me. I reserve the right, where permitted by applicable ethics rules, to retain my work product to the extent it has not been paid for.

In circumstances where I perform isolated services for you or when I have not performed services for you for a long time, it is my policy that the engagement will be considered terminated upon completion of the services that you retained me to perform. If you later retain me to perform further or additional services, we will need to enter into a new engagement.

During the course of this engagement, you may be required to provide me with original documents. At the conclusion of the engagement, I will contact you and make arrangements for the return of the records you provided. I will retain the balance of your file for an appropriate time period. It is your responsibility to secure the return of your records. If arrangements are not made for the return of your records within six years following the conclusion of the engagement, they will be destroyed.

#### *Avoiding Problems with Insurance*

There are no third party beneficiaries of my services. It may be that some or all of my bills are covered by insurance. You agree to notify me in writing of any insurance arrangements and, if necessary for me to communicate with it, to supply the name and address of the insurer. It is your responsibility to determine whether your insurer has any procedures or other requirements that would apply to this engagement and advise me of any such requirements. Please let me know if you wish me to send invoices directly to your insurer. I will do so upon request, but you remain responsible for any fees and charges that your insurer may refuse to pay.

#### *Questions*

I strive to provide services in an effective and efficient manner, and want all billings to be accurate and understandable. Please contact me if you have any questions.

Thank you, again, for this opportunity.

# **BOARD TIME**

March 2, 2016  
1:30 p.m.

## ***AGENDA***

- 1.0 Old Business
  - 1.1 Legislative Update with Mike Burgess
  - 1.2 Approval of minutes for February 24, 2016
  
- 2.0 New Business
  - 2.1 Affordable Housing (Councilor Madore)
  - 2.2 Amusement Rides in Employment Districts (Peter Silliman)
  
- 3.0 Councilor Reports
  
- 4.0 Staff Reports

Note: The audio recording for the March 2, 2016 Board Time meeting can be accessed on the county website ([clark.wa.gov/thegrid](http://clark.wa.gov/thegrid)) on The Grid. Note: Agenda subject to change.

**BOARD OF COUNTY COUNCILORS  
BOARD TIME  
MINUTES OF MARCH 2, 2016**

The Board convened in Conference Room 698, 6th Floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington. Chair Marc Boldt, Councilor Jeanne E. Stewart, Councilor Julie Olson, and Councilor David Madore present. Councilor Tom Mielke absent.

**1:30 P.M.**

**Legislative Update with Mike Burgess**

Mike Burgess, County Lobbyist presented. He updated the Board on various bills. Burgess spoke about the transportation budget. Jeff Swanson, Economic Development Director joined the discussion. Further discussion ensued. Burgess spoke about the operating budget. Further discussion ensued about the RSN budget.

**Approval of minutes for February 24, 2016**

**ACTION:** Moved by Olson to **APPROVE** the minutes for February 24, 2016. Stewart seconded the motion. Chair Marc Boldt and Councilors Stewart, Olson, and Madore voted aye. Motion carried.

**Amusement Rides in Employment Districts**

Peter Silliman, Research Analyst / Policy Assistant presented and spoke about a proposed code change. Further discussion ensued. Mark McCauley, County Manager joined the discussion. Further discussion ensued. Staff will research the item further.

**SB 1510-B**

Madore provided some background and presented. He asked for the Councilors support. Further discussion ensued. Swanson joined the discussion.

**Bus Rapid Transit and Light Rail Advisory Votes**

Olson provided some background and presented. She wanted there to be further discussion and guidance on moving forward. Further discussion ensued.


**Affordable Housing**

Derek Hugel, Wolf Industries presented on tiny homes. Chris Horne, Deputy Prosecuting Attorney, joined the discussion. Further discussion ensued. Marty Snell, Community Development Director, joined the discussion. Further discussion ensued about moving forward.

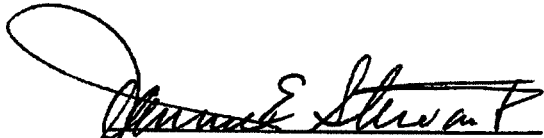
Adjourned

BOARD OF COUNTY COUNCILORS  
BOARD TIME  
MINUTES OF MARCH 2, 2016

BOARD OF COUNTY COUNCILORS



Marc Beldt, Chair



Jeanne E. Stewart, Councilor



Julie Olson, Councilor

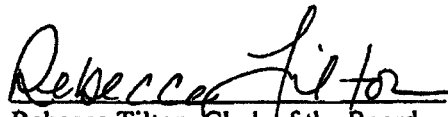


David Madore, Councilor



Tom Mielke, Councilor

ATTEST:



Rebecca Tilton, Clerk of the Board

jc



Board of County Councilors  
1300 Franklin Street, 6th Floor  
Vancouver, Washington

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## *Hearing Agenda*

Tuesday, March 8, 2016

10:00 A.M.

### PLEDGE OF ALLEGIANCE

### INVOCATION

### CONSENT AGENDA

*Consent Agenda Items will be considered together and will be approved on a single motion. Any person desiring to remove an item for separate consideration should so request before approval of the agenda.*

#### HUMAN RESOURCES

1. Request Council approval of a Professional Services Agreement (PSA) with Waldron to perform a 360 performance evaluation of the Acting County Manager.

**APPROVED**  
**SR 051-16**

2. Request approval of the Collective Bargaining Agreement with the Information Technology (IT) Guild.

**APPROVED**  
**SR 048-16**

#### PUBLIC WORKS

3. Request approval of the donation of a surplus county passenger van to the Lifeline Connections Sobering Unit, a branch of a nonprofit agency within Clark County.

**APPROVED**  
**SR 049-16**

4. Request approval of the concept plan for Cougar Creek Woods Community Park.

**APPROVED**  
**SR 050-16**

For any questions regarding consent agendas, contact Mark McCauley at [Mark.McCauley@clark.wa.gov](mailto:Mark.McCauley@clark.wa.gov) or 360.397.2232.



For other formats, contact the Clark County ADA Office: Voice (360) 397-2322;  
Relay 711 or (800) 833-6388; Fax (360) 397-6165; E-mail [ADA@clark.wa.gov](mailto:ADA@clark.wa.gov).





Board of County Councilors  
1300 Franklin Street, 6th Floor  
Vancouver, Washington

## Hearing Agenda

### WARRANTS

5. Request approval of warrants for payment of claims against various county departments as follows:

- 02/25 – 02/26/16 in the amount of \$55,557.54  
**APPROVED**  
**RESOLUTION NO. 2016-03-03**
- 02/15 – 02/19/16 in the amount of \$3,593,123.61  
**APPROVED**  
**RESOLUTION NO. 2016-03-04**
- 02/08 – 02/12/16 in the amount of \$7,260,654.60  
**APPROVED**  
**RESOLUTION NO. 2016-03-05**

### ROUTINE

6. Approval of minutes for Feb. 23, 2016; and Mar. 1, 2016.

**APPROVED**

7. Approval of County Manager Appointments and Letters of Acceptance for:

- Judith Walseth appointed to the Community Action Advisory Board, effective immediately to Dec. 31, 2016.
- Elizabeth Scott appointed to the Railroad Advisory Board, effective immediately to December 31, 2017.

**APPROVED**

8. Final 2016 Budget received from:

- Clark County Fire Protection District No. 6

**APPROVED**

## PUBLIC COMMENT—CLARK COUNTY ISSUES

For any questions regarding consent agendas, contact Mark McCauley at [Mark.McCauley@clark.wa.gov](mailto:Mark.McCauley@clark.wa.gov) or 360.397.2232.



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Relay 711 or (800) 833-6388; Fax (360) 397-6165; E-mail [ADA@clark.wa.gov](mailto:ADA@clark.wa.gov).



Board of County Councilors  
1300 Franklin Street, 6th Floor  
Vancouver, Washington

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## *Hearing Agenda*

### **PUBLIC HEARING: RESIDENTIAL CARE FACILITIES**

To consider amending Clark County Code 40.210.030 to conditionally allow Residential Care Facilities on larger parcels in rural centers.

Staff: Marty Snell, Community Development Director, (360) 397-2375

**APPROVED**

### **COUNCILOR COMMUNICATIONS**

### **A D J O U R N**

### **2:00 P.M. PUBLIC BID OPENINGS**

CRP #350822

NE 94<sup>th</sup> Avenue Planting

CRP #351722

2016 ADA Ramp Improvements

BID #2633

Annual Baked Goods

BID #2634

Annual Legal Advertising

*(Bid opening to actually take place on Mar. 15, 2016)*

For any questions regarding consent agendas, contact Mark McCauley at [Mark.McCauley@clark.wa.gov](mailto:Mark.McCauley@clark.wa.gov) or 360.397.2232.



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**Relay** 711 or (800) 833-6388; **Fax** (360) 397-6165; **E-mail** [ADA@clark.wa.gov](mailto:ADA@clark.wa.gov).

**BOARD OF COUNTY COUNCILORS  
MINUTES OF MARCH 8, 2016**

The Board convened in the Councilors' Hearing Room, 6th Floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington. Chair Marc Boldt, Councilor Jeanne E. Stewart, Councilor Julie Olson, Councilor David Madore, and Councilor Tom Mielke present.

**10:00 A.M.**

**PLEDGE OF ALLEGIANCE**

The Councilors led the Pledge of Allegiance.

**INVOCATION**

Dr. Greg Romine, King's Church delivered the invocation.

**CONSENT AGENDA**

**ACTION:** Moved by Olson to **APPROVE** consent agenda items #3, #5 - #8. Stewart seconded the motion. Chair Marc Boldt and Councilors Stewart and Olson voted aye. Motion carried.

**ACTION:** Moved by Olson to **APPROVE** consent agenda item #4. Boldt seconded the motion. Chair Marc Boldt and Councilors Stewart, Olson, Madore, and Mielke voted aye. Motion carried.

**ACTION:** Moved by Olson to **APPROVE** consent agenda item #2. Stewart seconded the motion. Chair Marc Boldt and Councilors Stewart, Olson, and Madore voted aye. Mielke voted nay. Motion carried.

**ACTION:** Moved by Madore to **OPEN** the application process for the County Manager's position. Mielke seconded the motion. Chris Horne, Deputy Prosecuting Attorney, joined the discussion. Further discussion ensued. Councilors Madore and Mielke voted aye. Chair Marc Boldt and Councilors Stewart and Olson voted nay. Motion failed.

**ACTION:** Moved by Madore to **ADD** the application process discussion for the County Manager's position to next Tuesday's agenda. Mielke seconded the motion. Councilors Madore and Mielke voted aye. Chair Marc Boldt and Councilors Stewart and Olson abstained. Motion failed.

**ACTION:** Moved by Stewart to **APPROVE** consent agenda item #1. Olson seconded the motion.

**ACTION:** Stewart called for the question. Olson seconded the motion. Chair Marc Boldt and Councilors Stewart and Olson voted aye. Madore and Mielke voted nay. Motion carried.

**BOARD OF COUNTY COUNCILORS  
MINUTES OF MARCH 8, 2016**

**ACTION:** Moved by Stewart to **APPROVE** consent agenda item #1. Olson seconded the motion. Chair Marc Boldt and Councilors Stewart and Olson voted aye. Madore and Mielke voted nay. Motion carried.

Madore stated for the record he wants the records to reflect that in the process they violated Robert Rules of Order and stated they should of included the feedback from the citizens before they took the vote.

**PUBLIC COMMENT**

1. Chris Prothero
2. Edward Barnes
3. Joe Levesque
4. Steve Rapalus
5. Bruce Barnes
6. Tim Gaughan
7. Mark Gawecki
8. Carolyn Crain
9. Carol Levanen, Clark County Citizens United
10. Susan Rasmussen, Clark County Citizens United
11. Stephen Schrag
12. Sean Emerson
13. John Matson
14. Lee Jensen
15. Chuck Miller, Washington Citizens for Responsible Government
16. Bridget McLeman
17. Peter Harrison
18. Dick Sohn

**PUBLIC HEARING: RESIDENTIAL CARE FACILITIES**

To consider amending Clark County Code 40.210.030 to conditionally allow Residential Care Facilities on larger parcels in rural centers.

Marty Snell, Community Development Director, presented. Chris Cook, Prosecuting Attorney's office joined the discussion. Further discussion ensued.

**PUBLIC COMMENT REGARDING PUBLIC HEARING: RESIDENTIAL CARE FACILITIES**

1. Meridee Pabst and Annette Klinefelter, Daybreak Youth Services

*The Board adjourned for a break and reconvened.*

2. James Hunter
3. George Schumaker
4. Mark Gawecki
5. Larry Knigh, President of Greater Brush Prairie Neighborhood Association
6. Tom Skore, Vice President of the Governing Board at Daybreak

**BOARD OF COUNTY COUNCILORS  
MINUTES OF MARCH 8, 2016**

**ACTION:** Moved by Madore to **AMEND** the Rural Center Residential Districts' use section (CCC 40.210.030) to conditionally allow residential care facilities on parcels greater than 5 acres. Olson seconded the motion. Chair Marc Boldt and Councilors Stewart, Olson, Madore and Mielke voted aye. Motion carried.

**COUNCILOR COMMUNICATIONS**

Mielke spoke about working together. .

Boldt spoke about the County Manager's contract and review.

Stewart spoke about the various duties in government, the Charter, and working together.

**2:00 P.M. PUBLIC BID OPENING**

Present at bid opening: Rebecca Tilton, Board of County Councilors Office; Mike Westerman and Beth Balogh, General Services-Purchasing Department.

**CRP #350822**

NE 94<sup>th</sup> Avenue Planting

Held a public hearing for CRP #350822 - NE 94<sup>th</sup> Avenue Planting. Mike Westerman, General Services-Purchasing, read bids and stated it was the Purchasing Department's intention to award CRP #350822 recommendations to the County Manager on March 22, 2016.

**CRP #351722**

2016 ADA Ramp Improvements

Held a public hearing for CRP #351722 - 2016 ADA Ramp Improvements. Mike Westerman, General Services-Purchasing, read bids and stated it was the Purchasing Department's intention to award CRP #351722 recommendations to the County Manager on March 15, 2016.

**BID #2633**

Annual Baked Goods

Held a public hearing for BID #2633 – Annual Baked Goods. Mike Westerman, General Services-Purchasing, read bids and stated it was the Purchasing Department's intention to award BID #2633 recommendations to the County Manager on March 15, 2016.

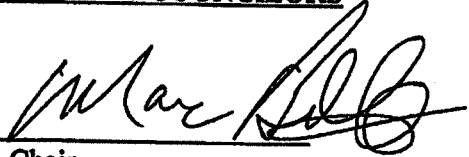
**BID #2634**

Annual Legal Advertising

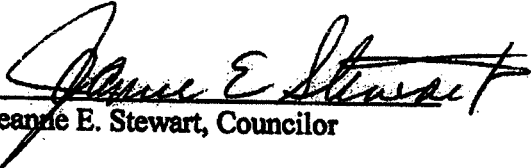
*Bid Opening scheduled for March 15, 2016*

**BOARD OF COUNTY COUNCILORS  
MINUTES OF MARCH 8, 2016**

BOARD OF COUNTY COUNCILORS



Marc Boldt, Chair



Jeanne E. Stewart, Councilor



Julie Olson, Councilor



David Madore, Councilor



Tom Mielke, Councilor

ATTEST:



Rebecca Tilton, Clerk of the Board

jc

Please Note: The Board of Councilors' minutes are action minutes. Digital recordings can be provided upon request. In addition, the Councilors' hearings are broadcast live on CVTV, cable channels 21 and 23, and are also videotaped and repeated several times ([www.cvtv.org](http://www.cvtv.org)).

# **BOARD TIME**

March 9, 2016  
1:30 p.m.

## ***AGENDA***

**The board will convene in Executive Session at the conclusion of Board Time for ½ hour regarding Pending Litigation**

- 1.0 Old Business
  - 1.1 Legislative Update with Mike Burgess
  - 1.2 Approval of minutes for March 2, 2016
  - 1.3 Resolution to schedule a hearing on a Charter Amendment to Limit Property Tax Increases and a Resolution to place a Charter Amendment on the November 2016 ballot to Limit Property Tax Increases (Councilor Madore)
- 2.0 New Business
  - 2.1 Port of Vancouver USA's Foreign-Trade Zone Application (Chair Boldt)
- 3.0 Councilor Reports
- 4.0 Staff Reports

**Note:** The audio recording for the March 9, 2016 Board Time meeting can be accessed on the county website ([clark.wa.gov/thegrid](http://clark.wa.gov/thegrid)) on The Grid. Note: Agenda subject to change.

**BOARD OF COUNTY COUNCILORS  
BOARD TIME  
MINUTES OF MARCH 9, 2016**

The Board convened in Conference Room 698, 6th Floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington. Chair Marc Boldt, Councilor Jeanne E. Stewart, Councilor Julie Olson, Councilor Tom Mielke, and Councilor David Madore present.

**1:30 P.M.**

**Approval of minutes for March 2, 2016**

**ACTION:** Moved Olson to **APPROVE** the minutes for March 2, 2016. Stewart seconded the motion. Chair Marc Boldt and Councilors Stewart, Olson, Madore, and Mielke voted aye. Motion carried.

**Resolution to schedule a hearing on a Charter Amendment**

Councilor Madore provided some background and presented. He asked for the Councilors support. Further discussion ensued. Councilor Madore inquired about the effect of the original resolution. Further discussion ensued.

**Legislative Update with Mike Burgess**

Mike Burgess, County Lobbyist presented. He updated the Board on the operating budget status, various bills, and the approaching conclusion of the scheduled session. Further discussion ensued.

**Port of Vancouver Foreign-Trade Zone (FTZ) Application**

Jeff Swanson, Economic Development Director, provided some background and presented. Further discussion ensued. The Board unanimously expressed they were willing to support.

**Independent Investigation**

Chris Horne, Deputy Prosecuting Attorney, provided some background and presented. Further discussion ensued about moving forward.

**Rules of Practice**

Bob Stevens, Deputy County Manager, provided some background and presented. Further discussion ensued about moving forward.

Adjourned

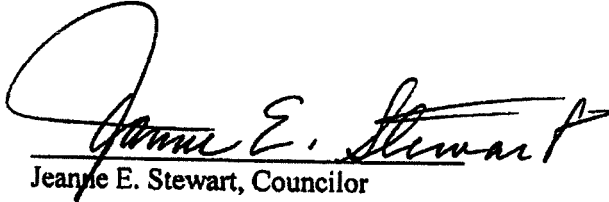


**BOARD OF COUNTY COUNCILORS  
BOARD TIME  
MINUTES OF MARCH 9, 2016**

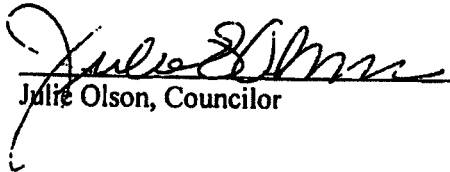
BOARD OF COUNTY COUNCILORS



Marc Boldt, Chair



Jeanie E. Stewart, Councilor



Julie Olson, Councilor

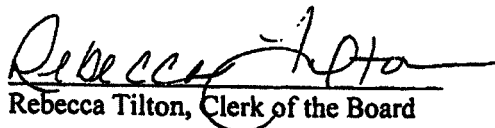


David Madore, Councilor



Tom Mielke, Councilor

ATTEST:



Rebecca Tilton, Clerk of the Board

ps / jc



Board of County Councilors  
1300 Franklin Street, 6th Floor  
Vancouver, Washington

## *Hearing Agenda*

Tuesday, March 15, 2016

9:45 A.M.

### **PROCLAMATION**

Child Abuse Awareness Month

10:00 A.M.

### **PLEDGE OF ALLEGIANCE**

### **INVOCATION**

### **CONSENT AGENDA**

*Consent Agenda Items will be considered together and will be approved on a single motion. Any person desiring to remove an item for separate consideration should so request before approval of the agenda.*

### **COMMUNITY DEVELOPMENT**

1. Request approval of a Final Plat for Recording: Hidden Glen North Subdivision.  
**APPROVED**  
**SR 052-16**

### **GENERAL SERVICES**

2. Request approval for General Fund support to complete the Heritage Farm Low Impact Development (LID) Parking Lot.  
**APPROVED**  
**SR 054-16**

### **HUMAN RESOURCES**

3. Request approval of the Clark County Equal Employment Opportunity Plan (EEOP) for November 2015 – November 2017.  
**APPROVED**  
**SR 053-16**

For any questions regarding consent agendas, contact Mark McCauley at [Mark.McCauley@clark.wa.gov](mailto:Mark.McCauley@clark.wa.gov) or 360.397.2232.



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**Relay** 711 or (800) 833-6388; **Fax** (360) 397-6165; **E-mail** [ADA@clark.wa.gov](mailto:ADA@clark.wa.gov).



Board of County Councilors  
1300 Franklin Street, 6th Floor  
Vancouver, Washington

## Hearing Agenda

### WARRANTS

4. Request approval of warrants for payment of claims against various county departments as follows:
  - 02/29 – 03/04/16 in the amount of \$3,084,729.91  
**APPROVED**  
**RESOLUTION NO. 2016-03-07**
  - 02/22 – 02/26/16 in the amount of \$8,692,129.80  
**APPROVED**  
**RESOLUTION NO. 2016-03-08**

### ROUTINE

5. Final 2016 Budget received from:
  - Clark County Fire Protection District No. 5  
**APPROVED**

### PUBLIC COMMENT—CLARK COUNTY ISSUES

#### **PUBLIC HEARING: ELECTION PRECINCT BOUNDARY CHANGES**

To consider Precinct Additions and Precinct Boundary Adjustments to Reflect Annexations and Precinct Voter Size.

Staff: Cathie Garber, Elections, 360-397-2345, ext. 5179

**APPROVED**

**ORDINANCE 2016-03-06**

### COUNCILOR COMMUNICATIONS

### A D J O U R N

### 2:00 P.M. PUBLIC BID OPENINGS

BID #2634

Annual Legal Advertising

CRP 352522

2016 HMA Overlays

For any questions regarding consent agendas, contact Mark McCauley at [Mark.McCauley@clark.wa.gov](mailto:Mark.McCauley@clark.wa.gov) or 360.397.2232.



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**Relay** 711 or (800) 833-6388; **Fax** (360) 397-6165; **E-mail** [ADA@clark.wa.gov](mailto:ADA@clark.wa.gov).

**BOARD OF COUNTY COUNCILORS  
MINUTES OF MARCH 15, 2016**

The Board convened in the Councilors' Hearing Room, 6th Floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington. Chair Marc Boldt, Councilor Jeanne E. Stewart, Councilor Julie Olson, Councilor David Madore, and Councilor Tom Mielke present.

**9:45 A.M.**

**PROCLAMATION**

Child Abuse Awareness Month

Chair Boldt read a proclamation proclaiming April 2016 as "Child Abuse Awareness Month" in Clark County, Washington and called upon all citizens, businesses and civic organizations to join the Children's Justice Center Pinwheel for Child Abuse Awareness Campaign by planting pinwheel gardens to represent commitment to the well-being of children. Mary Blanchette, Director, Children's Justice Center accepted and said a few words. Chris O'Malley and Nancy Baker, Board Members joined the discussion.

**10:00 A.M.**

**PLEDGE OF ALLEGIANCE**

The Councilors led the Pledge of Allegiance.

**INVOCATION**

Pastor Steve Zimmerman, Grace Foursquare delivered the invocation.

**CONSENT AGENDA**

**ACTION:** Moved by Olson to **APPROVE** consent agenda items #1, #2, #4, #5. Mielke seconded the motion. Chair Marc Boldt and Councilors Stewart, Olson, Madore, and Mielke voted aye. Motion carried.

Further discussion ensued regarding consent agenda item #3. Chris Horne, Deputy Prosecuting Attorney, joined the discussion.

**ACTION:** Moved by Stewart to **APPROVE** consent agenda item #3. Olson seconded the motion. Further discussion ensued. Chair Marc Boldt and Councilors Stewart and Olson voted aye. Motion carried.

Madore stated for the record they violated the rules of practice and that they are not implementing the best practices.

**PUBLIC COMMENT**

1. Edward Barnes
2. Bruce Barnes
3. David Rogers
4. Howard Jones

**BOARD OF COUNTY COUNCILORS  
MINUTES OF MARCH 15, 2016**

5. Ron Swaren
6. Steven Wallace
7. Pauline Warren
8. Red Warren
9. Carol Levanen, Clark County Citizens United
10. Sue Emerick
11. Margaret Tweet
12. Susan Rasmussen, Clark County Citizens United
13. Chuck Miller, Washington Citizens for Responsible Government
14. Lee Jensen
15. Liz Campbell
16. Sydney Reisbick

**PUBLIC HEARING: ELECTION PRECINCT BOUNDARY CHANGES**

To consider Precinct Additions and Precinct Boundary Adjustments to Reflect Annexations and Precinct Voter Size.

Cathie Garber, Elections Manager presented.

**PUBLIC COMMENT REGARDING PUBLIC HEARING: ELECTION PRECINCT BOUNDARY CHANGES**

1. Carol Levanen
2. Bridget McLeman
3. Margaret Tweet
4. Karen Hengerer
5. Pauline Warren
6. Edward Barnes

**ACTION:** Moved by Stewart to **APPROVE** Ordinance 2016-03-06. Olson seconded the motion. Chair Marc Boldt and Councilors Stewart, Olson, Madore and Mielke voted aye. Motion carried.

**COUNCILOR COMMUNICATIONS**

Mielke spoke about a covenant David Rogers mentioned in his testimony.

Madore spoke the dysfunction of the meeting and spoke about Robert Rules of Order.

Stewart spoke about respect.

Mielke spoke about retirement.

Boldt spoke about the conduct of the meetings.

Olson thanked Mielke for his service. Olson spoke about the diversity makeup of Clark County.

**BOARD OF COUNTY COUNCILORS  
MINUTES OF MARCH 15, 2016**

Madore spoke the implementation of the Equal Employment Opportunity Plan (EEOP) and spoke about the County Manager position.

Stewart spoke about the County Managers Contract. Further discussion ensued.

**2:00 P.M. PUBLIC BID OPENING**

Present at bid opening: Rebecca Tilton, Board of County Councilors Office; Mike Westerman and Beth Balogh, General Services-Purchasing Department.

**BID #2634**

Annual Legal Advertising

Held a public hearing for BID #2634 – Annual Legal Advertising. Mike Westerman, General Services-Purchasing, read bids and stated it was the Purchasing Department's intention to award BID #2634 on April 5, 2016 at 6:00 P.M.

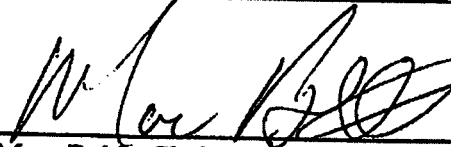
**CRP #352522**

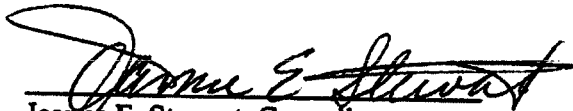
2016 HMA Overlays

Held a public hearing for CRP #352522- 2016 HMA Overlays. Mike Westerman, General Services-Purchasing, read bids and stated it was the Purchasing Department's intention to award CRP #352522 recommendations to the County Manager on March 22, 2016.

**BOARD OF COUNTY COUNCILORS  
MINUTES OF MARCH 15, 2016**

BOARD OF COUNTY COUNCILORS

  
\_\_\_\_\_  
Marc Boldt, Chair

  
\_\_\_\_\_  
Jeanne E. Stewart, Councilor

  
\_\_\_\_\_  
Julie Olson, Councilor

  
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David Madore, Councilor

  
\_\_\_\_\_  
Tom Mielke, Councilor

ATTEST:

  
\_\_\_\_\_  
Rebecca Tilton, Clerk of the Board

jc

Please Note: The Board of Councilors' minutes are action minutes. Digital recordings can be provided upon request. In addition, the Councilors' hearings are broadcast live on CVTV, cable channels 21 and 23, and are also videotaped and repeated several times ([www.cvtv.org](http://www.cvtv.org)).

# **BOARD TIME**

March 16, 2016  
1:30 p.m.

## ***AGENDA***

- 1.0 Old Business
  - 1.1 Legislative Update with Mike Burgess
  - 1.2 Approval of minutes for March 9, 2016
- 2.0 New Business
  - 2.1 Request to move August 2, 2016 Board Hearing to 10:00 a.m. due to Primary Election
- 3.0 Councilor Reports
- 4.0 Staff Reports

Note: The audio recording for the March 16, 2016 Board Time meeting can be accessed on the county website ([clark.wa.gov/thegrid](http://clark.wa.gov/thegrid)) on The Grid. Note: Agenda subject to change.



**BOARD OF COUNTY COUNCILORS  
BOARD TIME  
MINUTES OF MARCH 16, 2016**

The Board convened in Conference Room 698, 6th Floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington. Chair Marc Boldt, Councilor Jeanne E. Stewart, Councilor Julie Olson, Councilor Tom Mielke, and Councilor David Madore present.

**1:30 P.M.**

**Approval of minutes for March 9, 2016**

**ACTION:** Moved by Olson to **APPROVE** the minutes for March 9, 2016. Stewart seconded the motion. Chair Marc Boldt and Councilors Stewart, Olson, Madore, and Mielke voted aye. Motion carried.

**Request to move August 2, 2016 Board Hearing to 10:00 a.m. due to Primary Election**

**ACTION:** Moved by Madore to **APPROVE** the move of the 6:00 p.m. August 2, 2016 Board Hearing to 10:00 a.m. due to Primary Election. Chair Marc Boldt and Councilors Stewart, Olson, Madore, and Mielke voted aye. Motion carried.

**Tri-Mountain Golf Course**

Councilor Madore provided some background and presented. Mark McCauley, County Manager, joined the discussion. Further discussion ensued. Chris Horne, Deputy Prosecuting Attorney, joined the discussion. Further discussion ensued. Bob Stevens, General Services Director, joined the discussion. Further discussion ensued about appraising the property.

**ACTION:** Moved by Madore to **APPROVE** moving forward with an appraisal of the Tri-Mountain Golf Course inside and outside the Urban Growth Boundary. Mielke seconded the motion. Councilors Madore and Mielke voted aye. Chair Marc Boldt and Councilors Stewart and Olson voted nay. Motion failed.

Further discussed ensued about the property.

**2017 – 2018 Biennial Budget**

Councilor Olson provided some background and presented. She spoke about several options of budgeting. She asked for McCauley to bring back some options to the next Board time. Further discussion ensued. Mielke spoke about unfilled positions. Stevens joined the discussion. Further discussion ensued about REET and other capital funds. Further discussion ensued about budgeting.

**Annexation Team**

Marlia Jenkins provided some background and presented. Further discussion ensued. Horne joined the discussion.

**Rules of Practice**

Stevens provided some background and presented.


**Resolutions**

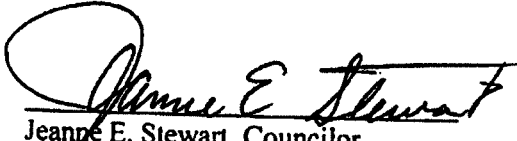
Peter Silliman, Research Analyst / Policy Assistant updated the Board on his work.

**BOARD OF COUNTY COUNCILORS  
BOARD TIME  
MINUTES OF MARCH 16, 2016**

Adjourned

BOARD OF COUNTY COUNCILORS

  
Marc Boldt, Chair


  
Jeanne E. Stewart, Councilor

  
Julie Olson, Councilor

  
David Madore, Councilor

  
Tom Mielke, Councilor

ATTEST:

  
Rebecca Tilton, Clerk of the Board

jc



Board of County Councilors  
1300 Franklin Street, 6<sup>th</sup> Floor  
Vancouver, Washington

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## Hearing Agenda

Tuesday, March 22, 2016

10:00 A.M.

### PLEDGE OF ALLEGIANCE

### INVOCATION

### CONSENT AGENDA

*Consent Agenda Items will be considered together and will be approved on a single motion. Any person desiring to remove an item for separate consideration should so request before approval of the agenda.*

#### BUDGET OFFICE

1. Request approval to set a public hearing for April 12, 2016 for the purpose of discussing the 2016 Spring Supplemental appropriation.

**APPROVED**

**SR 055-16**

**RESOLUTION NO. 2016-03-02**

#### COMMUNITY DEVELOPMENT

2. Request approval of an ordinance related to land use; amending Clark County Code 40.210.030 to conditionally allow residential care facilities on larger parcels in rural centers. Public Hearing held on March 8, 2016.

**APPROVED**

**ORDINANCE NO. 2016-03-11**

#### EVENT CENTER/FAIRGROUNDS SITE MANAGEMENT GROUP (FSMG)

3. Request approval of the dissolution of the \$100,000 ATM petty cash fund and the resolution authorizing interfund loans from the Permanent Reserve Fund (Fund 1030) for the operation of ATM machines at the Clark County Fair and Event Center as set forth in SR #197-06.

**APPROVED**

**SR 056-16**

For any questions regarding consent agendas, contact Mark McCauley at [Mark.McCauley@clark.wa.gov](mailto:Mark.McCauley@clark.wa.gov) or 360.397.2232.



For other formats, contact the Clark County ADA Office: **Voice** (360) 397-2322;  
**Relay** 711 or (800) 833-6388; **Fax** (360) 397-6165; **E-mail** [ADA@clark.wa.gov](mailto:ADA@clark.wa.gov).



Board of County Councilors  
1300 Franklin Street, 6<sup>th</sup> Floor  
Vancouver, Washington

## Hearing Agenda

### GENERAL SERVICES

4. Request approval of County Inventory ending December 31, 2015.

**APPROVED**

**SR 057-16**

### PUBLIC WORKS

5. Request approval of a Final Plat: Avery Lane Short Plat.

**APPROVED**

**SR 058-16**

6. Request approval of the Final Order of Vacation for a portion of NE 187<sup>th</sup> Avenue located in the vicinity of NE 29<sup>th</sup> Street running northerly 800 feet to its terminus, in Section of 19, T2N, R3E, WM. Work Order Number 11307.

**APPROVED**

**SR 059-16**

**REFERENCE NO. RV 16-14**

7. Request approval of CRP #380622: Cedar Creek Bridge #65 Replacement project and approve the Notice to Contractors to advertise the contract for bids; also authorize the full closure of Etna Road at Cedar Creek on dates to be determined.

**APPROVED**

**SR 060-16**

**RESOLUTION NO. 2016-03-12**

8. Request approval of CRP #352622: NE 58<sup>th</sup> Street Sidewalk project and approve the Notice to Contractors to advertise the contract for bids.

**APPROVED**

**SR 061-16**

**RESOLUTION NO. 2016-03-13**

### WARRANTS

9. Request approval of warrants for payment of claims against various county departments as follows:

- 3/10/16 in the amount of \$57,879.41

**APPROVED**

**RESOLUTION NO. 2016-03-14**

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Board of County Councilors  
1300 Franklin Street, 6<sup>th</sup> Floor  
Vancouver, Washington

## Hearing Agenda

### ROUTINE

10. Approval of minutes for Mar. 8, 2016.

**APPROVED**

11. Approval of County Manager Appointments and Letters of Acceptance for:

- Terry Wollam appointed to the Development and Engineering Advisory Board, effective April 1, 2016 to March 31, 2018.
- Annie Davern appointed to the Clark County Arts Commission, effective immediately through the remainder of 2016.
- Holly Blosser reappointed to the Animal Protection and Control Advisory Board, effective July 1, 2016 to October 31, 2020.

**APPROVED**

### PUBLIC COMMENT—CLARK COUNTY ISSUES

#### **PUBLIC HEARING: DEVELOPMENT AGREEMENT FOR TRAFFIC SIGNAL IMPROVEMENTS ON NE 78<sup>TH</sup> STREET AND NE 39<sup>TH</sup> AVENUE**

To consider adoption of the Development Agreement for traffic signal improvements on NE 78<sup>th</sup> Street and NE 39<sup>th</sup> Avenue between Clark County, C.C. Land Development LLC, and Gaither Family II LLC.

Staff: Greg Shafer, 360-397-6118

**APPROVED**

**RESOLUTION NO. 2016-03-09**

#### **PUBLIC MEETING: CHARTER AMENDMENT RE: LIMITATION OF PROPERTY TAX INCREASES**

To consider an ordinance to place a Charter amendment on the November 2016 ballot that would limit property tax increases.

Staff: Councilor David Madore, 360-397-2232

**PUBLIC HEARING SCHEDULED FOR APRIL 19, 2016, 10AM**

### COUNCILOR COMMUNICATIONS

### ADJOURN

For any questions regarding consent agendas, contact Mark McCauley at [Mark.McCauley@clark.wa.gov](mailto:Mark.McCauley@clark.wa.gov) or 360.397.2232.



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Board of County Councilors  
1300 Franklin Street, 6<sup>th</sup> Floor  
Vancouver, Washington

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## Hearing Agenda

### 2:00 P.M. PUBLIC BID OPENINGS

BID #2635  
Annual Janitorial Supplies

For any questions regarding consent agendas, contact Mark McCauley at [Mark.McCauley@clark.wa.gov](mailto:Mark.McCauley@clark.wa.gov) or 360.397.2232.



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**Relay** 711 or (800) 833-6388; **Fax** (360) 397-6165; **E-mail** [ADA@clark.wa.gov](mailto:ADA@clark.wa.gov).

**BOARD OF COUNTY COUNCILORS  
MINUTES OF MARCH 22, 2016**

The Board convened in the Councilors' Hearing Room, 6th Floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington. Chair Marc Boldt, Councilor Jeanne E. Stewart, Councilor Julie Olson, Councilor David Madore, and Councilor Tom Mielke present.

**10:00 A.M.**

**PLEDGE OF ALLEGIANCE**

The Councilors led the Pledge of Allegiance.

**INVOCATION**

Hue Huong, Buu Hung Monastery delivered the invocation.

**PRESENTATION**

Chair Marc Boldt recognized the Clark County Recycled Arts Festival with awards they received from the Washington Festivals and Events Association. Sally Fisher, Environmental Services accepted and said a few words. Don Benton, Environmental Services Director joined the discussion.

**CONSENT AGENDA**

**ACTION:** Moved by Stewart to **APPROVE** consent agenda items #1 - #6 and #8- #11. Madore seconded the motion. Chair Marc Boldt and Councilors Stewart, Olson, Madore, and Mielke voted aye. Motion carried.

**ACTION:** Moved by Stewart to **APPROVE** consent agenda item #7. Madore seconded the motion. Chair Marc Boldt and Councilors Stewart, Olson, Madore, and Mielke voted aye. Motion carried.

**PUBLIC COMMENT**

1. Edward Barnes
2. James Maynard
3. Joe Levesque
4. Red Warren
5. Pauline Warren
6. Carol Levanen, Clark County Citizens United
7. David Rogers
8. Margaret Tweet
9. Susan Rasmussen, Clark County Citizens United
10. Dave Alt

**BOARD OF COUNTY COUNCILORS  
MINUTES OF MARCH 22, 2016**

**PUBLIC HEARING: DEVELOPMENT AGREEMENT FOR TRAFFIC SIGNAL IMPROVEMENTS ON NE 78<sup>TH</sup> STREET AND NE 39<sup>TH</sup> AVENUE**

To consider adoption of the Development Agreement for traffic signal improvements on NE 78<sup>th</sup> Street and NE 39<sup>th</sup> Avenue between Clark County, C.C. Land Development LLC, and Gaither Family II LLC.

Chris Horne, Deputy Prosecuting Attorney, presented. Further discussion ensued.

**PUBLIC COMMENT REGARDING PUBLIC HEARING: DEVELOPMENT AGREEMENT FOR TRAFFIC SIGNAL IMPROVEMENTS ON NE 78<sup>TH</sup> STREET AND NE 39<sup>TH</sup> AVENUE**

1. Carol Levanen

**ACTION:** Moved by Olson to **APPROVE** Resolution 2016-03-09. Stewart seconded the motion. Chair Marc Boldt and Councilors Stewart, Olson, Madore and Mielke voted aye. Motion carried.

**PUBLIC MEETING: CHARTER AMENDMENT RE: LIMITATION OF PROPERTY TAX INCREASES**

To consider an ordinance to place a Charter amendment on the November 2016 ballot that would limit property tax increases.

Chris Horne, Deputy Prosecuting Attorney, provided some background and presented. Further discussion ensued about noticing. Mark McCauley, County Manager joined the discussion. Further discussion ensued.

**ACTION:** Moved by Olson to **TABLE** the discussion pending a formal opinion from the Attorney General. Further discussion ensued. Mielke seconded the motion based on continuing the discussion to a date specific 10 days from today's hearing. *Original Motion died due to the lack of a second motion and Mielke withdrew his motion.*

**ACTION:** Moved by Madore to **SCHEDULE** a public hearing a month from now to discuss the charter amendment regarding limitation of property tax increases. Further discussion ensued. Boldt seconded the motion. Chair Marc Boldt and Councilors Stewart, Olson, Madore and Mielke voted aye. Motion carried.

**COUNCILOR COMMUNICATIONS**

Boldt spoke about the legislative session and spoke about the early adopter. Madore joined the discussion.



**BOARD OF COUNTY COUNCILORS  
MINUTES OF MARCH 22, 2016**

**2:00 P.M. PUBLIC BID OPENING**

Present at bid opening: Rebecca Tilton, Board of County Councilors Office; Mike Westerman and Beth Balogh, General Services-Purchasing Department.

**BID #2635**

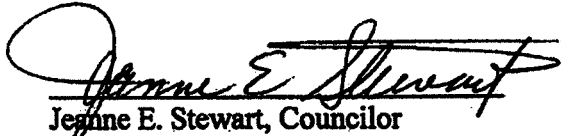
Annual Janitorial Supplies

Held a public hearing for Bid #2635 – Annual Janitorial Supplies. Mike Westerman, General Services-Purchasing, read bids and stated it was the Purchasing Department's intention to award Bid #2635 recommendations to the County Manager on April 12, 2016.

**BOARD OF COUNTY COUNCILORS**



Marc Boldt, Chair



Jeanne E. Stewart, Councilor



Julie Olson, Councilor

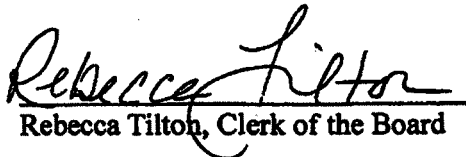


David Madore, Councilor



Tom Mielke, Councilor

ATTEST:



Rebecca Tilton, Clerk of the Board

jc

Please Note: The Board of Councilors' minutes are action minutes. Digital recordings can be provided upon request. In addition, the Councilors' hearings are broadcast live on CVTV, cable channels 21 and 23, and are also videotaped and repeated several times ([www.cvtv.org](http://www.cvtv.org)).

# **BOARD TIME**

March 23, 2016  
1:30 p.m.

## ***AGENDA***

- 1.0 Old Business
  - 1.1 Approval of minutes for March 16, 2016
  - 1.2 Budgeting Options (Bob Stevens)
- 2.0 New Business
- 3.0 Councilor Reports
- 4.0 Staff Reports
  - 4.1 Work Session request: Interstate 5/NE 179<sup>th</sup> Street Interchange

***At the conclusion of Board Time the Council will convene in Executive Session for approximately 1 hour regarding Pending Litigation***

Note: The audio recording for the March 23, 2016 Board Time meeting can be accessed on the county website ([clark.wa.gov/thegrid](http://clark.wa.gov/thegrid)) on The Grid. Note: Agenda subject to change.

**BOARD OF COUNTY COUNCILORS  
BOARD TIME  
MINUTES OF MARCH 23, 2016**

The Board convened in Conference Room 698, 6th Floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington. Chair Marc Boldt, Councilor Julie Olson and Councilor Tom Mielke present. Councilor Jeanne E. Stewart and Councilor David Madore absent.

**1:30 P.M.**

**Approval of minutes for March 16, 2016**

**ACTION:** Moved by Mielke to **APPROVE** the minutes for March 16, 2016. Olson seconded the motion. Chair Marc Boldt and Councilors Olson and Mielke voted aye. Motion carried.

**Budgeting Options**

Bob Stevens, Deputy County Manager / Director of General Services provided some background and presented. Further discussion ensued. Stevens would do more research and bring back to the Board at a later date.

**Rules of Practice**

Chris Home, Deputy Prosecuting Attorney provided some background and presented. Further discussion ensued about pulling consent agenda items. Discussion ensued about the timeline of the hearing agenda. Further discussion ensued about adding hearing / consent agenda items.

**Parks and Recreation**

Olson inquired about a County Parks and Recreation Department. Home provided some background. Further discussion ensued.

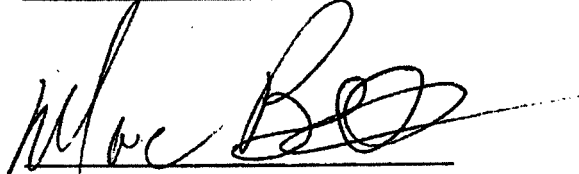
**Work Session Request: Interstate 5 / NE 179<sup>th</sup> Street Interchange**

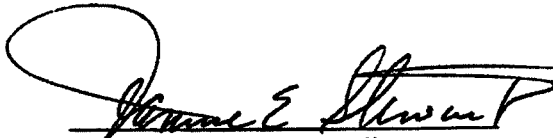
Jeff Swanson, Economic Development Director, provided some background and presented

**ACTION:** The Board approved scheduling the work session.

**BOARD OF COUNTY COUNCILORS  
BOARD TIME  
MINUTES OF MARCH 23, 2016**

BOARD OF COUNTY COUNCILORS

  
\_\_\_\_\_  
Marc Boldt, Chair

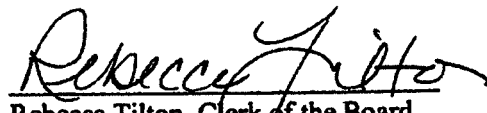
  
\_\_\_\_\_  
Jeanne E. Stewart, Councilor

  
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Julie Olson, Councilor

  
\_\_\_\_\_  
David Madore, Councilor

  
\_\_\_\_\_  
Tom Mielke, Councilor

ATTEST:

  
\_\_\_\_\_  
Rebecca Tilton, Clerk of the Board

jc

BOARD OF COUNTY COUNCILORS

CLARK COUNTY, WASHINGTON

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VERBATIM TRANSCRIPT OF PROCEEDINGS

BOARD TIME

APRIL 20, 2016

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Transcribed By:

Mary Jean Berkstresser, CCR #2671

Certified Court Reporter

of

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1 (BEGINNING OF RECORDING)

2 CITY MANAGER MCCAULEY: Okay. This is Board  
3 Time, Wednesday, April 20th, at 1:33 p.m.

4 COUNCILOR MADORE: We have it covered  
5 redundantly, three times.

6 CITY MANAGER MCCAULEY: Triple -- double  
7 redundancy.

8 COUNCILOR MADORE: Oh.

9 CHAIRMAN BOLDT: Oh, wonderful. Oh, approval  
10 of the minutes. I think there's a correction.

11 COUNCILOR STEWART: Yes.

12 CHAIRMAN BOLDT: Do we?

13 COUNCILOR STEWART: Well, if we call for --  
14 have we convened and are we on --

15 CHAIRMAN BOLDT: We've convened.

16 COUNCILOR STEWART: -- item 1?

17 CHAIRMAN BOLDT: We've convened. We're on  
18 item 1. Is there any corrections for the minutes of  
19 April 13th, 2016?

20 COUNCILOR STEWART: I want to poll the  
21 approval of the minutes --

22 CHAIRMAN BOLDT: It's polled.

23 COUNCILOR STEWART: -- from April 13th.

24 Thank you very much. So they look fine to me, but on  
25 page 2 of 2 --

1 CHAIRMAN BOLDT: Page 2 of 2.

2 COUNCILOR STEWART: -- when we had the very  
3 last item when we had the discussion about Board Time  
4 minutes --

5 CHAIRMAN BOLDT: Uh-huh.

6 COUNCILOR STEWART: -- our discussion wasn't  
7 for there to be a clearer record. It was for there to  
8 be a more accurate and complete record. So I'd like to  
9 just make that correction because clearer is going to  
10 be a matter of opinion, and what we want is accurate  
11 and complete.

12 CHAIRMAN BOLDT: Is that okay with everyone?

13 COUNCILOR MADORE: Can I add more specificity  
14 there?

15 CHAIRMAN BOLDT: Ah, yes.

16 COUNCILOR MADORE: There was one particular  
17 --

18 COUNCILOR STEWART: Well, that's my motion so  
19 -- but go ahead.

20 COUNCILOR MADORE: There is one particular  
21 correction that we focused on, and it was where it  
22 identified the person that said okay as Councilor  
23 Madore, and it was actually Councilor Mielke.

24 CHAIRMAN BOLDT: Yeah.

25 COUNCILOR MADORE: That was what we asked to

1           have corrected. And our County Manager here said he'd  
2           be -- invited me to send him that information with the  
3           queued-up exact response -- or exact spot. He listened  
4           to it and said, sure enough, that is the correction to  
5           be made, and so that's what we agreed upon here.

6                        COUNCILOR MIELKE: That was -- that was --

7                        COUNCILOR STEWART: No --

8                        CHAIRMAN BOLDT: Actually, we agreed to more  
9           than that.

10                      COUNCILOR MIELKE: That was two weeks ago.

11                      COUNCILOR STEWART: We, we, we agreed that --

12                      COUNCILOR MADORE: Oh, we've got two -- okay.

13                      COUNCILOR MIELKE: Yeah. The last time he  
14           reported -- Mark reported that he had reviewed those  
15           and was going to correct them.

16                      CHAIRMAN BOLDT: And there was more than  
17           that.

18                      COUNCILOR MIELKE: Put them on the grid.

19                      CITY MANAGER MCCAULEY: Right, but there were  
20           omissions and --

21                      COUNCILOR MADORE: I recall now.

22                      CITY MANAGER MCCAULEY: -- potential  
23           additional errors that will be corrected with a new  
24           transcript. Right, Chris?

25                      CHAIRMAN BOLDT: Besides the --



1 MR. HORNE: Well, what -- everything that you  
2 said I think is consistent with what my recall is of  
3 the email, that Councilor -- or I mean, that you  
4 pointed out one or two.

5 COUNCILOR MADORE: In the first meeting --

6 MR. HORNE: Mark agreed -- I understand.  
7 And that Mark agreed -- Mark McCauley said or the  
8 County Manager said that those changes would be made.

9 The only -- the only other issue was the fact  
10 that the discussion -- the discussion regarding Mr.  
11 Benton's hiring is -- that's only a portion. What was  
12 transcribed was not the entire discussion. It was only  
13 a portion of it. So the question was in light of all  
14 the attention this has been given is, rather than --  
15 and in the idea of making sure that we have an accurate  
16 and a complete record of this, that you transcribe the  
17 entire discussion so that there's not any claim that  
18 anybody's hidden anything -- and there's one other  
19 mistake, actually.

20 And the mistake is it shows the tape as going  
21 on from point A to point B when, in fact, in the  
22 intervening period -- if you remember, Bill Barron said  
23 I turn the chair back to you, and there was some  
24 discussion about other appointments, and we said -- you  
25 worked through those and had some talks about other

1 directors' positions. I think it was actually before  
2 Dr. Melnick was appointed. And there was some  
3 discussion about a Health appointment.

4 In any event, what the tape should show, what  
5 the transcript should show, is other irrelevant  
6 discussion or other discussion not related to Mr.  
7 Benton, when it -- it actually shows as if there was  
8 one continuous discussion. So the point was as long as  
9 you're going in there to have this thing fixed, you  
10 might as well fix it, make it a complete discussion on  
11 the appointment of Councilor -- I mean, of Mr. -- the  
12 Director of Environmental Services, and to assure that  
13 if the public wants to listen to this, they don't hear  
14 the tape and think, well, wait a minute, there's no  
15 other discussion that happened because they think when  
16 there's a break in the tape and some other subject  
17 comes up that this language doesn't belong here.

18 Well, if you listen far enough, it comes back  
19 to the subject, and I think where it comes back is I  
20 think maybe you make a comment to Bill Barron, saying I  
21 heard your comments about this, and I want to let you  
22 know I'm not going to let that -- I've thought about  
23 it, and I'm not going to let that happen. That's where  
24 it starts back up again.

25 And so there was an intervening break, and to

1 not reflect that in the transcript could lead the  
2 public to believe that somehow we added language that  
3 wasn't on the transcript because we show it as  
4 continuous when, in fact, it's not.

5 So it was just to kind of clean this up and  
6 make it a correct statement of the entire proceeding  
7 that happened on that day.

8 COUNCILOR STEWART: And that's -- that is  
9 what I thought our discussion was, is to -- if there  
10 was one inaccuracy, to go back and compare the tape to  
11 the transcript, and if there are omissions just to --  
12 the whole purpose is to have the transcription reflect  
13 the most accurate and complete discussion for the  
14 record, and that's -- that's just the right thing to do  
15 --

16 CHAIRMAN BOLDT: Yeah.

17 COUNCILOR STEWART: -- for transparency sake.

18 COUNCILOR MIELKE: So -- so that was on the  
19 6th, and then last week, I think, Mark did it -- you  
20 know, you said last week that you reviewed the tape and  
21 corrected it and then, I think, you were asked or you  
22 said you would put it on the grid then.

23 CITY MANAGER MCCAULEY: Actually --

24 CHAIRMAN BOLDT: You can't because it's  
25 transcribed.

1 CITY MANAGER MCCAULEY: We have to go back to  
2 the firm that did the original transcription, and I  
3 don't remember the name of the firm --

4 MR. HORNE: Rider and Associates.

5 CITY MANAGER MCCAULEY: Yeah. But they're  
6 the ones that have --

7 COUNCILOR MIELKE: You can't have staff do  
8 that?

9 CHAIRMAN BOLDT: No because staff didn't take  
10 the minutes.

11 CITY MANAGER MCCAULEY: Did they transcribe  
12 from --

13 MR. HORNE: From tape. They just listened to  
14 the tape and transcribed it.

15 CITY MANAGER MCCAULEY: So they have the  
16 tape. They're the only ones that can correct the  
17 record.

18 COUNCILOR MIELKE: Okay. And so that's  
19 going to be done?

20 MR. HORNE: Yes.

21 CHAIRMAN BOLDT: So getting back to the  
22 minutes, is that okay?

23 COUNCILOR STEWART: Well, I want my --

24 CHAIRMAN BOLDT: Yes.

25 COUNCILOR MIELKE: Yes.

1 COUNCILOR STEWART: The record for my motion  
2 to --

3 CHAIRMAN BOLDT: Okay.

4 COUNCILOR STEWART: -- for this to be changed  
5 for a more accurate and complete record.

6 COUNCILOR MIELKE: I'll second the motion.

7 COUNCILOR MADORE: That's fine.

8 CHAIRMAN BOLDT: Okay. All in favor of the  
9 amendment --

10 COUNCILOR MADORE: Well, wait a minute.

11 CHAIRMAN BOLDT: -- say aye.

12 COUNCILOR STEWART: Aye.

13 COUNCILOR OLSON: Aye.

14 CHAIRMAN BOLDT: Aye.

15 COUNCILOR MADORE: Aye. I have also another  
16 area that I'd like to be able to correct on the same  
17 minutes.

18 CHAIRMAN BOLDT: Okay.

19 COUNCILOR MADORE: On page 1 at the very  
20 bottom, it says, "Action. The Board approves  
21 scheduling the work session after the Comprehensive  
22 Plan is done." I think that's where we started out,  
23 and we had discussion to move that up so that we didn't  
24 end up just delaying things when this is a -- we have a  
25 housing crisis and we have a real good solution

1           potentially that could address, not the whole thing,  
2           but one very important slice of the pie, and I thought  
3           that we all agreed that we would do that as soon as  
4           possible, that we wouldn't wait until after the whole  
5           Comprehensive Plan was done, because with the 1,515  
6           employees or so we have, we have the capacity to do two  
7           things at once. And I thought that's where we left it.  
8           We said, yep, we'll --

9                   COUNCILOR OLSON: We don't have 1,500  
10           employees in our Community Development Department.

11                   COUNCILOR MADORE: I didn't say the Community  
12           Development Department.

13                   CHAIRMAN BOLDT: Okay.

14                   COUNCILOR MADORE: We have -- within our  
15           County staff.

16                   CHAIRMAN BOLDT: So I thought we had left it  
17           when -- we will have the work session when staff could  
18           find time at the earliest convenience.

19                   COUNCILOR MADORE: Well, why don't we do  
20           this. Why don't we go back and listen to the tape and  
21           just simply reflect what that decision was and let it  
22           --

23                   CITY MANAGER MCCAULEY: I think the Board  
24           Chair said that we would look for opportunities to  
25           advance the work session to the degree possible.

1 COUNCILOR MIELKE: I thought Marni -- I  
2 thought Marni took it and said I'll go get it done.

3 COUNCILOR MADORE: Well, let's just simply  
4 make sure that the action that was agreed upon there is  
5 accurately reflected in the minutes, so we'll have to  
6 go back to see what did it say, okay?

7 CITY MANAGER MCCAULEY: Okay, so given that,  
8 bring it back next week?

9 CHAIRMAN BOLDT: Yeah.

10 COUNCILOR MADORE: Yeah.

11 COUNCILOR STEWART: Well, let me -- let me  
12 ask a question to clarify something here. We need to  
13 incrementally move forward on the Comp Plan. There's  
14 nothing that precludes us from having a work session to  
15 -- I don't want it to -- I don't want it to be reactive  
16 that we're saying, okay, this work session is going to  
17 be about fixing the housing crisis.

18 CHAIRMAN BOLDT: Very good. Okay.

19 COUNCILOR STEWART: But for us to be  
20 proactive in looking at the whole housing picture,  
21 which includes multi-family and all the housing.

22 CHAIRMAN BOLDT: Okay. Good job. Okay.  
23 Okay --

24 COUNCILOR MADORE: I have a -- well, it will  
25 -- it will be new business so --

1 CHAIRMAN BOLDT: Okay.

2 COUNCILOR MADORE: -- I'll wait until that  
3 opportunity.

4 CHAIRMAN BOLDT: Very good. Rebecca Dean  
5 contract?

6 CITY MANAGER MCCAULEY: Okay, I put this on  
7 the agenda because Councilor Madore had some questions  
8 for me about this and why it wasn't posted on the grid  
9 for a week for review by the Councilors so that any one  
10 Councilor could pull it and put it on a consent agenda,  
11 and this Board discussed retaining an attorney or an  
12 investigator to investigate the allegations made by  
13 Councilor Madore against planning staff and our PA's  
14 Office. There was unanimity among the Board to proceed  
15 with that, and I think we had discussions on more than  
16 one occasion.

17 That guidance from the Board, plus the  
18 sensitivity of what's contained in this document and  
19 the fact that the Board as a whole may use the results  
20 of the investigation for some sort of action subsequent  
21 to its completion, and that one Board member will be  
22 the subject of the investigation, in part, it would  
23 have been inappropriate for the Board to have had an  
24 opportunity to review this and make changes to it or  
25 propose that changes be made to it.



1                   So given that I had unanimous support of the  
2                   Board to proceed with this, I did proceed, and I signed  
3                   it without posting it, and so the investigation began  
4                   last Wednesday and is proceeding.

5                   So I just wanted the Board to hear my  
6                   rationale for doing that. Section -- or Title 2.09 of  
7                   the County Code requires that contracts be posted on  
8                   the grid for a week and -- however, I do believe in  
9                   certain circumstances, especially when I had unanimous  
10                  support of the Board to move ahead, I elected just to  
11                  sign it and get on with it.

12                  CHAIRMAN BOLDT: Okay.

13                  COUNCILOR STEWART: And it is clear that time  
14                  is of the essence.

15                  CITY MANAGER MCCAULEY: That was a  
16                  consideration also.

17                  COUNCILOR STEWART: To get the matter cleared  
18                  up one way or the other so that we're going to have  
19                  adequate staff here and ready to go on the Comp Plan  
20                  and other issues that come forward out of -- out of our  
21                  legal department.

22                  COUNCILOR MADORE: I guess I have some  
23                  questions. It's really important that we follow  
24                  process. Anytime we're not going to follow process, we  
25                  ought to at least communicate about that possibility.

1                   Did the Board actually -- did we actually  
2                   take an action in open meeting to authorize this?

3                   COUNCILOR STEWART: Well, it was an executive  
4                   session item, and due to the sensitive nature, my  
5                   assumption was that in an executive session on an  
6                   emergency legal item that we could have a discussion  
7                   and reach an agreement that we would enter into a  
8                   contract with an independent person to do research and  
9                   prepare an investigative report so that we would know  
10                  how to move forward. I don't -- is -- I don't see any  
11                  reason why that isn't the legitimate executive session  
12                  --

13                  MR. HORNE: I would tell you that in light of  
14                  the fact that I am the subject of one of those  
15                  investigations and in light of what else has happened,  
16                  I don't think it's a good idea for me to give you a  
17                  response. I can speak with -- in most cases, I would  
18                  be glad to advise the whole Council, but given the  
19                  potential that this will be seen as me trying to  
20                  benefit myself, I have to be careful. And so what I  
21                  would tell you is we will look at that, and we will  
22                  provide you a written response, and we'll try and get  
23                  it to you in the next 48 hours. We may go back and  
24                  listen to the taped discussion. I can't generally talk  
25                  about executive sessions, and certainly we have

1           undertaken -- we, the County, has undertaken other  
2           contracts in anticipation or in contemplation of  
3           litigation or further employment action that were done  
4           in executive sessions.

5                        COUNCILOR STEWART: Absolutely.

6                        MR. HORNE: So the potential, at least  
7           generally, for doing that has occurred in the past.

8                        Normally, actions that are taken are required  
9           to occur in the open public meeting, and that's true  
10          under 42.30, but that also -- but that same section  
11          also contains exemptions for very apparent reasons that  
12          are contained in 42.30.110.

13                       COUNCILOR STEWART: Yes.

14                       COUNCILOR MADORE: So I'm not -- I don't  
15          think there was an answer to that question.

16                       MR. HORNE: And I didn't give you one. I  
17          said I'll give you a written answer.

18                       COUNCILOR MADORE: Well, I'm asking this  
19          Board was there an open meeting action taken to award a  
20          contract to this legal firm?

21                       COUNCILOR STEWART: And, no, there wouldn't  
22          have been --

23                       CITY MANAGER MCCAULEY: I would make the  
24          argument that there doesn't need to be an action by the  
25          Board --

1 COUNCILOR STEWART: It's a pending  
2 litigation.

3 CITY MANAGER MCCAULEY: Every contract I post  
4 on the contracts grid sits there for a week. If I hear  
5 no objection from anyone, I award the contract. No  
6 Board action taken. This is no different.

7 COUNCILOR MADORE: Well, I would assert that  
8 it is different because once you place the contract --  
9 proposed contract -- and it's proposed at that point,  
10 it's not approved -- on the contracts grid, then, of  
11 course, the default is that it's automatically approved  
12 after a week. That's only true if it's posted on the  
13 contracts grid.

14 COUNCILOR STEWART: Mr. Chair --

15 COUNCILOR MADORE: The problem is that this  
16 was not posted on the contracts grid, and the question  
17 is whether or not there is -- there was a Board action  
18 to bypass that process or to somehow approve the  
19 contract. I just want to know what the answer to that  
20 question is.

21 COUNCILOR STEWART: Mr. Chair, this is going  
22 to be a circle conversation.

23 CITY MANAGER MCCAULEY: Yeah, it is.

24 COUNCILOR STEWART: This is exactly the kind  
25 of thing we need legal counsel to work with us on, and

1 we don't have a legal counsel because he -- he's  
2 involved in the matter, that we have had to go to the  
3 outside, independent person to get an independent  
4 report to develop the facts. And this is exactly what  
5 my concern was yesterday when we approved the contract  
6 -- or we approved --

7 COUNCILOR OLSON: The conflict waiver.

8 COUNCILOR STEWART: -- and agreed to the fact  
9 that we believed that Chris Horne and Chris Cook can  
10 continue to represent us as this challenge continues to  
11 be presented by Councilor Madore to this Board as  
12 putting us in a position -- we need to answer  
13 questions, and we have no legal counsel.

14 COUNCILOR MIELKE: So I take a different look  
15 on it. I thought we would agree to hire someone, but  
16 we hadn't agreed on what's going to be investigated,  
17 and that's really important that we know what's going  
18 to be asked of the person doing the investigation. I  
19 don't think we need legal counsel for that. It's  
20 either we agree or disagree with that --

21 COUNCILOR STEWART: Mr. Mielke, we need legal  
22 counsel on these type of questions.

23 COUNCILOR MIELKE: Councilman, Councilman  
24 Mielke.

25 COUNCILOR MADORE: It is Council --

1 Councilman --

2 COUNCILOR MIELKE: Yeah.

3 COUNCILOR STEWART: Mr. is a respectful term,  
4 so don't get technical and snotty here, either of you.

5 COUNCILOR MIELKE: Well, you're being  
6 technical here.

7 COUNCILOR STEWART: This is exactly what the  
8 problem is. We should not -- clearly, right now, the  
9 issues have arisen that make it clear we can't even  
10 conduct this meeting and have any legitimate  
11 conclusions.

12 CHAIRMAN BOLDT: Well, we have talked about  
13 this investigation for a month or more. We've all  
14 agreed -- it was in open session because there was  
15 really no use to have an executive session, I remember,  
16 on this matter, so it was held in open session. We all  
17 said it needed to be -- at least three of us said it  
18 needed to be investigated. We needed to hire a  
19 contract, and it needed to be confidential. That's  
20 exactly what Mark did. I think it's done.

21 COUNCILOR MIELKE: Well, it's not  
22 confidential.

23 COUNCILOR MADORE: Can I weigh in on this?  
24 If it was an action that was taken in open meeting,  
25 then our minutes would say so, right? And I'm not

1           aware of our minutes saying so. So I would say that  
2           the minutes ought to reflect the truth. And I would  
3           say also that these don't necessarily have to turn into  
4           circular arguments or anything like that. It's a real  
5           simple question. I just asked one question. Did we  
6           approve this action in any way in open meeting? That's  
7           a simple question. It's not an argument. And so I  
8           would think that the minutes would reflect the answer  
9           to that.

10                         The second thing is that the -- this is  
11           asserted that somehow this is special because it's  
12           secret and confidential. Let me refute that. Someone  
13           in -- a citizen informed me that did you know that this  
14           contract is out there on a newspaper site that you can  
15           download and get a copy of it. I said I don't know  
16           anything about any contract.

17                         So, not only was I not aware that there was a  
18           contract, but that it was so public that the community  
19           knew about it before I did, so it's -- it can't be that  
20           sensitive when it's published on the newspaper site.

21                         COUNCILOR STEWART: You were in the meeting  
22           when we made the decision to go to the outside and  
23           contract with an independent person who had a  
24           well-established, credible reputation to investigate  
25           this matter.

1 COUNCILOR MADORE: I disagree with you. I do  
2 not think that is the case.

3 COUNCILOR OLSON: You were there.

4 COUNCILOR MIELKE: We're not talking about  
5 that.

6 COUNCILOR MADORE: But that --

7 COUNCILOR STEWART: You can't disagree that  
8 you were in the meeting.

9 CHAIRMAN BOLDT: You were in the meeting.

10 COUNCILOR MADORE: Well, if I wasn't -- if  
11 that wasn't the topic of the meeting --

12 COUNCILOR OLSON: You said I welcome it.

13 COUNCILOR MADORE: -- then it's -- then, yes,  
14 I must disagree. But it doesn't matter. We don't need  
15 to argue about that.

16 COUNCILOR STEWART: Well, because the  
17 argument makes no sense.

18 COUNCILOR MADORE: Well, actually, dialogue  
19 and debate is a healthy way to be able to get to the  
20 root of things, so it's okay to dialogue --

21 COUNCILOR OLSON: Chris -- are you done?

22 COUNCILOR MIELKE: I think what he's saying  
23 is that --

24 MR. HORNE: Sure.

25 COUNCILOR MIELKE: -- he read it on a



1 newspaper website --

2 CHAIRMAN BOLDT: But that's --

3 COUNCILOR MIELKE: -- and yet we didn't put  
4 it on our grid.

5 CHAIRMAN BOLDT: Okay.

6 COUNCILOR OLSON: On the charter section  
7 where it talks about the powers of the Executive, it  
8 has some language in there about contracts and the  
9 County Manager's ability to sign contracts --

10 MR. HORNE: Yes.

11 COUNCILOR OLSON: Is this in the context of  
12 what that might be?

13 MR. HORNE: The contract -- or the charter  
14 provides that the County Manager is the -- is, number  
15 one, the administrative officer for the County and the  
16 Executive and also is authorized to execute documents  
17 on behalf of Clark County, including contracts, deeds  
18 and other documents. The ordinance that Councilor  
19 Madore is referring to, Title 2.09, was attempted -- or  
20 was -- its intent was to try and find a balance so that  
21 the Council felt comfortable about their budgetary  
22 responsibilities to the public against their obligation  
23 to work together with the County Manager to keep  
24 business going and allow him to execute documents on  
25 behalf of the County.

1                   And so, generally speaking, there were some  
2 provisions in which if documents -- or if budgets had  
3 already been approved, the Council could just execute  
4 those contracts without any limit, and then for  
5 contracts, for example, that had funding that the Board  
6 was more concerned about -- I think there was one area  
7 that was general money that was used for subscriptions.  
8 I can't recall its heading, but that they wanted all  
9 those contracts reviewed.

10                   The Charter takes precedence over the Code,  
11 but this was -- that was the basis upon which the  
12 contract was -- or, I'm sorry, that was the basis upon  
13 which the Ordinance was passed. It was an attempt to  
14 try and allow the Council to uphold its budgetary  
15 obligations, recognizing the authority that the Charter  
16 granted the County Manager.

17                   So I -- that's I think the beginning to your  
18 answer, and then applied to this case, where it becomes  
19 a little more complex is because Councilor Madore is  
20 right. They didn't -- this thing wasn't posted on the  
21 grid, and the Ordinance requires it to be posted on the  
22 grid.

23                   Having said that, the Ordinance also doesn't  
24 require it to be pre-approved by the Board, and it was  
25 pre-approved. It's just slightly different. It was a

1 unique contract in some respects in recognition of some  
2 of the things that happened. Where it -- where the  
3 best result was where you start out in a place where  
4 the Ordinance doesn't contemplate and you finish up  
5 where the ordinance doesn't contemplate is for your  
6 judgment. And I guess I should -- I won't say anymore.

7 COUNCILOR OLSON: And my concern would be if  
8 -- let's just say it was posted on the grid. If  
9 Councilor Madore, for instance, were to pull it off and  
10 want to have -- he's got a conflict there. So I'm not  
11 quite sure what your expectation would be if it was  
12 posted on the grid --

13 COUNCILOR MADORE: I can answer that, if you  
14 would like.

15 COUNCILOR OLSON: -- because you would have a  
16 conflict.

17 COUNCILOR MADORE: I can answer that if you  
18 like. The Code is very clear. It says all contracts  
19 will be posted on the contracts grid for a week.  
20 During that time, any one Councilor can pull it, and if  
21 that happens, then it goes to the Board as a whole, and  
22 it must be approved by the majority of the Board. It's  
23 that simple.

24 COUNCILOR OLSON: Except that Chris Horne  
25 just said that we're in a situation that the Ordinance

1 does not contemplate the circumstances that we're in.

2 COUNCILOR MADORE: Well, I would think that

3 --

4 COUNCILOR OLSON: And it's not clear because  
5 we're in a circumstance that's fairly unique and  
6 unfortunate.

7 COUNCILOR MADORE: Unfortunate really has  
8 nothing to do with following process. The Code is  
9 absolutely clear. In fact, Chris, if you could read  
10 the last two chapters of that --

11 CHAIRMAN BOLDT: You just said that.

12 COUNCILOR MADORE: -- Chapter 2 of -- what's  
13 the reference?

14 COUNCILOR OLSON: Well, I guess the question  
15 for me would be where we're going to end this  
16 conversation since the contract's been signed and we  
17 have an investigation proceeding. What's the  
18 conclusion of this discussion?

19 COUNCILOR MADORE: Well, it's that we need to  
20 follow process, and we can't somehow skip the process  
21 or short-circuit the process because somehow there's a  
22 -- on a mutual understanding. We need to conduct the  
23 County's business according to Code in open public  
24 meetings, and if there are exceptions, that we should  
25 somehow understand what those exceptions are. We

1 shouldn't find out that something happened in a  
2 newspaper when it should have been happening here in an  
3 open meeting.

4 CHAIRMAN BOLDT: Okay. Very good.

5 COUNCILOR MIELKE: And that could be that we  
6 agree with that.

7 CHAIRMAN BOLDT: Yep. Okay.

8 COUNCILOR STEWART: And there is a provision  
9 for that, which is legal matters, pending legal  
10 matters. There are exceptions to that rule.

11 COUNCILOR MIELKE: I think we're in agreement  
12 that we should try to follow Code.

13 CHAIRMAN BOLDT: Okay, yeah. Very good.  
14 Moving on.

15 COUNCILOR MADORE: I'm not done. I'm not  
16 done. Chris Horne, you mentioned -- you said it was  
17 pre-approved, and my assertion is that it was not  
18 pre-approved. This Board --

19 COUNCILOR OLSON: It was pre-approved by this  
20 Board.

21 COUNCILOR MADORE: The minutes would say so,  
22 and they don't say so.

23 COUNCILOR OLSON: We don't take minutes in  
24 executive session.

25 COUNCILOR MADORE: No, I'm not -- and neither

1 do we take action in executive session. I would assume  
2 that you are not referring to an executive session.

3 MR. HORNE: I'm not sure I used the word  
4 pre-approved. I said that -- I said that this contract  
5 did not follow the normal practice that the Code  
6 contemplated because the Board discussed it and  
7 approved the execution of the agreement by a vote that  
8 I think -- actually, if there was any opposition to the  
9 vote, I think it was Councilor Mielke who thought that  
10 it was unnecessary and that nothing good would come out  
11 of it, and he had concerns about the employees. And so  
12 if there was anybody who voted no, I think it was  
13 Councilor Mielke maybe, but I know that the other four  
14 members, including yourself, specifically voted in  
15 favor of going forward with this investigation and that  
16 you supported that. So whatever term you use, you  
17 voted for it.

18 Beyond that -- well, I hope I answered your  
19 question.

20 COUNCILOR MADORE: Well, it would be good for  
21 us to be able to actually go back to the minutes --

22 CHAIRMAN BOLDT: Okay, we'll do that.

23 COUNCILOR MADORE: -- and find out what was  
24 decided there because certainly the discussion of a  
25 direction is one thing, and the approval of a specific

1 contract with a specific firm to execute that is  
2 another, and both of those require an open public  
3 process.

4 I also have -- and I don't believe that we  
5 were finished with the discussion in order to move  
6 forward with something because what was not clear is  
7 what was going to be investigated. And I've looked at  
8 the contract, now that I got a copy of it downloaded  
9 from a newspaper site, the -- I see that there's one  
10 line blanked out, and I don't know what it -- what was  
11 blanked out there, why it was redacted. If we have  
12 access to what was redacted in that first line of that  
13 contract -- the Rebecca contract? I would like to know  
14 what that is if I have access to it.

15 And also I believe that it's going down the  
16 wrong path -- and I have prepared a document that would  
17 help us to know exactly what is specific and what is  
18 the -- what are the allegations. And I have one spare  
19 copy. Who would like the copy? Okay.

20 Let me just read the first sentence on that  
21 because it explains it. "It appears that the accused  
22 parties have substituted a strawman argument in place  
23 of the actual specific alleged misconduct that must be  
24 investigated. The evidence for that diversion is the  
25 March 1 entry of the following table, as well as the

1 absence of these specifics from the Rebecca Dean  
2 contract."

3 If you look at the Rebecca Dean contract, it  
4 has a paragraph, a number 3, that does not even include  
5 this at all. And so I -- there are four meetings in  
6 there, January 13 -- I've been saying January 19 in  
7 public meetings by accident. It's actually January 13.  
8 Let me make that correction and apologize for the  
9 error. January 16 -- or February 16, February 23 and  
10 March 1. Those are the very specific mis -- false and  
11 misleading statements that were -- that I'm alleging  
12 occurred in our public meetings. All of them are  
13 recorded. That an investigation ought to just simply  
14 say it did happen or did not happen. True or false.

15 And if it -- if the misstatements were made,  
16 then there would be potential opportunity for those  
17 that made the statements to say, you know, we goofed,  
18 we apologize, we misunderstood, or still insist that  
19 that was still true. And so far there's been the  
20 insistence that all of these are true and there's no  
21 backing up. And so there'd be clear definition.

22 The second page is the -- this is the  
23 subject. This is the definition so nobody can assert  
24 that it's something else. This was adopted and posted  
25 on the grid, November 24 of 2015. It is part of a --



1 the 1.09 document.

2 So I just want to make sure everyone  
3 understands this is the allegation, these are the  
4 allegations, this is the specifics, this is what would  
5 -- that we need to be able to say true or false, yes or  
6 no, did it happen or didn't it? What is that?

7 Once we discover -- and, I mean, the  
8 investigation ought to be to just simply review the  
9 tape and say did they say that or didn't they say that  
10 and let it speak for itself.

11 Once we understand if this is true or this is  
12 false, then you can take the next step and say what are  
13 you going to do about it.

14 CHAIRMAN BOLDT: Okay.

15 COUNCILOR OLSON: So let's let the  
16 investigation proceed --

17 COUNCILOR STEWART: Mr. Chair, I want to say  
18 directly that we should not enter this into the record  
19 as anything other than Mr. Madore's opinion. The  
20 reason is this. If you take any statement made and you  
21 take it out of the context of the entire conversation,  
22 it can appear to do one thing, and that's not an honest  
23 representation, and that does not represent the  
24 transparency. So a statement made by anybody at a  
25 period of time -- you need to understand the context of

1 the question and the answer or the discussion in order  
2 to have a full and complete truth.

3 So the document that Mr. Madore is suggesting  
4 to be included with this is a document from an unknown  
5 source. In -- during the meetings all during the  
6 summer last year, frequently in a meeting Mr. Madore  
7 would produce and ask to have entered into the record  
8 material prepared by himself, and so we need to know  
9 who the author is of any document that's in the record  
10 at any given time because there was a lot of confusion  
11 about that during July, August, right up until  
12 November. They weren't products that staff generated  
13 and produced and entered. They were products that Mr.  
14 Madore entered.

15 So we need to know the context of any of  
16 these, and what we need is -- is the whole truth, not  
17 to -- not to cherry-pick just certain things that might  
18 lead us to a certain conclusion. It doesn't mean that  
19 there -- that that doesn't get looked at too, but I  
20 just want to urge that we look at any of this or put it  
21 forward to any attorney that's doing an investigation  
22 the importance of the context and then their  
23 understanding of the context.

24 COUNCILOR MIELKE: I agree with you, Jeanne,  
25 in as far as that we need to know what we're asking,

1 and so I would like to ask us, staff, to show us in  
2 this contract that we have what we've given direction  
3 to this person to investigate.

4 CHAIRMAN BOLDT: It's right there.

5 COUNCILOR MADORE: It's stated in the first  
6 paragraph.

7 COUNCILOR MIELKE: Well, except recovering  
8 the redacted number 1, so --

9 CHAIRMAN BOLDT: Well, we'll find out when  
10 the investigation is done.

11 COUNCILOR MIELKE: So that's it, right?

12 CITY MANAGER MCCAULEY: Mm-hmm.

13 COUNCILOR MIELKE: We've asked them -- this  
14 is what we asked the attorney to do?

15 CHAIRMAN BOLDT: Mm-hmm. Okay.

16 COUNCILOR MIELKE: And I think that was the  
17 overall big question is that when we agreed to go do  
18 it, we'd like to be a part of agreeing what we're going  
19 to ask for.

20 CITY MANAGER MCCAULEY: Okay, very good.

21 COUNCILOR MADORE: Wait a minute, excuse me.  
22 I would like to be able to respond to what was just  
23 asserted here and just make sure that there is no  
24 confusion. Anything that I write, it comes from me. I  
25 wrote every word of this document just before this

1 meeting. It's coming from me. It only speaks for me.  
2 It doesn't speak for the Board. I'm not representing  
3 this as coming from anywhere else or being approved by  
4 the Board or any other entity whatsoever. Even my  
5 attorney has not seen this.

6 So that addresses this specific document --  
7 CHAIRMAN BOLDT: Okay. Moving on.

8 COUNCILOR MADORE: I'm not done. Excuse me,  
9 I have the floor. In addition, there were the  
10 assertions that somehow Councilor Madore created other  
11 documents and posted them on the grid last year and  
12 asserted -- and nobody -- there was a big confusion of  
13 who knows where it came from and whatever, anything --  
14 nothing could be further from the truth.

15 In fact, to clarify things, I even posted a  
16 separate document at the encouragement of the  
17 Prosecuting Attorney's Office that said I wrote this.  
18 This is from me. It doesn't represent the staff. It  
19 doesn't represent anyone else. So there is no  
20 confusion --

21 COUNCILOR MIELKE: I think that we're getting  
22 really --

23 COUNCILOR MADORE: Well, I just want to make  
24 sure that we don't mischaracterize --

25 COUNCILOR MIELKE: Yeah, I understand.

1 COUNCILOR MADORE: -- my history and  
2 contribution in this --

3 CHAIRMAN BOLDT: I think we understand that.

4 COUNCILOR MIELKE: So one of the things I'm  
5 concerned about is that we're asking for the right  
6 thing.

7 COUNCILOR MADORE: Yes.

8 COUNCILOR MIELKE: Do you disagree with  
9 what's in the first paragraph here?

10 COUNCILOR MADORE: I think it's missing the  
11 mark, and that's why the first para -- the first  
12 statement here (indicating) addresses that. This  
13 (indicating) does not investigate this (indicating).  
14 These are the allegations (indicating).

15 CHAIRMAN BOLDT: Okay. Thank you. So  
16 anything else --

17 COUNCILOR MADORE: So let me ask if we can  
18 correct the investigation to actually include the  
19 actual --

20 CHAIRMAN BOLDT: No, the contract -- it's a  
21 contract.

22 COUNCILOR MIELKE: Well --

23 CITY MANAGER MCCAULEY: The process -- you  
24 will be interviewed, Councilor Madore, by Rebecca Dean  
25 as part of the investigation, and you'll be free to

1 present to her whatever evidence you would like to.

2 COUNCILOR MIELKE: Yes.

3 COUNCILOR MADORE: See, this is --

4 COUNCILOR MIELKE: I just have a -- I really  
5 have a concern when we're not in agreement with what  
6 we're asking, at least, and I hate to rush past this  
7 thing. If you don't elaborate outside the focus -- and  
8 I agree with you -- it would be -- it's something you  
9 can -- when they come to interview us, we can ask, but  
10 this is kind of broad from what I read of it  
11 (indicating). This is more specific (indicating). I  
12 guess they're both okay, in my opinion --

13 COUNCILOR MADORE: Yeah, yeah.

14 COUNCILOR MIELKE: -- and if this  
15 (indicating) gets us there, we probably should let it  
16 continue, and then when it gets to the investigation  
17 and they come and talk to me or you or whatever, we  
18 could see that these things are being covered.

19 COUNCILOR OLSON: Mm-hmm, mm-hmm.

20 COUNCILOR MADORE: Yes, and -- first of all,  
21 I think it's really important that we embrace the full  
22 process, that we be as transparent as we can and that  
23 we all cooperate and answer all the questions,  
24 certainly. But that's one of the reasons why it's so  
25 important for us to be able to follow process. Here we

1 have the discovery --

2 CITY MANAGER MCCAULEY: Okay, we've said that  
3 four times.

4 COUNCILOR MIELKE: We can't go back. We  
5 can't go back and unring a bell --

6 COUNCILOR MADORE: No, I'm not -- I don't  
7 mean to do that.

8 COUNCILOR MIELKE: Well, we've -- I think  
9 there may have been a better way to do this and maybe  
10 we should have been more clear a week or two ago, but  
11 what we have before us now -- I want to make sure that  
12 we're in agreement that this will get us to the right  
13 questions of the investigation and we can also expand  
14 it here when we have our one-on-ones.

15 COUNCILOR MADORE: The only point I wanted to  
16 make here was that because the process is our friend,  
17 when we follow the process, then we get to nail down  
18 what is not known in the process, and had the proposed  
19 contract been posted on the grid to follow process,  
20 then we could have said -- we could have looked at it  
21 and said, you know what, that description of what  
22 they're going to investigate --

23 CHAIRMAN BOLDT: Okay, you've made your  
24 point.

25 COUNCILOR MADORE: -- doesn't include even

1 the --

2 COUNCILOR OLSON: And, again, I would just  
3 like to say --

4 COUNCILOR MADORE: Mr. Chairman, please let  
5 me speak.

6 CHAIRMAN BOLDT: No. You're making this into  
7 a circus. Do you have anything else?

8 COUNCILOR MADORE: No, this is important, and  
9 I don't -- it is important that we follow process and  
10 --

11 CHAIRMAN BOLDT: Come on.

12 COUNCILOR MADORE: -- the decorum here that  
13 respects each other's --

14 CHAIRMAN BOLDT: Do you have anything else to  
15 say?

16 COUNCILOR MADORE: -- opportunity to speak.

17 COUNCILOR MIELKE: I think -- I think we're  
18 there. I think that we've agreed that we can't unring  
19 the bell and these things will --

20 COUNCILOR MADORE: No, I don't want to unring  
21 the bell, but I do want to encourage us to follow  
22 process and now that --

23 CHAIRMAN BOLDT: We are following process.  
24 Okay.

25 COUNCILOR MADORE: I want the record --



1 CHAIRMAN BOLDT: Is there anything else?  
2 COUNCILOR STEWART: I want the record to show  
3 --  
4 CHAIRMAN BOLDT: The record will show that.  
5 COUNCILOR MADORE: -- that I have not had the  
6 opportunity to speak to this issue.  
7 CHAIRMAN BOLDT: I think you've spoke four  
8 times --  
9 COUNCILOR MADORE: I've been cut off unfairly  
10 --  
11 CHAIRMAN BOLDT: Okay.  
12 COUNCILOR MADORE: -- and the Chairman's job  
13 is to facilitate dialogue, and that is being interfered  
14 with here so --  
15 CHAIRMAN BOLDT: Okay.  
16 COUNCILOR MADORE: -- with that, I will  
17 submit to the authority of the Chair and --  
18 CHAIRMAN BOLDT: Okay. Any other new  
19 business?  
20 COUNCILOR MADORE: -- go silent. Yes. We  
21 are -- my attorney, Nick Power, would like to have  
22 tuned into this meeting, would like to be here. We --  
23 but he's not. And this is not available on CVTV.  
24 CHAIRMAN BOLDT: Oh, boy.  
25 COUNCILOR MADORE: Back last year, the last

1 meeting of this year, we voted as a Board to move the  
2 Board Time to the public hearing and to have CVTV cover  
3 it so that the citizens could tune into this meeting,  
4 as well as the other meetings.

5 I'm not -- I don't recall -- and I could be  
6 wrong because, boy, there's so much cooking that I  
7 might get it wrong here. I thought that -- I'm not  
8 aware of us actually voting to change that. I was just  
9 instructed that, well, from now on we're going to meet  
10 in here, CVTV is discontinued, and we're back in the  
11 back room again. And I wonder, how did that happen?  
12 Did we vote on that?

13 COUNCILOR MIELKE: I think what I recall is  
14 we talked about it, and I thought we were going to go  
15 out there, and we just didn't. I don't think --

16 COUNCILOR MADORE: We might have talked about  
17 it. It's been kind of fuzzy, but I don't think we ever  
18 took any action to do that. How did it happen? Why  
19 aren't we out there with CVTV covering this in the  
20 Board hearing room?

21 COUNCILOR MIELKE: Because we didn't actually  
22 take action.

23 COUNCILOR OLSON: It's Board Time.

24 COUNCILOR MIELKE: We probably should have  
25 been more distinct and maybe bring that up for an

1 agenda item to talk about.

2 COUNCILOR MADORE: Well, the question is  
3 we're here now --

4 CHAIRMAN BOLDT: Okay.

5 COUNCILOR MADORE: -- and I don't believe we  
6 followed process. We should be out there. That was a  
7 Board decision. And I would think that it's a -- it --  
8 the reason that we went that direction in the first  
9 place is because it maximizes transparency. It helps  
10 people to tune in real time, rather than just simply an  
11 audiotape that gets posted later. Can we consider that  
12 for the future? And I'd also like people to know if  
13 the minutes can go back and find out if there was a  
14 decision that was made in an open meeting that changed  
15 our Board decision, repealed our Board decision, and  
16 moved us back into this back room and discontinued CVTV  
17 -- can we find out if that was an open meeting  
18 decision?

19 CHAIRMAN BOLDT: Okay, we can make a decision  
20 to --

21 COUNCILOR MIELKE: I think it was.

22 CHAIRMAN BOLDT: -- make it -- bring the  
23 Board Time here.

24 COUNCILOR MADORE: Mark, can you find out if  
25 that was the case?

1 CITY MANAGER MCCAULEY: Does the Board really  
2 want a staff member to listen to multiple Board Time  
3 recordings?

4 COUNCILOR OLSON: No.

5 COUNCILOR MIELKE: No --

6 COUNCILOR MADORE: I would think it would be  
7 the last meeting in the hearing room so that would be  
8 one Board Time.

9 CITY MANAGER MCCAULEY: Well, if it was that  
10 Board Time. It may not be that Board Time. And these  
11 things go hours at a time.

12 COUNCILOR MIELKE: I think this is one of the  
13 options we talked about, and I don't think we ever  
14 decided. And I would encourage this Board to consider  
15 it, either for discussion now or consider it to get an  
16 answer from CTVTV and come back with it.

17 CHAIRMAN BOLDT: Consider making a motion to  
18 have Board Time here?

19 COUNCILOR MIELKE: I guess I'm looking more  
20 for a nod --

21 CHAIRMAN BOLDT: Is there a nod?

22 COUNCILOR MIELKE: -- to look into it.

23 COUNCILOR OLSON: I like having Board Time  
24 here.

25 CHAIRMAN BOLDT: I like it too.

1 COUNCILOR OLSON: I think it -- I think it  
2 facilitates discussion a little bit less formally. It  
3 has nothing to do with lack of transparency. I think  
4 it's a different format --

5 COUNCILOR MIELKE: We're not formal -- we're  
6 not very formal out there either. It's something that  
7 we had talked about --

8 CHAIRMAN BOLDT: Well, you said several times  
9 we were too formal out there.

10 COUNCILOR MIELKE: Yeah, that's -- and then  
11 we are here too. But it was considered at the time,  
12 and that shouldn't be -- I guess that was one of the  
13 options that we talked about.

14 CHAIRMAN BOLDT: I like it here.

15 COUNCILOR MADORE: Well, I think we serve the  
16 citizens better. It doesn't cost us anything more.  
17 Even if we were to sit around the tables in the same  
18 kind of format -- a rectangular table out in the  
19 hearing room -- and CTV cover it, it doesn't cost us  
20 any more to do that. We're already paying for that.  
21 It would provide a better record and better  
22 transparency for the public. We can be as informal  
23 there as we can here.

24 CHAIRMAN BOLDT: Okay, well, I disagree.

25 COUNCILOR MIELKE: Can we ask -- can we ask

1 if CVTV is available?

2 CHAIRMAN BOLDT: Well, we know they're  
3 available.

4 COUNCILOR MIELKE: Well, I don't that.

5 COUNCILOR STEWART: So I don't have an  
6 opinion about that right at this moment --

7 CHAIRMAN BOLDT: Okay, we'll think about it.

8 COUNCILOR STEWART: -- so there are two for  
9 and two against. Nothing is going to happen.

10 COUNCILOR MIELKE: Okay, so we'll bring it  
11 back for discussion.

12 COUNCILOR STEWART: Mr. Chair, I'd ask that  
13 we show some respect to the Sheriff's Office who are  
14 here.

15 CHAIRMAN BOLDT: Yeah, very good.

16 COUNCILOR STEWART: I'm not sure what they're  
17 here for.

18 COUNCILOR MIELKE: I'm not sure if they want  
19 to come up to the table or not.

20 COUNCILOR STEWART: But -- well --

21 CITY MANAGER MCCAULEY: They're here for  
22 executive session, Councilor Stewart.

23 COUNCILOR STEWART: Oh, so they'll be here  
24 for the duration, okay.

25 CITY MANAGER MCCAULEY: And we also have

1 staff from HR in the back who are waiting for that as  
2 well.

3 CHAIRMAN BOLDT: Okay, any other new  
4 business?

5 Councilor reports?

6 COUNCILOR MIELKE: I have none.

7 COUNCILOR MADORE: I have none.

8 COUNCILOR STEWART: I just -- I'll save it  
9 until Tuesday.

10 COUNCILOR MADORE: One point of  
11 clarification, to maximize transparency, to make sure  
12 they can label that this is from my document, nobody  
13 else's, I enter this into the public record, and I ask  
14 that this document be included with our documents here  
15 so that the -- that's part of accountability and  
16 transparency, so if we can post that.

17 CITY MANAGER MCCAULEY: If you would present  
18 them to Linnea, she will --

19 COUNCILOR MADORE: I will. I will email it,  
20 thank you very much.

21 COUNCILOR STEWART: And to have them clearly  
22 marked --

23 COUNCILOR MADORE: Of course --

24 COUNCILOR STEWART: -- as being introduced by  
25 Mr. Madore.

1 COUNCILOR MADORE: Yes.

2 CHAIRMAN BOLDT: I just have one thing. Some  
3 people brought up Paradise Point. They're going for a  
4 grant --

5 CITY MANAGER MCCAULEY: Two.

6 CHAIRMAN BOLDT: Two grants.

7 CITY MANAGER MCCAULEY: Yes.

8 CHAIRMAN BOLDT: And I can't remember what  
9 the grants are because I left my stuff in my office,  
10 I'm sorry.

11 CITY MANAGER MCCAULEY: Yeah, well, the staff  
12 reports are --

13 CHAIRMAN BOLDT: Oh, they're right here. Oh,  
14 I'm sorry, that's okay --

15 COUNCILOR OLSON: I didn't understand your --

16 CHAIRMAN BOLDT: I'm sorry, I didn't bring  
17 mine. So they want to go for two grants. The Paradise  
18 Point, I believe, is on the surplus -- put on there?

19 COUNCILOR STEWART: Two parcels.

20 CHAIRMAN BOLDT: Two parcels.

21 CITY MANAGER MCCAULEY: 20 acres.

22 CHAIRMAN BOLDT: So --

23 COUNCILOR MIELKE: I thought that was three  
24 parcels. Oh, no, you're right --

25 CITY MANAGER MCCAULEY: 15 and 5.



1 CHAIRMAN BOLDT: Two parcels on the --

2 COUNCILOR MIELKE: Yes, it's 5 and 10 -- what  
3 do you have?

4 CHAIRMAN BOLDT: And anyway, for this to be  
5 approved it needs to come out of the surplus.

6 COUNCILOR MIELKE: What are you doing?

7 CHAIRMAN BOLDT: They're applying for a  
8 grant.

9 COUNCILOR MIELKE: Who is?

10 COUNCILOR OLSON: What kind of grants are  
11 they?

12 CITY MANAGER MCCAULEY: Yeah, what -- Public  
13 Works is --

14 CHAIRMAN BOLDT: Public Works.

15 CITY MANAGER MCCAULEY: This is for --

16 COUNCILOR MADORE: Do we have a copy for us  
17 to see?

18 CITY MANAGER MCCAULEY: -- the Wildlife --

19 CHAIRMAN BOLDT: Washington Wildlife  
20 Recreation Program --

21 CITY MANAGER MCCAULEY: Well, for now, it's  
22 sufficient to know that we're apply for two grants to  
23 the Recreation and Conservation Office at the State.

24 COUNCILOR MIELKE: So this is what I heard a  
25 long time ago that Mr. McCauley was saying was going to

1           be taken out of surplus. I heard about that a few  
2           weeks ago.

3                   CITY MANAGER MCCAULEY: Yeah, And that office  
4           is taking a dim view of our surplus the Paradise  
5           Point property, which reduces our --

6                   COUNCILOR MIELKE: I've been in conversation  
7           with this --

8                   CITY MANAGER MCCAULEY: Well, I just spoke to  
9           Heath Henderson before I came to Board Time, sir.

10                  COUNCILOR MIELKE: -- and it's a private  
11          organization. It's not a government entity.

12                  CHAIRMAN BOLDT: Does --

13                  COUNCILOR MADORE: That's the 20-acre farm?

14                  COUNCILOR MIELKE: Well, it's a farm. What  
15          are you going to do with the farm? What are you going  
16          to do with the house? We were directed when we bought  
17          this piece of property that we would excess that farm  
18          and sell the farmhouse.

19                  CITY MANAGER MCCAULEY: Nobody directed us to  
20          do that. That was a staff recommendation --

21                  COUNCILOR MIELKE: It was a staff  
22          recommendation when it was purchased --

23                  CITY MANAGER MCCAULEY: Yeah.

24                  COUNCILOR MIELKE: -- 15 years ago and never  
25          got done. Are we just going to ignore that?

1 CITY MANAGER MCCAULEY: Well, that was a  
2 Board that existed in 1994, and prior Boards can't bind  
3 later Boards. This Board is not bound by that  
4 decision.

5 COUNCILOR MIELKE: Well, if this goes  
6 through, are we kicking the renters out?

7 CHAIRMAN BOLDT: I don't think so. They're  
8 going to stay in there.

9 COUNCILOR MIELKE: Well, how can it be a  
10 wildlife preserve with people living in the middle of  
11 it on 15 acres?

12 CHAIRMAN BOLDT: Because they are.

13 CITY MANAGER MCCAULEY: It's Conservation  
14 Futures Land, and there is a plan for that land, and  
15 you -- I think you've seen the plan and you elected to  
16 surplus the property anyway. What --

17 COUNCILOR MIELKE: But there was no plan.  
18 The plan was down on the riverbank.

19 CITY MANAGER MCCAULEY: The plan encompasses  
20 the hillside as well and -- anyway, does the Board want  
21 to keep this property on the surplus list because our  
22 competitiveness for additional grants from this office  
23 is reduced because they take a dim view of what we're  
24 planning to do with that property. And based on a  
25 conversation I had --

1 COUNCILOR OLSON: And this office is --

2 COUNCILOR MIELKE: Only if -- I met with  
3 these people face-to-face. They came down from Olympia  
4 --

5 CITY MANAGER MCCAULEY: Okay.

6 COUNCILOR MIELKE: -- and we talked about it.  
7 And the idea was to take this and make a trail that  
8 connects and purchase more property --

9 CITY MANAGER MCCAULEY: Sir, I understand all  
10 that. I'm just sharing a conversation I had with Heath  
11 Henderson about an hour ago --

12 COUNCILOR STEWART: So --

13 CITY MANAGER MCCAULEY: -- and he's had  
14 conversations with the folks --

15 COUNCILOR MIELKE: I heard you were doing  
16 this three weeks ago, so how can you -- I heard you  
17 tried to remove this from being surplus three weeks  
18 ago.

19 CITY MANAGER MCCAULEY: Oh, is that right?

20 COUNCILOR MIELKE: Yeah.

21 COUNCILOR STEWART: Well, where did -- I  
22 didn't hear about it three weeks ago. Where did you  
23 hear about it three weeks ago?

24 COUNCILOR MIELKE: Oh, I heard about it.  
25 That's okay.

1 COUNCILOR STEWART: Well, Mr. Chair --

2 CHAIRMAN BOLDT: Yeah.

3 COUNCILOR STEWART: My position on that  
4 Paradise Point property has been indicated and repeated  
5 numerous, numerous times as the decision was made to  
6 surplus it and to sell it and to sell it potentially to  
7 a private developer. I looked at all the maps of that  
8 area. I looked at all that resource area. And I  
9 objected to the surplus and/or potential sale as  
10 being shortsighted because it does not look at that  
11 parcel, first of all, where it sits, which is a  
12 hillside above the river where you have a view of the  
13 whole river -- or a large section. And that it -- it  
14 has such fabulous potential. And my arguments to  
15 preserve that have been profound, extensive and in some  
16 cases hot under the collar.

17 So anything we can do to do what really  
18 should happen to that property, I'm in favor of doing,  
19 and I -- I didn't hear about this until today, but I  
20 believe if we have an opportunity for grant money or to  
21 put it on a list for grant money that if the Council so  
22 desires we should get on with that because that window  
23 of opportunity isn't going to be there forever.

24 So I want to continue my adamant proposal to  
25 preserve that property and not sell it.

1 COUNCILOR MIELKE: That's zoned R20. It's  
2 not going to be sold to a developer. It can't do it  
3 under the current zoning, so I'm not quite sure where  
4 you felt it was going to go to a developer.

5 COUNCILOR STEWART: Well, it --

6 COUNCILOR MIELKE: It has a farmhouse on it  
7 --

8 COUNCILOR STEWART: -- should be preserved --

9 COUNCILOR MIELKE: -- with land on both sides  
10 of it.

11 COUNCILOR STEWART: -- potentially for the  
12 public for the future.

13 COUNCILOR MIELKE: It has two trees around  
14 the house.

15 COUNCILOR STEWART: It's a beautiful,  
16 beautiful location.

17 COUNCILOR MADORE: Can I -- can I contribute  
18 to this conversation?

19 COUNCILOR MIELKE: Once their minds are made  
20 up.

21 COUNCILOR MADORE: Well, I think we're  
22 violating process here.

23 COUNCILOR MIELKE: And you and I don't count.  
24 You and I don't count, baby.

25 COUNCILOR MADORE: Well, I think we're

1           violating a process because we had gone through  
2           multiple meetings where we voted as a Board to move  
3           this ahead -- and we went all the way through the point  
4           of declaring it surplus in a public meeting. And,  
5           Chris Horne, you've reminded us many times that process  
6           is our friend. Anytime we take -- whatever process we  
7           use to take an action is the appropriate process to  
8           amend or repeal that action. That process -- did we  
9           repeal this? Did we undo that?

10                   COUNCILOR MIELKE: No --

11                   COUNCILOR STEWART: No, but we should have.

12                   COUNCILOR MIELKE: -- we have to go back and  
13           back --

14                   COUNCILOR MADORE: Okay, then -- then we  
15           cannot apply for a grant that would only be available  
16           to a non-surplus property. This is a surplus property  
17           --

18                   CITY MANAGER MCCAULEY: These grants are not  
19           for --

20                   COUNCILOR STEWART: We can unsurplus --

21                   CITY MANAGER MCCAULEY: -- that property.  
22           These are for other Parks' projects.

23                   COUNCILOR STEWART: I thought you said it was  
24           for the 20-acre farm, that's what we're talking about?

25                   CITY MANAGER MCCAULEY: No, what I said was

1           that the same office that we're applying for grants to  
2           is the office that is telling us they take a dim view  
3           of us surplusng property they gave us money to buy 20  
4           years ago.

5                   COUNCILOR MADORE: I understand the idea of  
6           someone taking a dim view of something. It doesn't  
7           undo the public action of voting in order to make it  
8           surplus. I got that.

9                   And, Councilor Stewart, I'm aware and I  
10          respect the dissent that you expressed when we voted as  
11          a Board. I understand that you did not believe in  
12          that, and I respect that, and I acknowledge that. And,  
13          yet, we did vote as a Board to surplus the property,  
14          and that's the status that it is today, unless somebody  
15          can correct me, right?

16                   COUNCILOR OLSON: That's correct.

17                   CHAIRMAN BOLDT: So do we need to go through  
18          the process then of --

19                   COUNCILOR OLSON: If we wanted to not -- if  
20          we wanted to hang on to it, conserve it, as it was  
21          purchased to be conserved, then I would recommend that  
22          we -- whatever process we need to go through to have  
23          that conversation appropriately, I would support that.

24                   COUNCILOR MADORE: And -- and -- well, that  
25          sounds like an appropriate step to take.



1 CHAIRMAN BOLDT: Correct.

2 COUNCILOR MADORE: I mean, at this point the  
3 tables can turn and we could be the minority, and  
4 that's okay as long as we follow process.

5 COUNCILOR OLSON: I agree.

6 CHAIRMAN BOLDT: Very good. Okay.

7 COUNCILOR MIELKE: So we're going to do a  
8 public notice to bring it back to a hearing.

9 CITY MANAGER MCCAULEY: If we just put it on  
10 the consent agenda, we can do it next Tuesday.

11 COUNCILOR STEWART: So how soon --

12 COUNCILOR MIELKE: I'm not sure how much --  
13 could we give a 10-day notice?

14 CITY MANAGER MCCAULEY: No, it was not a  
15 public hearing to surplus that property.

16 COUNCILOR MADORE: Chris, can you remember,  
17 was that a public -- was that a consent item or --

18 MR. HORNE: I can't -- I don't recall the  
19 specifics of what you did in this case. This is the  
20 administration of County property, and so in that area  
21 it does require action to be taken in an open public  
22 meeting under 42.30, but a public hearing is not  
23 required until you go to auction. And under 2.33A  
24 there is a provision for -- a portion of the process  
25 requires a hearing, but the actual declaring of

1 property surplus I do not believe requires a public  
2 hearing. I'll look and -- I'll look and I'll read the  
3 specific section to you.

4 COUNCILOR MADORE: Okay. Well, whatever  
5 process we used to declare it surplus, I assume that's  
6 the same process we would use to declare it not  
7 surplus. So whatever that was would be the appropriate  
8 -- do we all agree on that?

9 COUNCILOR STEWART: That's what we said from  
10 the beginning.

11 COUNCILOR MADORE: Well, there is some  
12 question as to whether or not that was a separate  
13 hearing or consent item, so the path forward should be  
14 defined by a -- by the path we already took. So that's  
15 all, that's all, that's -- in other words, let's follow  
16 --

17 COUNCILOR STEWART: And that's what we said.

18 COUNCILOR MADORE: -- process.

19 COUNCILOR STEWART: That's what we said if we  
20 want to un-surplus it.

21 CHAIRMAN BOLDT: Okay. Very good.

22 COUNCILOR STEWART: Whatever the process is  
23 --

24 COUNCILOR MADORE: With whatever the  
25 appropriate process is.

1 CHAIRMAN BOLDT: We'll follow the same  
2 process. Okay. Any other Council reports?

3 Peter, do you have anything?

4 UNIDENTIFIED SPEAKER: Nothing for this  
5 meeting, sir.

6 CHAIRMAN BOLDT: Okay. Oh, staff reports. I  
7 think they're just work session stuff?

8 CITY MANAGER MCCAULEY: Yep, three of them.  
9 So hopefully you've had a chance to review those.

10 CHAIRMAN BOLDT: Fire Marshall, building code

11 --

12 CITY MANAGER MCCAULEY: Yep --

13 CHAIRMAN BOLDT: -- and biannual code.

14 CITY MANAGER MCCAULEY: So this is just  
15 routine business so --

16 CHAIRMAN BOLDT: Yeah. All right. Very  
17 good. Okay. We're at -- we're recessed for an  
18 executive session, pending litigation, for one hour.

19 CITY MANAGER MCCAULEY: And Councilor Boldt,  
20 we also have personnel matters, contract negotiations

21 --

22 CHAIRMAN BOLDT: Oh, personnel matters,  
23 contract negotiations and no -- I believe no action  
24 afterwards, right?

25 CITY MANAGER MCCAULEY: I have no action

1 afterwards. Does the Board?

2 CHAIRMAN BOLDT: Okay. Very good. Okay,  
3 thank you.

4 (END OF RECORDING)

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C E R T I F I C A T E

I, MARY JEAN BERKSTRESSER, a Certified Court Reporter in and for the State Washington, residing at Gig Harbor, Washington, authorized to administer oaths and affirmations pursuant to RCW 5.28.010, do hereby certify:

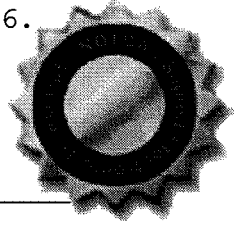
That the foregoing proceedings were electronically recorded; that I was not present at the proceedings; that I was requested to transcribe the electronically-recorded proceedings; that a transcript was prepared by me by listening to the recorded proceedings.

That the foregoing transcript is a full, true and correct transcript of all discernible and audible remarks.

That I am not a relative or employee of any party to this action, or a relative or employee of any attorney in said action, and that I am not financially interested in the outcome thereof.

DATED AND SIGNED this 15th day of July, 2016.

*Mary Jean Berkstresser*



Mary Jean Berkstresser  
Washington State Certified Court Reporter  
CCR No. 2671

# REBECCA DEAN PLLC

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rebeccadean@comcast.net

**DATE:** JULY 5, 2016  
**TO:** FRANCINE REIS  
**FROM:** REBECCA DEAN  
**RE:** INVESTIGATION REPORT – CLARK COUNTY 2016 COMPREHENSIVE GROWTH  
MANAGEMENT PLAN ISSUES (COUNCILOR DAVID MADORE, PLANNING DIRECTOR  
OLIVER ORJIAKO, WASHINGTON STATE COUNCIL OF COUNTY & CITY EMPLOYEES  
(AFSCME AFL-CIO))

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## I. INTRODUCTION

### A. THE COMPLAINTS

Clark County engaged me to investigate three complaints arising in the context of development of the County's 2016 Comprehensive Growth Management Plan ("the 2016 Comp Plan"): (1) a whistleblower and EEO complaint filed by Planning Director Oliver Orjiako dated March 15, 2016 (Exh. 1); (2) a retaliation complaint filed by AFSCME on behalf of represented staff dated March 2, 2016 (Exh. 2); and (3) allegations made by Councilor David Madore that staff in the Department of Community Planning and the Prosecuting Attorney's Office intentionally provided false information, manipulated data, improperly influenced the outcome of the Thorpe Review, reported rural VBLM results/assumptions that were inappropriately manipulated to advance their own agenda, and were insubordinate to the Council.<sup>1</sup>

### B. CONCLUSIONS

#### 1. Madore's Allegations of Staff Misfeasance are False (Section III(A))

Generally, (1) Orjiako and AFSCME complained that Madore has repeatedly made false accusations of fraud, deceit, data manipulation and other wrongdoing in violation of County standards; and (2) Madore complains that Orjiako and, more generally, the Planning Department staff, and/or Deputy Prosecuting Attorneys Cook and Horne engaged in such behavior with the intent to mislead the Board because of an "anti-rural growth" agenda.

In all material respects, Madore's allegations regarding staff misfeasance are false. Orjiako, the Planning staff, Cook, and Horne did not engage in any behavior intended to mislead or deceive the BOCC (either in connection with the development of the 2016 Comp Plan or in post-January statements to the BOCC) manipulate data or manipulate the outcome of the Thorpe Review.

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<sup>1</sup> Madore's allegations were made after January 1, 2016 in public meetings, on Facebook postings, in emails, an op-ed article and an April 5, 2016 CVTV Clark County Focus interview.

EXHIBIT G

CONFIDENTIAL

2. Madore Attempted to Directly Micro-Manage the Planning staff's Work (Section III(B))

Orjiako and AFSCME complained that Madore interfered with Planning Department functions; Orjiako asserts that Madore's behavior created a hostile work environment for him and others; Madore has from time to time asserted that the Planning Department employees were insubordinate in not complying with his direction.

Particularly in the period between July and November 24, 2015, Madore attempted to directly micro-manage the Planning staff's work on the 2016 Comp Plan and attempted to pressure Orjiako and Planning staff not to exercise independent professional judgment and criticize Alternative 4B and Madore's methods.

3. The Evidence is that Madore's Conduct was Motivated by Public Discrediting of Alternative 4B by the Thorpe Report and by BOCC Reversal of his Plan, Not by the Motives Alleged by Orjiako or AFSCME (Section III(C)).

Orjiako asserts that Madore's treatment of him has occurred (1) because Madore saw him as a whistleblower because Orjiako often told Madore that his solitary efforts to develop Alternative 4 and 4B without full public participation and transparency were inconsistent with the letter of, and public policies underlying, the GMA, the County Charter and the Board's GMA public participation resolution No. 2014-01-10 and other statutory requirements (collectively, "the transparency requirements"); and (2) because of Orjiako's race and national origin.

With regard to AFSCME's complaint, AFSCME has asserted that Madore's attacks on Planning staff were in retaliation for staff's protest to Francine Reis that Madore was performing bargaining unit work and Reis's explanation to Madore of their concerns.

As a general matter, with regard to all of the alleged motives, the supporting evidence that Madore acted based on any of these motives is overwhelmed by the plethora of evidence that Madore was motivated by the very public discrediting of Alternative 4B by his handpicked analyst and the post-January 1 reversal of his plan. Madore reacted to both events with *ad hominem* attacks in multiple public forums on the credibility and motives of Orjiako, the Planning staff, Cook and Horne. The direct relationship, in both subject matter and time, of these events to Madore's attacks cannot be ignored.

Nevertheless, there is some limited evidence of racial animus by Madore, as the "race card" graphic Madore posted on his website is an effort to demean or discredit Orjiako's sincere and deeply felt belief that Madore was motivated by Orjiako's race and national origin.

## II. WITNESSES & DOCUMENTS

I interviewed, in alphabetical order, Gary Albrecht (Planner), Jose Alvarez (Planner), Christine Cook (Deputy Prosecuting Attorney, Civil Division), Gordon Euler (Deputy Director, Planning Department), Barbara Hatman (GIS Technician), Chris Horne (Chief

Civil Deputy), Oliver Orjiako (Director, Planning Department), David Madore (County Councilor, District 3), Mark McCauley (County Manager), Ken Pearrow (GIS Coordinator), Bob Pool (Manager, GIS), Peter Silliman (Research Analyst), and Robert W. Thorpe (Principal, R.W. Thorpe & Associates, Inc.).

In addition to the written complaints, I reviewed (1) documents on the County's Community Planning Department website; (2) documents pertaining to the 2016 Comprehensive Growth Plan on the Councilors' Grid; (3) documents on the Planning Commission Hearings and Meeting Notes website; (4) verbatim minutes or transcripts of relevant portions of Board of County Councilors ("BOCC" or "Board") work sessions or hearings on October 13, 2015, October 20, 2015, October 27, 2015, November 24, 2015, December 1, 2015, December 8, 2015, January 13, 2016, January 19, 2016, February 16, 2016, February 23, 2016, March 1, 2016, March 16, 2016, April 19, 2016, and April 20, 2016; (5) a transcript of a recorded meeting on December 2, 2015 with McCauley, Orjiako, Euler, Alvarez, Horne, Cook, Madore, Thorpe and his associate, Lee Michaelis; (6) a transcript of the April 5, 2016 CTV Clark County Focus interview with Madore; (7) results of a search of email records pertaining to the Thorpe engagement conducted at my request by Daniel Harrigan of the County's Human Resources Department (over 4000 pages); (8) cited sections of the Washington Department of Commerce website; and (9) cited articles posted on [www.oregonlive.com](http://www.oregonlive.com). Additionally, Clark County employees I interviewed provided me with documents for my consideration. They are listed in Appendix A. I have retained all documents provided for my consideration.

### III. BACKGROUND & ANALYSIS

#### A. ALLEGATIONS OF FRAUD, DECEIT, DATA MANIPULATION AND RELATED WRONGDOING

Generally, (1) Orjiako and AFSCME complained that Madore has repeatedly made false accusations of fraud, deceit, data manipulation and other wrongdoing in violation of County standards; and (2) Madore complains that Orjiako and, more generally, the Planning Department staff, and/or Deputy Prosecuting Attorneys Cook and Horne engaged in such behavior with the intent to mislead the Board.

The allegations regarding fraud, deceit or data manipulation concern three general topics:

- The methodology used to calculate the number of potential new lots allowable under each of the four 2016 Comp Plan Alternatives under consideration prior to release of the August 2015 Draft Supplemental Environmental Impact Statement ("the August 2015 DSEIS"), specifically Table 1-2 on Page 1-3 (Exh. 3).
- The engagement with R. W. Thorpe & Associates ("the Thorpe Review") and the process by which the Thorpe firm reached its conclusions ("the Thorpe Report") (Exh. 4 p.4-28) regarding the validity or invalidity of the "planning assumptions" developed by Madore to support the Preferred Alternative the BOCC adopted on November 24, 2015 (Exh. 5) and rejected on February 23,



2016 (Exh. 4 p.1-3), and specifically the methodology Madore developed and used to support his contention that the number of potential new lots was much lower than stated in the August 2015 DSEIS.

- Madore asserts that Planning staff misled the BOCC by persuading the Board to adopt the Office of Financial Management (“OFM”) medium growth rate by understating Clark County’s projected growth.

To summarize, in all material respects, Madore’s allegations regarding misfeasance are false. Whether during the development of the 2016 Comp Plan or after January 1, 2016, Orjiako, the Planning staff, Cook, and Horne did not engage in any behavior intended to mislead or deceive the BOCC, manipulate data, suborn the Thorpe Review or influence its outcome.

#### 1. Contextual Overview – Development of the 2016 Comp Plan

This section of this Report is a general chronological overview for the purpose of providing context for analysis of the specific issues.

The County Planning Department introduced the BOCC to the 2016 Comp Plan development process in July 2013. The Planning Department and BOCC website show that, during 2014, the Planning Department made a series of presentations on various Comp Plan issues. The Board, among other actions: (1) formally adopted certain planning assumptions, including, but not limited to, the Office of Financial Management medium population forecast, a rural/urban split predicting future growth, a public participation plan and an employment forecast; (2) reviewed a detailed presentation on the Vacant and Buildable Land Model (“VBLM”) that had been developed, refined and used in the County for estimating capacity within the Urban Growth Boundaries; and (3) launched the environmental impact review process.

In August 2014, the County engaged ESA, an environmental science and planning firm, to prepare a Supplemental Environmental Impact Statement (“SEIS”). According to Planning Department documents, because Clark County growth had lagged since the Comp Plan had last been updated in 2007, the Planning Department proposed relying upon the final Environmental Impact Statement prepared for the 2007 update, and to supplement it with new analysis of the environmental impact associated with proposed Alternatives developed during the 2016 Comp Plan planning process.

By October 22, 2014, the Planning staff had proposed and explained three alternatives to the Board for consideration in the environmental impact analysis process. Alternative 2 changed some forest lots from 40- to 20-acre minimums, some agricultural lots from 20- to 10-acre minimums and some rural lots from 20-acre minimums to 10-acre minimums (Exh. 6). As I understand it, the impact of Alternative 2 is to allow more subdivision of property outside Urban Growth Boundaries.

As I understand it from Euler and my review of the Planning Department website, by January 2015, ESA had prepared a DSEIS and the Planning Department was preparing for a February 4, 2015 release date.

Peter Silliman, a research analyst who supports Madore and Councilor Tom Mielke by performing special projects and analysis, stated in my interview with him that Clark County Citizens United (“CCCU”) (which I understand to be a special interest group) did not feel that Alternative 2 would do enough to allow development in the rural areas, and they pressed Madore to do more. Madore asked Silliman to look into it.

In a January 21, 2015 work session, the BOCC directed the Planning staff to pause the DSEIS process while the Board proposed an additional 2016 Comp Plan Alternative. Silliman, at Madore’s direction and in consultation with CCCU, made a presentation on what ultimately developed into “Alternative 4.” Silliman stated that he focused on one of CCCU’s desires, which was to correct perceived discrepancies between the actual predominant lot sizes and the existing zoning map.

Silliman stated that CCCU was not satisfied with his proposal because it was not extensive enough. Silliman adds that Madore stated that they needed to come up with something more extensive. Then, according to Silliman, Madore took over the whole process and “proposed something completely different that was all-encompassing and proposed re-zoning almost all rural lands.”

In the March 11, 2015 work session the BOCC reviewed Alternatives 1, 2 and 3 and approved the creation of a new Alternative 4.

In an April 14, 2015 Board hearing the BOCC approved Alternatives 1, 2, 3 and 4 for consideration in the environmental impact analysis.

The County released the Draft SEIS (“DSEIS”) on August 5, 2015. In general, ESA concluded that the impacts of Alternative 4 would be similar to Alternative 2, but with “cumulatively greater impacts due to potentially more development” on all resources (Exh. 3 Table S-2). The DSEIS relied upon rural capacity estimates calculated by GIS according to the methodology developed by GIS in collaboration with the Planning Department, primarily Jose Alvarez (*see* Table 1-2, Exh. 3 p.1-3). As I understand it, if the County had adopted Alternative 4, the greater environmental impact ESA identified could potentially affect the Growth Hearing Board’s willingness to approve the 2016 Comp Plan and render it vulnerable to legal challenges.

Witnesses agree that Madore was unhappy with ESA’s conclusions.

On September 17, 2015, the Planning Commission voted on its recommendation to the BOCC for a Preferred Alternative. Essentially, the Planning Commission rejected Alternative 4 (*see* Exh. 7).

Madore asked McCauley for permission to work directly with GIS. Pool states that in September, Madore installed GIS mapping software on his private computer system and began developing his own model for calculating rural capacity and doing his own analysis. Madore worked extensively with CCCU in connection with this effort.

On October 20, 2015, the Board held a hearing to take public testimony on the Planning Commission’s recommended Preferred Alternative.

At the start of the hearing, Madore introduced a document, never previously disclosed, and titled, "The need to plan for realistic rural population growth." At the head of the document, Madore asserted that, "*The DSEIS has overstated the rural capacity of Alternatives 1, 2 and 4 to accommodate potential population growth by making the following unrealistic assumptions: . . .*" (Exh. 8). This document contains (1) Madore's description of what he asserted was GIS's methodology used in estimating rural capacity for the DSEIS (*Id.* p.1); and (2) Madore's "*rural VBLM updated to include*" assumptions Madore contended were more reasonable (*Id.* p.3).

Madore also introduced a paper contending that the 20-year population growth rate chosen by the board in December 2013 was incorrect because it was focused on the 2007 recession, and arguing that the actual population growth rate was higher (Exh. 9).

The net effect of applying all of Madore's assumptions was to reduce the estimate of the potential rural population increase and the number of new home sites and by slightly more than half. Madore asserted that he was, "*ask[ing] the staff to analyze and consider these new assumptions and the path forward to ensure that whatever plan we act on is something that is appropriate.*" (Board of County Councilors [Verbatim] Minutes of October 20, 2015, p.22.)

At the October 20 hearing, Horne pointed out that it would be inappropriate for the Board to discuss additional new, previously undisclosed materials, and that the Board should set a date forward to take action to consider Madore's proposal, talk about it or evaluate it (*Id.* p.21). Cook also pointed out that Madore's new assumptions were not available to staff, the Prosecuting Attorney's office, and probably not available to the public; therefore, if the Board desired to consider them, a public hearing must be duly noticed with 15 days' advance publication (*Id.* p.24).

At that point in the hearing, Madore turned to the staff to present the Planning Commission recommendation for a Preferred Alternative. In response to Councilor Jeanne Stewart's question about the impact of substantial change to the existing alternatives upon the process and the need to send the Alternatives back to the Planning Commission, Cook advised that a change based upon different planning assumptions might well have to go back to the Planning Commission for review. Moreover, she advised that a change in basic planning assumptions might have to be restudied for its environmental impacts (*Id.* p.35-36).

The Board then took public testimony. At the conclusion of the meeting, the Board moved consideration of the Planning Commission's recommendation to November 24, 2015.

Between November 1 and 5, 2015, Orjiako and Alvarez prepared a memorandum to the Planning Commission critiquing Madore's proposal. Attached to the memorandum are, among other items, a draft document titled "Estimating Potential Rural Housing and Employment"; and the staff's redline mark-up of another iteration of Madore's October 20, 2015 rural capacity analysis, explaining, among other matters, (1) the staff's points of disagreement with the accuracy of Madore's description of the rural capacity methodology that supported the DSEIS; and (2) the staff's assessment of Madore's "Column B" assumptions (Exh. 10 p.10-13).

On November 5, 2016, Madore's proposal to change the planning assumptions and his new methodology for estimating rural lots was presented to the Planning Commission. Madore attended that meeting.

On November 9, 2015, there was a Joint BOCC and Planning Commission work session. Two more iterations of Madore's proposal, now titled "An Evidence Based Proposal by Councilor David Madore" (dated November 4, 2015 and November 9, 2015) are on the Planning Department website for that date, as are his supporting arguments, a letter regarding septic systems and some revised maps. The Board gave direction to seek public comment on the new materials at two public meetings and a public Planning Commission hearing on November 19.

On November 16 and 17, 2015, the County held open houses at Hockinson and Ridgefield High Schools.

On November 19, 2015, the Planning Commission met to consider the proposed changes to the planning assumptions, Madore's methodology for estimating rural capacity and a revised Alternative 4. Most of the witnesses called Madore's proposal "Alternative 4B," and for consistency's sake, I will use that term in the remainder of this report.

At the meeting, the Staff presented its November 19 staff report, which included its explanation for the methodology for calculating rural capacity used in the DSEIS. The staff also explained its critique of Madore's proposed changes to the planning assumptions. Generally, the staff was critical of the factual basis for Madore's proposed changes (Exh. 11). The Planning Commission also considered another iteration (Version 1.08) of Madore's proposal.

The Planning Commission voted to re-adopt its September 17, 2015 Preferred Alternative recommendation to the BOCC (*see* Exh. 12).

On November 24, 2015, after hearing a staff presentation and public testimony, the BOCC adopted Madore's proposal (presented in yet another iteration (Version 1.09) dated November 18) as the Preferred Alternative (Exh. 5) ("November 24 Preferred Alternative").

The Planning staff and Prosecuting Attorneys concluded that the new Preferred Alternative required environmental impact review. In the December 1, 2015 BOCC hearing, the staff asked for a contingent one-time budget increase of \$300,000 to cover the costs associated with study of the new Alternative. The Board approved \$65,000.

Also on December 1, Madore announced that he had in hand a professional service agreement for \$5000 for R. W. Thorpe & Associates ("the Thorpe firm") to meet with the staff on December 2 to "brainstorm with staff" and to "provide a path forward" so that they "have the available help . . . to ensure that they can accomplish what needs to be done in a timely manner, with competent experienced expertise." (*see* Exh. 13.)

Madore unilaterally selected the Thorpe firm. He contacted Robert Thorpe on November 24 (Exh. 14). It appears from the email record that it was not until after the end of the business day on November 30, the day before the hearing, that Madore directed

McCauley, by email, to prepare a contract for the Thorpe firm's meeting with the staff on December 2 (Exh. 15). Cook prepared the contract the next day, but Orjiako and Euler did not have an opportunity to review it until December 1 (Exh. 16).

On December 2, 2015, Thorpe and his associate, Lee Michaelis, met with McCauley, Orjiako, Euler, Alvarez, Cook, Horne and Madore in the morning. During the morning meeting, Thorpe reviewed his background and experience and the group had a general discussion about the contributions the Thorpe firm could make. Without reaching any final conclusions, the group discussed (1) vetting the assumptions supporting Alternative 4B; and (2) preparing an addendum to the Supplemental Environmental Impact Statement to cover the environmental impact of the revised Alternative that could be folded into the final SEIS.

In the afternoon, Thorpe and Michaelis met with McCauley and Orjiako, and they collectively agreed that performing those two tasks would be an appropriate path forward.

On December 4, Thorpe sent a Memorandum of Understanding for the County's review (Exh. 17). The County reviewed it and presented it for consideration on the consent agenda at the December 8 BOCC Hearing. The staff proposed several revisions to the Memorandum of Understanding, and Board asked for a few additional changes. The final contract (Exh. 18) incorporated all of the requested revisions, with one exception, changing the date of Step 1 of the Thorpe Review from "November 4" to "November 24." The proposed and final revisions are discussed in detail in Section A(2)(b).

Effective January 1, 2016, the Council changed from a three-person body to a five-person body pursuant to the new County Charter.

The Thorpe firm presented its report at the January 13, 2016 BOCC work session. The Thorpe Report concluded that two of Madore's "Column B" assumptions were valid, two partially valid and four invalid (*see* Exh. 4 p.4-28).

On February 16, 2016, the BOCC held a hearing to take public testimony on reconsidering the November 24 Preferred Alternative. That hearing continued for deliberations on February 23. On that date, the BOCC rescinded the November 24 Preferred Alternative, including Madore's notes and policies, and voted to adopt the Planning Commission's recommendations for the Preferred Alternative.

During those hearings, Madore made numerous allegations of misfeasance by Planning staff and Prosecuting Attorneys. On March 1, 2016, the Board engaged in further discussion of those allegations in response to questions from Horne. Madore also made allegations of wrongdoing in this hearing.

In addition to his statements in public hearings, Madore has made – and continues to make – virtually the same or very similar allegations in public forums, including his Facebook page(s), an editorial, publicly distributed emails, and an April 5, 2016 CVTV Clark County Focus interview.

## 2. Analysis

### a) The DSEIS Rural Capacity Analysis

Madore has made numerous statements in numerous forums about the rural capacity analysis performed to support the August 2015 DSEIS and has asserted that Orjiako (and, generally, the Planning Department), Cook and Horne have made false statements to the BOCC about that subject.

Orjiako complains that Madore's allegations are false and abuse his authority; AFSCME asserts that his allegations are "unfounded and defamatory."<sup>2</sup>

In all material respects, Madore's allegations are false.

#### (1) Background Detail

By way of further detailed background, as Pool, Horne, Cook and members of the Planning staff consistently explain, a primary purpose of the GMA is to manage growth inside Urban Growth Boundaries. As the Washington Department of Commerce explains, the GMA was amended in 1997 to require a review and evaluation program by which Clark County (among others) is required to collect data for a certain period and use it to evaluate the level of development in order to determine if the County and its cities are achieving urban densities within urban growth areas ("Buildable Lands"; [www.commerce.wa.gov](http://www.commerce.wa.gov)). On its website, the Planning Department cites to a March 16, 2007 letter from the Washington State Department of Community Trade and Economic Development, which asserts that GMA counties (those required to develop a Comp Plan) should acknowledge the Buildable Lands Report through adoption of a resolution or ordinance by the appropriate legislative body.

There is no requirement in the GMA or the Washington Administrative Code that the County conduct a similar vacant and buildable lands analysis for rural areas. In 1997, Clark County Superior Court held that it was erroneous for the Growth Management Hearings Board to require a vacant and buildable lands analysis for the rural area.<sup>3</sup> (Findings of Fact, Conclusions of Law & Order at 6; *Clark County Citizens United, et al. v. Western Washington Growth Management Hearings Board* (Case No. 96-2-00080-2, Clark Co. Sup. Ct.) (Apr. 4, 1997); Order on Reconsideration at 3, *Clark County Citizens United, et al. v. Western Washington Growth Management Hearings Board* (Case No. 96-2-00080-2, Clark Co. Sup. Ct.) (Jun. 11, 1997).)

Pool states that the County originally hired him when the County was developing its first Comprehensive Growth Plan and needed additional GIS staff to support that effort. Pool explains that he wrote the original VBLM and has continued to be involved in that

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<sup>2</sup> I have not reached any conclusions and offer no opinion about whether Madore's statements are an "abuse of authority" under County policies and standards or "defamatory." The scope of my engagement does not include reaching legal conclusions.

<sup>3</sup> Cook and Horne assert that these two factors render it improper to conduct a rural and vacant buildable lands analysis for the rural area. Again, the scope of my engagement does not include reaching legal conclusions and I have no opinion about their legal analysis.

process since that time. The VBLM, Pool states, focuses on the area inside the Urban Growth Boundaries, and all of the review by the Board has been about the urban areas. The County has refined the model over time. The development community has weighed in on the model, and every criterion has been vetted and agreed upon in front of the BOCC.

In contrast, Pool states that for the rural area, GIS has performed a much simpler calculation of buildable capacity, which was historically based upon zoning for minimum lot sizes. Pool states that GIS and Planning staff (more recently, primarily Alvarez, with Orjiako's oversight) would discuss and agree on the criteria for calculating vacant land. Pool states that Pearrow would write the programming script, generate the estimate and give the estimate to the Planning staff. Pool points out that the numbers were just estimates based upon the best available data. He also states that the rural area estimate has not been through rigorous review by the Board similar to that afforded to the VBLM.

As I understand it from my interviews with Pool, Pearrow and Alvarez and my review of documents, the County's Growth Management Plan and annual updates have historically contained an estimate of rural capacity. In my interview with him, Pool stated that the original calculations in 1992 had a timber exclusion based on owner name.

Additionally, for example, The November 1999 Clark County Plan Monitoring Report (1995-1999) (November 1999) (Public Comment Draft) p.49 states:

*The vacant and buildable lands identification model, developed in a geographic information system by Clark County Assessment and GIS staff for plan monitoring, does not include rural areas (outside of UGAs [Urban Growth Areas]). In order to assess development potential in the rural areas, a separate but parallel model process was developed.*

*Information on the number of available vacant and underutilized acres, existing, and potential lots by comprehensive plan designations is also included. It is important to note that the above data excludes lots of less than 1 acre as well as exempt parcels such as school sites, parks and public lands.*

(Exh. 19 p. 3). The identical language appears in the July 2000 version of the report (*Id.* p.6) and the 2000-2004 Clark County Plan Monitoring Report (June 2005) (*Id.* p.19).

Pearrow stated in my interview with him that he maintained a Word document that described the methodology that he revised and refined over the years. He stated that he revised this document as needed as the methodology for calculating the estimate changed. Pearrow gave me what he stated was the most recent draft of that document, which is titled "Process for Estimating Rural Land Capacity" dated March 2012. The classification excludes "Western Forest Protected Lands" (Exh. 20). Pearrow explained in my interview with him that this exclusion includes big timber companies or properties in long-term forest production.

Pool and Pearrow explained that when the 2016 Comp Plan process began in 2014, the rural capacity analysis needed to be rewritten to the current state of the software and the current availability and quality of the data.

In that regard, Pool states that the computer scripting language in which prior estimates were written was out of date. Therefore, GIS had to migrate to a new scripting language that runs in the current GIS environment. Additionally, with regard to the data, GIS had access to more accurate data sources.

Pool states that, notably, in trying to identify forestlands that should be excluded from the estimate as “not buildable,” GIS changed to data showing forestlands in “Current Use” maintained by the County Assessor from trying to determine industrial timberlands from a database containing owners’ names. Pool states that when they ran the numbers using the updated criteria and the new software, the final number was reasonably close to the calculations run in prior years.

Between April 2015, when ESA was directed to revise the DSEIS to incorporate Alternative 4, and July 2015, when the rural calculations were sent to ESA for the revised DSEIS, Alvarez and Pearrow worked on a draft paper defining the calculation method. The April 2015 draft (Exh. 21) is an unfinished effort; the July 21, 2015 draft (Exh. 22) is more complete. The document (no longer designated as a draft) appended to the November 19, 2015 Staff Report adds some explication, but the methodology appears to remain the same (*see* Exh. 11 p.4-5). Regardless, both the July 21, 2015 draft and Exhibit 1 to the November 19, 2015 Staff Report designate forestland use parcels participating in Current Use programs as “not buildable” and state that forestlands are excluded from the calculations.

## (2) Madore’s Allegations

This section of this report (1) restates each of Madore’s allegations in summary form<sup>4</sup>; (2) states my conclusion regarding the accuracy of his allegation; and (3) explains the basis for my conclusion.

- **Madore stated that the rural capacity calculations provided to ESA for the DSEIS were prepared using “secret” or “covert” software.**

In my interview with him, Madore stated that the software was “secret” or “covert” because (1) Orjiako directed GIS to use that software; Madore asserts that Pearrow and Pool confirmed that Orjiako did so; and (2) no one knew that the software was being used.

### **Madore’s statement and his underlying assumptions are partially false:**

- The software tools (the program and scripting language) were GIS tools, not Planning Department tools, and Pearrow wrote the scripting language that ran the calculations.
- To the extent that Madore meant that Orjiako or the Planning Department dictated the criteria used to calculate the rural capacity – as opposed to the software itself – his statement is also false. As both Pearrow and Pool explained, development of the criteria was a collaborative effort, with GIS developing the

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<sup>4</sup> Madore has repeated the same allegation in slightly different words in many different forums; my restatement captures the gist of his allegations.



classification, providing information on the available data, the sources of data and the accuracy of data and then obtaining Planning department buy-off. Pool states that no one in the Planning Department dictated the outcome; rather they discussed the data and its sources and the criteria that made sense with the goal of accurately reflecting the data.

- It is not true that “no one knew the software was being used.” As to the software itself, it is simply a GIS tool. It is possible that no one outside GIS was familiar with the specific mapping tools, scripting languages or programs, but it is difficult to see why that would constitute some kind of deception – or why it would matter. In my initial interviews and follow-up interviews with Pool and Pearrow, they showed no sensitivity with regard to the names or function of the GIS tools.
  - To the extent that Madore’s statement could be interpreted to mean that no one knew that there was a methodology for calculating rural capacity, his statement is false. As can be seen from monitoring reports going back at least until 1995 (20 years), the County had repeatedly publicly stated that it prepared a relatively simple analysis to calculate rural capacity.
  - To the extent that Madore means that, prior to development of the 2016 Comp Plan, the Board did not focus on, and were not presented with, the specific criteria used in estimating rural capacity, his statement is true. Witnesses agreed that the Board did not examine criteria for rural capacity at a granular level.
- **Madore stated that the Planning Department intentionally inflated the rural capacity in the DSEIS. In my interview with him, Madore asserted that the Planning Department had instructed the GIS to “maximize” the number of rural lots.**

**Madore’s statement is false:**

- Pool is emphatic that no one in Planning ever tried (1) to tell GIS to maximize the number of rural lots; or (2) dictated the selection of criteria to reach a specific outcome. Rather, they discussed the criteria and data that made sense.

When I asked Madore about his allegation that Orjiako directed GIS to maximize the number of rural lots, Madore evaded the question with a self-serving statement inconsistent with other statements in the interview. In the interview I asked him (1) if he had seen any documents supporting his allegation; and (2) if anyone in GIS told him that they had been directed by Orjiako to maximize the number of lots. Madore he stated he was unwilling to reveal the names of people who made such comments to avoid implicating GIS or dragging them into this investigation. At the end of my interview, however, Madore suggested that I interview Pool and Pearrow. Madore has no qualms about involving GIS in this investigation.

- Madore’s reasoning is flawed. He argues that because the criteria used to calculate rural capacity for the DSEIS reaches a larger number of rural lots than the calculations using Madore’s preferred criteria, the criteria must have been selected by the Planning Department for that purpose. But Madore’s argument is an *ad hominem* fallacy that ignores other, more plausible possible purposes for the choice of criteria. Pool ably explained those purposes – to make a reasonable estimate based upon the best available data – without a particular goal in mind.
- **Madore asserts that the calculations used to calculate rural capacity in the DSEIS grossly inflate rural capacity.**

**Madore’s statement is false:**

- I am not a planning expert, and I do not purport to be qualified to independently assess the quality of the rural capacity analysis provided to ESA for the DSEIS. Nevertheless, when I interviewed Robert Thorpe, he stated that the Thorpe firm reviewed the work underlying the DSEIS and it met professional standards.
- Nevertheless, Madore’s assertion is based on a false premise. More specifically, in making his assertion, Madore relies upon his analysis of the criteria supposedly used by GIS in reaching the rural capacity for the DSEIS.

It is not true, however, that as Madore has stated in multiple forums, his Table 1 “Column A” criteria in the November 24 Preferred Alternative are the criteria used to calculate rural capacity for the DSEIS.

In my interviews with them, Pool and Pearrow reviewed each of Madore’s “Column A” criteria and explained why some of the criteria were inaccurate, identified the criteria that originated in the VBLM for the urban area, or did not make sense. Pool’s and Pearrow’s explanations are essentially consistent with Exhibit 1, Staff Report, “*Public Hearing: Reconsideration of a “preferred alternative” and of planning assumptions . . .*” (February 16, 2016) (Exh. 23). Specifically:

Criteria 1: “*Every possible rural parcel shall be counted as a parcel that will develop . . .*” (Exh. 4 p.4.)

Pool stated in my interview with him: “*That’s not true, right? We exclude a whole list of things that we say are not buildable. So that’s a false statement. . . . No, it’s not—well, it’s not even what we did. That’s not what we did, right? That’s a statement of what the analysis is trying to do, and it’s not. It’s trying to find. . . it’s an analysis to look at what we reasonably think will develop, and it excludes lots of stuff. He says it doesn’t exclude anything. That’s just not true.*”

Criteria 2: “*Rural parcels located in areas far from basic infrastructure with continuous long-term commercial forestry operations should be counted as parcel that will develop.*” (Id.)

Pool explained in my interview with him that the model used in 2015, like the model used since 1992, excluded timberlands. Pool added that the GIS

calculations have always excluded timber. Currently the number of lots is based on Current Use data, which was obtained from the County Assessor. (See Exh. 23 *passim*.)

Criteria 3: *“Rural parcels including 100% of environmentally constrained areas that lack sufficient area for septic systems and well clearances shall be counted as rural parcels that will develop.”* (Exh. 4 p.4.)

Pool states that this is true, and GIS did not consider environmental constraints in its rural capacity analysis for the DSEIS. (See Exh. 23 p.5.)

Criteria 4: *“History shows that 30% of dividable properties with homes and 10% of vacant dividable properties will not further develop.”* (Exh. 4 p.4.)

Pool states that this is a statement based on the urban model, not the rural areas. It is correct, however, that this assumption has not been applied to the rural area. (See Exh. 23 p.5.)

Criteria 5: *“As long as County code allows, lots that are up to 10% smaller than the minimum lot size should be considered as conforming lots and counted as property that is likely to develop.”* (Exh. 4 p.4.)

Pearrow states that this is an accurate statement of GIS methodology. (See Exh. 23 p.5.)

Criteria 6: *“Although county code prohibits most nonconforming parcels from developing, all nonconforming parcels with 1 acre shall be counted as rural parcels that will develop.”* (Exh. 4 p.4.)

Neither Pool nor Pearrow could remember if this was an accurate statement of GIS methodology.

Criteria 7: *“A 0% Market Factor shall be used for rural areas.”* (Exh. 4 p.4.)

Pool states that there has never been a market factor for the rural analysis. Pearrow agrees.

Criteria 8: *“A 0% infrastructure analysis shall be used for rural areas.”* (Exh. 4 p.4.)

Pool states that there has never been an infrastructure deduction (which originated in the urban model) in the rural model. Pearrow states that an infrastructure deduction does not make sense; because of the way development is done in the rural area, you can exclude the right-of-way in the parcel size so it does not take away land from the parcel.

- Generally, Madore’s “Column A” criticizes the DSEIS rural capacity analysis because it does not apply factors to reduce the number of buildable lots that Madore, in performing his calculations, imported from the urban VBLM. With regard to the validity of Madore’s “Column B” assertions, I am not a planning expert, and do not purport to be able to independently assess the soundness of Madore’s methods.

Nevertheless, the Thorpe Report speaks for itself with regard to that point. The Thorpe firm concluded that such criteria were invalid.

- In support of his analysis, Madore has asserted that he worked closely with GIS and ultimately GIS's calculations matched his. His clear implication is that GIS agreed with his methodology. It is true that GIS tried to understand Madore's methodology and how he reached his results. But this does not mean that GIS agreed with his methodology.

Pool states that GIS was trying to understand Madore's methodology so that they could reproduce it if they had to do so in the future. As Pool described GIS's effort to understand and reproduce Madore's calculations in my interview with him, it seemed, in my judgment, to be chaotic and disorganized. GIS was unable to elicit clear responses from Madore about his reasons for excluding certain properties. Pool states that Madore would just tell GIS to exclude individual properties; Pool states that GIS asked several times, but never received a reason for overriding the codes identifying property status on the override table they were given. At the end of the process, Pool states, *"We kind of, sort of understood why he was doing things."*

Pool explains that the way it should be done is to look at the property, look at the criteria, then GIS would produce a map, the appropriate person would approve the map and GIS would approve the criteria. But Pool states that GIS needed to be able to write a script so they could reproduce the methodology, because GIS just cannot do the analysis the way Madore did – looking at property individually. GIS wanted to be able to identify and apply criteria that replicated what Madore did. GIS was able to do so with only partial success.

Pool stated in my interview with him, *"It was a bad process."* Pool stated that, if the Board wanted to get into the nitty-gritty of how GIS did the rural analysis, the matter should have been brought before the Board where they could talk about the criteria. Then the Board could tell GIS what it wanted, GIS could make changes and bring a map back. Instead, Madore just did it himself and said, *"That's what I want,"* and, *"I'm going to do it my way. This is what I want."*

- **In a related allegation, Madore has stated specifically that the DSEIS has inflated the number of buildable lots on forestlands by "a factor of 10," a factor of "1000 percent," or in later public statements, by "500 percent."**

**Madore's statement is false.**

- Pool explains that he believes that Madore's assertions, both with regard to the existence of a forestlands exclusion from the DSEIS rural capacity calculations and its impact on the results of the calculation is based on a GIS error. Pool states that GIS had been running alternative scenarios and turned the forest exclusion "off" in the code – and then forgot about it. So, as best as Pool can determine, when GIS gave the software and data to Madore, the forest exclusion was still turned off. Therefore, when Madore "reverse engineered" (to use Madore's characterization) the GIS software, it appeared that GIS had not excluded timberlands. GIS staff did not realize the error had been made until they tried (with limited success) to reproduce Madore's methods.

- Pearrow explained in my interview with him that the GIS methodology probably excluded more forestlands or timber operations than Madore’s methodology, because the data they used included more “mom and pop” operations than would be classified as long-term commercial operations (the basis for Madore’s criteria).
- Planning staff repeatedly explained that the DSEIS methodology excluded forest lands before Madore made his public accusations (*See, e.g.*, Exh. 10, 11.). Pool stated in my interview with him that the night before the February 23 hearing, he talked to Madore about the timber issue and explained what had happened.

b) Thorpe Contract

Madore has alleged that Orjiako, the Planning Department and Prosecuting Attorneys subverted the Board’s direction with regard to the scope of the Thorpe Review, improperly influenced the outcome of the review and were insubordinate to the Board. Again, in all material respects, Madore’s allegations are false.

- **Madore asserts that the staff failed to amend the Thorpe contract to comply with the Board decisions in the December 8, 2015 BOCC meeting. Therefore the Thorpe contract was “unlawfully executed.”**

**Madore’s statement is accurate to the extent that one approved revision to the contract was not incorporated in the final document. Nevertheless, as a practical matter, it is immaterial to the results of the Thorpe Review as the Thorpe firm was provided with, and reviewed, the November 24 Preferred Alternative.**

- On December 4, 2015, Thorpe sent a draft Memorandum of Understanding to McCauley, with a copy to Madore and Orjiako for review. Thorpe’s proposed scope included three steps. Step 1 stated: *“Review the Planning Assumptions introduced on November 4, 2015 and provide professional opinion on the validity of these assumptions and whether they should be applied to the Vacant Buildable Lands Model for the rural lands.”* (Exj)\h. 17 p.2, emphasis added.) Subsequently, the staff reviewed and commented upon the draft, but none of the redline revisions changed the November 4 date.
- During the December 8, 2015 BOCC hearing, the staff proposed several revisions to the draft. Madore proposed two revisions: (1) revise the date in Step 1 to “November 24”; and (2) revise language in Step 2 to read: *“Assuming that the Planning Assumptions have a factual basis for incorporation into the buildable lands model, we will work with County Staff to review and revise Alternatives 1, 2, 3, 4 and the Preferred Alternative by incorporating the Planning Assumptions found to be fact based.”* With regard to the second proposal, Cook confirmed in the hearing that “Preferred Alternative” referred to the November 24 Preferred Alternative. The Board approved all of these revisions.

Madore's first proposal – changing the date to November 24 – was not incorporated into the final contract. All of the other revisions were incorporated. (*see* Exh. 18.)

- In my interview with him, Madore asserted that the failure to change the date was significant because the Thorpe firm was not to analyze a draft, but to analyze the adopted planning assumptions, the November 24 Preferred Alternative.
- Subsequent to the hearing, however, Madore pointed out to Orjiako that the contract had not been revised to correct the date. In response, on December 16, Orjiako assured Madore that he had provided Thorpe with the November 24 Preferred Alternative (Exh. 24 p.3). Euler again reassured Madore that the Thorpe firm was reviewing the November 24 Preferred Alternative on December 22, and Thorpe confirmed Euler's assurance (*Id.* p.1).
- **Madore asserted that the Planning Department “trespassed and usurped the authority of the legislative branch” because, in an act of “active insubordination,” the staff directed Thorpe to consider only the validity of Madore’s “Column B” assumptions, or, in other words, the assumptions that Madore relied upon to calculate rural capacity, rather than assessing the validity of the “Column A” assumptions (Madore’s characterization of the methodology used to estimate rural capacity in the DSEIS).**

**Madore's statement is false.**

- In the December 2 meeting, which Madore attended, the staff and Prosecuting Attorneys (1) raised the question of whether the revised Alternative 4 planning assumptions in the Preferred Alternative must be applied to Alternatives 1, 2 and 3; (2) whether the Alternative 4 assumptions had been properly vetted; and (3) whether it would be sufficient to prepare an addendum to the SEIS rather than revising the SEIS. Neither Madore nor any of the other participants raised the possibility of Thorpe reviewing the basis for the DSEIS rural capacity analysis.
- Madore did not state in the December 8 hearing that Thorpe should evaluate the basis for the rural capacity estimate contained in the DSEIS.
- The final contract language for Step 1 refers to the “planning assumptions introduced on November 4.” Changing the date to November 24 does not alter the meaning of that language. The assumptions adopted on November 24 were the “Column B” assumptions (*see* Exh. 5 p.1 l.26).
- In my interview with him, Madore stated that the intent of the Thorpe agreement was to review the entire November 24 Preferred Alternative, and that meant that Thorpe should have reviewed the “Column A” assumptions because they were included in that document.

That argument does not withstand scrutiny, however. Even if Madore's Column A assumptions were actually the basis for the DSEIS rural capacity analysis

(which they are not, *see* Section A(2)(a)), those assumptions were not “adopted” on November 24. Rather, the DSEIS methodology was implicitly rejected when the BOCC adopted Alternative 4B.

- An act of insubordination requires a clear and specific direction, followed by a failure to comply with that direction. Nothing that occurred in the December 2 meeting, the December 8 hearing, or the language of the Thorpe contract constituted a clear direction to Planning Department staff that Thorpe should vet the basis for the DSEIS rural capacity analysis.
  - Moreover, Thorpe stated in my interview with him that, in order for his firm to conduct its analysis, they reviewed the staff and ESA’s work on the DSEIS and concluded that it met professional standards.
- **Madore has asserted that the Planning Department did not provide the Thorpe firm with the documentation needed to support “Column B.”**

**Madore’s statement is false.**

- Madore stated in my interview with him that he provided all of the documentation and the staff posted them in a drop box, but the Thorpe report does not refer to his documentation and therefore it appears that they did not consider “any of the evidence.”
  - The email record establishes that the Planning Department provided the Thorpe firm with all of the documents Madore wished the Thorpe firm to consider (*e.g.* Exh. 25).
- **Madore asserts that the Planning staff prohibited Thorpe from communicating with any member of the Board.**

**Madore’s statement is accurate, although “prohibited” overstates what the evidence shows. It is, however, probable that either ESA or Planning staff told Thorpe that if the Thorpe firm had questions their channel of communication should be with Euler.**

- The email record shows that ESA had concerns about efforts by Madore and CCCU to obtain information directly from ESA (Exh. 26). When Thorpe was engaged, ESA suggested to Euler that Thorpe operate under the same guidelines and that ESA advise Thorpe about this issue (Exh. 27).
- According to Madore, he called the Thorpe firm and Thorpe stated, *‘I’ve been ordered not to talk to you. I can talk only to staff.’*
- Thorpe does not remember if anyone told him about how to respond to contact from Madore. Thorpe remembers only a few calls from Madore asking when the draft report would be released; Thorpe states that he told Madore that he would receive the draft when it was released to the Board.

- Euler states that, to the best of his memory, he told Thorpe that he would be Thorpe's contact if the Thorpe firm needed information, but it would not be his style to be more direct than that.
- McCauley and Cook stated in my interviews with them that, even if someone had told Thorpe not to talk to Madore or other Board members, it would have been entirely appropriate, as the County expects consultants to perform their work independently, and it would be inappropriate for Councilors attempt to influence their work.<sup>5</sup>
- **Madore has stated that Planning Department staff improperly influenced the outcome of the Thorpe Review.**

**Madore's statement is false.**

- Thorpe stated in my interview with him that members of the Planning Department did not attempt to influence the outcome or Thorpe's conclusions. Rather, Planning staff responded to questions and defended their work in response to those questions. This, Thorpe states, is what he would expect from planning professionals. Additionally, ESA was open and cooperative and provided all the data and information Thorpe had requested.
- The Planning Department, as previously noted, provided Thorpe with all the documentation that Madore wanted Thorpe to review.
- On January 11, 2016, Thorpe sent the Planning Department a draft report. The revisions proposed by the Planning staff were minor and did not affect the conclusions (*see* Exh. 28).

c) Growth Rate

- **Madore asserts that Planning staff intentionally misled the Board by projecting a 1.12 percent growth rate, when the typical growth rate for Clark County has been two percent; thereby causing the BOCC to adopt the OFM medium population projection.**

**Madore's statement is false as to his assertion that Planning staff intentionally misled the BOCC; I have no opinion on the historic growth rate or the proper sample that should be used for growth rate calculations.**

It is difficult to see how recommending a middle-of-the-road projection that OFM, by statute, considers to be the most likely outcome, constitutes misleading the Board. Moreover, it appears from the documents that Planning increased its projected growth rate as the population data changed. I am persuaded by my interviews, moreover, that Planning staff's only interest was in adhering to professional standards and assisting the County in developing a defensible 2016 Comp Plan.

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<sup>5</sup> It appears that Madore understood these guidelines, or, at minimum, acknowledged them (*see* Exh. 45)



By way of background, in a December 18, 2013 work session, the BOCC considered selection of a population projection for the 20-year plan horizon of the 2016 Comp Plan. Staff provided the Board with a memorandum (1) explaining the population allocation considerations, including, among other matters, the requirement that counties use the official population projections issued by the Washington State Office of Financial Management (“OFM”), and select between low, medium and high projections, and pointing out that the medium range is, by statute, OFM’s most likely estimate of a county’s population; (2) explaining the importance of selecting an appropriate population projection in light of the risks of underestimating or overestimating the rate of population growth; and (3) recognizing Clark County’s historically healthy population increases and providing data on the county’s census population (Exh. 29). The staff also made a presentation comparing the OFM medium growth rate with other alternatives (Exh. 30). The staff recommended selection of the medium series and requested that the BOCC hold a hearing to consider adoption of the medium population projection (*Id.* p. 7).

According to Madore, in the staff presentation Orjiako intentionally distorted the growth rate to show an artificially low rate by focusing the projection on a seven-year period around the dip in growth caused by the 2008-2010 recession. Madore asserts that Planning staff should have considered the previous 20 years.

The BOCC held a hearing on January 21, 2014. Madore moved to approve adopting Resolution 2014-01-09, which included the OFM medium population growth projection; the motion carried unanimously (Exh. 31 p.2).

In April 2015, the BOCC, by Resolution No. 2015-04-05, increased the Planned Population Growth to 129,546; the Assumed Annual Population Growth Rate remained at 1.12% (Exh. 32).

In connection with the July 2015 draft of the DSEIS, Madore argued that the population growth numbers should be updated *“to better align with the latest OFM report Clark County now being the fastest growing county in the state,”* and asserted, *“the OFM latest report shows a 2% growth for Clark County. We ought to say so. Otherwise, we leave the reader with the false impression that we are still stagnated.”* (See Exh. 33.)

The DSEIS, however, projected an annual population growth rate of 1.26% (see Table 1-1, Exh. 3 p.1.2).

In the October 20, 2015 hearing, Madore contended that the County ought to revisit the population growth forecast and adopt the high OFM choice (Board of County Councilors Minutes of October 20, 2015 p.9).

In the staff markup of Madore’s Alternative 4B (November 3, 2105 Version), Planning staff explains the arithmetic basis for their calculations of the growth rate and explains the difference between Planning and GIS’s methods and Madore’s method. Based on a corrected 2015 base population, Planning estimated a 1.29% growth rate (Exh. 10 p.18).

In the November 24, 2015 Preferred Alternative, the BOCC approved a 1.31% annual growth rate (Exh. 5 p.5).

Upon repeal of the November 24, 2015 Preferred Alternative, the BOCC adopted a 1.26% Assumed Annual Population Growth Rate (Exh. 4 p.2).

d) Allegations Regarding Misrepresentations to the BOCC

- **Madore asserts that in the January 13, 2016 work session that Orjiako and Cook intentionally misled the Board by insisting that “the RVBLM (Rural Vacant Buildable Lands Model) including the RVBLM as published on October 20, 2015, were revealed to and approved by the county commissioners in previous years and by the county councils of 2015 and 2016.” Madore adds that they “further misled the councilors by asserting that table 2 (general planning assumptions) were the RVBLM assumptions.”**

**Madore’s statement is false; Madore has over-simplified and mischaracterized what occurred and has taken statements out of context.**

- There are many flaws in Madore’s characterization of what occurred on January 13, 2016. In the first instance, Madore’s allegation is founded on his often-repeated assumption that his description of the GIS methodology used to calculate rural capacity for the DSEIS (as repeatedly published in his analyses from October 20 on) is accurate. As discussed in Section A(2)(a), this is not true.
- Nevertheless, recasting Madore’s allegation to omit its inaccurate premise, Madore is, in effect, contending that Orjiako and Cook intentionally misled the Board by stating that the BOCC and its predecessor body reviewed and approved the methodology used to determine rural capacity in prior years and in 2015 and 2016.
- Madore is, however, over-simplifying what occurred and has taken Orjiako and Cook’s statements out of context. Specifically, the statements Madore challenges occurred in the context of discussing the Thorpe Review and its conclusions. In this context, most significantly, the Thorpe Review concluded that criteria that applied urban growth criteria to the rural area were invalid.

In the work session, Madore challenged the scope of the Thorpe firm’s analysis, arguing that the Thorpe firm should have analyzed Column A. (The accuracy of his assertions with regard to the intended scope of the Thorpe contract was previously analyzed in Section A(2)(b).)

Orjiako, in response, conflated the VBLM for the urban areas with Madore’s “Column A” assumptions regarding rural capacity. When he made the statement about which Madore complains, Orjiako was explaining why it did not make sense for the Thorpe firm to review the VBLM. Orjiako stated, in what is clearly a reference to the VBLM for the urban areas, that:

*If you recall my comment earlier, I said that the Vacant Buildable Lands Model and the assumptions that went into it and the write-up of that was done by a task force that*

*included the cities, included a representative of the Building Committee, and that has been vetted, tried, appealed, reviewed by the Growth Board.*

Orjiako adds, *“I don’t recall asking [the Thorpe firm] to go back and vet the current planning assumptions that have been used for over 20 years now.”*

Horne followed upon Orjiako’s comment by observing, with regard to past Comp Plans:

*What was in existence previously was the result of litigation, and so the assumption was made—whether it’s correct or not—the assumption was made that because it has passed challenges and has ultimately been approved, it was what the only thing we’re left with that was legally allowed by the Growth Management Hearings Board.*

Cook adds, after Horne finishes: *“And I had one further item to add, that the Choice A assumptions were adopted by the Board in 2014. So those are not all from 20 years ago, but they are assumptions that were adopted for this planned update.”*

Madore then proceeds to argue that the “Column A” assumptions inflate rural capacity. It is clear that Orjiako, Euler and others are confused by his argument. At this point in the hearing, they are focused on pointing out the error in Madore’s contention that urban VBLM assumptions should have been applied to the rural capacity analysis so as to reduce the number of buildable rural lots.

Cook then goes on to reiterate and build upon Horne’s point about the legal effect of challenges to prior Comp Plans upon the validity of past assumptions:

*Uh, one more point, that it is not correct to say that these assumptions have not been vetted, to the extent that they are assumptions that have underlying prior plans. Uh, the ’94 plan was appealed by...I forget how many parties. It took many years to resolve. And the 2007 plan was appealed and took many years to resolve, and the current ruling from the Growth Board is Clark County’s plan complies. So to the extent that any of those assumptions underlie the plan now, then they can be said to comply.*

Considered in context, it is apparent that (1) Orjiako misunderstood Madore and conflated the extensive vetting of the VBLM with vetting of Madore’s characterization of the DSEIS rural capacity methodology; this is easily understood given Madore’s focus on importing urban criteria into rural capacity analysis; moreover, Orjiako’s statements about extensive vetting of the VBLM are true; (2) Cook and Horne described their opinion regarding the legal effect of Growth Management Hearing Board reviews and the outcome of litigation on the validity of criteria in past years; to put it more directly, they contended that if any aspect of past plans survived extensive legal review, it is valid;<sup>6</sup> and (3) Cook misspoke when she stated specifically that Column A assumptions were adopted by the Board in 2014.

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<sup>6</sup> I have not formed, and do not express, any opinion about the correctness of this reasoning; legal analysis is outside the scope of my engagement.

But none of this amounts to any intentional falsehood or effort to mislead the BOCC. Orjiako made correct statements based upon his misunderstanding of Madore's contentions. Cook made what was obviously an error and confused the planning assumptions (such as population growth rate, rural/urban split and the like) formally adopted by the Board with rural capacity analysis.

In this regard, much confusion has arisen from the loose use of the term "planning assumptions" to refer to (1) the assumptions first formally adopted by the Board because the BOCC is required to do so by the GMA regulatory scheme in 2014 (as amended with regard to estimated population growth in April 2015); and (2) the criteria used to develop the rural capacity analyses supporting the DSEIS and Madore's Alternative 4B, where there is no regulatory requirement that the County conduct such an analysis.

- **Madore asserts that on February 16, 2016, Orjiako and Cook intentionally misled the Board by stating that the Column A RVBLM planning assumptions were not the RVBLM assumptions, but were instead the urban VBLM assumptions. Madore asserts that when pressed, they could not specifically identify which of the "Column A" assumptions were not the actual RVBLM assumptions.**

**Madore's statement is false.**

- Madore misrepresents Cook's statement. More specifically, Cook states:

*I would like to point out, if I could, that choice, the Planning Assumptions that have been labeled as choice A are not necessarily the Planning Assumptions that the Board was working under prior to adoption of choice B. Those were, in fact, written the same time that choice B was written, and they are not necessarily what the County was using up 'till that point. So saying that reconsidering or rescinding choice B takes things back to choice A is, I would say, an inaccurate way to couch the process here.*

(Verbatim Planning Committee Minutes, February 16, 2016 p.11.) As previously discussed in Section A(2)(a), Madore's "Column A" assumptions are not a correct statement of the GIS methodology used in the DSEIS.

Moreover, when Madore presses Cook to identify which assumptions were in error, Cook correctly points out that Column A incorrectly asserts that forest lots were counted, when they were not (*Id.*) (*see* Section A(2)(a)).

When Madore challenges Cook about her previous statement regarding approval by the Board, Cook corrects her misstatement in the January 13, 2016 work session and refers Madore to the resolution adopting the planning assumptions (*Id.* p.12). (Cook cited to 2015-04-05; my review of the documents suggests that she meant 2015-04-06).

- Madore also mischaracterizes Orjiako's statements. Madore points out that he was not referring to the formally adopted planning assumptions, but to the GIS rural capacity analysis. In response, Orjiako correctly points out that (1) Madore

took urban criteria and applied them to rural capacity; (2) the VBLM for the urban area was created over years with extensive input from stakeholders and the Board, and was extensively challenged before the Growth Board and the courts and successfully defended; (3) the Planning Department has not extended the urban methodology to the rural area; and (4) Madore made a “big mistake” by doing so, which was made clear by the Thorpe review. (*Id.* p.\_\_\_\_.)

- **Madore asserts that on February 23, Orjiako and Horne misled the Board (1) by insisting that the RVBLM did not exist and was not used; and (2) Horne stated that the Planning Department did not “technically” use the RVBLM.**

**Madore’s statement is false.**

- In the first instance, Madore misrepresents Horne’s role during the February 23 hearing by asserting that Horne made any statement concerning rural capacity analysis. The only statements Horne made during the February 23 hearings concerned (1) the golf course and the Ridgefield urban growth boundary (Verbatim Minutes, February 23, 2016 p.29-32); (2) whether disallowing Washougal’s 41 acres designated R-5 because they did not follow sufficient public process was on the agenda (*id.* p.42-43); (3) a statement clarifying Clark County’s consistent pattern since 1973 recognizing the grandfathering of existing lots, in that “nonconforming” lots are treated as “legal lots” (*id.* p.49-50).

It is worth noting that in my interview with Madore, I advised him that I had repeatedly reviewed the February 23 verbatim minutes and it appeared that Horne had made something similar to the statements Madore attributed to Horne in the March 1 hearing rather than the February 23 hearing. I told Madore that I was not trying to catch him out and asked Madore whether it was possible that he had made a mistake in his citation to the date. Madore insisted that he did not believe that he had erred. He was wrong.

The substance of Madore’s allegation regarding Horne’s statement is discussed in the context of the March 1 hearing.

- With regard to Orjiako’s statement on February 23, Madore has taken Orjiako’s statement out of context. What Orjiako said in response to a question from Councilor Julie Olson about the staff report and documentation of how rural lots have been counted in the past was:

*Councilors, what I will say is that there appear to be some misunderstanding and confusion, if I may use that term. What this represent is when ESA asked staff to help them determine the potential new lots available under each alternatives. This is staff documentation of what was presented to ESA.*

*So, for example, if you go to Page 1-3, it’s not in your staff report, I’m referring to the published – August 5th published DEIS, you can see that on Page 1-3, Table 1-2 list all the potential new lots allowable or available under each alternative. So this is staff’s effort to document what we did in consultation with our GIS staff and presented that to ESA.*

*There is no written rural VBLM model. What we do is just a simple analysis of what are the available potential lot in the rural area based on the current zoning, so we don't have -- this Council and the previous Board that we have worked with have never approved a rural vacant lands model.*

(Id. p.5-6.) It is clear from the context that Orjiako is merely pointing out that the rural analysis capacity that appears in the DSEIS is the result of a simple analysis based on current zoning. Orjiako is not denying the existence of a rural analysis. He is distinguishing between that analysis and the complex VBLM for urban areas.

Orjiako's wording was inartful. The rural analysis has been called a "model" for many years, and was referred to in several documents authored by GIS and Planning staff as the "rural VBLM." Pool points out that, from his perspective, the word "model" originated from his office, and in his view, anything that uses data, applies assumptions and comes up with an answer is a "model."

Nevertheless, in context, Orjiako was explaining and clarifying the differences between the VBLM and the rural capacity analysis, not misleading the BOCC.

- **Madore asserts that on March 1, 2016, Horne "misconstrued the allegations against Prosecuting Attorneys Cook and Horne and the Planning Director to be instead, [sic] against GIS staff."**

**Madore's statement is false.**

- In the first instance, as previously discussed, Madore's assertion regarding Horne's statement regarding the "technical" existence of a rural and vacant buildable lands model occurred on March 1, not on February 23. Horne, however, did not make any misrepresentation. Horne, like Orjiako on February 23, was trying to explain (yet again) the difference between the VBLM and the rural capacity analysis:

*One of the key issues of course you're familiar with, related to numbers or data resulting from the analysis of rural development capacity. Um, and just to familiarize the Board, the...Clark County does not technically—and I use that word carefully—does not technically use, um, a Vacant Buildable Lands Model in the rural area, because Judge Poyfair found that a prior Growth Management Hearings Board required Clark County to do a VBLM for the rural area, and Judge Poyfair ruled, and I'll quote, "The Board's requirement," referring to the Growth Management Hearings Board, "The Board's requirement to, in essence, require a Vacant Buildable Lands analysis for the rural area was erroneous." So the County does do a capacity analysis of the rural area.*

(March 1, 2016 BOCC Hearing, Partial Transcript p.2.) Repeatedly throughout the hearing, Horne acknowledges the existence of the rural capacity analysis. Whether it is called a model is mere semantics.

- Second, with regard to GIS, Horne merely attempted to understand the basis of Madore's assertion that the staff did anything illegal or unethical. As is clear throughout the hearing, Horne is seeking to find out whether Madore's assertions regarding the alleged inflation of rural capacity in the DSEIS were based on Madore's belief that the DSEIS capacity analysis counted forestlands as buildable and did not exclude them. As Madore's mistaken belief was, in all likelihood, at least partially based upon the error in the GIS software GIS gave him, Horne cited to Pool's explanation of how the error occurred.

An objective review of Horne's statements in the hearing confirms that he was not trying to shift blame to GIS for Orjiako's or Cook's supposed misrepresentations.

- **After this investigation commenced, Peter Silliman asserted that Madore's allegations were supported by an additional instance of alleged misfeasance. More specifically, Silliman asserted that in an October 13, 2015 hearing concerning proposed amendments to the Shoreline Management Program, Orjiako and Cook intentionally misled the BOCC. Silliman asked that this incident be considered in this investigation (Exh. 34).**

With regard to the background, according to Cook, amendments to the Shoreline Master Program ("SMP") had been under consideration for several weeks prior to the October 13 hearing. On August 6, 2015, the Planning Commission met to consider limited amendments to the SMP. Among the revisions was a proposal to add language to County Code 40.460.630(K)(13) to provide, in relevant part:

*Legally established existing residential structures and appurtenances located landward of the OHWM and outside the floodway that do not meet the standards of this Program are considered to be conforming, except that existing residential structures either demolished or damaged by more than sixty percent (60%) of the replacement cost by fire, flood, explosion, or natural disaster are no longer considered conforming.*

The Planning Commission met again on August 20, 2015. The amendment to §(K)13 again appeared. The Planning Commission approved the recommendations.

On September 2, 2015, the Board held a work session to consider the Planning Commission Recommendations. The proposed amendment to §(K)13 appears again on the Councilors Grid for that work session. (Planning Commission Recommendations to the Board of County Councilors, Exh. 1 p.4-5, September 29, 2015.)

According to Cook, Kevin Tyler, Department of Environmental Services Division Manager, attended the Planning Commission meetings and the BOCC work session.

At the October 13 BOCC hearing, Orjiako asked Planner Gary Albrecht to present the highlights of the proposed changes. In the dialogue that followed (Exh. 35): (1) Madore asked Albrecht to confirm that the amendments were to comply with Department of Ecology mandates and did not go beyond state law, and Albrecht confirmed his statement; (2) Madore asked Don Benton to comment on behalf of the Department of Environmental Services; (3) Benton stated that he was not personally familiar with all of the changes, but his

Permitting Manager was familiar and was supportive; that he was “relieved to hear that it doesn’t make our code any more stringent than the State code”; but he was concerned about the ability to rebuild a home on property that was completely demolished; (4) Madore asked whether that provision came from the State; (5) Madore asserted that it would be helpful to refer back to the Washington Administrative Code and asked Cook to read the specific portion of the WAC containing the 60 percent standard; (6) Madore reiterated that he wanted to ensure that the requirement was “exactly what the State law says”; (7) Cook asserted that she did not know the answer to the WAC, but the purpose of the revisions was to conform the SMP amendments to parallel provisions in the County Code; (8) Orjiako suggested that they set the issue aside for two weeks to allow the staff to do some research, because a revision to this amendment might put the SMP out of alignment with other Code provisions; and (9) Madore reiterated that state law ought to be the standalone driver; and, going forward, he wanted to see specific references to state law.

Orjiako protested about Benton’s behavior to McCauley. McCauley told Benton that he was disappointed in Benton’s behavior, as Benton could have talked to Orjiako about Benton’s concern before the hearing. Benton protested that he did not know he would be called upon to comment in the hearing (Exh. 36).

Silliman subsequently communicated via email with Albrecht, pointing out that the WAC threshold was 75 percent, not 60 percent, and therefore imposed a less restrictive barrier to rebuilding non-conforming structures within the shoreline area. Cook stepped in and corrected Albrecht after Albrecht argued that 60 percent was less restrictive.

Thereafter, Albrecht, Cook and Silliman began working on revisions to the SMP amendments; Albrecht developed a detailed list of WAC references, but refused to add additional information Silliman requested. Ultimately, the SMP amendments were approved and §(K)13 was amended to include a 75 percent threshold; the inconsistent parallel code provisions were not amended.

Silliman asserts that (1) Planning Department staff answered falsely in the hearing by stating that the amendments did not exceed the requirements of state law, as the 60 percent threshold in the proposed amendment to §(K)13 was more restrictive than state law required; (2) Planning Department staff “feigned” ignorance by remaining silent in the hearing; (3) Cook “feigned ignorance” in the hearing when she asserted that she did not know the answer to the question about the WAC requirement; and (5) Albrecht was uncooperative when he refused to provide additional information beyond the WAC citations.

**Silliman’s assertion that Planning staff and Cook lied to and misled the BOCC is false.**

- Cook credibly states that she was the person who proposed the amendment to §(K)13; she did so in order to bring the SMP into line with other parallel provisions, and she had not considered whether there was a WAC standard.
- The evidence strongly suggests that this entire incident was staged. Madore stated in my interview with him that (1) he called Benton the day before the



hearing; Benton told him that he had been excluded from the development of the SMP amendments; (2) Madore invited Benton to attend the October 13 hearing so if Madore had questions Benton could answer them.

- The dialogue in the hearing strongly suggests that Madore was fully aware before he questioned Albrecht that there was an inconsistency between the proposed amendment and the WAC standard. He asked Albrecht a leading question, and Albrecht, who also had not focused on whether there was a WAC standard, did what witnesses often do, which is confirm the premise of the leading question. I note that in my experience the purpose of a leading question is to elicit the answer the questioner seeks. It is not uncommon for witnesses asked leading questions to assent to propositions with which they would not agree, had they been given the opportunity for reflection or been asked an open-ended rather than leading question.
- The ensuing colloquy between Madore and Benton was focused closely on §(K)13, with Benton articulating a detailed knowledge of WAC provisions and the impact of the proposed amendment. But if Benton, as he later professed, was unfamiliar with the details before the meeting, his knowledge of the comparative impact strains credulity.
- It is clear from the hearing transcript that Cook, Albrecht and Orjiako were caught off guard by what happened, rather than feigning ignorance. When I interviewed him, Silliman had no real evidence that Cook's professed lack of knowledge was a façade; rather, he stated only that Cook was a lawyer with specific expertise, often has a laptop and she could have looked it up. But experience tells me that lawyers rarely have memorized every applicable statute or regulation.
- After the hearing, Benton told McCauley in response to McCauley's admonition that he should have discussed the issue with Orjiako prior to the hearing that Benton "*had no concerns prior to the meeting*" and his sole purpose was to be there for a proclamation; he "*was not prepared to talk on their subject*"; and "The Chair [Madore] caught me off guard when he called me up." Benton did not, however, tell McCauley that Madore had called him to discuss the amendments and that Madore had specifically invited him to be there to respond to questions.

e) Orjiako & Cook's Alleged Political Agenda

- **Madore asserts that Planning staff acted wrongfully in order to achieve a political agenda or an "anti-rural growth agenda."**

**Madore's statement is false:**

- Madore's assertion is another fallacious *ad hominem* argument. More specifically, the word "agenda" (as used by Madore) is commonly defined as "an underlying often ideological plan or program" ([www.merriam-webster.com](http://www.merriam-webster.com)). As such, the clear implication to a reasonable reader of, or listener to, Madore's statements is

that opposition to rural growth (“anti-rural growth”) and a desire to “strip rural citizens of their property rights” motivated Orjiako.

In my interview with him, however, Madore disclaimed any attempt to attribute motive to Orjiako or other members of the Planning Department. Madore’s disclaimer is unconvincing. Given his inflammatory tone and word choice, his disclaimer indicates that Madore simply has no facts to support his allegation.

Instead, Madore contends that the “agenda” can be derived from a Comp Plan that allegedly increases urban density, favors light rail and public transit, while at the same time restricts rural citizens “from doing anything reasonable with their land.”

The difficulty with Madore’s *ad hominem* attack is that, as I understand it, the existence of a Comp Plan that, *inter alia*, increases urban density is the result of many factors independent of Orjiako and out of his control. These include, at minimum, the statutory purpose and scheme of the GMA, the outcomes of years of litigation, and the County political process in the 20 years between 1994 and the development of the 2016 Comp Plan.

Moreover, in my interviews with Orjiako, Euler and Alvarez, I found no evidence of any desire to pursue any “agenda” with regard to the 2016 Comp Plan Development other than: (1) adhering to their understanding of GMA requirements; (2) minimizing County legal risks from challenges to the 2016 Comp Plan; and (3) adhering to their professional performance and ethical standards.

Using equally fallacious reasoning, Madore asserts that the existence of an “agenda” is a conclusion that can be derived from the alleged misrepresentations allegedly made by Orjiako and Cook to the BOCC. This is circular reasoning, however: they allegedly made representations because they possessed an agenda; the existence of an agenda can be deduced from the alleged misrepresentations. The accuracy of Madore’s assertions regarding alleged misrepresentations has already been analyzed in detail in Section A(2)(c).

In short, Madore has cast his personal political view of the GMA and how it has been implemented in Clark County in the form of an unwarranted and highly personal attack on Orjiako and Cook.

**B. ORJIAKO’S COMPLAINTS THAT MADORE COMMANDEERED THE USUAL FUNCTIONS OF THE PLANNING DEPARTMENT & MADORE’S ASSERTIONS REGARDING STAFF INSUBORDINATION**

Between January 2015, when Silliman and Madore began developing Alternative 4 and November 24, 2015, when the Board adopted Madore’s Preferred Alternative, Madore, Euler and Orjiako often interacted in the context of key milestones in the 2016 Comp Plan process. The events upon which they focus overlap: (1)(a) Orjiako asserts that Madore commandeered the functions of the Planning Department; the gist of Orjiako’s complaints is

that Madore tried to coerce Orjiako to comply with Madore's directions; this had the effect of interfering with Orjiako's professional judgment and professional standards and created a hostile work environment for Orjiako and the Planning staff; and (b) AFSCME complained to Human Resources that Madore was performing bargaining unit work in violation of the collective bargaining agreement; in contrast, (2) Madore perceived Orjiako and Planning staff's resistance to his directives as insubordinate advocacy against what he labeled Board policy.

McCauley states that under the Charter the County Manager is no longer subordinate to the Councilors, and Orjiako and the Planning staff report to McCauley. The evidence shows that Madore was given legal advice that direction to staff must flow through McCauley, and then only after a Board vote following public notice. McCauley explains that when he authorized Madore to work directly with Planning, it was to obtain information, not to direct Planning staff.

Nevertheless, Madore attempted to micro-manage the Planning staff and repeatedly directed staff not to, in effect, exercise their professional judgment or criticize Alternative 4B or its premises. McCauley coached Orjiako to continue to be professional and not to "fold" or "kowtow."

1. Points of Conflict - Detail

▪ **General Behavior & Alternative 4 Development**

On a general level, Orjiako complains that Madore would frequently drop by his office without notice. Orjiako perceived this as Madore's attempt to catch him unprepared. Madore, however, asserts that he believed that this was more effective because he was working on a "front-burner" project and this would get the job done faster. Madore asserts that Orjiako was almost always gracious and invited him in. Madore states that Orjiako did not ask him to make an appointment.

Orjiako also states that Madore would not accept his meeting invitations to brief Madore on the Comp Plan as he did other Councilors. Madore asserts that if he declined any meetings, it was because there was a conflict, and his emails show that he invited Planning staff to communicate.

Orjiako and Planning staff assert that Madore developed Alternative 4 on his own without input from Planning staff, as should be expected, given Planning staff's role and expertise. Madore asserts that Planning staff had not developed a rural Alternative despite multiple requests that they do so, and so he therefore took that effort on himself. I have reviewed all of the Board resolutions between 2013 and January 2015. There is no direction from the Board to develop a rural Alternative.

▪ **The August 2015 DSEIS**

Orjiako and Euler assert that Madore attempted to interfere with and influence the outcome of ESA's DSEIS; Madore complains that Euler was insubordinate in releasing the DSEIS without Board knowledge. The evidence supports Orjiako and Euler.

According to Orjiako and Euler, in July 2015, ESA complained to Euler and Orjiako that Madore had bypassed Euler and contacted them to discuss the work in progress. Additionally, CCCU representatives also attempted to contact ESA. Orjiako and Euler made it clear to ESA that ESA should work through Euler, who was the designated Program Manager. ESA and the Planning staff agreed that ESA would communicate in accord with those guidelines (*see* Exh. 26).

Orjiako was out of the country on leave during July and August. Euler was in charge of the Planning Department and overseeing completion of the DSEIS while Orjiako was out.

In mid-July 2015, ESA provided Planning with the first four chapters of the DSEIS. Madore asked for, and Euler provided him with, the partial draft for his review, and on July 21, 2015, Madore provided some comments. On July 27, 2015, Madore provided additional comments (Exh. 33).

Euler explained in my interview with him that some of Madore's comments were on point, and aligned with issues with the draft that Euler and others had identified. Others, Euler states, would have changed ESA's conclusions or involved language that Euler and Cook did not believe was appropriate in a SEIS. (Madore's July 21 and 27, 2015 comments are consistent with Euler's description.) Euler explains that in commenting upon ESA's draft, he might ask for more explanation and to correct errors, but would not ask for changes that affect the consultant's conclusions, because reaching those conclusions is ESA's responsibility.

Euler incorporated some, but not all, of Madore's comments in the proposed revisions that he passed along to ESA. Euler, on behalf of the Planning Department, released the DSEIS on August 5, 2015.

According to Orjiako and McCauley, Madore was angry that the DSEIS had been released without Board approval. Madore explained in my interview with him that he wanted to talk to them before the document was released to make sure that it did not include "junk" or "nonsense." It is apparent from his comments on the draft and my interview with him that Madore wanted to control ESA's conclusions.

Euler explains that the Board had never previously reviewed a DSEIS, and it would not have been normal for it to do so, because the purpose for having an independent consultant prepare the DSEIS was to take it out of the political process. He released the document in accord with normal procedures. McCauley states that it was not up to the Council to dictate to the consultant what the final product would say. McCauley adds that he would have punished Euler if he had made the changes because it would have been inappropriate to do so at the behest of one Councilor.

Subsequently, Orjiako and McCauley state, Madore told them that he believed that Euler had been insubordinate. According to Orjiako, Madore wanted him to fire Euler. But McCauley, Orjiako and Madore agree that Madore did not make a specific demand that McCauley or Orjiako take an adverse employment action. McCauley and Orjiako inferred,

however, that Madore wished them to do so. Orjiako and McCauley did not believe that Euler had acted improperly, however, and did not counsel or discipline Euler.

▪ **September 2015 – the Growing Healthier and Aging Readiness Plans**

Madore and Orjiako clashed over whether certain plans adopted by prior Boards should appear on the County website.

In September 2015, a CCCU representative complained that the Growing Healthier and Aging Readiness Plans should be removed from the Planning Department website. After an email exchange with the CCCU representative; Orjiako confirmed that, in a recent work session, the Councilors had directed that these two plans should not be included in the planning policies. Nevertheless, Orjiako asserted, the Councilors had not directed that the plans be omitted from the 2016 Comp Plan. Orjiako pointed out that that decision would be made in a public hearing when the plan was presented (Exh. 37 p.4).

Madore asserted that in the most recent Comp Plan work session (which occurred on July 15, 2015 and concerned a proposed procedure for amending the County-wide planning policies), the BOCC consensus was to exclude “*extracurricular documents*,” “*non-essential policies and information*” and “*all ingredients that are not essential in the Comp Plan.*” Madore went on to state, “*I believe that is the direction already communicated. If this matter needs a formal vote of the BOCC to clearly establish that direction, please let us know. Otherwise, I will assume that staff is fully onboard and working toward that end.*” (Id. p.3.)

Orjiako responded by stating his disagreement with Madore’s view, explaining his rationale and suggesting that a formal hearing may need needed (Id. p.2).

Madore responded with a critique of policies published on the website that “*may have been those of previous boards*” but “*were not in agreement with the current board.*” Madore responded that they would “*follow and [sic] appropriate process to eliminate these unhealthy choices from our adopted policies and from the Comp Plan. These are policy decisions that we as a Board are responsible to determine. Please support our endeavor as a Board to make these corrections.*” (Id. p.1)

Orjiako responded that the Councilors would act when the Comp Plan text was presented (Id.).

▪ **October through November, 2015 – Development of the November 24 Preferred Alternative**

Madore’s efforts to directly manage Planning staff intensified in the weeks leading up to the November 24 BOCC hearing.

On October 1, 2015, as Madore was working on Alternative 4B, Madore told Orjiako that he was “*working to provide a concise definition of our Comp Plan Update Locally preferred [sic] Alternative*” and asserted that “*that creation is appropriately the responsibility of the policy makers which are the County Councilors.*” Madore asserted that he “*welcomed*” input from the Planning staff to help him propose documents for publication and consideration at the October 20

hearing. But, he added, "If you would like to propose any documents, please work with me to ensure that we are on the same wavelength first." (Exh. \_\_\_\_.)

Cook advised McCauley, Orjiako and Madore that Planning could only assist with creating any variation on Alternative 4 or the DSEIS for presentation at the October 20, 2015 hearing upon McCauley's direction. Additionally, that direction must come following the vote of a majority of the BOCC in an open public meeting. Madore acknowledged her advice as "perfect." (Exh. 38).

At the October 20, 2015 hearing regarding the Planning Commission's Recommended Preferred Alternative, Madore opened the hearing by describing at length the first iteration of what ultimately became the November 24 Preferred Alternative. Orjiako has asserted that Madore did not let him speak or present. Orjiako asserts that it is usual to allow the staff to present the context for the hearing. As far as I can ascertain, while this may be the traditional approach, it is not mandated by Board rules or policy. Madore did eventually let Orjiako and Planning staff present the Planning Commission recommendation. Consideration of that recommendation was postponed until November 24, 2015.

Between the October 20, 2015 hearing and the November 5, 2015 Planning Commission work session, the staff reviewed and analyzed early drafts of Madore's Alternative 4B proposal. Madore asserts that on November 3, 2015, Madore saw them working, interrupted the meeting and offered to assist. Horne declined his assistance and said that the Prosecuting Attorney's Office would review the comments and get back to him.

Orjiako asserts that on November 4, 2015, Madore came to his office during a Board Time break and angrily demanded a hard copy of the mark-up. Orjiako supplied it to him. Orjiako tried to explain that Horne was supposed to have supplied the document to Madore, but this did not seem to appease Madore.

On November 5, Planning staff sent their critique to the Planning Commission (*see* Exh. 10) with a cover page explaining that there were numbers and calculations that had not been reviewed; Orjiako believed that disclaimer had been reviewed with Madore prior to the Planning Commission work session. The Planning Commission met at 5:30 PM on November 5; there is a one-hour item for a "Comp Plan Update" on the agenda .

According to Euler, Planning added the Comp Plan update to the November 5 Planning Commission agenda because Madore had asked that the Planning Commission review Madore's new assumptions, hold a joint work session and comment upon Madore's new document. Euler told Madore that he saw the November 5 session as an opportunity to advise the Planning Commission of what was coming.

According to Madore, he talked to Euler at around 5 PM and somehow learned that "I'm on the agenda," but had not been informed. He asserts that Planning had not followed protocol and "my planning assumptions" were on the agenda with "Gordy Euler speaking on my behalf." Madore stated in my interview with him that he invited himself to accompany Euler, sat in the meeting and listened to Euler's presentation. Then, he states, he spent the next hour and a half to an hour and forty-five minutes discussing his perspective with the Planning Commission.

Euler states that it was unusual for a Councilor to address the Planning Commission while it is in the position of advising the Board.

Orjiako states that Madore was furious with him, and later chastised Orjiako for “blind-siding” him because he only “stumbled” into the Planning Session work session because he was attending a Regional Transportation Council meeting next door. Orjiako believes that Madore was untruthful about his knowledge of the meeting because Orjiako understood that Horne or Cook had talked to Madore about the disclaimer on the Planning Commission materials.

After the November 9 joint Planning Commission and BOCC work session, Madore sent another email, titled “Action items going forward.” In the email, Madore stated: (1) “Now that the Board has given direction to propose column B to the community, we need to equip you with the concise documents to present to our community at the two open houses scheduled next week”; (2) “It is very important that we focus on only on . . . column B and not confuse citizens with other versions or previous plans”; (3) “I will provide you will [sic] the content this week to present that aligns with our Board’s direction . . . .”; and (4) that Orjiako should send Word versions of documents, copy Madore on any staff emails and discuss any changes to the schedule with him in advance. (Exh. 39 p.2.)

In response, Orjiako sent Madore the staff and Prosecuting Attorneys’ mark-up of Madore’s document, and the materials provided to the Planning Commission. He also asked for information on Madore’s methodology and the source of Madore’s data. (*Id.* p.1.)

Although Madore thanked Orjiako for his input, Madore added, (1) “In the end, I trust that Planning will support the Board’s policy and that staff reports will reflect that policy”; (2) “These internal draft documents are not intended to be published to other bodies as they will obviously be considered as advocacy by staff to oppose proposed Board policies”; and (3) “I trust that as the Board chooses particular proposals, as we have by advancing column B in our work session, that staff will not continue to advocate against those policies, but instead provide support [sic] the proposed or adopted policies.” (Exh. 40.)

Orjiako objects to Madore’s making his own presentations at the Hockinson and Ridgefield open houses, because Orjiako asserts Madore would not let him, as Orjiako states was traditional, make an opening remark. Even if Orjiako were allowed to make an opening remark, he asserts, Madore would contradict him. McCauley also states that Madore took over what was normally the Planning Director’s role at the open houses.

Madore asserts that “three different individuals” complained to him after the open houses that Euler made negative comments about Alternative 4 to persons asking questions of staff who were stationed around the room to answer questions. McCauley states that the individuals who complained were CCCU representatives.

On November 19, 2015, at the Planning Commission meeting, the staff presented its analysis of the flaws in Madore’s methodology despite Madore’s admonitions.

It appears from the email record that sometime in this period Orjiako and Cook met with Madore to share their concerns. It appears that in the meeting Orjiako told Madore

that the staff was concerned with Madore's assumptions because there was no development to support them (Exh. 41 p.3.)

On November 23 and 24, Orjiako and Madore's email exchange continued, with Madore complaining that documents had been presented to the Planning Commission without his knowledge (*Id.* p.2-3).

## 2. Efforts to Address Concerns

McCauley states that Orjiako and Euler talked to him about Madore's behavior and Madore's efforts to control their work product. McCauley states that he told them to be professional. McCauley adds that he did not tell them to "stand down." McCauley states that Orjiako also talked to him about Madore's unannounced visits. It appears that McCauley listened to Orjiako, who was under tremendous pressure, told Orjiako that he was "safe" and McCauley and "everyone else" were behind Orjiako. McCauley states that he did not tell Orjiako or Euler "to fold or to kowtow." He told Orjiako that he should "hold it together, and persevere," and Orjiako did so.

McCauley states that Madore talked to him about his concern that the Planning staff was not responding to his directives. McCauley states that Madore's comments were not specific, but general comments about Planning staff being difficult to work with and uncooperative, and he wanted that behavior to change. McCauley states that he told Madore that they were planning professionals and their job was to do what was right and make data-driven decisions. He did not agree to take any action to alter Orjiako or Euler's behavior.

McCauley states that he did not talk to Madore about his behavior because McCauley has "*tried to change [Madore's] behavior on a number of occasions, and it just doesn't work.*"

## C. THE ALLEGED MOTIVES FOR MADORE'S ACTIONS<sup>7</sup>

Orjiako asserts that Madore's treatment of him has occurred (1) because Madore saw him as a whistleblower because Orjiako often told Madore that his solitary efforts to develop Alternative 4 and 4B without full public participation and transparency were inconsistent with the letter of, and public policies underlying, the GMA, the County Charter and the Board's GMA public participation resolution No. 2014-01-10 and other statutory requirements (collectively, "the transparency requirements"); and (2) because of Orjiako's race and national origin.

With regard to AFSCME's complaint, AFSCME has asserted that Madore's attacks on Planning staff were in retaliation for staff's protest to Francine Reis that Madore's

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<sup>7</sup> In my interviews with Orjiako and Madore, each cast aspersions on the motives of the other. Orjiako asserted that Madore may have been motivated to pursue Alternative 4 and 4B because he used to be a property developer and might have a financial gain if additional development occurred in the rural area. Madore asserted that Orjiako may have conspired with Councilors Boldt, Olson and Stewart and made his discrimination allegations in order to affect Madore's chances for reelection. Neither Orjiako nor Madore had any facts to support their speculations. I did not investigate, and have no opinion about, either of their allegations.



activities constituted performing bargaining unit work and Reis's subsequent assertion that Madore had been advised of their concerns.

As a general matter, with regard to all of the alleged motives, the supporting evidence that Madore acted based on any of these motives is overwhelmed by the plethora of evidence that Madore was motivated by the very public discrediting of Alternative 4B by his handpicked analyst and the post-January 1 reversal of his plan. Specifically:

- Prior to November 24, 2015, Madore was attempting to push through Alternative 4B in the face of the Planning staff's skepticism of the validity of the underlying assumptions and staff resistance to his efforts to directly manage and control their assessment of the quality of his methodology; his attacks on the DSEIS rural capacity methodology were made in support of his arguments for his "Column B" methodology; and
- After January 1, 2016, Madore was (1) responding to the public invalidation on January 13 of his "Column B" planning assumptions by the Thorpe firm (which he had personally selected); and (2) to the five-member BOCC's rejection on February 16 and 23 of his Preferred Alternative.

As discussed at length, Madore reacted to both events with *ad hominem* attacks on the credibility and motives of Orjiako, the Planning staff, Cook and Horne in multiple public forums. The direct relationship, in both subject matter and time, of these events to Madore's attacks cannot be ignored.

With regard to the specific allegations:

- Although I do not doubt that Orjiako complained to Madore about Madore's failure to comply with transparency requirements, the evidence does not support his contention that Madore's conduct was motivated by Orjiako's complaints about this issue.
- There is some limited evidence regarding racial animus on Madore's part, specifically the "race card" graphic that Madore posted on his website; the "race card" comment is often used to demean and discredit the motives of persons with genuine and deeply held concerns about discrimination and injustice. The rest of the facts Orjiako cites, however, do not constitute evidence that Madore was motivated by Orjiako's race or national origin.
- The evidence does not support AFSCME's retaliation allegation. The close proximity in time between AFSCME's November contract violation complaint is the only supporting evidence.

#### 1. Complaints Regarding Compliance with Transparency Requirements

Although I do not doubt that Orjiako complained to Madore about Madore's failure to comply with transparency requirements, the evidence does not support his contention that Madore's conduct was motivated by Orjiako's complaints.

Orjiako asserts that there were many times, in private meetings with Madore, when he told Madore that his private work on developing Alternative 4 and 4B was not consistent with the transparency requirements.

I do not doubt that such conversations occurred. Nevertheless, in my interview with him, Orjiako could not provide much information about the specific instances or context for such discussions. Moreover, he did not provide email directly to Madore containing any such admonitions or notes of meetings that documented such discussion.

McCauley confirms that the issue arose in his discussions with Orjiako. In particular, McCauley was concerned about what appeared to be CCCUs unusual level of access to Madore and the irregular way in which Madore created his own planning assumptions. McCauley, however, did not discuss Orjiako's concerns about the lack of transparency with Madore; again, he did not do so because he believed that Madore's behavior would not change.

Madore states that he does not remember if Orjiako had such conversations with him.

In the absence of more concrete evidence (1) that such conversations occurred and information concerning the specific context or content of such discussions; or (2) that Madore remembered and reacted to them, I conclude that the evidence does not support Orjiako's assertion.

## 2. Alleged Discriminatory Motives - Race and National Origin

There is some limited evidence regarding racial animus on Madore's part, specifically the "race card" graphic that Madore posted on his website. The rest of the facts Orjiako cites, however, do not constitute evidence that Madore was motivated by Orjiako's race or national origin.

In support of his contention that Madore was motivated by his race and/or his national origin, Orjiako has asserted that (1) Madore was visibly frustrated with his accent and formal communication style; (2) Madore has not treated other County executives or Planning Directors in the same manner that he treated Orjiako; (3) Madore reacted by publicly criticizing the quality of the work, the competence and integrity of a black man who stood up to him when he tried to push through Alternative 4, which Orjiako asserts was based upon manipulated numbers; (4) he was the lone black person talking to a white audience at public open houses in nearly all-white rural areas, and Madore humiliated him by giving a counter-presentation and reacting non-verbally to his presentation; (5) Madore called Orjiako a promoter of "high-density development," which Orjiako interpreted as a concern that high density development would bring diversity; (6) shortly after he was elected, Madore made a statement to the effect that he did not want to "turn Clark County into Detroit"; (6) Madore made statements such as "the wrong agents are driving the process" in the context of a post-January 1 exchange about cluster developments; (7) the October 13 SMP amendment issue, which Orjiako believes was an attempt to undermine his work; (8) the "race card" graphic Madore posted on his Facebook page is evidence of racial animus; and (9) Madore has a documented history of treating protected-class members less

favorably than white males; in particular, forcing the County to hire Don Benton instead of Anita Largent.

Orjiako's assertions regarding potential factors that might suggest that Madore was motivated by his race confuses Madore's allegedly improper behavior with evidence that Madore's conduct was motivated by Orjiako's national origin. In that regard, Orjiako's reasoning is circular: (1) Madore treated Orjiako poorly because of Orjiako's race and national origin; and (2) the poor treatment is evidence of an invidious motive. In that regard, Orjiako's assertions regarding Madore's public criticism of his work, competence and integrity and Madore's pursuit of his Alternative 4B in lieu of relying upon the Planning staff (items 3, 4, 6, and 7 listed above) are the alleged outcomes of an illicit motive – they cannot logically be both the outcome of the motive and evidence of the motive for that outcome.

With regard to potential evidence for an invidious motive:

- I am troubled by the “race card”<sup>8</sup> graphic on Madore's Facebook page (Exh. 42), which first appeared after Orjiako lodged his complaint.<sup>9</sup> In my interview with him, Madore defended his posting of the graphic as an entirely appropriate action done in Madore's capacity as a “citizen reporter” commenting on events from outside the County circle, because Orjiako's response to making allegedly false statements was to attack Madore by “*fabricating completely unsubstantiated nonsense*” and “*retaliating against the fellow [Madore] that called him out for illegal activity.*” Madore also defended his use of a picture of President Barack Obama because he did not at first notice that graphic contained Obama's picture. Nevertheless, Madore decided, “that is okay” because Obama has “done more to cause racial divide in this country than anyone else.”

In my experience, however, the “race card” accusation is often made when the speaker (like Madore) is trying to discredit and demean the motives of someone who has made a deeply felt complaint of injustice and poor treatment. After interviewing Orjiako, I am persuaded that Orjiako is genuinely outraged by Madore's public assertions that Orjiako is dishonest and has misled the BOCC. Orjiako, in my judgment, sincerely believes that his race and national origin has played a role in Madore's behavior.

- Some evidence supports Orjiako's contention that Madore was visibly frustrated with Orjiako's formal communication style. McCauley commented that Madore stated several times that he thought Orjiako took too long to get to the point. Cook also observed that, while Madore did not do anything (other than the race card post) that she could see was motivated by Orjiako's race, Cook observed that Madore interrupted Orjiako and failed to understand what he was saying; Madore “just did not get” what Orjiako was communicating. In Cook's observation, Madore evinced hostility to Orjiako in response to Orjiako's disagreement with Madore. McCauley stated that he did not know whether Madore was frustrated with Orjiako's Nigerian accent. Frustration with Orjiako's

---

<sup>8</sup> In my interview with him, Madore referred to the card as the “king of spades.”

<sup>9</sup> After this investigation commenced, Orjiako asserted that Madore was retaliating against him because of his complaint. Those allegations are not within the scope of this investigation; I have considered the “race card” graphic only for its potential value as evidence of Orjiako's race and national origin discrimination allegations.

deliberative approach, however, does not equate to irritation with his accent absent more concrete evidence that it was the accent to which Madore objected.

- Orjiako asserts that Madore did not treat any prior Planning Director or County official with the same level of public contempt and criticism that Orjiako experienced. Orjiako notes that in public comments praising County staff from 2013 (Exh. 43), Madore did not include him. Orjiako also contrasts Madore's treatment of him and Madore's allegations that Orjiako lied with Madore's fulsome public praise of GIS staff and their honesty.

Ultimately, however, Madore's treatment of Orjiako cannot be distinguished with any degree of certainty from Madore's treatment of others who disagreed with or opposed him: the list includes, among others, Cook, Horne, McCauley and even the County Auditor (*see* Exh. 44), all of whom are white. The intensity of Madore's criticism of Orjiako can be measured by the intensity with which Madore pursued Alternative 4B and his outsize reaction when his plan was derailed.

- Madore's alleged assertion criticizing Orjiako as a proponent of high-density development is, in my judgment, susceptible to too many other explanations to warrant Orjiako's speculation that Madore was motivated by opposition to diversity; Madore's opposition to high density development appears to be closely linked to his alliance with CCCU, as well as opposition to the GMA statutory scheme and its historic impact on Clark County.
- Madore's statement regarding turning Clark County into Detroit appeared, as Orjiako advised, in an Oregonian article not long after Madore was elected. His comment, however, was in response to a question about Madore's opposition to the Columbia River Crossing project. Specifically:

*Question - Reporter: You emerged from relative obscurity as a private businessman when you began vocally opposing the Columbia River Crossing project. What is it about that issue that made you politically active?*

*Answer - Madore: It's a classic boondoggle. It has the threat to turn our Clark County, a community, into Detroit.*

*Let me give you three very specific examples. There are three businesses in Clark County -- Greenberry (a full-service mechanical industrial contractor and fabrication provider), Thompson Metal Fab and Oregon Iron Works -- that employ hundreds of high-paid, blue-collar jobs. (Restricting) the (bridge) clearance to 116 feet will kill those three businesses. All three will either shut down or be forced to move.*

*The question is, how important is light rail to Clark County? The proponents are saying light rail at any cost. That is way out of balance.*

(www.oregonlive.com (January 16, 2013); *see also* Id. January 26, 2013 ("It will kill our county. . . . It will force industries to leave. . . . Clark County will become Detroit.")) In short, Madore's reference to Detroit was a comparison to Detroit's loss of heavy industry, not a reference to Detroit's large non-white population.

- My factual conclusions are not based, to any degree, upon Orjiako's reference in his complaint to Madore's allegedly adverse treatment of protected class members as demonstrated by the Don Benton/Anita Largent incident (*see* Exh. A). In my interview with Madore, he proffered a convoluted theory that he was the victim of a mistaken interpretation of the hearing record that attributed Mielke's comment to Madore, linked to a mistaken trust in staff's recommendation to settle the Largent lawsuit, tied to the fact that Orjiako is represented by Gregory Ferguson, who also represented Largent. As a practical matter, revisiting the Largent matter several years after its closure is outside the scope of this investigation.

### 3. AFSCME's Complaint

The evidence does not support AFSCME's retaliation allegation. The close proximity in time between AFSCME's November contract violation complaint is the only supporting evidence.

By way of background, in November 2015, AFSCME complained to Francine Reis that Madore's activities in developing and advocating for Alternative 4 violated the labor agreement and potentially constituted an unfair labor practice. As a remedy, AFSCME asked that the County attempt to resolve this matter by sharing employee concerns with Madore and asking that he discontinue doing this type of work. In response, on December 18, 2015, Reis advised AFSCME that their concerns were addressed with Madore and that the County would monitor future work and try to avoid further concerns.

According to Madore, Reis discussed this matter with him only in passing. According to McCauley, Madore had no discernable reaction to AFSCME's complaint other than asserting that he believed it to be baseless.

When I met with Jose Alvarez in his capacity as a shop steward and spokesman, he stated that, other than the timing, in that Madore's public criticism of staff commenced very shortly after Reis's letter, he had no other documents or information that would suggest that Madore was motivated to retaliate by AFSCME's complaint. Alvarez acknowledged that it was difficult to sort out Madore's motive in light of the change in his political fortunes after January 1, 2016.

While timing under certain circumstances may be suggestive of retaliation, timing is the only link between AFSCME's complaint and Madore's behavior. Given the overwhelming evidence of Madore's other motives, proximity in time considered alone is unpersuasive.

RD

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**From:** McCauley, Mark  
**Sent:** Thursday, April 07, 2016 12:10 PM  
**To:** Madore, David; Mielke, Tom  
**Cc:** Stewart, Jeanne; Olson, Julie (Councilor); Boldt, Marc  
**Subject:** RE: Faithful representation of the public record

Councilor Madore, I listened to the recording and your assertions regarding the two errors noted below are correct. We will ask the person who did the transcription to make a new document with those corrections. The new document will correct other errors and will add material relevant to the discussion that was originally omitted.

I do have to correct you in one regard: the county had not posted the DES director job and was not soliciting applications at the time Mr. Benton was hired. He was the only one considered.

---

**From:** Madore, David  
**Sent:** Wednesday, April 06, 2016 4:34 PM  
**To:** McCauley, Mark; Mielke, Tom; Madore, David  
**Subject:** Faithful representation of the public record

Mark,

As you asked for this in Board Time today, here is the correction to written transcription and the exact marker on the audio:

The following verbatim transcript reveals Barron's response to my request not to discriminate against one candidate and to interview him like everyone else and provide feedback: Mr. Barron had already stated that he had never met the candidate.

COMMISSIONER MADORE: Bill, you have his resume. I invite you to communicate with him and give us your feedback.

BILL BARRON: Okay. Now I'm to do what? I'm to interview him --

COMMISSIONER MADORE: Yes.

BILL BARRON: -- or just start the process? I can't learn anything more than what you've already said about him, so there's no use in me interviewing him. If you want him as the job, I'll just start him through the process, start him through the process.

In error, it says: COMMISSIONER MADORE: Okay.  
The correction: COMMISSIONER MIELKE: Okay.

Barron was informed of the identity error in the transcription at the 49:07 mark which was to be corrected. As you can hear, the "Okay" was spoken by Mielke, not by Madore. Madore's direction was to interview and provide feedback. As the recording reveals, I said nothing further on the matter in response to such surreal behavior until we went on to other business

EXHIBIT H

[https://www.clark.wa.gov/sites/all/files/the-grid/boardtime\\_050113.MP3](https://www.clark.wa.gov/sites/all/files/the-grid/boardtime_050113.MP3)

This recording verifies that I objected to our administrator's prejudice that discriminated against one candidate who should have had the same opportunity to be interviewed like everyone else.

As the record clearly confirms, his response was to go from one extreme (excluding one candidate out of prejudice), to the other extreme out of spite and insubordination to exclude all but one candidate and then to misrepresent the direction he was given.

As a side, note, even though applications were being accepted, Ms. Largent never applied nor were we aware that she was interested. I had assumed that our prosecuting attorney's office had at least informed the risk pool of what really happened and provided the truth in response to the false assertions.

I discovered only weeks ago after I requested a copy of the court documents, that they appear to have been negligent and never did so. As a result, the citizens of Clark County and their citizen representatives suffered an injustice and a preventable financial loss. I ask that the written transcript reflect the true identity of the speaker to truthfully transcribe the recording.

Thank you,

David



proud past, promising future

CLARK COUNTY  
WASHINGTON

GENERAL SERVICES  
Office of Purchasing

**TO:** Board of County Councilors

**FROM:** Michael Westerman, Purchasing Manager

**DATE:** April 5, 2016

**SUBJECT:** Award of Bid #2634 – Annual Legal Advertising

Four responses were received for the annual legal advertising bid that establishes the Clark County Newspaper of record for all legal notifications beginning July, 1<sup>st</sup>, 2016.

The Bid responses are as follows:

	Camas-Washougal Post Record (Weekly Paper)	North County News (Columbian-weekly Paper)	The Reflector (Weekly Paper)	The Columbian (Daily Paper)
Line Cost 1 <sup>st</sup> Insertion	50.5¢	\$1.45	\$1.02	\$1.77
Line Cost 2 <sup>nd</sup> Insertion	No Charge	No Charge	\$0.84	\$1.45
Circulation	Total: 2,720 - Paid	Total: 22,435-Unpaid	593-Paid 27,625-Unpaid Total: 28,218	Total 27,152 - Paid

In accordance with Washington State Statute (RCW 36.72.075), the legal advertising bid shall be awarded to the best and lowest responsible bidder, giving consideration to the question of circulation in awarding the contract, with a view to giving publication of notices the widest publicity.

The bid responses were checked for accuracy, content, compliance to specifications and to satisfy the legal newspaper qualifications, as defined in RCW 65.16.020.

Upon review of the legal advertising bid responses, the following was determined:

- Camas-Washougal Post Record has been rejected since it does not meet the minimum requirements for providing the required Superior Court decision as a legal newspaper; circulation base and the widest publication.
- North County News (Published by The Columbian), has been rejected since it does not meet the minimum requirements for providing the required Superior Court decision as a legal newspaper and widest publication (excludes The Columbian Newspaper subscribers).
- The Reflector is a weekly publication that is the lowest responsive bidder with a large weekly circulation. They have a direct paper delivery within the North County / Battle Ground boundary and are mailed to subscribers outside the boundary. They also maintain an online web site with a dedicated legal ad section.
- The Columbian is a daily publication, is a responsive and responsible bidder with a large circulation and a wide daily publication. It is delivered directly to the subscribers within the Vancouver Urban boundary and mailed to subscribers outside the boundary; there is an online web site with a dedicated legal ad section and access is also provided through a smartphone/tablet application.

EXHIBIT I

1300 Franklin Street • Suite 650 • P.O. Box 5000 • Vancouver, WA 98666-5000 • tel: [360] 397-2323 • fax: [360] 397-6027 • www.clark.wa.gov

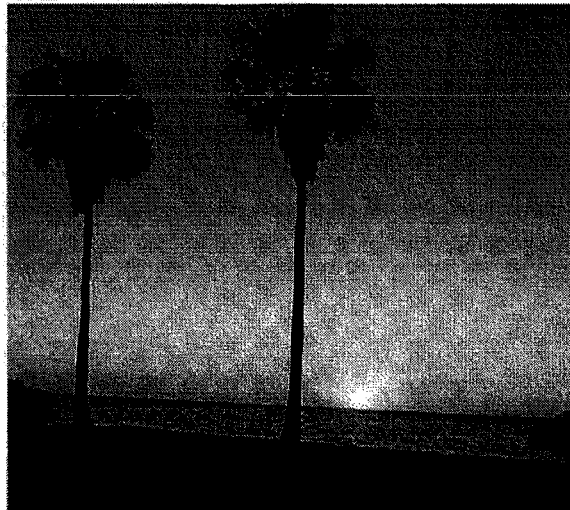


The past selection of The Reflector, with their weekly publication, has compromised the County's ability to meet publishing deadlines and scheduled changes. Their boundary limitation does not serve the largest population and has required duplicate postings in both The Reflector and The Columbian. Therefore giving consideration to circulation including daily publications and a wide publication boundary, Purchasing recommends awarding The Columbian as the Newspaper of Record for all legal notifications, in the amounts listed above.

In addition, it should be noted that Clark County will continue the use of area specific newspapers such as The Reflector, The Camas-Washougal Post Record and Vancouver Business Journal. These papers should be used in addition to The Columbian when the legal notice being made pertains to a specific locale within the general circulation area of the newspaper.

DESCRIPTION	16-Mar-16		5-Apr-16		2014		TOTAL	
	OPENING DATE:	UNIT PRICE	AWARD DATE:	UNIT PRICE	ISS NUMBER	UNIT PRICE	QTY	UNIT PRICE
	The Camas Washougal Post Record 425 N 4th Avenue Camas, WA 98607		The Reflector PO Box 2020 Battle Ground, WA 98604		The Columbian 701 W 8th Street Vancouver, WA 98660			
		QTY		TOTAL		TOTAL		TOTAL
Circulation Paid, as of 2/15/16	weekly		weekly	583	N/A			24,152
Circulation Unpaid, as of 2/15/16		2,720	weekly	27,625	weekly	22,436		N/A
<b>TOTAL CIRCULATION, as of 2/15/16</b>				28,218		22,436		24,152
Number of lines per column-inch		10		10		10		10
Number of EMS per line or Number of Picas per line		9 p 4.5		8 picas		9 p 4.5		9 p 4.5
Cost per Line, First Insertion		55.54		\$1.02		\$1.45		\$1.77
Cost per Line, Additional Insertions		N/A		\$0.84		N/A		\$1.45

## Press Talk: No easy path forward for Madore



(<http://16749-presscdn-0-94.pagely.netdna-cdn.com/wp-content/uploads/2016/05/267038-lou-column-2.jpg>)

Will the sun set on Councilor David Madore's political career? (Lou Brancaccio/The Columbian)

By **Lou Brancaccio** (/author/lbrancaccio), Columbian Editor

Published: May 28, 2016, 6:10 AM

3

PUNTA GORDA, Fla. — Sunsets.

They can have different meanings. But on this day — 3,000 miles from home — I was thinking about how serene and beautiful and pleasant they are just to watch. I was also thinking about why life isn't always this way.

Of course, part of it likely had something to do with being in a quaint little village on the southwest Florida coast. Cool ocean breezes, lazy pelicans waiting for their next meal to come by, and perpetually sunny skies can play tricks on one's mind. Pleasant tricks. But still, when I'm home in Clark County, we shouldn't always be in turmoil, looking for the next battle to fight.

Yet we always seem to be fighting. Why? Well, it's no secret — at least in the minds of many — that one man in particular seems to push all the wrong buttons with so many of us.

His name is David Madore. County Councilor David Madore.

EXHIBIT K



[http://16749-presscdn-0-94.pagely.netdna-cdn.com/wp-content/uploads/2015/12/Lou\\_Brancaccio\\_portrait\\_041-1024x683.jpg](http://16749-presscdn-0-94.pagely.netdna-cdn.com/wp-content/uploads/2015/12/Lou_Brancaccio_portrait_041-1024x683.jpg)

Lou Brancaccio is The Columbian's editor.

Look, I get that democracy is a messy business. If I had to choose between a calm dictatorship and a ragged democracy, well, give me the dang ragged democracy every time. But there has to be a slightly better path than the one we have followed for the past three years — a path that allows us to disagree without being disagreeable, a path that allows us to object without being objectionable.



Unfortunately, Madore appears to be hellbent on creating as much friction as possible, from giving one of his cronies a \$100,000-a-year county job by sneaking him through the back door to pushing through a bunch of gunk resolutions right before the new majority county council was seated, forcing the majority to painstakingly and publicly dismantle each item.

Madore is in the final year of his four-year run as county councilor. Almost from his very first day in office, he has forged an avenue of angst. It has not been easy to watch. And most of us are paying the price.

There was some thought he might just drift away and opt not to seek re-election. He had told some privately that if he didn't feel

he could get anything substantial accomplished when the new majority was seated five months ago, he wouldn't want to continue. And he has been able to accomplish very little in the past five months. And make no mistake, unless he changes his ways, there is actually no hope of his getting anything done.

Unfortunately for Madore, not only has he not found any common ground with the council majority, he has this nasty habit of irritating — sometimes for no apparent good reason — the majority.

Despite all of that, he opted to run again.

But why? Part of his reasoning has to do with his simply being obstinate. He will not let his many detractors have the satisfaction of his simply quitting. You know the saying: "Winners never quit, and quitters never win."

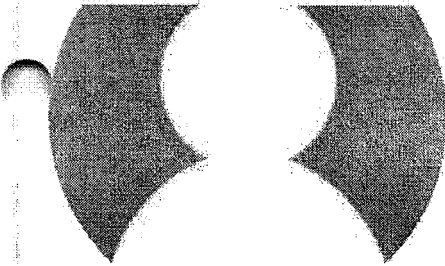
The other part of his reasoning has to do with something I had noted earlier. He truly believes that he is a great man, fighting a great cause. And like some religious leaders before him, he believes he must suffer greatly to accomplish his goals. Eventually, he believes, history will prove him right.

Unfortunately for the rest of us, we have had to come along on this very unpleasant journey.

Whether or not Madore is right, he realizes even the greatest of men cannot move mountains without some support. Today, when Madore looks around, he sees fewer and fewer followers. Councilor Tom Mielke — who almost always obeys Madore's orders — has opted not to seek re-election. And state Sen. Don Benton — who often did Madore's bidding in Olympia — also has opted not to seek re-election. Both would have been beaten badly if they decided to run, in part because of their association with Madore.

Oh, Madore is desperately trying to seek new political allies and trying to shore up the few remaining supporters. And he'll spend a ton of his own money to try to buy this election. But he's fighting a losing battle. Yes, sunsets have different meanings. And if the sun sets on Madore's political career in this upcoming election, we'll all be better off.

**Lou Brancaccio (/author/lbrancaccio)**

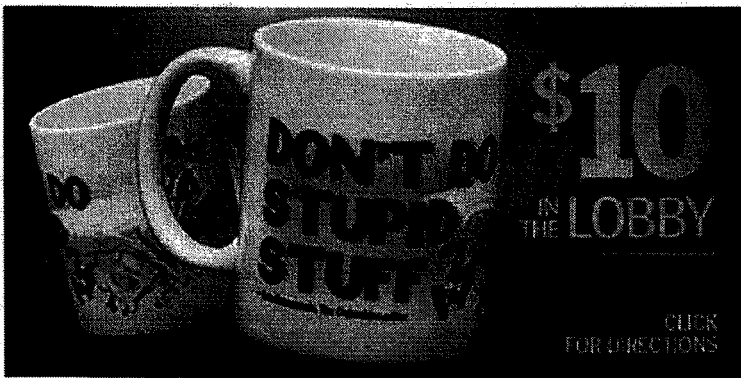


Columbian Editor

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✉ Send an Email (<mailto:lou.brancaccio@columbian.com>)



[ont-do-stupid-stuff-mugs/](#)

22 Comments

Sort by Newest



Add a comment...



**Chuck Miller** · Portland State University

Lou Lou, David and Tom's pro-jobs policies have contributed to Clark County leading the state in job growth. (Refer reports from Regional Economist Scott Bailey). Under their leadership, County reserves were at record highs. (Unfortunately Boldt, Olson and Stewart are burning through it pretty fast). With Madore and Mielke we now have the free use of our parks that we paid to build and maintain. Madore fought tolls and the generational debt bomb light rail on behalf of our citizens who said NO over and over. The County paid off millions in inherited debt from Previous boards. The hir... See More

Like · Reply · 👍 4 · May 29, 2016 2:48pm



**John M. Kowalski** · Camas, Washington

Everything you're saying is false. Everything. They are about as "pro-jobs" as Stalin.

Like · Reply · 👍 2 · May 30, 2016 5:41am



**Thom Beemussen** · Salmon Creek, Washington



Thom Hasmussen · Cannon Creek, Washington

Wow Chuck, did Dave write that for you?

Like · Reply · 1 · May 30, 2016 7:31am



Loren Lee

Chuck Miller...please feel free to fact check your assertion about Clark County leading the state in job growth. Google...

"Washington State job growth statistics by county 2015"

"Washington State job growth statistics by county 2014"

Swallowing Madore's claims whole is not prudent unless you don't care about facts. According to Madore, facts and folks that present them when he doesn't agree or when they don't fit his tightly manipulated narrative are committing hate speech.

"A detailed report by Scott Bailey, the state's regional labor economist, indicates that the unincorporated county's job growth rate of 5.8 percent annually is greater than the 4.7 percent growth for Vancouver and the other cities. However, 69 percent of all the new jobs created are in the incorporated areas."... See More

Like · Reply · 2 · 20 hrs · Edited

Show 8 more replies in this thread



Terence Jeffries · Fort Vancouver High School Center for International Studies

Lou, take a look at all the wrong buttons you push, between you and Made I'll take his truth over your one sided so call truths. Blame should be shared, Boldt is the one you need to watch, he and his ladies are choking the county and will end up costing us millions!

Like · Reply · 4 · May 29, 2016 11:49am



Bryan McGillis

Millions? Like the millions in wrongful terminations and hostile workplace claims Councilor Madore has exposed the county to? Or the millions the county is giving away to grant businesses fee waivers - some of which are designed to offset business use of \*public\* roads and services?

Like · Reply · 1 · May 29, 2016 1:24pm




Chuck Miller · Portland State University

Terence, you are absolutely correct, Boldt and his ladies Olson and Stewart have already burned through and wasted \$15 million of tax payers \$ in the County Reserve Fund!!!

Like · Reply · May 29, 2016 4:01pm




Chuck Miller · Portland State University

 Bryan McGillis, would you be specific in your statements of the Millions \$ Madore has cost the tax payers? Good luck because non of it is true!!! More \$ flowed into the County Reserve when Madore & Mielke had the Majority than any time in Clark County history thanks to all the idea's and and programs they came up with that made Clark County the most job creating Business friendly County on the West Coast per Economist Scott Bailey!!!!!! Successful Private Business owners are the best you can elect to run an efficient Government !!!!!!!

Like · Reply · May 29, 2016 10:45pm

Show 2 more replies in this thread

 **W. Bruce Anderholt**


If I say that somebody is an idiot 100 times in a row it doesn't make him more of an idiot. It just makes me look petty.

Like · Reply ·  3 · May 29, 2016 8:35am

 **Tom Sharples** · Vancouver, Washington

But that 101st time is the clincher

Like · Reply ·  2 · May 29, 2016 8:59am

 **John M. Kowalski** · Camas, Washington

Tom Sharples Sure, David Madore may look like an idiot, he may talk like an idiot, but don't let that fool you. He really is an idiot.

With apologies to Groucho Marx:

Like · Reply · May 30, 2016 5:42am


 **Chuck Miller** · Portland State University

John M. Kowalski, Your nasty hateful rhetoric and name calling of David Madore is right out of the Communist Saul Alinski's hand book and will not go well with the majority of Citizens in Clark County Washington!!! Clark County Citizens in Council District #3 will overwhelmingly Re-Elect David Madore even though Lou Lou Continues his hateful lies and deceitful attacks about David Madore!!!!!!

Like · Reply ·  1 · 11 hrs

 **Lou Brancaccio** · Editor in Chief at The Columbian

As always, thanks all for the conversation.

Like · Reply ·  2 · May 29, 2016 8:21am

 **Chuck Miller** · Portland State University

Hey Lou Lou, it would cost a Candidate millions of \$ to put out the daily hateful lies and deceit attacking David Madore that You do trying to remove a successful debt free business owner that has applied the same policies that have made Clark County Successful and Your

Chicago thug tactics in attacking our successful Conservative Constitutional Candidates will not stand!!!!!! The sooner the better When the Columbian goes bankrupt!!!!!!

Like · Reply · 11 hrs



**Judy D. McIntyre**

Who would Lou talk about if he didn't have David Madore in there? Geeze Louise!

Like · Reply · 1 · May 28, 2016 9:39pm



**Tom Sharples** · Vancouver, Washington

"Well, it's no secret — at least in the minds of many — that one man in particular seems to push all the wrong buttons with so many of us."

Oh Lou, can't you stop talking about yourself in the third person all the time? Jeez....

Like · Reply · 8 · May 28, 2016 6:21pm



**John M. Kowalski** · Camas, Washington

In this case it's the first person plural object form.

I guess grammar's not your strong suit.

Like · Reply · 1 · May 29, 2016 1:13am



**John M. Kowalski** · Camas, Washington

Then again you might be confused if Madore is so narcissistic that he uses the royal first person singular; at any rate, re: Madore, our vassal, we are not amused.

Like · Reply · May 29, 2016 1:17am



**Tom Sharples** · Vancouver, Washington

John M. Kowalski and apparently, standard english usage isn't your. But then, we already knew that.

<https://en.wikipedia.org/wiki/Narration#Third-person>

Like · Reply · 2 · May 29, 2016 10:30am · Edited



**David Knight** · The Other Kingdoms

The question is: Can a nasty newspaper editor and his gadflys smear their opponents in the age of the internet? We will see.

Like · Reply · 6 · May 28, 2016 6:05pm



**Douglas Green** · Publisher at Telecom Reseller Inc

... he said while reading the newspaper on line.

Well self awareness was never a big thing for Madore fans


Like · Reply · 7 · May 28, 2016 6:25pm



**Fran Hammond** · Vancouver, Washington




 Douglas Green - I think he must be speaking of Madore's "newspaper" that is on the internet.

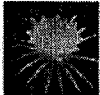
Like · Reply ·  4 · May 28, 2016 8:11pm

 Loren Lee

David Knight...by all means please proceed. What facts can you present or compelling political arguments can you make to rebut/refute this OP ED concerning the behaviors and actions of Councilor Madore. Specifics matter as Councilor Madore so often points out with his nasty replies to posters on his FB page whenever someone doesn't see reality as he does.

Like · Reply ·  1 · May 29, 2016 10:42am · Edited

Show 3 more replies in this thread

 Luana Trende Nery · Vancouver, Washington

Clark County needs Tanisha Harris as a County Councilor. She will represent the people and she has my vote.

Like · Reply ·  2 · May 28, 2016 5:48pm


 Chuck Miller · Portland State University

Clark County needs to Re-Elect David Madore the, hardest working most sacrificial, Successful Commissioner/ Council Member Clark County has ever had!!! Madore & Mielke are Veterans that have a track record of giving it there all to help US!!! We thank and salute Madore & Mielke this Veterans Day!!!

Like · Reply · May 29, 2016 4:28pm

 Luana Trende Nery · Vancouver, Washington

Chuck Miller 1) It is not Veteran's Day. 2) "There" is not the same word as "their" and 3) Bending and breaking rules and having angry, childish outbursts is NOT the way I am and not the way I wanted my elected officials to behave when they are representing me.

Like · Reply ·  2 · May 29, 2016 4:40pm

 Chuck Miller · Portland State University


Luana Trende Nery, it is Memorial Day and Madore & Mielke are honorable Veterans that have made our County successful like it has never been before!!! Do you honor Veterans? By the way what rules have they broken? What angry childish outbursts are you referring to? The only angry childish outbursts we have seen and heard are from the nasty people attacking Madore & Mielke!!!!!!!

Like · Reply · May 29, 2016 11:00pm

Show 1 more reply in this thread

 Eric Richstad · Felida, Washington

It seems to me that Mr. Madore thought one could run a county as though it were his business. Wrong. A business gets to choose with whom they conduct business; a county Commissioner/Councilor must serve all the people. Mr. Madore was very bad at recognizing that different persons have different perspectives, needs, and sincerely held beliefs - that he was supposed to acknowledge with respect. I never saw that from him during his term.

Like · Reply ·  8 · May 28, 2016 3:25pm



**Chuck Miller** · Portland State University


Eric Richstad, we need more David Madore's in office that have a track record of running a successful debt free business, because that is what we need to lookout for our Citizens with the most effective smaller most accountable Government!!! Most States and Counties as well as our Nation are buried in debt and not being run correctly, our National Debt is headed toward \$ 20 Trillion over \$8 Trillion added by your Obama, shameful!!!!!!!

Like · Reply · May 29, 2016 4:37pm



**Bryan McGillis**

Chuck Miller billions per day thanks to an illegal war he inherited from \*your\* Bush.

Like · Reply ·  1 · May 29, 2016 8:25pm



**Chuck Miller** · Portland State University

Bryan McGillis, Your Obama has added more debt to America than all the other Presidents together, giving Aid to our Enemies like Iran that say they want to wipe America & Israel off the face of the Earth!!!!!!! Your Hillary Clinton voted to approve the war during the Bush Administration!!!!!!!

Like · Reply · May 29, 2016 10:29pm

Show 4 more replies in this thread

**Tony Bowling** · Owner at Self-Employed


I'm assuming that because Mr. Brancaccio is the Editor that there is no one senior to him to edit his writing. No one to say to him "Oh come on Lou, I know you do not like Madore but this is just you using your position to write biased generalizations". This is the kind of stuff you'd normally spurt out after too many drinks in a bar. A newspaper is supposed to report the news -- not be a personal political sounding board.

Like · Reply ·  8 · May 28, 2016 3:23pm



**Thom Rasmussen** · Salmon Creek, Washington

Guess you (as well as Mr. Madore) still don't understand that this IS an OPINION column. Look it up on Google, you will see several examples from many sources. This concludes our lesson for today but feel free to repeat your question next week should you forget.

Like · Reply ·  4 · May 28, 2016 4:12pm · Edited



**Tony Bowling** · Owner at Self-Employed

Thom Rasmussen So I did as you suggested (despite your incredibly condesending and dismissive attitude). Here is a quote from Wiki: "... a written prose piece typically published by a newspaper or magazine which expresses the opinion of a named author usually not affiliated with the publication" See that last bit! What is wrong here is The Editor is repeatedly using his position to forward his opinion only, which in my humble opinion is unfair and very poor journalism.

Like · Reply ·  6 · May 28, 2016 5:21pm

**Jeffrey Gibbons**

Tony Bowling, Hasn't your mother ever told you to never use Wiki as a source? Lou has every right to express his opinion in his "own" newspaper. In fact it is a very common practice in the industry.

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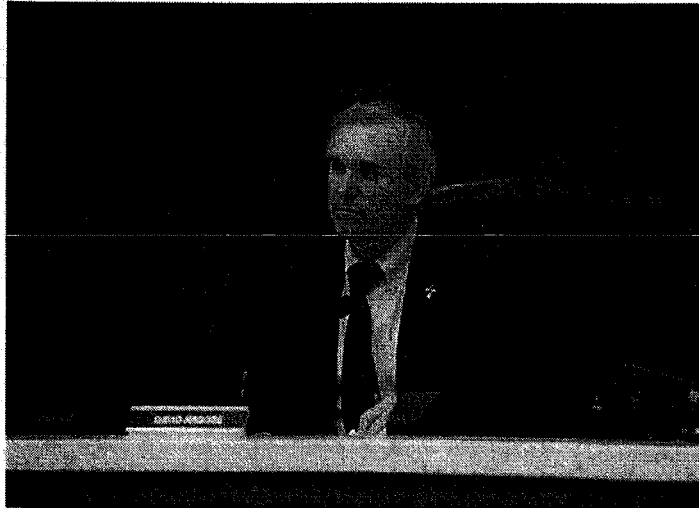
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## Press Talk: What drives Madore?



([http://16749-presscdn-0-94.pagely.netdna-cdn.com/wp-content/uploads/2016/05/0514\\_MET\\_PENSIVE\\_MADORE.jpg](http://16749-presscdn-0-94.pagely.netdna-cdn.com/wp-content/uploads/2016/05/0514_MET_PENSIVE_MADORE.jpg))

David Madore, Clark County councilor (Columbian files)

By **Lou Brancaccio** (</author/lbrancaccio>), Columbian Editor

Published: May 14, 2016, 6:10 AM

1



<http://16749-presscdn-0-94.pagely.netdna-cdn.com/wp->

If you laid out all the complaints, lawsuits and other stupid stuff Republican County Councilor David Madore is involved with, the pile would reach from here to the doorsteps of Hell ... Michigan.



I'm not kidding! At least about the fact there really is a Hell, Mich.

And even though the pile might not technically reach to Hell, it at least feels like it would get pretty close.

Look, I'm not going to laboriously list every dang stupid thing this character has done. But here are a couple:

- He's decided to call his Facebook page a "newspaper." He believes by doing so, he somehow has some added legal protection from all of the stupid stuff he says there. He's wrong.

[content/uploads/2015/12/Lou\\_Brancaccio\\_portrait\\_041-1024x683.jpg](content/uploads/2015/12/Lou_Brancaccio_portrait_041-1024x683.jpg)

Lou Brancaccio is The Columbian's editor.

He's still a county councilor and he still can't delete and hide public records. And, oh by the way, if there are seven people in all the land who believe that by saying you're a newspaper that you are a newspaper ... well, that's six more than I suspect are out there.

• A county department head is suing him for what he has said about his department. Essentially, Madore is claiming the county planning department has cooked the books with false data, which has led to bad decisions in land-use planning. Madore will lose this one. Why? Because Madore would have to show intent. So even if the planning department made mistakes — and we all do — it would be very difficult to prove intent.

And the list goes on.

## What's driving Madore?

Back in January, I wrote a column that Madore was officially off the rails. I certified it and everything.

Oh, I suspect there were a few disbelievers, but now it's May. And the stupid stuff just keeps happening. Today, is there anyone out there who really thinks otherwise? OK, OK, right-wing activist Larry Patella would disagree with me. My bad.

But what's going on with Madore? He really is a bright guy. Terribly misguided, but bright.

I have a few theories about why he does what he does:

## He's filling the blogger void

local right-wing blogger contingent is losing steam.

One spent a decade in his basement blogging and decided he wanted to see what the sun looks like. So he suspended his writings.

Another right-wing blogger has also seen the light, and I'm pretty sure it's because he religiously reads my column. Well, according to him, he reads my columns twice! So he has joined me in holding Madore accountable.

It's gotten so bad (or good) that this blogger is now in a dogfight with right-winger Patella.

Patella called this blogger out and said he should consider giving up the "Conservative" name he has on his blog.

I'm not kidding!

...

So Madore has stepped in with his Facebook posts. And he can right-wing blog with the best of 'em.

For example, if you disagree with Madore, he simply calls you a liberal. It's what he now likes to call any conservative county councilor who votes against him.

He also spouts wild, unproven accusations, and other overall stupid stuff.

Just like a right-wing blogger, right? Oh my!

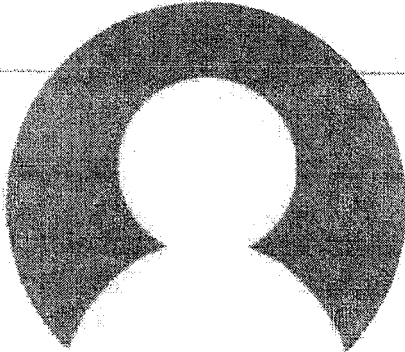
## It's a religious battle

You know Madore — and read him closely — everything comes back to religion and his faith. He knows well the earthly struggles Jesus went through, how the general populace was against him, but how — through his teachings — he eventually won most everyone over to his side.

See the parallel? Madore also is going through struggles, he also recognizes the general populace is against him, but he believes he will eventually win most people over through his teachings.

Now, in no way am I saying that Madore believes he is like Jesus. What I'm saying is — like Jesus — he finds strength to continue by embracing the struggle before him.

Of course, if Madore is right, then — in time — hallelujah! But if he's wrong — and I believe he is — well, that's a lot of pain and suffering he's putting our community through.



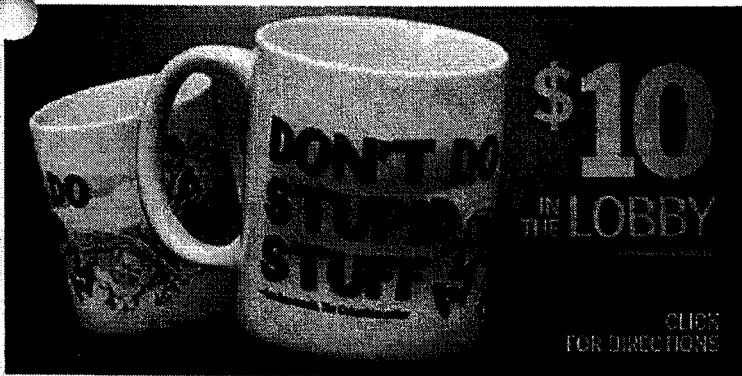
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Columbian Editor

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✉ [Send an Email \(mailto:lou.brancaccio@columbian.com\)](mailto:lou.brancaccio@columbian.com)



[\(/dont-do-stupid-stuff-mugs/\)](#)

26 Comments

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Add a comment...

**Wendy Fenison** · Portland Christian High School

If, doing the will of the people is "Stupid," then I take "Stupid Stuff" over being "Stupid, Mr. Editor." Or, in this case, Mr. Brancaccio....childish, immature, inaccurate and someone having a vendetta. The list

can go on and on.

Mr. Madore seems to be one of only two people we elected who continues to do the will of the people. He also looks for ways to save the taxpayer money. While the others we voted into office like to spend, spend, spend.

Like · Reply · May 24, 2016 9:58am



**Gary Hollmer** · Works at MTRWestern

<https://www.facebook.com/ron.lietke/posts/792599310841400>

Like · Reply · May 19, 2016 7:12am



**Mike Yancey** · Clark College -- Vancouver, Washington

The Kings throne is out being polished , but when he finds out it is gone for good so will he be.

Like · Reply · 1 · May 15, 2016 3:15pm



**Tim Schaeffer** · Works at Self

"And, oh by the way, if there are seven people in all the land who believe that by saying you're a newspaper that you are a newspaper ... well, that's six more than I suspect are out there."

So what' the problem? Looks like there are even people in the land who believe the Columbian is a newspaper. Those people are still waiting for you to commit journalism.

Like · Reply · 4 · May 16, 2016 10:49pm · Edited



**Thom Rasmussen** · Salmon Creek, Washington

In the infamous words of Jake and Elwood (if you don't know, Google it), "He's on a mission from God". Or so he thinks.

Like · Reply · May 14, 2016 4:23pm



**Tom Gibson** · Camas, Washington

Madore is on an omission from G-d lol

Like · Reply · 4 · May 14, 2016 6:52pm



**Stuart L. Riley** · Vancouver, Washington

He may think he's on a mission from god, but I think he's more like the man of La Mancha.

Like · Reply · 1 · May 14, 2016 9:24pm



**Gerardo Gomez** · Las Vegas, Nevada

One things for sure, there is a hell, Michigan. It's called Detroit.

Like · Reply · May 14, 2016 2:12pm



**John M. Kowalski** · Camas, Washington

Actually, right now I think Flint holds that title.

Like · Reply · 3 · May 14, 2016 5:53pm



**Lou Brancaccio** · Editor in Chief at The Columbian

Thanks all for the continuing conversation. Mostly interested in your thoughts.

Like · Reply · 1 · May 14, 2016 1:23pm



**Tony Bowling** · Owner at Self-Employed

I'm new to this area but if the worst he has done (or the best criticism you can muster) is that he started a FB page with a name you didn't like and someone is suing him then there's something very askew here regards importances and priorities. Also there is zero mention of what he has achieved -- I'm assuming he got some things done. One should ALWAYS assess the value of things done against any errors that are made -- this should be applied to everyone and should definitely be part of a real newspaper's (while we are on that subject) reporting. That includes an "editorial".

Like · Reply · 5 · May 15, 2016 11:15am · Edited



**Jared McClanahan**

I don't think a thorough +/- accounting would do him any favors.....

Like · Reply · 2 · May 14, 2016 1:39pm



**Tony Bowling** · Owner at Self-Employed

Jared McClanahan That may very well be the case. It is something that is missing with regards most politicians: Stats! A CEO has stats he is judged by. If a politician makes a "good speech" he/she is lauded. Talk is easy. What got done. Also any +/- accounting would need to looked at against his peers.

Like · Reply · 1 · May 14, 2016 1:52pm



**Loren Lee**

Tony Bowling . . .ask Madore to share the stats for his company. Lots of smoke and mirrors behind the facade of success.

Like · Reply · 3 · May 14, 2016 4:22pm

Show 6 more replies in this thread



**Gary Hollmer** · Works at MTRWestern

Lou needs to find someone else to write about. There are several in local government or political circles that I could suggest. It could ruffle some influential feathers, though, and we wouldn't want to do that.

Like · Reply · 3 · May 14, 2016 12:56pm



**Gary Hollmer** · Works at MTRWestern

Bill Savoie yep and I noticed his FB friends did not respond much.

Like · Reply · May 14, 2016 10:13pm




**Donald F. Baiar** · Portland State University

Mr Madore's religious convictions are absolute. calcified and dominionistic. His ideals. goals and



religious activism dominate all of his actions rendering him useless, blinded, even destructive to secular rational policy discussions. By mildly alluding to this problem Lou you point out IMO Mr Madore's main deficiency. I doubt also that he will actually run for another term. His objectivity is compromised by his beliefs but he is still smart enough to see the writing on the wall. If he does run as he says he will, he will suffer an embarrassing defeat.  
Please stay on it Lou. The Columbian reporters and yourself deserve congratulations for your excellent and objective coverage of city/county politics.

Like · Reply ·  16 · May 14, 2016 12:13pm



**John M. Kowalski** · Camas, Washington

In short, David Madore is Lucifer in the flesh, as John McCain put it about Madore's hero, Cruz.

Like · Reply ·  3 · May 14, 2016 12:56pm



**Thom Rasmussen** · Salmon Creek, Washington

John M. Kowalski Madore may like Cruz but have no doubts, his hero is Daddy Bush. He idolizes him, cardboard cutout included.

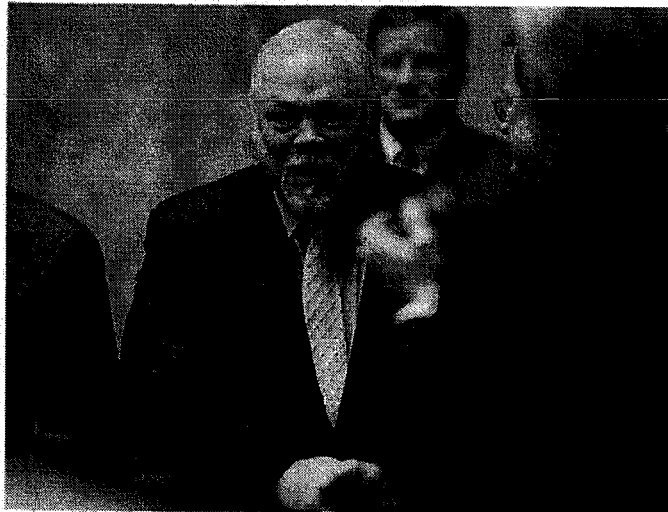
Like · Reply ·  3 · May 14, 2016 4:31pm

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## Press Talk: The backstory on Benton



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Benton is out as county director and has said he won't run for re-election as state senator.

By **Lou Brancaccio** ([/author/lbrancaccio](#)), Columbian Editor

Published: May 12, 2016, 6:10 AM

7

In the end, it wasn't his unexplainable hiring, his lack of expertise, or even his abrasive and unbecoming behavior.

No, county Environmental Services Director Don Benton lost his \$154,000-a-year job Wednesday because of something he often champions as a conservative Republican:

Reducing the size of government.

Oh, the delicious irony.

Here's a guy who would shout from the mountaintops that government needs to cut unneeded positions. Except, maybe, when that unneeded government position was his.



[http://16749-presscdn-0-94.pagely.netdna-cdn.com/wp-content/uploads/2015/12/Lou\\_Brancaccio\\_portrait\\_041-1024x683.jpg](http://16749-presscdn-0-94.pagely.netdna-cdn.com/wp-content/uploads/2015/12/Lou_Brancaccio_portrait_041-1024x683.jpg)

Lou Brancaccio is The Columbian's editor.

Reviewing Benton's history truly is like watching a slow-motion train wreck.

This guy is also a state senator. You can't turn around — either in Olympia or Clark County — and not find somebody who dislikes him. A lot.

And let's be clear. This intense dislike is not just from your typical liberals. There are loads of Republicans who would love to see this guy disappear, and now it is happening.

Playing the political game the way Benton plays it — scorched earth, take no prisoners — pretty much guarantees to put you in a bad spot. In the end, he was relegated to holding hands with County Councilors David Madore and Tom Mielke. Those are the same two guys who slipped Benton in the back door to get him hired in the first place.

So Benton is out as the county environmental director. And remember, he's also out as state senator. He announced earlier this year he won't run for re-election. He said it was because he wanted to devote more time to his county job (whoops!). But the real reason why he isn't running for re-election is because he has no chance to win. And he knew it.

He could not escape his past and — frankly — the diligent work of The Columbian.

## How it began

Benton was losing his grip on the county even before his Republican cronies Madore and Mielke — aka the M&M boys — handed him the environmental services director's job.

But the way in which he was hired — with no vetting — put him in a deep hole he could never dig himself out of.

Remember, Benton has no environmental credentials. I mean, he couldn't tell the difference between E. coli and eggplant Parmesan.

## Did he see it coming?

I've already been asked several times if Benton saw it coming.

And I guess it depends on how you define "saw it."

He may not have seen it coming on Wednesday, but his ouster was inevitable.

I think Benton saw it coming the day after the county charter was approved. That eliminated the M&M boys' majority and ended Benton's free ride. Like a kid with his hand in the cookie jar, he was always looking over his shoulder, waiting for someone to catch him.

On Wednesday, Acting County Manager Mark McCauley caught him.

Look, Benton has done lots of stupid stuff, but he isn't stupid. Of course he saw it coming. Let's not forget last year Benton sortedly ran his wife for a county council position. If she'd won, it would have allowed her to team up with the M&M boys to secure his job. But she got thrashed.

And in a column I wrote on Feb. 1 (<http://www.columbian.com/news/2016/feb/01/press-talk-why-did-benton-go-down/>), I said this:

*Look for the county council — sometime in the middle of this year — to announce a study completely overhauling how the county does its business. As part of that overhaul, you likely will see the elimination of the environmental service department. Most of those in the department will simply be assigned elsewhere. But the director job? Benton's job? Gone."*

Now, Benton swears he has never read my columns, but we know that's not true. So how do you not see it coming after reading that?

## Cleaning up its act

This mess the county has been in ever since Madore was elected is slowly getting cleaned up:

- Benton isn't running for re-election as state senator.
- Benton is out as county director of environmental services.
- Mielke has announced he won't run for re-election.
- Madore ... stay tuned.

...

County Chair Marc Boldt said this was the first big independent decision made by McCauley, although he conceded McCauley has his support as well as that of Councilors Jeanne Stewart and Julie Olson.

Like McCauley, Boldt also said the decision was made to consolidate government functions, which will save money.

he conceded he's not a big fan of Benton.

I asked Boldt if he had heard how Benton took the news. He said he had.

"Not very good," Boldt said.

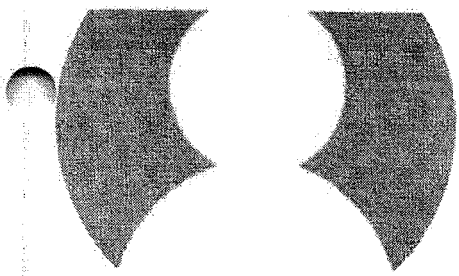
...

McCauley, three county councilors and county residents get the credit for staying vigilant on the characters who are hurting our county. And The Columbian gets credit for keeping the county informed on those issues.

Let's stay vigilant.

**Lou Brancaccio (/author/lbrancaccio)**



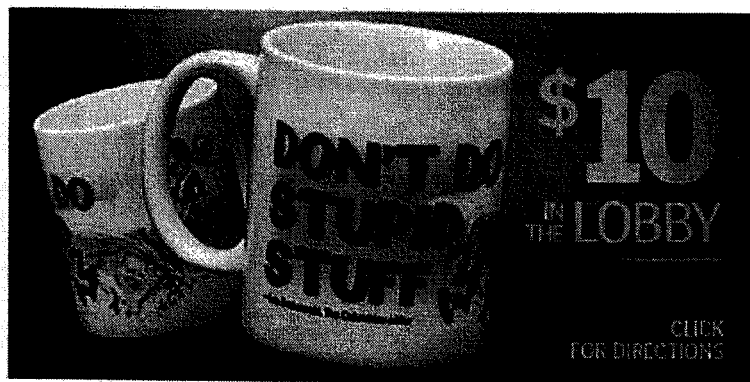


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[/ont-do-stupid-stuff-mugs/](#)

21 Comments

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Add a comment...



**Louise Tucker** · Pacific Lutheran University

Good story...keep on writing!

Like · Reply · May 14, 2016 4:25pm



**Josephine Funes Wentzel**

"Hatred stirs up strife, But love covers all transgressions." Proverbs 10:12

Like · Reply · May 14, 2016 10:11am



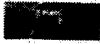
**Warren Nelson** · Works at Self-Employed


Thanks, Lou, for all you do!


Like · Reply · 👍 1 · May 13, 2016 5:28am



**Minh Quân** · Chu van An Saigon VietNam


 According to the County DES staff Chris Clifford spent most of his work time at the County on his personal laptop connected to the WiFi. I hope the county administrator was able to confiscate that computer to learn exactly what was in it. I highly doubt it was actual work related.

Like · Reply ·  5 · May 12, 2016 3:57pm


 **Minh Quân** · Chu van An Saigon VietNam

A happy day for Clark County citizens!

Like · Reply ·  6 · May 12, 2016 3:42pm

 **David Shehorn** · Vancouver, Washington

And the money wasted on legal fees and fines due to Clark County Councilors refusing to adhere to federal and state standards for environmental regulations (Clean Water Act) -- that money is gone. \$3,600,000 of TAXPAYER MONEY! Poof! Gone! <http://www.columbian.com/.../county-pay-3-million.../>

Like · Reply ·  1 · May 12, 2016 1:53pm

 **Don Joling**

Hahahahahaha! That is all.....


Like · Reply · May 12, 2016 11:57am

 **Lorena Leach-Horton** · Spokane Falls Community College

Remember when BENTON did not want to eat lunch with the public, when the capital was being remolded?

The worst part about Benton is he will still receive retirement benefits from State/County!!!

Like · Reply ·  6 · May 12, 2016 10:51am


 **Joseph O'Brien** · Georgetown University

My recollection is he wanted a dining room for state senators - serving french cuisine.

Like · Reply · 14 hrs


 **Loren Lee**

Is it just me or does our environment in Clark County just smell better this morning?

Like · Reply ·  18 · May 12, 2016 10:34am

 **Neil Rylander**

Funny and true! I noticed it while walking on the Salmon Creek Trail this morning. The birds were chipping more happily than usual! The geese looked happy and even the Egert had a smile on his beak! Did they know?

Like · Reply ·  3 · May 12, 2016 6:06pm

 **David Dansky** · Any at Currently: David's Toys, buying and selling old toy trains and toys

I am sure Don Benton has to have done some good things during his tenure in the legislature and for those, whatever they were, he should be thanked. Ever since I became somewhat aware of local issues, Don Benton has been a lightning rod for controversy. His actions in the legislature depicted a man who thought he was above the rules and regulations of the rest and a man who could be a bully.


if allowed to do so. His act got old. People started standing up to him and like most bullies he faded and retreated and would have been gone sooner except he was thrown a lifeline by the former Clark County Commission. Once the new charter was passed, Benton's time in a position for which he had almost no qualifications was limited. He will be missed by some but not by most. Delighted he is gone, but only wish him good health in retirement...he might want to consider Idaho. I think he'd find it very comfortable in many ways.

Like · Reply ·  9 · May 12, 2016 10:09am



**Sam Atkinson** · Chambersburg Area Senior High School

He can go back to LA with Madoro. There has been nothing here that Benton didn't deserve. Twenty years of creepy manipulation of Government, his biddings to local developers and ALEC lobbyists. His power to corrupt the system isn't dead. He's supporting Wilson to continue the corruption of the 17th. Two peas in a pod. Say whatever to get elected then follows the ALEC Lobbies bidding. Money has corrupted this county from Madoro, Fisher or others. It's old fish. Suck us dry then pass the corruption to the next anti-American hacks.

Like · Reply ·  5 · May 12, 2016 10:41am · Edited



**Carolyn Crain** · Western Business College, Portland, OR

Sam Atkinson Benton wasn't even at Wilson campaign kickoff.

Like · Reply ·  2 · May 12, 2016 3:18pm

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# Press Talk: Deal with the devil you know



<http://16749-presscdn-0-94.pagely.netdna-cdn.com/wp-content/uploads/2016/03/03-05-Madore-Trump-1024x591.jpg>

David Madore and Donald Trump have a lot in common.

By **Lou Brancaccio** (</author/lbrancaccio>), Columbian Editor

Published: March 5, 2016, 6:10 AM

1



<http://16749-presscdn-0-94.pagely.netdna-cdn.com/wp->

Dear Nation:



Look, I get it.

We're essentially a mess. Our country once was run by *real* public servants. Everyone from the mayor to the president would put in a few years, do their public duty and head back to the farm to milk cows.

No more.

Today, we've got career politicians, many with big paychecks and huge pensions. They will tell us that's the way it has to be today. It's too complicated to not have longtimers running the country. You need to know the ropes.



[content/uploads/2015/08/Lou\\_Brancaccio\\_portrait\\_04137-1024x683.jpg](content/uploads/2015/08/Lou_Brancaccio_portrait_04137-1024x683.jpg)

Lou Brancaccio is The Columbian's editor.

Unfortunately, these career politicians have put us *on* the ropes. We're always in a war, our roads are crumbling, parents have to feed their children through free school lunch programs and no one can even comprehend how large our debt is.

And it's getting worse! For decades, Democrats figured we could tax our way out of the problem. And Republicans figured we could tax-cut our way out of the problem.

How has that worked out for us so far?

Yep, I get it.

So now we have an alternative. You know, right?

- Get a rich guy.
- Get someone with no political experience.
- Make sure he's a successful businessman so he can apply some of those business techniques to government.
- He'll need to say he loves the little people. That he'll go to bat for them.
- Above all, he needs to shake things up!!!

Welcome to Donald Trump.

## We can tell the future

wait! This isn't just another rehash of why Trump is doing so well in his bid to become president.

This, dear nation, is an opportunity for Press Talk to look into the future. Now, it's at this point, you might be asking, how can I manage to do such a thing?

Well, notwithstanding my moniker, "*The Predictor*," I'm able to peek into the Twilight Zone because we have our very own mini-Trump right here in River City. And his name is Madore. As in County Councilor David Madore. Madore has these similar qualities: He's a rich guy ... check. He had no political experience ... check. He's a successful businessman ... check. He says he loves the little people ... check. And when he ran, he told us he would shake things up ... double check! Now — after witnessing three years of Madore World — I'm pretty ready to use a word to describe how it's working.

Nightmare.

Nation, it ended up being so bad here, we actually changed our form of government to weaken Madore. Think about that for a second. We changed our county government!

Like Trump, Madore said a lot of stupid stuff that just can't happen. That border wall Trump says he'll make Mexico pay for? Heck, that's chump change compared with Madore's claim that he'd build a toll-free east county bridge in five years over the mighty Columbia River. That was two years ago, and not one shovel of dirt has been moved.

The list of stupid stuff from Madore goes on and on, but no need to rehash it all here.

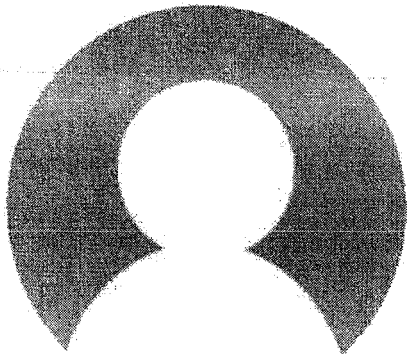
Nation, I, too, thought the government could use a little shaking up back when Madore was running for local office. But time has proved me wrong.

So, nation, I have seen what the future looks like with a guy like Trump running the show. And it isn't pretty.

ow, that's not to say that our career political types are the answer. We can and should do much better. I mean — trust me — Hillary Clinton is no walk in the park.

But we do have to be careful — very careful — with these Trump/Madore characters.

Sometimes we're better off dealing with career politicians — the devil we know — than the devil we don't know.



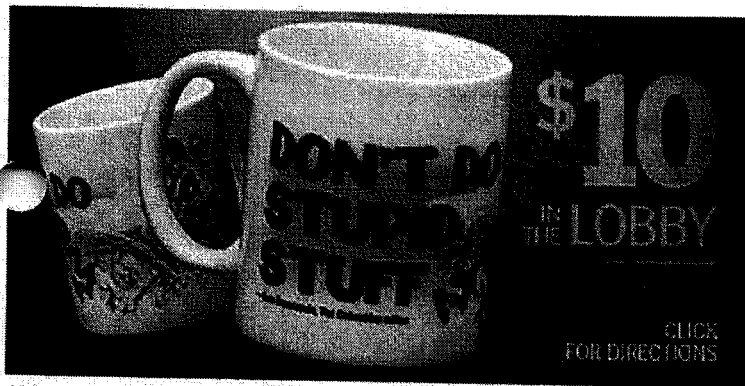
## **Lou Brancaccio (/author/lbrancaccio)**

Columbian Editor

☎ 360-735-4505

👤 @lounews (<https://twitter.com/lounews>)

✉ [Send an Email \(mailto:lou.brancaccio@columbian.com\)](mailto:lou.brancaccio@columbian.com)



[\(/dont-do-stupid-stuff-mugs/\)](#)

20 Comments

Sort by Newest




Add a comment...



**Carolyn Crain** · Western Business College, Portland, OR

Well you all have peaked my inner self to the point of comment again. I am so inclined as to correct a few mis-information tidbits that seem to constantly be spewed by one "side of the aisle" or the other. Three separate times today I saw comments in differing forums stating that Bill Clinton through executive order proceeded to push Agenda 21 in 1992. Here is a tidbit for you. It was being pushed way earlier than Bill came on the federal scene. At the international level it was created by a group that formed because the handful of people who wanted environmental issues


couldn't get it pass t... See More

Like · Reply ·  2 · Mar 6, 2016 11:54pm · Edited



**Tim Schaeffer** · Works at Self

The problem with Madore was never his policies, or even his hires, which have generally been pretty successful in stimulating the local economy. It was his self-righteous personality.

Like · Reply ·  1 · Mar 6, 2016 5:43pm



**Chris Curtis**

Running for office and governing are two different things. What we have seen from Madore the candidate was thoughtful, plausible and engaging. What we have seen from Trump the candidate has been sheer bravado. In governance, Madore has been nothing but bravado. Trump will soften, if he gets elected at all.

Like · Reply · Mar 5, 2016 11:24pm



**John Burke** · Vancouver, Washington

Two huge, HUGE! differences between Da Donald's operation on the national level and David Madore's here in Clark County...

1. Trump is a masterful demagogue who has honed the art of both the put-down and self-aggrandizement to an exquisite degree, as the following video attests...

<https://www.youtube.com/watch?v=MvVfj0ov8k8>

By contrast, David Madore's efforts at communication are (to be charitable) lacking. Unlike Trump, Madore is not given to self-praise; While such reticence might be morally commendable, in a "reality" TV-informed pop culture it is easily taken for weakness (especially by wea... See More

Like · Reply · Mar 5, 2016 5:40pm




**John Burke** · Vancouver, Washington

There is one sense where Lou (hopefully) gets it right;: Trump's prodigious talents as a political con-man might (?) be equal to getting him elected, but they will not allow him to govern well.

Example: Trump may welcome a trade war with China...<http://www.foxnews.com/.../donald-trump-welcomes-trade...> ...but its disastrous consequences would be impossible for even him to explain away... <http://thefederalist.com/.../almost-everything-donald.../>

Caveat: But good governance doesn't always have much to do with good politics. Since trade wars can devolve into real wars, and since actual war is the health of The State – and those who run it – Trump's eagerness for conflict with China may be his pathway to dictatorial power via exploiting the patriotic impulses war generates.


So best not to go there. Ted Cruz won in Kansas today. A good sign...so long as you don't think to hard about Ted Cruz.

Like · Reply ·  1 · Mar 5, 2016 5:53pm



**Douglas Green** · Publisher at Telecom Reseller Inc


John Burke The GOP used to be for economic nationalism. The founders of the GOP didn't want is to be commodity supplier to the UK. They wanted us to have our own textile and steel industries. Trump and interestingly Sanders are both talking about that.

Like · Reply ·  1 · Mar 6, 2016 6:03am



**Tim Schaeffer** · Works at Self

He's not given to self praise? LOL! His whole demeanor screams it. So does Trump. But Madore makes thing worse with false piety and humble pretensions which are annoying as crap. But his actual policies are ok.

Like · Reply ·  1 · Mar 6, 2016 9:05pm



**Barbara A. Peterson**


You're just wrong about Trump. He will surround himself with the best and brightest in the White House and turn this country around. Whatever happened to the "Just do it", "carpe diem" or applauding risk-takers altogether?

Like · Reply · Mar 5, 2016 2:29pm



**Thom Rasmussen** · Salmon Creek, Washington


That's supposed to be funny, right?

Like · Reply ·  5 · Mar 5, 2016 6:35pm · Edited



**Fran Hammond** · Vancouver, Washington

Thom Rasmussen - maybe she is speaking of his Veterans for Trump co-chair that was just arrested by the FBI. Or, possibly his white supremacist backers that have just pulled support for their own candidate in favor of Trump? Or, is she just confusing white with bright?

Like · Reply ·  5 · Mar 5, 2016 7:15pm



**Lauren Giovannetti Andre** · Notre Dame High School for Girls


Fran Hammond white supremacists announced today their support for Hillary. What games are they playing now!?

Like · Reply · Mar 14, 2016 3:59pm



**Kevin Healy**

I'm unsure who should be more chagrined: Trump for being compared to Madore, or Madore for being compared to Trump. On second thought, maybe a lack of chagrin is another trait they share.

Like · Reply ·  2 · Mar 5, 2016 12:09pm




**Tom Gibson** · Camas, Washington

I don't see that comparison between Madore and Trump. At all. Madore and Trump were both set up in business and given huge gifts to get started but Madore's gifts were from Dominionist preachers that want to spread their hate that Madore embraces so well. Trump was given gifts by his slumlord father and has accumulated more wealth than he has made. Considering the myth that either is a

rainer and has squandered more wealth than he has made. Carrying on the myth that either is a successful businessman is pure and utter bullshit.

Whereas Madore blindly follows where he is led by his mentors, Trump is a self promoting con man that will say anything to get a deal on the books and say anyth... See More


Like · Reply ·  5 · Mar 5, 2016 11:34am



**Dennis Henry** · Ashmun

Lou, other than sounding more like a cautionary about Donald Rumsfeld than Donald Trump, I think you missed the most important difference between Madore and the Donald. You see, for what it is worth, Madore has a moral compas, while Trump..., not so much. Now while I don't happen to think Mr. Madores compas rose points to true north, at least we can get a bearing on where he is headed. Mr. Trump, for all his popularity and all the news coverage, leaves us clueless as to what direction his compass rose directs. thus I can only conclude he is clueless about what direction he will take (or give) once in office. In that regard he reminds me more of a certain city mayor and not a former Commissioner turned Counselor.


So how can we know? Even when the devil is one we think we know, we may not know. In that respect your column, Lou, is no help.

Like · Reply ·  1 · Mar 5, 2016 10:51am · Edited



**Mike George** · Clark College -- Vancouver, Washington


Lou, spot on with the Trump Madore comparison, but peering into that crystal ball, there is another path forward: Senator Bernie Sanders has plenty of political experience, will definitely shake things up, and in both the political and business realms: just what the doctor ordered for our ailing system. He can't be bought by Wall Street and billionaires like Donald Drump himself (thanks to John Oliver for his research on the name). Bernie has managed to get more donations than any American political campaign in history, with \$27 the average donation; a pool of funding that can be tapped again ... See More

Like · Reply ·  1 · Mar 5, 2016 11:31am · Edited



**Tim Schaeffer** · Works at Self

And the fact that Bernie hasnt actually done \$#17 the whole 30 years he's been in office, doesn't bother you a bit?

Like · Reply ·  1 · Mar 6, 2016 6:57pm



**Mike Yancey** · Clark College -- Vancouver, Washington

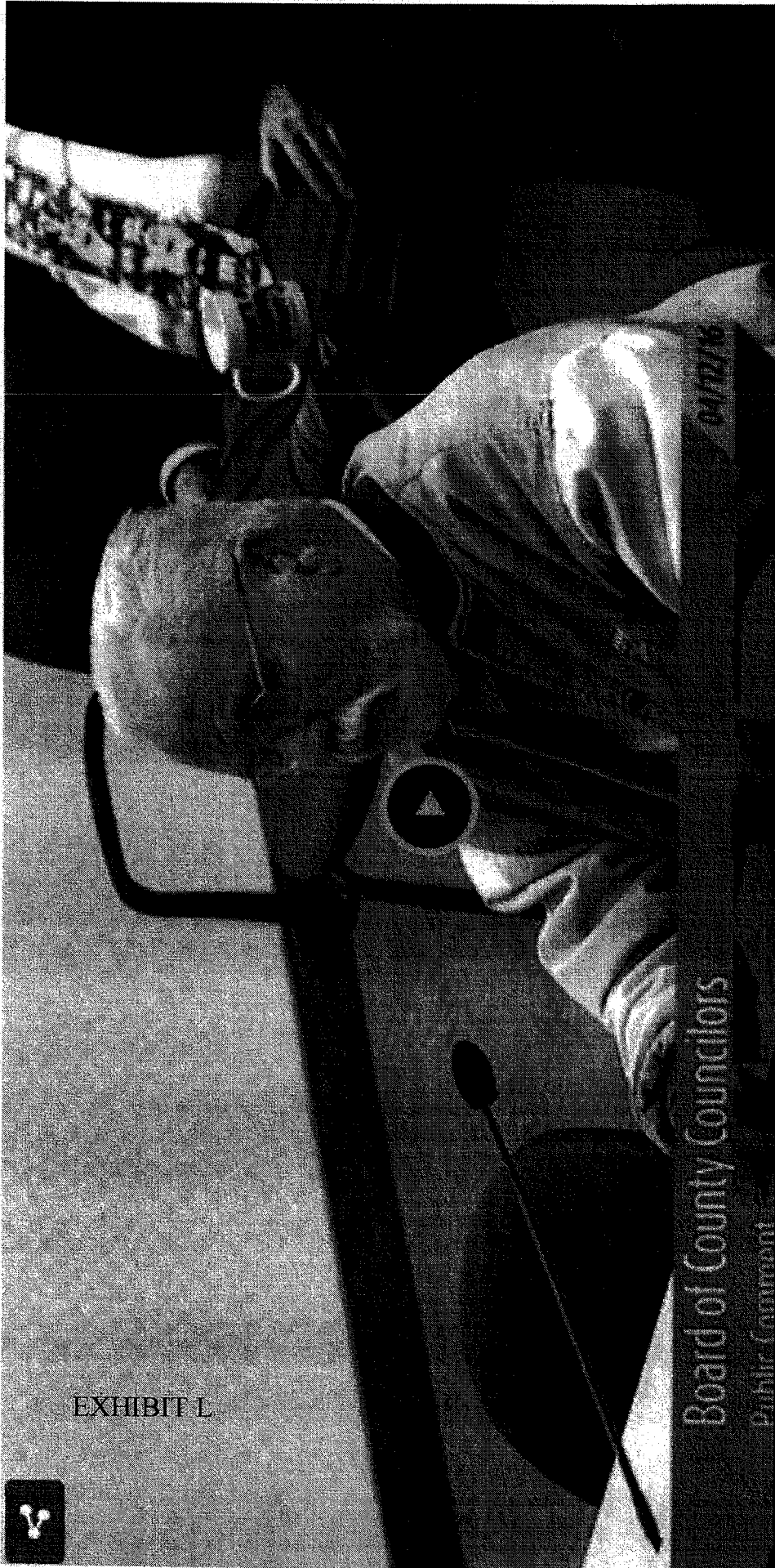
the King would be The Donalds perfect running mate they look like twins.

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[\(/guidelines/\)](#)

**BLOGS (HTTP://BLOGS.COLUMBIAN.COM)**



EXHIBIT L



Board of County Councilors

Public Comment

▶ 37:07

3:54:05



Board of County Councilors (04-12-16)

Complete coverage of the April 12, 2016, Board of County Councilors hearing.

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# Don't Do Stupid Stuff Mugs



### Buy your own Don't Do Stupid Stuff mug

If you've never done anything stupid, if you don't know anyone who has ever done anything stupid or if you never plan on doing anything stupid, this mug's not for you.

But if you're like the rest of us, buy one quickly. It's the perfect gift for you, your spouse, your friend or your enemy. Or anyone else for that matter.

### How to buy

#### Option 1: In person

Stop by The Columbian and purchase mugs for \$10/each.

The Columbian  
701 West 8th St.  
Vancouver, WA 98660

#### Option 2: Online

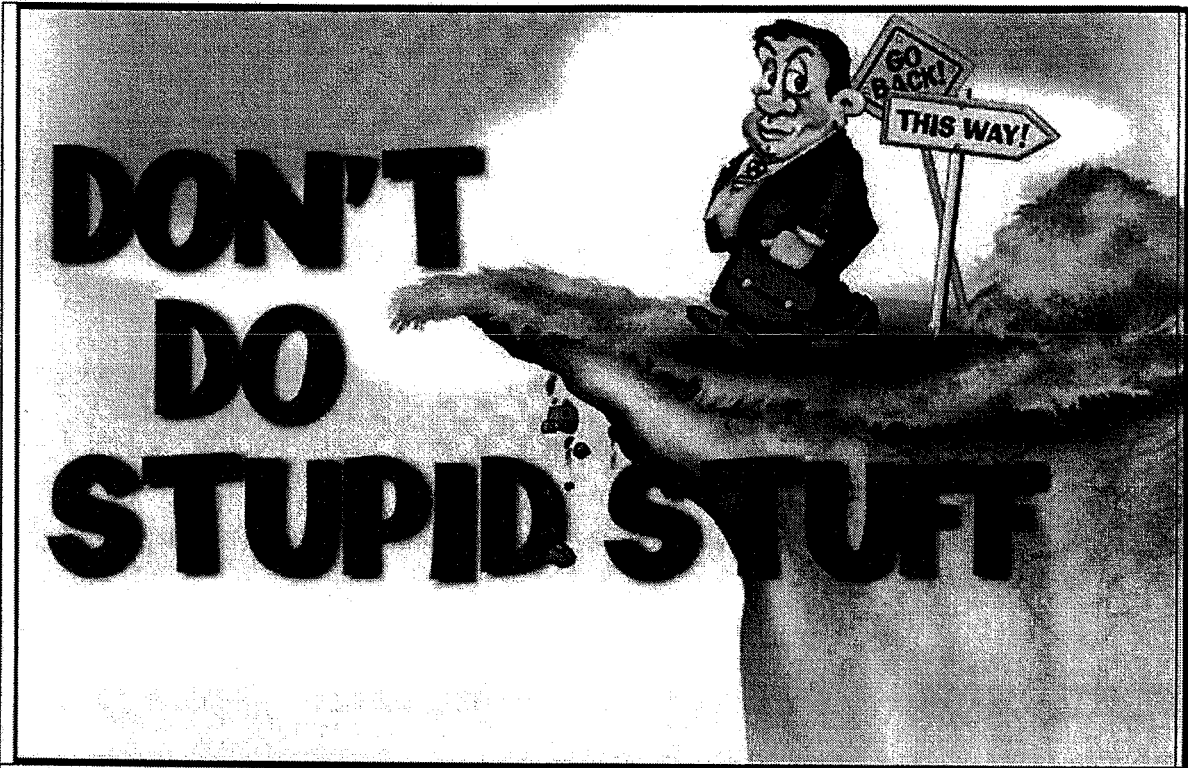
Qty 1 Mug \$18.00 USD

Price includes \$6 shipping & handling per mug.

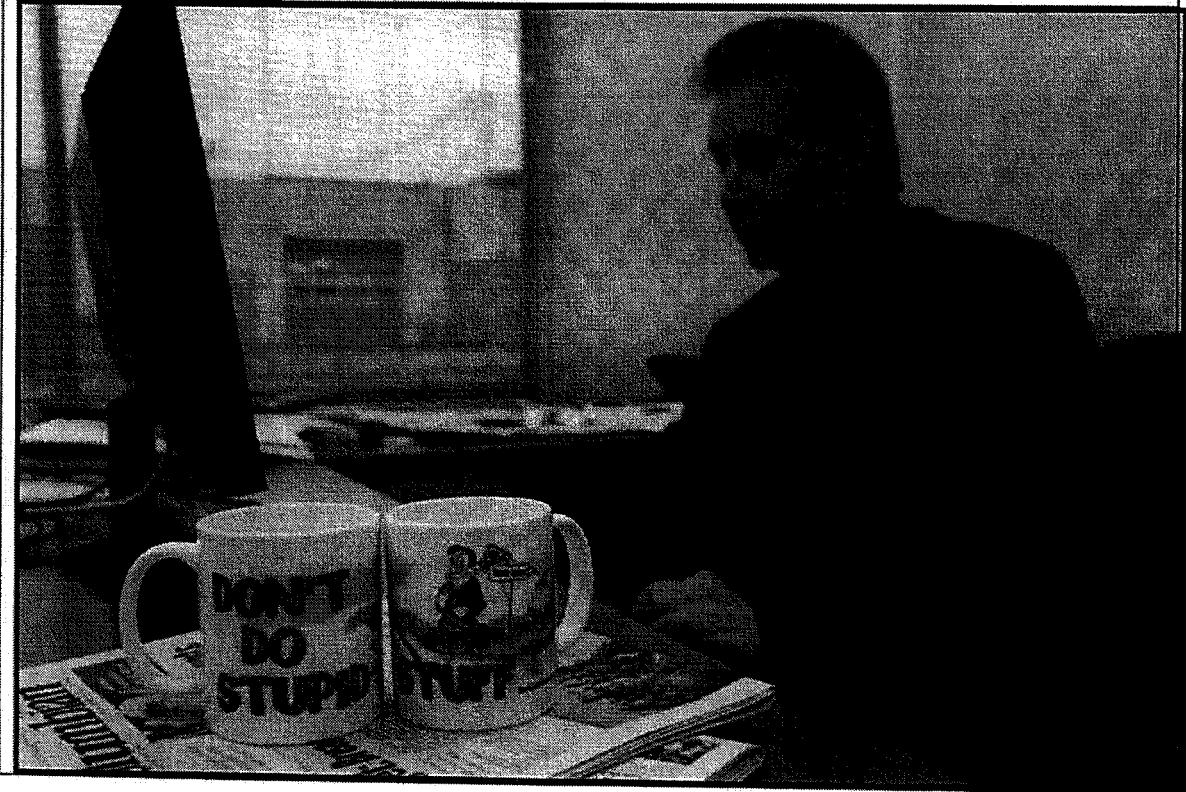
Buy Now







<http://www.columbian.com/news/2013/oct/05/dont-do-stupid-stuff-press-talk/>  
Lou Brancaccio (above and below)



<http://www.columbian.com/news/2013/dec/21/dear-santa-im-wishing-for/>



<http://ovancouveria.blogspot.com/2013/12/dont-do-stupid-stuff-coffee-mug-sold-by.html>



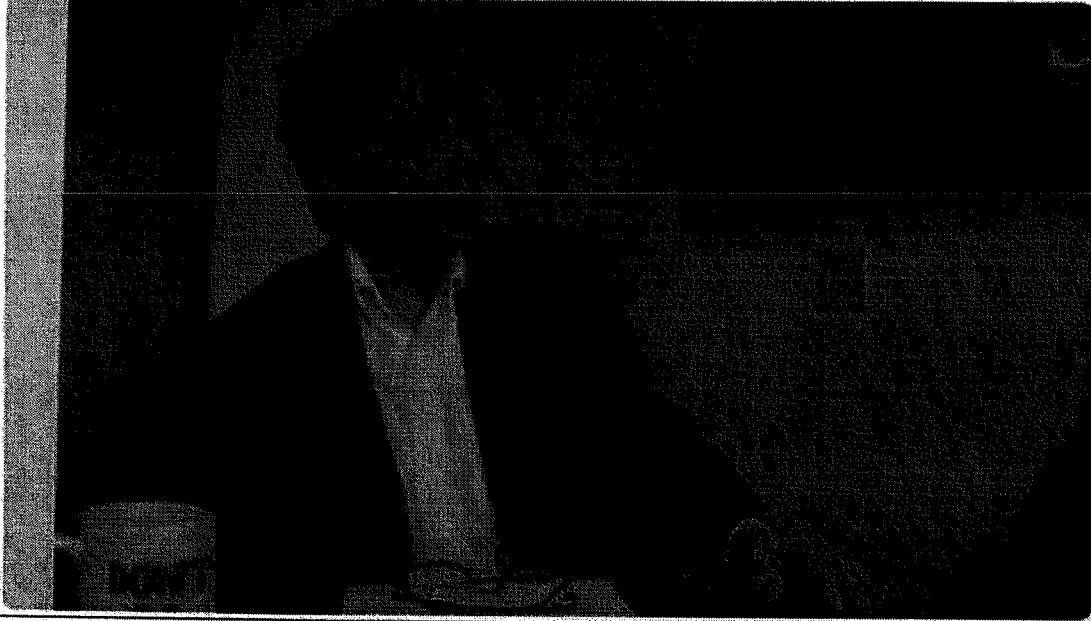
<http://www.columbian.com/news/2014/apr/19/press-talk-what-can-bring-us-a-smile/>

US Senator for Washington, Maria Cantwell & Brancaccio (above)

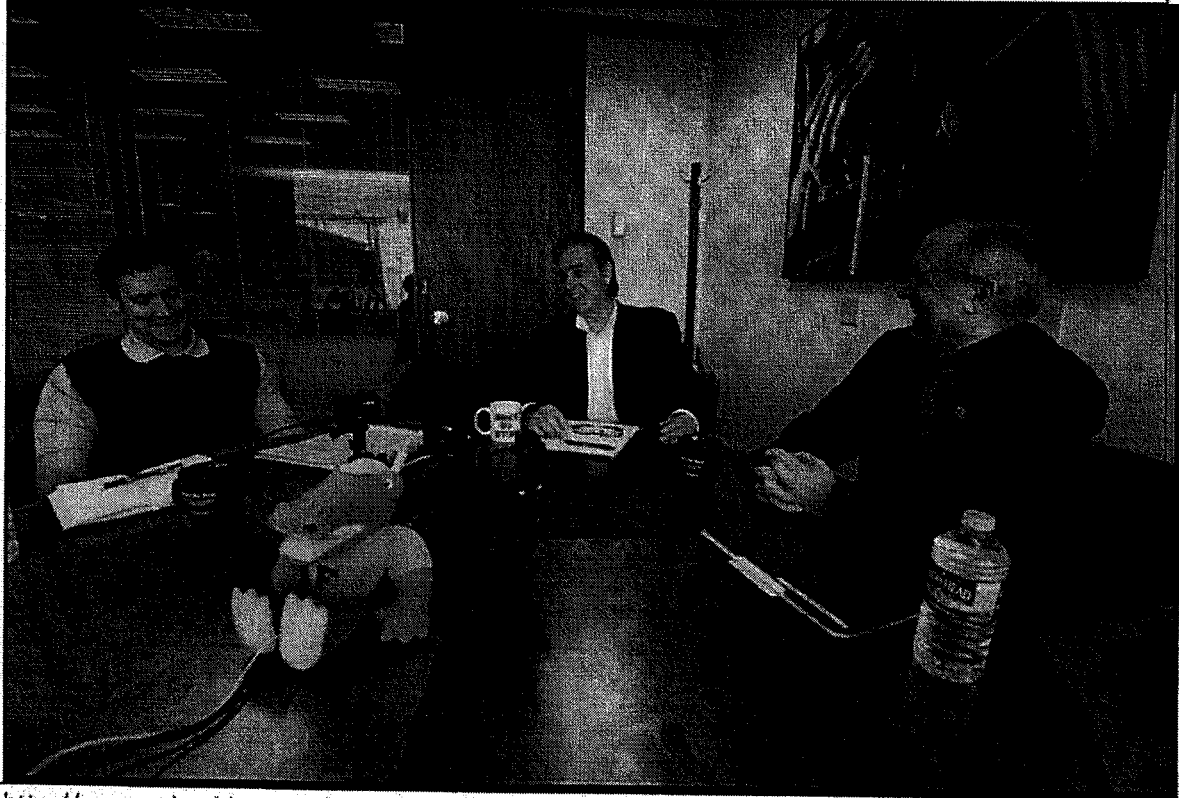


<http://www.columbian.com/news/2014/nov/15/press-talk-well-keep-at-it-with-the-mm-boys/>  
(example of a dozens of Mars trademark infringements published until the company forced the Columbian to stop. M=Madore, M=Mielke)

<http://www.columbian.com/news/2015/nov/28/press-talk-all-i-want-for-christmas-is/>

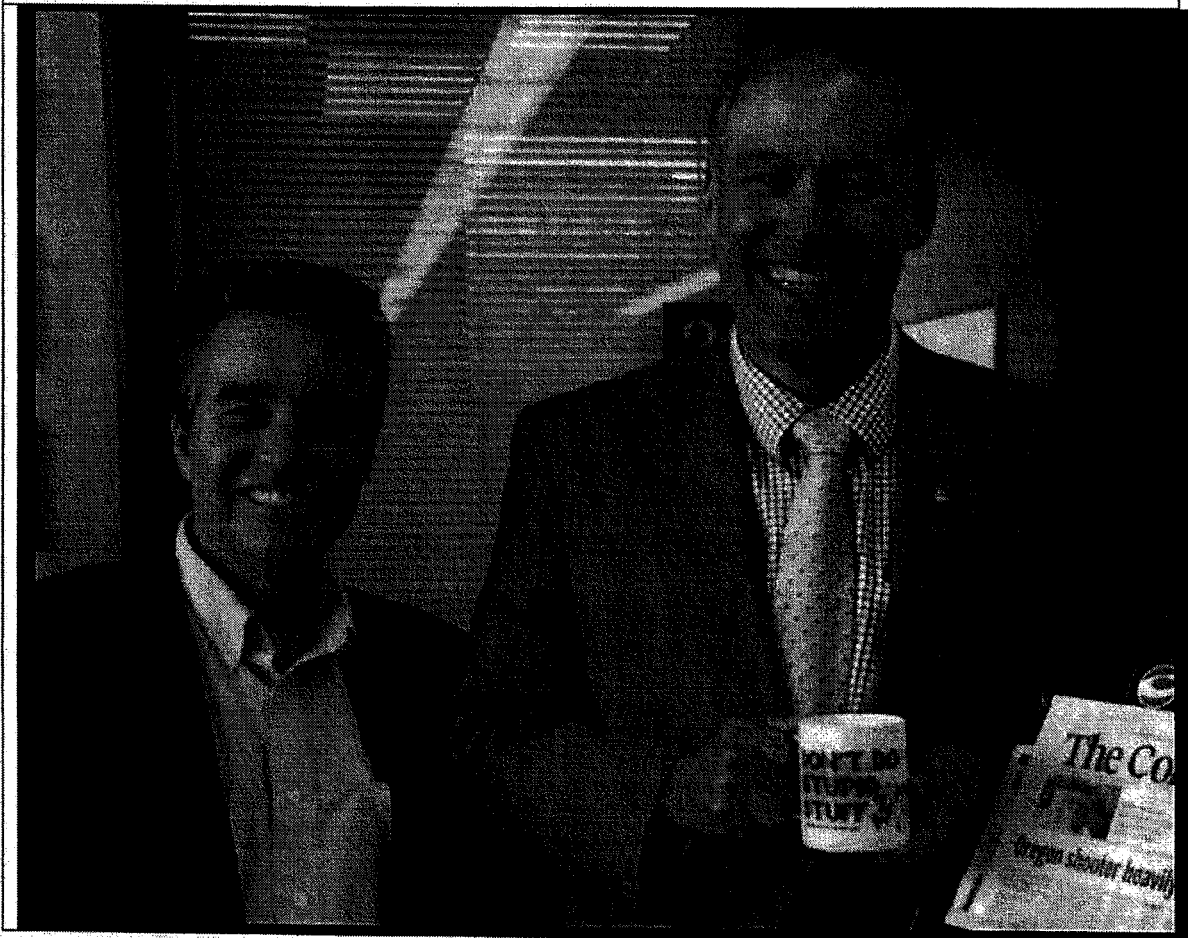


<https://mobile.twitter.com/lounews/status/429371313975619585>



<http://www.columbian.com/news/2014/feb/01/madore-leavitt-can-they-get-along/>

Back when I was first elected and naively gave them a chance to behave like adults. Vancouver Mayor Tim Leavitt is on the left. Brancaccio showed poor manners explicitly calling his guest "stupid".



DATE: July 17, 2009  
TO: Steve Stuart  
FROM: Bill Barron  
SUBJECT: Recommendations for Environmental Services Department: Draft Vision Statement and Timeline for Implementation.

Pursuant to your request, I have prepared the draft vision statement for the proposed Environmental Services department for your review. Please see attached.

Additionally, I have outlined a possible timeline that would presume full implementation of the department (director, budget, and office space) by January 1, 2010. I would anticipate the following:

- July, 2009: Meet with next level employees; finalize organizational chart with BOCC; finalize job description and pay range for director; initiate recruitment of director; begin budget development; begin space analysis
- August, 2009: Board of Commissioner formally approves department; continue recruitment; finalize budget development; finalize space analysis and related logistical matters
- September, 2009: Continue recruitment
- October, 2009: Finalize recruitment and hire Director
- October –  
December 2009: Departmental implementation with director, County Administrator and Board of Commissioners

1 Attachment  
- Vision Statement

EXHIBIT M

# 2009 BOCC Retreat

## Commissioner Topics

1. Revitalization of the Community Development department by staff facilitation; revised fee system; and code revision (Commissioner Boldt, 10/1/08)
2. Bond issue for conservation lands acquisition (Commissioner Stuart 9/18/08)
3. Better messaging for county activities (Commissioner Stuart 10/13/08)
4. Change the budget process (POG?) (Commissioners Stuart and Boldt 11/19/08)
5. Unified Public Health Code (Public Health staff request)
6. Environmental Services Department (Commissioner Stuart, with significant interest by Commissioner Boldt)
7. GMA compliance and Public Trust Fund loan eligibility (BOCC, 10/28/08)
8. Rural lands review (Commissioner Boldt)
9. Transportation / Parks capital bond issue (Commissioner Stuart)
10. Stormwater ordinance implementation (fees and capital improvement program)
11. Council of Governments (Commissioner Boldt)
12. Revenue sharing (Commissioner Boldt)
13. Economic development strategy
14. Railroad Coordinator goals
15. Shoreline master plan update (staff)

## Follow-up/Pending Issues from 2008

1. Conservation District assessment
2. Apprenticeship program
3. 78<sup>th</sup> Street site development

4. Implementation of energy conservation initiative
5. Camp Bonneville clean-up and reuse plan
6. Fairgrounds site
7. State budget reduction – impact management
8. Status of Community Planning and approval of a work program
9. Budget monitoring and execution: – monthly status reporting with management team and elected officials
10. Tobacco-free campus
11. Center for Community Health lease management
12. Role definition for County Administrator, Deputy County Administrator and Budget Director
13. Elected officials monthly meeting – format and location
14. Assessor Treasurer System (ATS) implementation – Phase II
15. Law and Justice system initiation
16. Activate School Advisory Board
17. Jail medical services
18. Railroad industrial zone





# CLARK COUNTY STAFF REPORT

*Bill*

DEPARTMENT: County Administrator

DATE: August 18, 2009



REQUEST: Add a new position and approve the new classification Director, Environmental Services, Pay Range 912, effect November 1, 2009

CHECK ONE:  Consent  CAO

### BACKGROUND AND ANALYSIS

Human Resources received a request to develop a new classification of Director, Environmental Services. The Director will provide vision and leadership to the newly created Department of Environmental Services. This new department will be responsible for strategically protecting and enhancing our natural environment while maximizing efficiency and transparency of our government processes. Services to be provided include stormwater management; solid waste and recycling management; critical areas and open space protection; forest management; endangered species protection; noxious weed control; and environmental permitting fore county projects.

### COMMUNITY OUTREACH

There were no community outreach efforts specific to this request.

### BUDGET AND POLICY IMPLICATIONS

The new position, effective November 1, 2009, results in an additional cost of \$179,078 for the remainder of this biennium. The attached Employee Roster Change Form details the cost of the addition of the new position. Below please see the proposed pay range for the Environmental Services Director:

Proposed Range	Proposed Title	Quartile 1	Quartile 2	Quartile 3	Quartile 4
912	Director, Environmental Services	7,572 - 8,373	8,374 - 9,175	9,176 - 9,977	9,978 - 10,779

### FISCAL IMPACTS

Yes (see attached form)  No

### ACTION REQUESTED

Approve the addition of a new position classified as Director, Environmental Services, at Pay Range M1.912, effective November 1, 2009.

✓ 

### DISTRIBUTION

Kathi Curtis, Jeremy Hamrich, Joe Hertig; Human Resources  
Bill Barron, County Administrator

Bill Barron  
County Administrator

Approved:   
#SR 216-09 Marc Boldt, Chair  
Board of County Commissioners 8-25-09



Board of County Commissioners  
1300 Franklin Street, 6th Floor  
Vancouver, Washington

## CONSENT AGENDA

10:00 a.m., Tuesday, August 25, 2009

Consent Agenda Items will be considered together and will be approved on a single motion. Any person desiring to remove an item for separate consideration should so request before approval of the agenda. Discussion items will be considered separately.

### ADMINISTRATION

1. APPROVED Approval of Ordinance 2009-08-07, an *interim zoning ordinance* relating to land use; amending CCC 40.500.010 to extend certain land use approvals for up to twelve months. Hearings held June 23, 2009 and August 18, 2009.  
**Ordinance 2009-08-07**
2. APPROVED Approval of Resolution clarifying the Clark County/Cowlitz Tribe Rescission Agreement.  
**Resolution 2009-08-12**
3. APPROVED Request for approval to add a new position and approve the new classification  
SR 216-09 Director, Environmental Services, Pay Range 912, effective November 1, 2009.
4. APPROVED Request for approval of interlocal agreement between the City of Vancouver and  
SR 217-09 Clark County for Local Revitalization Financing in support of the Columbia Waterfront Revitalization Area  
**Reference CO 09-92**

### PUBLIC WORKS

5. APPROVED Request from Engineering/Real Property for approval and acceptance of Statutory  
SR 218-09 Warranty Deed from Dale E. Hoover and Iona Louise Hoover, for the *NE 88 ST Road Project*, Tax parcel 097906-000.  
**Resolution 2009-08-13**
6. APPROVED Request from Transportation for approval of establishment of County Road Project  
SR 219-09 (*CRP 330522, NE 99 ST (NE 117 AV (SR-503) to NE 137 AV)*) and approval of the "Notice to Contractors" to advertise for bids.  
**Resolution 2009-08-14**
7. APPROVED Request from Parks & Recreation/Property Management for approval of *agricultural*  
SR 220-09 *lease agreement* for park property -- Daybreak.  
**Reference PK 09-93**

### JUVENILE

8. APPROVED Request to accept additional grant funding from the State of Washington  
SR 221-09 Administrative Office of the Courts in the amount of \$20,091 for Becca Bill programs and services.

For any questions regarding consent agendas, contact Bill Barron at bill.barron@clark.wa.gov or 360.397.2232.



For other formats, contact the Clark County ADA Office: **Voice** (360) 397-2000;  
**Relay** 711 or (800) 833-6388; **Fax** (360) 397-6165; **E-mail** ADA@clark.wa.gov.

EXHIBIT P



## CONSENT AGENDA

10:00 a.m., Tuesday, August 25, 2009

### CVTV

9. APPROVED SR 222-09 Request for approval of award of grant funds from the *PEG Capital Support Fund* to TV ETC, the City/County Cable Television Office and FVTV.  
**Resolution 2009-08-15**

### PUBLIC HEALTH

10. APPROVED SR 223-09 Request for approval to execute a *Delegation of Authority* agreement for Region IV emergency preparedness activities for H1N1 planning, policy support, and response.  
**Reference PH 09-94**

### WARRANTS

11. APPROVED Request for approval of warrants for payment of claims against various county departments in the amount of \$7,673,913.03.  
**Resolution 2009-08-16**

### ROUTINE

12. APPROVED *Minutes approved* for August 5, 2009; August 11, 2009
13. APPROVED *Notice of Public Meeting approved* setting October 7, 2009 at 1:30 p.m. in the commissioners' hearing room, 6<sup>th</sup> floor, 1300 Franklin Street, Vancouver, WA as the time and place to consider an appeal of the Clark County Land Use Hearing Examiner's decision regarding *Alber's Subdivision*, PLD2009-00016; SEP2009-00031; WET2009-00026.
14. APPROVED *Notice of Public Hearing approved* setting September 1, 2009 at 6:00 p.m. in the commissioners' hearing room, 6<sup>th</sup> floor, 1300 Franklin Street, Vancouver, WA as the time and place to consider whether to require contractors awarded public works contracts that are equal to or over \$1,000,000 and service contractors awarded contracts that are equal to or over \$1,000,000 annually to use the federal *E-Verify* system to verify that their employees are U.S. citizens or are otherwise in the United States legally.
15. APPROVED *Washington State Liquor Control Board Notifications received:*
- New application for Nova Wine Shop, 13307 NE Highway 99 Suite 102, Vancouver, WA.
  - Licensed establishments expiring 9/30/09





Board of County Commissioners  
1300 Franklin Street, 6th Floor  
Vancouver, Washington

---

## ***CONSENT AGENDA***

10:00 a.m., Tuesday, August 25, 2009

### **BOARD OF COUNTY COMMISSIONERS**

Marc Boldt/s/  
Marc Boldt, Chair

Steve Stuart/s/  
Steve Stuart, Commissioner

Tom Mielke, Commissioner

ATTEST:

Louise Richards/s/  
Clerk of the Board

jc

For any questions regarding consent agendas, contact Bill Barron at [bill.barron@clark.wa.gov](mailto:bill.barron@clark.wa.gov) or 360.397.2232.



For other formats, contact the Clark County ADA Office: **Voice** (360) 397-2000;  
**Relay** 711 or (800) 833-6388; **Fax** (360) 397-6165; **E-mail** [ADA@clark.wa.gov](mailto:ADA@clark.wa.gov).

# Clark County Adopted Expenditure Budget - Line Item Detail

Stage: BOCC Adopted

2015-2016

Page: 14

Entity Name	Account	Budget	FTE
<b>General Government</b>			
<b>County Fairgrounds</b>			
<b>Clark County Fair Fund</b>			
<b>Fairgrounds Administration</b>			
1003-000-373-575455-General Maintenance & Operat.	362-Unleaded Gasoline	\$0	
1003-000-373-575455-General Maintenance & Operat.	410-Professional Services	\$380,000	
1003-000-373-575455-General Maintenance & Operat.	419-Other Prof. Services	\$150,000	
1003-000-373-575455-General Maintenance & Operat.	472-Garbage	\$22,000	
1003-000-373-575455-General Maintenance & Operat.	482-Equipment Maintenance	\$50,000	
1003-000-373-575455-General Maintenance & Operat.	483-Grounds & Parks Maintenance.	\$45,000	
<b>575455 Basub Total:</b>		<b>\$1,179,096</b>	<b>4.00</b>
1003-000-372-575471-Event Center Marketing	440-Advertising	\$237,100	
1003-000-372-575471-Event Center Marketing	452-ONLY Quarterly trsfr for DP ER&R	\$0	
<b>575471 Basub Total:</b>		<b>\$237,100</b>	<b>0.00</b>
1003-000-373-597093-Transfer Out To 5093	551-Transfer for non-routine/one-time	\$10,378	
<b>597093 Basub Total:</b>		<b>\$10,378</b>	<b>0.00</b>
<b>Program Total:</b>		<b>\$4,223,478</b>	<b>4.00</b>
<b>Clark County Fair Fund Total:</b>		<b>\$8,582,393</b>	<b>4.00</b>
<b>County Fairgrounds Total:</b>		<b>\$8,582,393</b>	<b>4.00</b>
<b>County-Wide Services</b>			
<b>County-Wide Services</b>			
<b>County Associations</b>			
0001-000-306-511607-County's Association Dues	491-Assoc. Dues/Membership	\$297,388	
<b>511607 Basub Total:</b>		<b>\$297,388</b>	<b>0.00</b>
<b>Program Total:</b>		<b>\$297,388</b>	<b>0.00</b>
<b>Special Projects</b>			
0001-000-306-513201-Special Projects For Commiss.	318-Equipment Under \$5000	\$2,000	
0001-000-306-513201-Special Projects For Commiss.	410-Professional Services	\$168,406	
0001-000-306-513201-Special Projects For Commiss.	439-Other Travel	\$60,000	
0001-000-306-513201-Special Projects For Commiss.	452-ONLY Quarterly trsfr for DP ER&R	\$4,248	
<b>513201 Basub Total:</b>		<b>\$234,654</b>	<b>0.00</b>
<b>Program Total:</b>		<b>\$234,654</b>	<b>0.00</b>
<b>State Examiner</b>			
0001-000-306-511606-State Auditors	411-Accounting & Auditing	\$415,000	
0001-000-306-511606-State Auditors	958-County TER&R Annual Rents	\$0	
<b>511606 Basub Total:</b>		<b>\$415,000</b>	<b>0.00</b>
<b>Program Total:</b>		<b>\$415,000</b>	<b>0.00</b>
<b>County-Wide Services Total:</b>		<b>\$947,042</b>	<b>0.00</b>
<b>County-Wide Services Total:</b>		<b>\$947,042</b>	<b>0.00</b>
<b>Department of Environmental Services</b>			
<b>Department of Environmental Services</b>			
<b>Clean Water</b>			
4420-000-308-508200-Contingency Budgets	236-Disability Ins.	\$14,309	
4420-000-308-508200-Contingency Budgets	997-Contingency	\$99,352	
<b>508200 Basub Total:</b>		<b>\$113,661</b>	<b>0.00</b>
4420-000-531-534110-Administration	110-Salaries	\$932,688	6.07
4420-000-531-534110-Administration	210-Employee Benefits	\$76,479	
4420-000-531-534110-Administration	211-PERS/LEOFF	\$94,187	
4420-000-531-534110-Administration	221-Medical Insurance	\$158,618	
4420-000-531-534110-Administration	223-Dental	\$14,028	
4420-000-531-534110-Administration	230-Life Insurance	\$2,660	
4420-000-531-534110-Administration	236-Disability Ins.	\$0	
4420-000-531-534110-Administration	310-Office Supplies	\$1,000	
4420-000-531-534110-Administration	311-Central Stores-Office Max	\$5,000	
4420-000-531-534110-Administration	314-Maps-Books & Periodicals	\$1,250	
4420-000-531-534110-Administration	320-Operating Supplies	\$5,500	
4420-000-531-534110-Administration	327-Computer Supplies	\$30,000	
4420-000-531-534110-Administration	328-Uniforms/Clothing	\$500	
4420-000-531-534110-Administration	410-Professional Services	\$70,000	
4420-000-531-534110-Administration	411-Accounting & Auditing	\$115,000	
4420-000-531-534110-Administration	415-Xerox/Printing Services	\$0	
4420-000-531-534110-Administration	417-Temporary Employment Services	\$0	
4420-000-531-534110-Administration	418-GenFund Indirect Charged to COUNTY FUNDS (Architect Serv. prior to 2013)	\$415,928	
4420-000-531-534110-Administration	421-Telephone	\$5,000	
4420-000-531-534110-Administration	426-UPS/Federal Express	\$500	
4420-000-531-534110-Administration	428-Cellular One/Pagers	\$20,000	
4420-000-531-534110-Administration	433-Local Mileage	\$0	
4420-000-531-534110-Administration	434-Long Distance Travel	\$0	
4420-000-531-534110-Administration	435-Meals	\$0	

## Clark County Adopted Expenditure Budget - Line Item Detail

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Entity Name	Account	Budget	FTE
<b>General Government</b>			
<b>Department of Environmental Services</b>			
<b>Department of Environmental Services</b>			
<b>Clean Water</b>			
4420-000-531-534110-Administration	438-Lodging	\$0	
4420-000-531-534110-Administration	440-Advertising	\$0	
4420-000-531-534110-Administration	451-Rent - Copiers	\$20,000	
4420-000-531-534110-Administration	452-ONLY Quarterly trsfr for DP ER&R	\$53,964	
4420-000-531-534110-Administration	454-Rent Land & Buildings	\$200,000	
4420-000-531-534110-Administration	460-Insurance Charges	\$25,408	
4420-000-531-534110-Administration	491-Assoc. Dues/Membership	\$1,100	
4420-000-531-534110-Administration	495-Taxes & Assessments	\$0	
4420-000-531-534110-Administration	496-Tuition/Registration	\$5,000	
4420-000-531-534110-Administration	911-County Contract Services	\$0	
4420-000-531-534110-Administration	912-Countywide Indirect	\$0	
4420-000-531-534110-Administration	913-Department Overhead	\$0	
4420-000-531-534110-Administration	918-Burden Overhead	\$0	
4420-000-531-534110-Administration	922-County Mailroom Services	\$0	
4420-000-531-534110-Administration	932-County Print Shop	\$0	
4420-000-531-534110-Administration	954-County Land & Bldg Rentals	\$0	
4420-000-531-534110-Administration	958-County TER&R Annual Rents	\$0	
4420-000-531-534110-Administration	964-County Liability Ins. Charge	\$0	
<b>534110 Basub Total:</b>		<b>\$2,253,810</b>	<b>6.07</b>
4420-000-531-534215-Planning & Policy	110-Salaries	\$311,916	1.90
4420-000-531-534215-Planning & Policy	140-Overtime	\$1,000	
4420-000-531-534215-Planning & Policy	141-Comp Time Non Exempt	\$2,000	
4420-000-531-534215-Planning & Policy	210-Employee Benefits	\$25,823	
4420-000-531-534215-Planning & Policy	211-PERS/LEOFF	\$31,807	
4420-000-531-534215-Planning & Policy	221-Medical Insurance	\$64,522	
4420-000-531-534215-Planning & Policy	223-Dental	\$5,308	
4420-000-531-534215-Planning & Policy	230-Life Insurance	\$1,232	
4420-000-531-534215-Planning & Policy	236-Disability Ins.	\$0	
4420-000-531-534215-Planning & Policy	314-Maps-Books & Periodicals	\$0	
4420-000-531-534215-Planning & Policy	327-Computer Supplies	\$0	
4420-000-531-534215-Planning & Policy	410-Professional Services	\$150,000	
4420-000-531-534215-Planning & Policy	412-Legal Services	\$0	
4420-000-531-534215-Planning & Policy	413-Engineering Services	\$135,000	
4420-000-531-534215-Planning & Policy	415-Xerox/Printing Services	\$5,000	
4420-000-531-534215-Planning & Policy	419-Other Prof. Services	\$115,000	
4420-000-531-534215-Planning & Policy	426-UPS/Federal Express	\$0	
4420-000-531-534215-Planning & Policy	433-Local Mileage	\$1,000	
4420-000-531-534215-Planning & Policy	434-Long Distance Travel	\$4,500	
4420-000-531-534215-Planning & Policy	435-Meals	\$1,250	
4420-000-531-534215-Planning & Policy	437-Freight	\$500	
4420-000-531-534215-Planning & Policy	438-Lodging	\$2,500	
4420-000-531-534215-Planning & Policy	440-Advertising	\$0	
4420-000-531-534215-Planning & Policy	491-Assoc. Dues/Membership	\$0	
4420-000-531-534215-Planning & Policy	496-Tuition/Registration	\$0	
4420-000-531-534215-Planning & Policy	922-County Mailroom Services	\$0	
4420-000-531-534215-Planning & Policy	932-County Print Shop	\$0	
<b>534215 Basub Total:</b>		<b>\$858,358</b>	<b>1.90</b>
4420-000-531-534550-Capital Projects - non-capital asset	110-Salaries	\$418,952	2.55
4420-000-531-534550-Capital Projects - non-capital asset	140-Overtime	\$1,000	
4420-000-531-534550-Capital Projects - non-capital asset	141-Comp Time Non Exempt	\$3,000	
4420-000-531-534550-Capital Projects - non-capital asset	210-Employee Benefits	\$26,260	
4420-000-531-534550-Capital Projects - non-capital asset	211-PERS/LEOFF	\$32,250	
4420-000-531-534550-Capital Projects - non-capital asset	221-Medical Insurance	\$97,918	
4420-000-531-534550-Capital Projects - non-capital asset	223-Dental	\$9,234	
4420-000-531-534550-Capital Projects - non-capital asset	230-Life Insurance	\$778	
4420-000-531-534550-Capital Projects - non-capital asset	236-Disability Ins.	\$0	
4420-000-531-534550-Capital Projects - non-capital asset	327-Computer Supplies	\$0	
4420-000-531-534550-Capital Projects - non-capital asset	413-Engineering Services	\$30,000	
4420-000-531-534550-Capital Projects - non-capital asset	415-Xerox/Printing Services	\$0	
4420-000-531-534550-Capital Projects - non-capital asset	496-Tuition/Registration	\$0	
4420-000-531-534550-Capital Projects - non-capital asset	910-Grant Revenue Only	\$0	
4420-000-531-534550-Capital Projects - non-capital asset	940-Grant Revenue Only	\$0	
<b>534550 Basub Total:</b>		<b>\$619,392</b>	<b>2.55</b>
4420-000-531-534770-Education & Outreach	140-Overtime	\$1,000	
4420-000-531-534770-Education & Outreach	141-Comp Time Non Exempt	\$5,000	
4420-000-531-534770-Education & Outreach	210-Employee Benefits	\$492	
4420-000-531-534770-Education & Outreach	211-PERS/LEOFF	\$604	
4420-000-531-534770-Education & Outreach	236-Disability Ins.	\$0	
4420-000-531-534770-Education & Outreach	551-Transfer for non-routine/one-time	\$0	
<b>534770 Basub Total:</b>		<b>\$7,096</b>	<b>0.00</b>
4420-000-531-534775-Customer Service	110-Salaries	\$51,848	0.35

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Entity Name	Account	Budget	FTE
<b>General Government</b>			
<b>Department of Environmental Services</b>			
<b>Department of Environmental Services</b>			
<b>Clean Water</b>			
4420-000-531-534775-Customer Service	210-Employee Benefits	\$4,252	
4420-000-531-534775-Customer Service	211-PERS/LEOFF	\$5,236	
4420-000-531-534775-Customer Service	221-Medical Insurance	\$5,118	
4420-000-531-534775-Customer Service	223-Dental	\$406	
4420-000-531-534775-Customer Service	230-Life Insurance	\$178	
4420-000-531-534775-Customer Service	236-Disability Ins.	\$0	
<b>534775 Basub Total:</b>		<b>\$67,038</b>	<b>0.35</b>
4420-000-531-534880-Maintenance & Operations	210-Employee Benefits	\$0	
4420-000-531-534880-Maintenance & Operations	211-PERS/LEOFF	\$0	
4420-000-531-534880-Maintenance & Operations	236-Disability Ins.	\$0	
4420-000-531-534880-Maintenance & Operations	410-Professional Services	\$600,000	
4420-000-531-534880-Maintenance & Operations	480-Contract Repair/Main	\$3,000,000	
4420-000-531-534880-Maintenance & Operations	910-Grant Revenue Only	\$0	
4420-000-531-534880-Maintenance & Operations	911-County Contract Services	\$0	
4420-000-531-534880-Maintenance & Operations	952-Mileage Equipment Rental	\$0	
<b>534880 Basub Total:</b>		<b>\$3,600,000</b>	<b>0.00</b>
4420-000-531-534885-Inventory, Assessment & Monitoring	110-Salaries	\$887,424	6.15
4420-000-531-534885-Inventory, Assessment & Monitoring	140-Overtime	\$5,000	
4420-000-531-534885-Inventory, Assessment & Monitoring	141-Comp Time Non Exempt	\$15,000	
4420-000-531-534885-Inventory, Assessment & Monitoring	210-Employee Benefits	\$71,920	
4420-000-531-534885-Inventory, Assessment & Monitoring	211-PERS/LEOFF	\$88,362	
4420-000-531-534885-Inventory, Assessment & Monitoring	221-Medical Insurance	\$157,336	
4420-000-531-534885-Inventory, Assessment & Monitoring	223-Dental	\$14,320	
4420-000-531-534885-Inventory, Assessment & Monitoring	230-Life Insurance	\$1,654	
4420-000-531-534885-Inventory, Assessment & Monitoring	236-Disability Ins.	\$0	
4420-000-531-534885-Inventory, Assessment & Monitoring	314-Maps-Books & Periodicals	\$0	
4420-000-531-534885-Inventory, Assessment & Monitoring	318-Equipment Under \$5000	\$75,000	
4420-000-531-534885-Inventory, Assessment & Monitoring	320-Operating Supplies	\$5,500	
4420-000-531-534885-Inventory, Assessment & Monitoring	326-Expendable Equipment	\$15,000	
4420-000-531-534885-Inventory, Assessment & Monitoring	327-Computer Supplies	\$0	
4420-000-531-534885-Inventory, Assessment & Monitoring	362-Unleaded Gasoline	\$15,000	
4420-000-531-534885-Inventory, Assessment & Monitoring	410-Professional Services	\$150,000	
4420-000-531-534885-Inventory, Assessment & Monitoring	415-Xerox/Printing Services	\$0	
4420-000-531-534885-Inventory, Assessment & Monitoring	416-Fund Overhead Allocations (DP Costs prior to 2013)	\$0	
4420-000-531-534885-Inventory, Assessment & Monitoring	417-Temporary Employment Services	\$10,000	
4420-000-531-534885-Inventory, Assessment & Monitoring	419-Other Prof. Services	\$200,000	
4420-000-531-534885-Inventory, Assessment & Monitoring	428-Cellular One/Pagers	\$0	
4420-000-531-534885-Inventory, Assessment & Monitoring	435-Meals	\$0	
4420-000-531-534885-Inventory, Assessment & Monitoring	437-Freight	\$0	
4420-000-531-534885-Inventory, Assessment & Monitoring	438-Lodging	\$0	
4420-000-531-534885-Inventory, Assessment & Monitoring	455-Machinery & Equip Rentals	\$12,000	
4420-000-531-534885-Inventory, Assessment & Monitoring	459-Other Rental	\$1,000	
4420-000-531-534885-Inventory, Assessment & Monitoring	471-Electrical & Heating	\$5,000	
4420-000-531-534885-Inventory, Assessment & Monitoring	482-Equipment Maintenance	\$1,000	
4420-000-531-534885-Inventory, Assessment & Monitoring	491-Assoc. Dues/Membership	\$0	
4420-000-531-534885-Inventory, Assessment & Monitoring	496-Tuition/Registration	\$0	
4420-000-531-534885-Inventory, Assessment & Monitoring	510-Inter Gov Service	\$0	
4420-000-531-534885-Inventory, Assessment & Monitoring	922-County Mailroom Services	\$0	
4420-000-531-534885-Inventory, Assessment & Monitoring	933-Unleaded Fuel	\$0	
4420-000-531-534885-Inventory, Assessment & Monitoring	934-GIS/County Maps	\$0	
<b>534885 Basub Total:</b>		<b>\$1,730,516</b>	<b>6.15</b>
4420-000-531-534990-DES Permitting & Compliance	110-Salaries	\$454,636	3.60
4420-000-531-534990-DES Permitting & Compliance	140-Overtime	\$2,000	
4420-000-531-534990-DES Permitting & Compliance	141-Comp Time Non Exempt	\$5,000	
4420-000-531-534990-DES Permitting & Compliance	210-Employee Benefits	\$37,854	
4420-000-531-534990-DES Permitting & Compliance	211-PERS/LEOFF	\$46,626	
4420-000-531-534990-DES Permitting & Compliance	221-Medical Insurance	\$73,232	
4420-000-531-534990-DES Permitting & Compliance	223-Dental	\$6,162	
4420-000-531-534990-DES Permitting & Compliance	230-Life Insurance	\$876	
4420-000-531-534990-DES Permitting & Compliance	236-Disability Ins.	\$0	
4420-000-531-534990-DES Permitting & Compliance	327-Computer Supplies	\$0	
4420-000-531-534990-DES Permitting & Compliance	328-Uniforms/Clothing	\$0	
4420-000-531-534990-DES Permitting & Compliance	410-Professional Services	\$65,000	
4420-000-531-534990-DES Permitting & Compliance	412-Legal Services	\$0	
4420-000-531-534990-DES Permitting & Compliance	442-Legal	\$0	
4420-000-531-534990-DES Permitting & Compliance	455-Machinery & Equip Rentals	\$16,000	
4420-000-531-534990-DES Permitting & Compliance	459-Other Rental	\$500	
4420-000-531-534990-DES Permitting & Compliance	493-Filing/Recording/Permit Fees	\$205,000	
4420-000-531-534990-DES Permitting & Compliance	496-Tuition/Registration	\$0	
4420-000-531-534990-DES Permitting & Compliance	911-County Contract Services	\$0	
4420-000-531-534990-DES Permitting & Compliance	922-County Mailroom Services	\$0	

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<b>General Government</b>			
<b>Department of Environmental Services</b>			
<b>Department of Environmental Services</b>			
<b>Clean Water</b>			
4420-000-531-534990-DES Permitting & Compliance	993-County Filing/Recording/Permit	\$0	
<b>534990 Basub Total:</b>		<b>\$912,886</b>	<b>3.60</b>
4420-000-531-594345-Clean Water - Capital Construction	200-Employee Benefits	\$52,260	
4420-000-531-594345-Clean Water - Capital Construction	210-Employee Benefits	\$0	
4420-000-531-594345-Clean Water - Capital Construction	211-PERS/LEOFF	\$0	
4420-000-531-594345-Clean Water - Capital Construction	236-Disability Ins.	\$0	
4420-000-531-594345-Clean Water - Capital Construction	413-Engineering Services	\$200,000	
4420-000-531-594345-Clean Water - Capital Construction	415-Xerox/Printing Services	\$5,000	
4420-000-531-594345-Clean Water - Capital Construction	440-Advertising	\$2,000	
4420-000-531-594345-Clean Water - Capital Construction	455-Machinery & Equip Rentals	\$2,780	
4420-000-531-594345-Clean Water - Capital Construction	600-Capital Outlay	\$2,500,000	
4420-000-531-594345-Clean Water - Capital Construction	780-Principal-Intergovern. Loans	\$33,000	
4420-000-531-594345-Clean Water - Capital Construction	830-Non-Voted LT Debt Interest	\$21,190	
<b>594345 Basub Total:</b>		<b>\$2,816,230</b>	<b>0.00</b>
4420-000-531-594395-Misc Environmental Capital	417-Temporary Employment Services	\$30,000	
4420-000-531-594395-Misc Environmental Capital	620-Buildings	\$0	
<b>594395 Basub Total:</b>		<b>\$30,000</b>	<b>0.00</b>
4420-000-531-597014-Transfer Out To 1014 or 4014	551-Transfer for non-routine/one-time	\$350,000	
<b>597014 Basub Total:</b>		<b>\$350,000</b>	<b>0.00</b>
4420-000-000-597090-Transfer to Fund 5090	550-Operating Transfers-subsidy	\$11,406	
<b>597090 Basub Total:</b>		<b>\$11,406</b>	<b>0.00</b>
4420-000-533-597194-Transfer Out To 3194	551-Transfer for non-routine/one-time	\$60,415	
<b>597194 Basub Total:</b>		<b>\$60,415</b>	<b>0.00</b>
<b>Program Total:</b>		<b>\$13,430,808</b>	<b>20.62</b>
<b>Department of Environmental Services</b>			
0001-000-533-531110-DES Administration	110-Salaries	\$0	
0001-000-533-531110-DES Administration	210-Employee Benefits	\$0	
0001-000-533-531110-DES Administration	211-PERS/LEOFF	\$0	
0001-000-533-531110-DES Administration	221-Medical Insurance	\$0	
0001-000-533-531110-DES Administration	223-Dental	\$0	
0001-000-533-531110-DES Administration	230-Life Insurance	\$0	
0001-000-533-531110-DES Administration	236-Disability Ins.	\$0	
0001-000-533-531110-DES Administration	310-Office Supplies	\$0	
0001-000-533-531110-DES Administration	311-Central Stores-Office Max	\$0	
0001-000-533-531110-DES Administration	318-Equipment Under \$5000	\$0	
0001-000-533-531110-DES Administration	320-Operating Supplies	\$0	
0001-000-533-531110-DES Administration	421-Telephone	\$0	
0001-000-533-531110-DES Administration	428-Cellular One/Pagers	\$0	
0001-000-533-531110-DES Administration	433-Local Mileage	\$0	
0001-000-533-531110-DES Administration	434-Long Distance Travel	\$0	
0001-000-533-531110-DES Administration	435-Meals	\$0	
0001-000-533-531110-DES Administration	438-Lodging	\$0	
0001-000-533-531110-DES Administration	487-Computer Maintenance/Repair	\$0	
0001-000-533-531110-DES Administration	491-Assoc. Dues/Membership	\$0	
0001-000-533-531110-DES Administration	496-Tuition/Registration	\$0	
0001-000-533-531110-DES Administration	499-Other Misc. Services	\$0	
0001-000-533-531110-DES Administration	918-Burden Overhead	\$0	
0001-000-533-531110-DES Administration	940-Grant Revenue Only	\$0	
0001-000-533-531110-DES Administration	952-Mileage Equipment Rental	\$0	
0001-542-533-531110-DES Administration	110-Salaries	\$0	
0001-542-533-531110-DES Administration	141-Comp Time Non Exempt	\$0	
0001-542-533-531110-DES Administration	210-Employee Benefits	\$0	
0001-542-533-531110-DES Administration	211-PERS/LEOFF	\$0	
0001-542-533-531110-DES Administration	221-Medical Insurance	\$0	
0001-542-533-531110-DES Administration	223-Dental	\$0	
0001-542-533-531110-DES Administration	230-Life Insurance	\$0	
0001-542-533-531110-DES Administration	236-Disability Ins.	\$0	
0001-542-533-531110-DES Administration	310-Office Supplies	\$0	
0001-542-533-531110-DES Administration	318-Equipment Under \$5000	\$0	
0001-542-533-531110-DES Administration	327-Computer Supplies	\$0	
0001-542-533-531110-DES Administration	328-Uniforms/Clothing	\$0	
0001-542-533-531110-DES Administration	329-Other Operating Support	\$0	
0001-542-533-531110-DES Administration	421-Telephone	\$0	
0001-542-533-531110-DES Administration	422-Postage	\$0	
0001-542-533-531110-DES Administration	426-UPS/Federal Express	\$0	
0001-542-533-531110-DES Administration	428-Cellular One/Pagers	\$0	
0001-542-533-531110-DES Administration	433-Local Mileage	\$0	
0001-542-533-531110-DES Administration	434-Long Distance Travel	\$0	
0001-542-533-531110-DES Administration	435-Meals	\$0	
0001-542-533-531110-DES Administration	438-Lodging	\$0	



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Entity Name	Account	Budget	FTE
<b>General Government</b>			
<b>Department of Environmental Services</b>			
<b>Department of Environmental Services</b>			
<b>Department of Environmental Services</b>			
0001-542-533-531110-DES Administration	439-Other Travel	\$0	
0001-542-533-531110-DES Administration	442-Legal	\$0	
0001-542-533-531110-DES Administration	451-Rent - Copiers	\$0	
0001-542-533-531110-DES Administration	491-Assoc. Dues/Membership	\$0	
0001-542-533-531110-DES Administration	496-Tuition/Registration	\$0	
0001-542-533-531110-DES Administration	499-Other Misc. Services	\$0	
0001-542-533-531110-DES Administration	913-Department Overhead	\$0	
0001-542-533-531110-DES Administration	958-County TER&R Annual Rents	\$0	
0001-543-533-531110-DES Administration	210-Employee Benefits	\$0	
0001-543-533-531110-DES Administration	329-Other Operating Support	\$0	
0001-543-533-531110-DES Administration	421-Telephone	\$0	
0001-543-533-531110-DES Administration	430-Travel Charges	\$0	
0001-543-533-531110-DES Administration	910-Grant Revenue Only	\$0	
0001-543-533-531110-DES Administration	954-County Land & Bldg Rentals	\$0	
0001-543-533-531110-DES Administration	958-County TER&R Annual Rents	\$0	
0001-544-533-531110-DES Administration	211-PERS/LEOFF	\$0	
0001-544-533-531110-DES Administration	931-County Central Stores	\$0	
0001-544-533-531110-DES Administration	954-County Land & Bldg Rentals	\$0	
0001-544-533-531110-DES Administration	958-County TER&R Annual Rents	\$0	
<b>531110 Basub Total:</b>		<b>\$0</b>	<b>0.00</b>
0001-000-533-531111-Customer Service	210-Employee Benefits	\$0	
0001-000-533-531111-Customer Service	211-PERS/LEOFF	\$0	
0001-000-533-531111-Customer Service	236-Disability Ins.	\$0	
<b>531111 Basub Total:</b>		<b>\$0</b>	<b>0.00</b>
0001-000-533-531115-Planning & Policy	210-Employee Benefits	\$0	
0001-000-533-531115-Planning & Policy	211-PERS/LEOFF	\$0	
0001-000-533-531115-Planning & Policy	236-Disability Ins.	\$0	
0001-542-533-531115-Planning & Policy	210-Employee Benefits	\$0	
0001-542-533-531115-Planning & Policy	211-PERS/LEOFF	\$0	
0001-542-533-531115-Planning & Policy	236-Disability Ins.	\$0	
0001-543-533-531115-Planning & Policy	210-Employee Benefits	\$0	
0001-543-533-531115-Planning & Policy	211-PERS/LEOFF	\$0	
0001-543-533-531115-Planning & Policy	236-Disability Ins.	\$0	
0001-543-533-531115-Planning & Policy	910-Grant Revenue Only	\$0	
<b>531115 Basub Total:</b>		<b>\$0</b>	<b>0.00</b>
0001-542-533-531125-Misc Mitigation Project work	210-Employee Benefits	\$0	
0001-542-533-531125-Misc Mitigation Project work	211-PERS/LEOFF	\$0	
0001-542-533-531125-Misc Mitigation Project work	236-Disability Ins.	\$0	
<b>531125 Basub Total:</b>		<b>\$0</b>	<b>0.00</b>
0001-542-533-531126-Legacy Lands Project work	210-Employee Benefits	\$0	
0001-542-533-531126-Legacy Lands Project work	211-PERS/LEOFF	\$0	
0001-542-533-531126-Legacy Lands Project work	236-Disability Ins.	\$0	
<b>531126 Basub Total:</b>		<b>\$0</b>	<b>0.00</b>
0001-542-533-531150-Capital Projects - non-capital assets	141-Comp Time Non Exempt	\$0	
0001-542-533-531150-Capital Projects - non-capital assets	210-Employee Benefits	\$0	
0001-542-533-531150-Capital Projects - non-capital assets	211-PERS/LEOFF	\$0	
0001-542-533-531150-Capital Projects - non-capital assets	236-Disability Ins.	\$0	
0001-543-533-531150-Capital Projects - non-capital assets	210-Employee Benefits	\$0	
0001-543-533-531150-Capital Projects - non-capital assets	211-PERS/LEOFF	\$0	
0001-543-533-531150-Capital Projects - non-capital assets	236-Disability Ins.	\$0	
0001-543-533-531150-Capital Projects - non-capital assets	910-Grant Revenue Only	\$0	
<b>531150 Basub Total:</b>		<b>\$0</b>	<b>0.00</b>
0001-542-533-531170-DES - Education & Outreach	210-Employee Benefits	\$0	
0001-542-533-531170-DES - Education & Outreach	211-PERS/LEOFF	\$0	
0001-542-533-531170-DES - Education & Outreach	236-Disability Ins.	\$0	
0001-544-533-531170-DES - Education & Outreach	510-Inter Gov Service	\$0	
0001-544-533-531170-DES - Education & Outreach	932-County Print Shop	\$0	
0001-544-533-531170-DES - Education & Outreach	934-GIS/County Maps	\$0	
<b>531170 Basub Total:</b>		<b>\$0</b>	<b>0.00</b>
0001-542-533-531175-Customer Service	210-Employee Benefits	\$0	
0001-542-533-531175-Customer Service	211-PERS/LEOFF	\$0	
0001-542-533-531175-Customer Service	236-Disability Ins.	\$0	
<b>531175 Basub Total:</b>		<b>\$0</b>	<b>0.00</b>
0001-542-533-531180-Maintenance & Operations	140-Overtime	\$0	
0001-542-533-531180-Maintenance & Operations	210-Employee Benefits	\$0	
0001-542-533-531180-Maintenance & Operations	211-PERS/LEOFF	\$0	
0001-542-533-531180-Maintenance & Operations	236-Disability Ins.	\$0	
0001-542-533-531180-Maintenance & Operations	320-Operating Supplies	\$0	
0001-542-533-531180-Maintenance & Operations	410-Professional Services	\$0	

# Clark County Adopted Expenditure Budget - Line Item Detail

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Entity Name	Account	Budget	FTE
<b>General Government</b>			
<b>Department of Environmental Services</b>			
<b>Department of Environmental Services</b>			
<b>Department of Environmental Services</b>			
0001-542-533-531180-Maintenance & Operations	910-Grant Revenue Only	\$0	
<b>531180 Basub Total:</b>		<b>\$0</b>	<b>0.00</b>
0001-542-533-531185-Inventory, Assessment & Monitoring	419-Other Prof. Services	\$0	
0001-543-533-531185-Inventory, Assessment & Monitoring	911-County Contract Services	\$0	
0001-544-533-531185-Inventory, Assessment & Monitoring	910-Grant Revenue Only	\$0	
0001-544-533-531185-Inventory, Assessment & Monitoring	993-County Filing/Recording/Permit	\$0	
<b>531185 Basub Total:</b>		<b>\$0</b>	<b>0.00</b>
0001-542-533-531190-DES- Permitting & compliance	210-Employee Benefits	\$0	
0001-542-533-531190-DES- Permitting & compliance	211-PERS/LEOFF	\$0	
0001-542-533-531190-DES- Permitting & compliance	236-Disability Ins.	\$0	
0001-542-533-531190-DES- Permitting & compliance	310-Office Supplies	\$0	
0001-542-533-531190-DES- Permitting & compliance	313-Educational Supplies	\$0	
0001-542-533-531190-DES- Permitting & compliance	318-Equipment Under \$5000	\$0	
0001-542-533-531190-DES- Permitting & compliance	328-Uniforms/Clothing	\$0	
0001-542-533-531190-DES- Permitting & compliance	410-Professional Services	\$0	
0001-542-533-531190-DES- Permitting & compliance	419-Other Prof. Services	\$0	
0001-542-533-531190-DES- Permitting & compliance	931-County Central Stores	\$0	
0001-542-533-531190-DES- Permitting & compliance	934-GIS/County Maps	\$0	
0001-542-533-531190-DES- Permitting & compliance	964-County Liability Ins. Charge	\$0	
<b>531190 Basub Total:</b>		<b>\$0</b>	<b>0.00</b>
0001-545-533-531610-Administration	110-Salaries	\$0	
0001-545-533-531610-Administration	200-Employee Benefits	\$0	
0001-545-533-531610-Administration	210-Employee Benefits	\$0	
0001-545-533-531610-Administration	211-PERS/LEOFF	\$0	
0001-545-533-531610-Administration	221-Medical Insurance	\$0	
0001-545-533-531610-Administration	223-Dental	\$0	
0001-545-533-531610-Administration	230-Life Insurance	\$0	
0001-545-533-531610-Administration	236-Disability Ins.	\$0	
0001-545-533-531610-Administration	313-Educational Supplies	\$0	
0001-545-533-531610-Administration	314-Maps-Books & Periodicals	\$0	
0001-545-533-531610-Administration	318-Equipment Under \$5000	\$0	
0001-545-533-531610-Administration	321-Agriculture Supplies	\$0	
0001-545-533-531610-Administration	327-Computer Supplies	\$0	
0001-545-533-531610-Administration	328-Uniforms/Clothing	\$0	
0001-545-533-531610-Administration	410-Professional Services	\$0	
0001-545-533-531610-Administration	415-Xerox/Printing Services	\$0	
0001-545-533-531610-Administration	420-Communication Services	\$0	
0001-545-533-531610-Administration	421-Telephone	\$0	
0001-545-533-531610-Administration	433-Local Mileage	\$0	
0001-545-533-531610-Administration	434-Long Distance Travel	\$0	
0001-545-533-531610-Administration	435-Meals	\$0	
0001-545-533-531610-Administration	438-Lodging	\$0	
0001-545-533-531610-Administration	442-Legal	\$0	
0001-545-533-531610-Administration	454-Rent Land & Buildings	\$0	
0001-545-533-531610-Administration	487-Computer Maintenance/Repair	\$0	
0001-545-533-531610-Administration	491-Assoc. Dues/Membership	\$0	
0001-545-533-531610-Administration	496-Tuition/Registration	\$0	
0001-545-533-531610-Administration	922-County Mailroom Services	\$0	
0001-545-533-531610-Administration	932-County Print Shop	\$0	
0001-545-533-531610-Administration	933-Unleaded Fuel	\$0	
0001-545-533-531610-Administration	934-GIS/County Maps	\$0	
0001-545-533-531610-Administration	940-Grant Revenue Only	\$0	
0001-545-533-531610-Administration	952-Mileage Equipment Rental	\$0	
0001-545-533-531610-Administration	958-County TER&R Annual Rents	\$0	
0001-545-533-531610-Administration	964-County Liability Ins. Charge	\$0	
0001-545-533-531610-Administration	980-Grant Revenue Only	\$0	
<b>531610 Basub Total:</b>		<b>\$0</b>	<b>0.00</b>
0001-545-533-531650-Capital Projects - non capital asset	140-Overtime	\$0	
0001-545-533-531650-Capital Projects - non capital asset	141-Comp Time Non Exempt	\$0	
0001-545-533-531650-Capital Projects - non capital asset	210-Employee Benefits	\$0	
0001-545-533-531650-Capital Projects - non capital asset	211-PERS/LEOFF	\$0	
0001-545-533-531650-Capital Projects - non capital asset	236-Disability Ins.	\$0	
0001-545-533-531650-Capital Projects - non capital asset	321-Agriculture Supplies	\$0	
0001-545-533-531650-Capital Projects - non capital asset	417-Temporary Employment Services	\$0	
<b>531650 Basub Total:</b>		<b>\$0</b>	<b>0.00</b>
0001-545-533-531675-Customer Service	210-Employee Benefits	\$0	
0001-545-533-531675-Customer Service	211-PERS/LEOFF	\$0	
0001-545-533-531675-Customer Service	236-Disability Ins.	\$0	
<b>531675 Basub Total:</b>		<b>\$0</b>	<b>0.00</b>
0001-545-533-531680-Maintenance/Operations	140-Overtime	\$0	

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Entity Name	Account	Budget	FTE
<b>General Government</b>			
<b>Department of Environmental Services</b>			
<b>Department of Environmental Services</b>			
<b>Department of Environmental Services</b>			
0001-545-533-531680-Maintenance/Operations	141-Comp Time Non Exempt	\$0	
0001-545-533-531680-Maintenance/Operations	210-Employee Benefits	\$0	
0001-545-533-531680-Maintenance/Operations	211-PERS/LEOFF	\$0	
0001-545-533-531680-Maintenance/Operations	236-Disability Ins.	\$0	
0001-545-533-531680-Maintenance/Operations	321-Agriculture Supplies	\$0	
0001-545-533-531680-Maintenance/Operations	410-Professional Services	\$0	
0001-545-533-531680-Maintenance/Operations	417-Temporary Employment Services	\$0	
0001-545-533-531680-Maintenance/Operations	911-County Contract Services	\$0	
0001-545-533-531680-Maintenance/Operations	984-Corrections Work Crew Charges	\$0	
	<b>531680 Basub Total:</b>	<b>\$0</b>	<b>0.00</b>
0001-545-533-531681-PW Roads Maint/Operations	210-Employee Benefits	\$0	
0001-545-533-531681-PW Roads Maint/Operations	211-PERS/LEOFF	\$0	
0001-545-533-531681-PW Roads Maint/Operations	236-Disability Ins.	\$0	
	<b>531681 Basub Total:</b>	<b>\$0</b>	<b>0.00</b>
0001-545-533-531684-Mitigation Area Maint/Operations	210-Employee Benefits	\$0	
0001-545-533-531684-Mitigation Area Maint/Operations	211-PERS/LEOFF	\$0	
0001-545-533-531684-Mitigation Area Maint/Operations	236-Disability Ins.	\$0	
	<b>531684 Basub Total:</b>	<b>\$0</b>	<b>0.00</b>
0001-545-533-531685-Inventory, Assessment & Monitoring	140-Overtime	\$0	
0001-545-533-531685-Inventory, Assessment & Monitoring	141-Comp Time Non Exempt	\$0	
0001-545-533-531685-Inventory, Assessment & Monitoring	210-Employee Benefits	\$0	
0001-545-533-531685-Inventory, Assessment & Monitoring	211-PERS/LEOFF	\$0	
0001-545-533-531685-Inventory, Assessment & Monitoring	236-Disability Ins.	\$0	
0001-545-533-531685-Inventory, Assessment & Monitoring	321-Agriculture Supplies	\$0	
0001-545-533-531685-Inventory, Assessment & Monitoring	410-Professional Services	\$0	
	<b>531685 Basub Total:</b>	<b>\$0</b>	<b>0.00</b>
0001-545-533-531686-Legacy Lands Maint/Operations	210-Employee Benefits	\$0	
0001-545-533-531686-Legacy Lands Maint/Operations	211-PERS/LEOFF	\$0	
0001-545-533-531686-Legacy Lands Maint/Operations	236-Disability Ins.	\$0	
	<b>531686 Basub Total:</b>	<b>\$0</b>	<b>0.00</b>
0001-545-533-553610-Weed Management Administration	110-Salaries	\$108,085	1.10
0001-545-533-553610-Weed Management Administration	200-Employee Benefits	\$53,012	
0001-545-533-553610-Weed Management Administration	210-Employee Benefits	\$6,754	
0001-545-533-553610-Weed Management Administration	211-PERS/LEOFF	\$10,916	
0001-545-533-553610-Weed Management Administration	221-Medical Insurance	\$24,300	
0001-545-533-553610-Weed Management Administration	223-Dental	\$2,460	
0001-545-533-553610-Weed Management Administration	230-Life Insurance	\$90	
0001-545-533-553610-Weed Management Administration	236-Disability Ins.	\$16	
0001-545-533-553610-Weed Management Administration	313-Educational Supplies	\$1,000	
0001-545-533-553610-Weed Management Administration	314-Maps-Books & Periodicals	\$950	
0001-545-533-553610-Weed Management Administration	318-Equipment Under \$5000	\$1,200	
0001-545-533-553610-Weed Management Administration	321-Agriculture Supplies	\$1,000	
0001-545-533-553610-Weed Management Administration	327-Computer Supplies	\$2,376	
0001-545-533-553610-Weed Management Administration	328-Uniforms/Clothing	\$1,250	
0001-545-533-553610-Weed Management Administration	410-Professional Services	\$5,300	
0001-545-533-553610-Weed Management Administration	415-Xerox/Printing Services	\$600	
0001-545-533-553610-Weed Management Administration	420-Communication Services	\$1,822	
0001-545-533-553610-Weed Management Administration	421-Telephone	\$3,200	
0001-545-533-553610-Weed Management Administration	433-Local Mileage	\$1,750	
0001-545-533-553610-Weed Management Administration	434-Long Distance Travel	\$2,000	
0001-545-533-553610-Weed Management Administration	435-Meals	\$1,500	
0001-545-533-553610-Weed Management Administration	438-Lodging	\$5,000	
0001-545-533-553610-Weed Management Administration	442-Legal	\$150	
0001-545-533-553610-Weed Management Administration	452-ONLY Quarterly trsfr for DP ER&R	\$29,784	
0001-545-533-553610-Weed Management Administration	454-Rent Land & Buildings	\$39,672	
0001-545-533-553610-Weed Management Administration	455-Machinery & Equip Rentals	\$115,918	
0001-545-533-553610-Weed Management Administration	487-Computer Maintenance/Repair	\$400	
0001-545-533-553610-Weed Management Administration	491-Assoc. Dues/Membership	\$3,000	
0001-545-533-553610-Weed Management Administration	496-Tuition/Registration	\$4,000	
	<b>553610 Basub Total:</b>	<b>\$427,505</b>	<b>1.10</b>
0001-545-533-553615-Weed Mgmt. Planning & Policy	110-Salaries	\$6,156	0.05
0001-545-533-553615-Weed Mgmt. Planning & Policy	210-Employee Benefits	\$382	
0001-545-533-553615-Weed Mgmt. Planning & Policy	211-PERS/LEOFF	\$622	
0001-545-533-553615-Weed Mgmt. Planning & Policy	221-Medical Insurance	\$1,694	
0001-545-533-553615-Weed Mgmt. Planning & Policy	223-Dental	\$186	
0001-545-533-553615-Weed Mgmt. Planning & Policy	230-Life Insurance	\$4	
0001-545-533-553615-Weed Mgmt. Planning & Policy	236-Disability Ins.	\$0	
	<b>553615 Basub Total:</b>	<b>\$9,044</b>	<b>0.05</b>
0001-545-533-553650-Weed Mgmt Capital Proj - non-cap asset	110-Salaries	\$88,375	0.75
0001-545-533-553650-Weed Mgmt Capital Proj - non-cap asset	140-Overtime	\$1,000	

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Entity Name	Account	Budget	FTE
<b>General Government</b>			
<b>Department of Environmental Services</b>			
<b>Department of Environmental Services</b>			
<b>Department of Environmental Services</b>			
0001-545-533-553650-Weed Mgmt Capital Proj - non-cap asset	141-Comp Time Non Exempt	\$2,000	
0001-545-533-553650-Weed Mgmt Capital Proj - non-cap asset	210-Employee Benefits	\$5,665	
0001-545-533-553650-Weed Mgmt Capital Proj - non-cap asset	211-PERS/LEOFF	\$9,229	
0001-545-533-553650-Weed Mgmt Capital Proj - non-cap asset	221-Medical Insurance	\$15,782	
0001-545-533-553650-Weed Mgmt Capital Proj - non-cap asset	223-Dental	\$2,064	
0001-545-533-553650-Weed Mgmt Capital Proj - non-cap asset	230-Life Insurance	\$48	
0001-545-533-553650-Weed Mgmt Capital Proj - non-cap asset	236-Disability Ins.	\$0	
0001-545-533-553650-Weed Mgmt Capital Proj - non-cap asset	313-Educational Supplies	\$130,658	
<b>553650 Basub Total:</b>		<b>\$254,821</b>	<b>0.75</b>
0001-545-533-553670-Weed Mgmt Education & Outreach	110-Salaries	\$58,597	0.55
0001-545-533-553670-Weed Mgmt Education & Outreach	210-Employee Benefits	\$3,633	
0001-545-533-553670-Weed Mgmt Education & Outreach	211-PERS/LEOFF	\$5,918	
0001-545-533-553670-Weed Mgmt Education & Outreach	221-Medical Insurance	\$10,454	
0001-545-533-553670-Weed Mgmt Education & Outreach	223-Dental	\$1,414	
0001-545-533-553670-Weed Mgmt Education & Outreach	230-Life Insurance	\$40	
0001-545-533-553670-Weed Mgmt Education & Outreach	236-Disability Ins.	\$0	
<b>553670 Basub Total:</b>		<b>\$80,056</b>	<b>0.55</b>
0001-545-533-553675-Weed Mgmt Customer Service	110-Salaries	\$66,104	0.70
0001-545-533-553675-Weed Mgmt Customer Service	210-Employee Benefits	\$4,098	
0001-545-533-553675-Weed Mgmt Customer Service	211-PERS/LEOFF	\$6,677	
0001-545-533-553675-Weed Mgmt Customer Service	221-Medical Insurance	\$16,038	
0001-545-533-553675-Weed Mgmt Customer Service	223-Dental	\$1,888	
0001-545-533-553675-Weed Mgmt Customer Service	230-Life Insurance	\$44	
0001-545-533-553675-Weed Mgmt Customer Service	236-Disability Ins.	\$0	
<b>553675 Basub Total:</b>		<b>\$94,849</b>	<b>0.70</b>
0001-545-533-553680-Weed Mgmt Maintenance/Operations	140-Overtime	\$2,000	
0001-545-533-553680-Weed Mgmt Maintenance/Operations	141-Comp Time Non Exempt	\$3,000	
0001-545-533-553680-Weed Mgmt Maintenance/Operations	210-Employee Benefits	\$312	
0001-545-533-553680-Weed Mgmt Maintenance/Operations	211-PERS/LEOFF	\$504	
0001-545-533-553680-Weed Mgmt Maintenance/Operations	321-Agriculture Supplies	\$122,000	
0001-545-533-553680-Weed Mgmt Maintenance/Operations	362-Unleaded Gasoline	\$53,466	
0001-545-533-553680-Weed Mgmt Maintenance/Operations	410-Professional Services	\$145,000	
0001-545-533-553680-Weed Mgmt Maintenance/Operations	417-Temporary Employment Services	\$340,274	
0001-545-533-553680-Weed Mgmt Maintenance/Operations	455-Machinery & Equip Rentals	\$0	
<b>553680 Basub Total:</b>		<b>\$666,556</b>	<b>0.00</b>
0001-545-533-553681-Weed Mgmt - Road Maint/Operations	110-Salaries	\$255,211	3.10
0001-545-533-553681-Weed Mgmt - Road Maint/Operations	210-Employee Benefits	\$16,834	
0001-545-533-553681-Weed Mgmt - Road Maint/Operations	211-PERS/LEOFF	\$25,777	
0001-545-533-553681-Weed Mgmt - Road Maint/Operations	221-Medical Insurance	\$32,174	
0001-545-533-553681-Weed Mgmt - Road Maint/Operations	223-Dental	\$6,986	
0001-545-533-553681-Weed Mgmt - Road Maint/Operations	230-Life Insurance	\$450	
0001-545-533-553681-Weed Mgmt - Road Maint/Operations	236-Disability Ins.	\$288	
<b>553681 Basub Total:</b>		<b>\$337,720</b>	<b>3.10</b>
0001-545-533-553682-Weed Mgmt - Parks Maint/Operations	110-Salaries	\$105,256	0.85
0001-545-533-553682-Weed Mgmt - Parks Maint/Operations	210-Employee Benefits	\$6,526	
0001-545-533-553682-Weed Mgmt - Parks Maint/Operations	211-PERS/LEOFF	\$10,630	
0001-545-533-553682-Weed Mgmt - Parks Maint/Operations	221-Medical Insurance	\$23,310	
0001-545-533-553682-Weed Mgmt - Parks Maint/Operations	223-Dental	\$1,754	
0001-545-533-553682-Weed Mgmt - Parks Maint/Operations	230-Life Insurance	\$56	
0001-545-533-553682-Weed Mgmt - Parks Maint/Operations	236-Disability Ins.	\$0	
<b>553682 Basub Total:</b>		<b>\$147,532</b>	<b>0.85</b>
0001-545-533-553684-Weed Mgmt -Mitigation Area Maint/Operations	110-Salaries	\$31,964	0.25
0001-545-533-553684-Weed Mgmt -Mitigation Area Maint/Operations	210-Employee Benefits	\$1,982	
0001-545-533-553684-Weed Mgmt -Mitigation Area Maint/Operations	211-PERS/LEOFF	\$3,228	
0001-545-533-553684-Weed Mgmt -Mitigation Area Maint/Operations	221-Medical Insurance	\$4,380	
0001-545-533-553684-Weed Mgmt -Mitigation Area Maint/Operations	223-Dental	\$342	
0001-545-533-553684-Weed Mgmt -Mitigation Area Maint/Operations	230-Life Insurance	\$18	
0001-545-533-553684-Weed Mgmt -Mitigation Area Maint/Operations	236-Disability Ins.	\$0	
<b>553684 Basub Total:</b>		<b>\$41,914</b>	<b>0.25</b>
0001-545-533-553685-Weed Mgmt -Inventory,Assessment & Monitoring	110-Salaries	\$194,841	1.80
0001-545-533-553685-Weed Mgmt -Inventory,Assessment & Monitoring	140-Overtime	\$500	

# Clark County Adopted Expenditure Budget - Line Item Detail

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Entity Name	Account	Budget	FTE
<b>General Government</b>			
<b>Department of Environmental Services</b>			
<b>Department of Environmental Services</b>			
<b>Department of Environmental Services</b>			
0001-545-533-553685-Weed Mgmt -Inventory,Assessment & Monitoring	141-Comp Time Non Exempt	\$1,000	
0001-545-533-553685-Weed Mgmt -Inventory,Assessment & Monitoring	210-Employee Benefits	\$12,173	
0001-545-533-553685-Weed Mgmt -Inventory,Assessment & Monitoring	211-PERS/LEOFF	\$19,831	
0001-545-533-553685-Weed Mgmt -Inventory,Assessment & Monitoring	221-Medical Insurance	\$26,322	
0001-545-533-553685-Weed Mgmt -Inventory,Assessment & Monitoring	223-Dental	\$6,078	
0001-545-533-553685-Weed Mgmt -Inventory,Assessment & Monitoring	230-Life Insurance	\$120	
0001-545-533-553685-Weed Mgmt -Inventory,Assessment & Monitoring	236-Disability Ins.	\$0	
0001-545-533-553685-Weed Mgmt -Inventory,Assessment & Monitoring	321-Agriculture Supplies	\$10,000	
0001-545-533-553685-Weed Mgmt -Inventory,Assessment & Monitoring	410-Professional Services	\$10,000	
<b>553685 Basub Total:</b>		<b>\$280,865</b>	<b>1.80</b>
0001-545-533-553686-Weed Mgmt - Leg. Lands Maint/Operations	110-Salaries	\$138,592	1.70
0001-545-533-553686-Weed Mgmt - Leg. Lands Maint/Operations	210-Employee Benefits	\$9,656	
0001-545-533-553686-Weed Mgmt - Leg. Lands Maint/Operations	211-PERS/LEOFF	\$13,998	
0001-545-533-553686-Weed Mgmt - Leg. Lands Maint/Operations	221-Medical Insurance	\$35,940	
0001-545-533-553686-Weed Mgmt - Leg. Lands Maint/Operations	223-Dental	\$5,796	
0001-545-533-553686-Weed Mgmt - Leg. Lands Maint/Operations	230-Life Insurance	\$368	
0001-545-533-553686-Weed Mgmt - Leg. Lands Maint/Operations	236-Disability Ins.	\$304	
<b>553686 Basub Total:</b>		<b>\$204,654</b>	<b>1.70</b>
0001-545-533-553690-Weed Mgmt - Permitting & Compliance	110-Salaries	\$5,740	0.05
0001-545-533-553690-Weed Mgmt - Permitting & Compliance	210-Employee Benefits	\$356	
0001-545-533-553690-Weed Mgmt - Permitting & Compliance	211-PERS/LEOFF	\$580	
0001-545-533-553690-Weed Mgmt - Permitting & Compliance	221-Medical Insurance	\$732	
0001-545-533-553690-Weed Mgmt - Permitting & Compliance	223-Dental	\$168	
0001-545-533-553690-Weed Mgmt - Permitting & Compliance	230-Life Insurance	\$4	
0001-545-533-553690-Weed Mgmt - Permitting & Compliance	236-Disability Ins.	\$0	
<b>553690 Basub Total:</b>		<b>\$7,580</b>	<b>0.05</b>
0001-000-533-554910-DES Administration	110-Salaries	\$106,910	0.63
0001-000-533-554910-DES Administration	210-Employee Benefits	\$6,628	
0001-000-533-554910-DES Administration	211-PERS/LEOFF	\$10,798	
0001-000-533-554910-DES Administration	221-Medical Insurance	\$20,432	
0001-000-533-554910-DES Administration	223-Dental	\$1,978	
0001-000-533-554910-DES Administration	230-Life Insurance	\$286	
0001-000-533-554910-DES Administration	236-Disability Ins.	\$0	
0001-000-533-554910-DES Administration	310-Office Supplies	\$1,000	
0001-000-533-554910-DES Administration	311-Central Stores-Office Max	\$3,000	
0001-000-533-554910-DES Administration	314-Maps-Books & Periodicals	\$500	
0001-000-533-554910-DES Administration	318-Equipment Under \$5000	\$2,000	
0001-000-533-554910-DES Administration	320-Operating Supplies	\$2,000	
0001-000-533-554910-DES Administration	328-Uniforms/Clothing	\$200	
0001-000-533-554910-DES Administration	412-Legal Services	\$15,000	
0001-000-533-554910-DES Administration	419-Other Prof. Services	\$10,000	
0001-000-533-554910-DES Administration	421-Telephone	\$1,000	
0001-000-533-554910-DES Administration	428-Cellular One/Pagers	\$1,000	
0001-000-533-554910-DES Administration	433-Local Mileage	\$1,000	
0001-000-533-554910-DES Administration	434-Long Distance Travel	\$1,000	
0001-000-533-554910-DES Administration	435-Meals	\$500	
0001-000-533-554910-DES Administration	438-Lodging	\$1,000	
0001-000-533-554910-DES Administration	487-Computer Maintenance/Repair	\$1,500	
0001-000-533-554910-DES Administration	491-Assoc. Dues/Membership	\$1,000	
0001-000-533-554910-DES Administration	496-Tuition/Registration	\$2,000	
0001-000-533-554910-DES Administration	499-Other Misc. Services	\$900	
0001-380-533-554910-DES Administration	419-Other Prof. Services	\$620,454	
0001-542-533-554910-DES Administration	110-Salaries	\$373,168	2.75
0001-542-533-554910-DES Administration	141-Comp Time Non Exempt	\$250	
0001-542-533-554910-DES Administration	210-Employee Benefits	\$23,152	
0001-542-533-554910-DES Administration	211-PERS/LEOFF	\$37,715	

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Entity Name	Account	Budget	FTE
<b>General Government</b>			
<b>Department of Environmental Services</b>			
<b>Department of Environmental Services</b>			
<b>Department of Environmental Services</b>			
0001-542-533-554910-DES Administration	221-Medical Insurance	\$61,386	
0001-542-533-554910-DES Administration	223-Dental	\$5,888	
0001-542-533-554910-DES Administration	230-Life Insurance	\$1,394	
0001-542-533-554910-DES Administration	236-Disability Ins.	\$0	
0001-542-533-554910-DES Administration	310-Office Supplies	\$2,000	
0001-542-533-554910-DES Administration	318-Equipment Under \$5000	\$5,000	
0001-542-533-554910-DES Administration	327-Computer Supplies	\$500	
0001-542-533-554910-DES Administration	328-Uniforms/Clothing	\$1,200	
0001-542-533-554910-DES Administration	329-Other Operating Support	\$200	
0001-542-533-554910-DES Administration	421-Telephone	\$4,490	
0001-542-533-554910-DES Administration	422-Postage	\$900	
0001-542-533-554910-DES Administration	426-UPS/Federal Express	\$200	
0001-542-533-554910-DES Administration	428-Cellular One/Pagers	\$8,000	
0001-542-533-554910-DES Administration	433-Local Mileage	\$1,100	
0001-542-533-554910-DES Administration	434-Long Distance Travel	\$1,000	
0001-542-533-554910-DES Administration	435-Meals	\$1,900	
0001-542-533-554910-DES Administration	438-Lodging	\$2,800	
0001-542-533-554910-DES Administration	439-Other Travel	\$1,500	
0001-542-533-554910-DES Administration	442-Legal	\$3,100	
0001-542-533-554910-DES Administration	451-Rent - Copiers	\$2,600	
0001-542-533-554910-DES Administration	452-ONLY Quarterly trsrfr for DP ER&R	\$30,456	
0001-542-533-554910-DES Administration	491-Assoc. Dues/Membership	\$200	
0001-542-533-554910-DES Administration	496-Tuition/Registration	\$9,000	
0001-542-533-554910-DES Administration	499-Other Misc. Services	\$3,000	
0001-544-533-554910-DES Administration	519-Agency A/P Payments	\$12,000	
<b>554910 Basub Total:</b>		<b>\$1,406,185</b>	<b>3.38</b>
0001-542-533-554915-DES Planning & Policy	110-Salaries	\$102,120	0.55
0001-542-533-554915-DES Planning & Policy	210-Employee Benefits	\$6,332	
0001-542-533-554915-DES Planning & Policy	211-PERS/LEOFF	\$10,314	
0001-542-533-554915-DES Planning & Policy	221-Medical Insurance	\$17,446	
0001-542-533-554915-DES Planning & Policy	223-Dental	\$1,694	
0001-542-533-554915-DES Planning & Policy	230-Life Insurance	\$356	
0001-542-533-554915-DES Planning & Policy	236-Disability Ins.	\$0	
<b>554915 Basub Total:</b>		<b>\$138,262</b>	<b>0.55</b>
0001-542-533-554921-Environ. Project work - PW Roads	110-Salaries	\$191,804	1.40
0001-542-533-554921-Environ. Project work - PW Roads	210-Employee Benefits	\$11,892	
0001-542-533-554921-Environ. Project work - PW Roads	211-PERS/LEOFF	\$19,372	
0001-542-533-554921-Environ. Project work - PW Roads	221-Medical Insurance	\$31,830	
0001-542-533-554921-Environ. Project work - PW Roads	223-Dental	\$2,628	
0001-542-533-554921-Environ. Project work - PW Roads	230-Life Insurance	\$380	
0001-542-533-554921-Environ. Project work - PW Roads	236-Disability Ins.	\$0	
<b>554921 Basub Total:</b>		<b>\$257,906</b>	<b>1.40</b>
0001-542-533-554922-Environ. Project work -Parks	110-Salaries	\$26,558	0.20
0001-542-533-554922-Environ. Project work -Parks	210-Employee Benefits	\$1,646	
0001-542-533-554922-Environ. Project work -Parks	211-PERS/LEOFF	\$2,682	
0001-542-533-554922-Environ. Project work -Parks	221-Medical Insurance	\$4,376	
0001-542-533-554922-Environ. Project work -Parks	223-Dental	\$348	
0001-542-533-554922-Environ. Project work -Parks	230-Life Insurance	\$48	
0001-542-533-554922-Environ. Project work -Parks	236-Disability Ins.	\$0	
<b>554922 Basub Total:</b>		<b>\$35,658</b>	<b>0.20</b>
0001-542-533-554925-Misc Mitigation Project Work	110-Salaries	\$22,184	0.15
0001-542-533-554925-Misc Mitigation Project Work	210-Employee Benefits	\$1,376	
0001-542-533-554925-Misc Mitigation Project Work	211-PERS/LEOFF	\$2,240	
0001-542-533-554925-Misc Mitigation Project Work	221-Medical Insurance	\$4,370	
0001-542-533-554925-Misc Mitigation Project Work	223-Dental	\$348	
0001-542-533-554925-Misc Mitigation Project Work	230-Life Insurance	\$24	
0001-542-533-554925-Misc Mitigation Project Work	236-Disability Ins.	\$0	
<b>554925 Basub Total:</b>		<b>\$30,542</b>	<b>0.15</b>
0001-542-533-554926-Environ. Project work -Legacy Lands	110-Salaries	\$14,804	0.10
0001-542-533-554926-Environ. Project work -Legacy Lands	210-Employee Benefits	\$918	
0001-542-533-554926-Environ. Project work -Legacy Lands	211-PERS/LEOFF	\$1,495	
0001-542-533-554926-Environ. Project work -Legacy Lands	221-Medical Insurance	\$2,188	
0001-542-533-554926-Environ. Project work -Legacy Lands	223-Dental	\$174	
0001-542-533-554926-Environ. Project work -Legacy Lands	230-Life Insurance	\$48	
0001-542-533-554926-Environ. Project work -Legacy Lands	236-Disability Ins.	\$0	
<b>554926 Basub Total:</b>		<b>\$19,627</b>	<b>0.10</b>
0001-542-533-554929-Environ. Services Project work	110-Salaries	\$37,671	0.25
0001-542-533-554929-Environ. Services Project work	210-Employee Benefits	\$2,336	
0001-542-533-554929-Environ. Services Project work	211-PERS/LEOFF	\$3,805	
0001-542-533-554929-Environ. Services Project work	221-Medical Insurance	\$6,068	

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<b>General Government</b>			
<b>Department of Environmental Services</b>			
<b>Department of Environmental Services</b>			
<b>Department of Environmental Services</b>			
	0001-542-533-554929-Environ. Services Project work	223-Dental	\$534
	0001-542-533-554929-Environ. Services Project work	230-Life Insurance	\$104
	0001-542-533-554929-Environ. Services Project work	236-Disability Ins.	\$0
	<b>554929 Basub Total:</b>	<b>\$50,518</b>	<b>0.25</b>
	0001-542-533-554950-Capital Projects Environmental (non-cap. assets)	110-Salaries	\$43,308
	0001-542-533-554950-Capital Projects Environmental (non-cap. assets)	141-Comp Time Non Exempt	\$1,000
	0001-542-533-554950-Capital Projects Environmental (non-cap. assets)	210-Employee Benefits	\$2,747
	0001-542-533-554950-Capital Projects Environmental (non-cap. assets)	211-PERS/LEOFF	\$4,475
	0001-542-533-554950-Capital Projects Environmental (non-cap. assets)	221-Medical Insurance	\$6,246
	0001-542-533-554950-Capital Projects Environmental (non-cap. assets)	223-Dental	\$522
	0001-542-533-554950-Capital Projects Environmental (non-cap. assets)	230-Life Insurance	\$122
	0001-542-533-554950-Capital Projects Environmental (non-cap. assets)	236-Disability Ins.	\$0
	0001-542-533-554950-Capital Projects Environmental (non-cap. assets)	362-Unleaded Gasoline	\$2,494
	0001-542-533-554950-Capital Projects Environmental (non-cap. assets)	416-Fund Overhead Allocations (DP Costs prior to 2013)	\$494
	0001-542-533-554950-Capital Projects Environmental (non-cap. assets)	455-Machinery & Equip Rentals	\$5,970
	0001-542-533-554950-Capital Projects Environmental (non-cap. assets)	493-Filing/Recording/Permit Fees	\$64,970
	<b>554950 Basub Total:</b>	<b>\$132,348</b>	<b>0.40</b>
	0001-544-533-554970-DES Education & Outreach	510-Inter Gov Service	\$40,000
	<b>554970 Basub Total:</b>	<b>\$40,000</b>	<b>0.00</b>
	0001-542-533-554975-Customer Service - Enhancement/Permitting	110-Salaries	\$98,973
	0001-542-533-554975-Customer Service - Enhancement/Permitting	210-Employee Benefits	\$6,136
	0001-542-533-554975-Customer Service - Enhancement/Permitting	211-PERS/LEOFF	\$9,996
	0001-542-533-554975-Customer Service - Enhancement/Permitting	221-Medical Insurance	\$16,826
	0001-542-533-554975-Customer Service - Enhancement/Permitting	223-Dental	\$1,520
	0001-542-533-554975-Customer Service - Enhancement/Permitting	230-Life Insurance	\$282
	0001-542-533-554975-Customer Service - Enhancement/Permitting	236-Disability Ins.	\$0
	<b>554975 Basub Total:</b>	<b>\$133,733</b>	<b>0.85</b>
	0001-542-533-554980-Misc. DES Maint/Oper.	110-Salaries	\$86,734
	0001-542-533-554980-Misc. DES Maint/Oper.	140-Overtime	\$1,000
	0001-542-533-554980-Misc. DES Maint/Oper.	210-Employee Benefits	\$5,440
	0001-542-533-554980-Misc. DES Maint/Oper.	211-PERS/LEOFF	\$8,862
	0001-542-533-554980-Misc. DES Maint/Oper.	221-Medical Insurance	\$12,008
	0001-542-533-554980-Misc. DES Maint/Oper.	223-Dental	\$1,216
	0001-542-533-554980-Misc. DES Maint/Oper.	230-Life Insurance	\$98
	0001-542-533-554980-Misc. DES Maint/Oper.	236-Disability Ins.	\$0
	0001-542-533-554980-Misc. DES Maint/Oper.	320-Operating Supplies	\$150,000
	0001-542-533-554980-Misc. DES Maint/Oper.	321-Agriculture Supplies	\$0
	0001-542-533-554980-Misc. DES Maint/Oper.	322-Cleaning & Sanitation	\$30,000
	0001-542-533-554980-Misc. DES Maint/Oper.	384-Aggregate	\$20,000
	0001-542-533-554980-Misc. DES Maint/Oper.	410-Professional Services	\$822,000
	<b>554980 Basub Total:</b>	<b>\$1,137,358</b>	<b>0.55</b>
	0001-542-533-554985-DES Inventory Assessment/Monitoring	419-Other Prof. Services	\$25,000
	<b>554985 Basub Total:</b>	<b>\$25,000</b>	<b>0.00</b>
	0001-542-533-554990-DES Permitting & Compliance	110-Salaries	\$226,566
	0001-542-533-554990-DES Permitting & Compliance	210-Employee Benefits	\$14,048
	0001-542-533-554990-DES Permitting & Compliance	211-PERS/LEOFF	\$22,884
	0001-542-533-554990-DES Permitting & Compliance	221-Medical Insurance	\$36,976
	0001-542-533-554990-DES Permitting & Compliance	223-Dental	\$3,484
	0001-542-533-554990-DES Permitting & Compliance	230-Life Insurance	\$494
	0001-542-533-554990-DES Permitting & Compliance	236-Disability Ins.	\$0
	0001-542-533-554990-DES Permitting & Compliance	310-Office Supplies	\$800

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<b>General Government</b>			
<b>Department of Environmental Services</b>			
<b>Department of Environmental Services</b>			
<b>Department of Environmental Services</b>			
0001-542-533-554990-DES Permitting & Compliance	313-Educational Supplies	\$500	
0001-542-533-554990-DES Permitting & Compliance	318-Equipment Under \$5000	\$1,000	
0001-542-533-554990-DES Permitting & Compliance	327-Computer Supplies	\$0	
0001-542-533-554990-DES Permitting & Compliance	328-Uniforms/Clothing	\$1,650	
0001-542-533-554990-DES Permitting & Compliance	410-Professional Services	\$6,470	
0001-542-533-554990-DES Permitting & Compliance	419-Other Prof. Services	\$200,000	
	<b>554990 Basub Total:</b>	<b>\$514,872</b>	<b>1.65</b>
0001-000-380-571111-WSU Extension Administration	210-Employee Benefits	\$0	
0001-000-380-571111-WSU Extension Administration	211-PERS/LEOFF	\$0	
0001-380-533-571111-WSU Extension Administration	210-Employee Benefits	\$0	
0001-380-533-571111-WSU Extension Administration	211-PERS/LEOFF	\$0	
0001-380-533-571111-WSU Extension Administration	236-Disability Ins.	\$0	
	<b>571111 Basub Total:</b>	<b>\$0</b>	<b>0.00</b>
0001-000-380-571211-Extension Services	210-Employee Benefits	\$0	
0001-000-380-571211-Extension Services	211-PERS/LEOFF	\$0	
0001-380-533-571211-Extension Services	200-Employee Benefits	\$0	
0001-380-533-571211-Extension Services	210-Employee Benefits	\$0	
0001-380-533-571211-Extension Services	211-PERS/LEOFF	\$0	
0001-380-533-571211-Extension Services	236-Disability Ins.	\$0	
0001-380-533-571211-Extension Services	310-Office Supplies	\$0	
0001-380-533-571211-Extension Services	311-Central Stores-Office Max	\$0	
0001-380-533-571211-Extension Services	313-Educational Supplies	\$0	
0001-380-533-571211-Extension Services	314-Maps-Books & Periodicals	\$0	
0001-380-533-571211-Extension Services	318-Equipment Under \$5000	\$0	
0001-380-533-571211-Extension Services	324-Food/Water	\$0	
0001-380-533-571211-Extension Services	327-Computer Supplies	\$0	
0001-380-533-571211-Extension Services	329-Other Operating Support	\$0	
0001-380-533-571211-Extension Services	415-Xerox/Printing Services	\$0	
0001-380-533-571211-Extension Services	419-Other Prof. Services	\$0	
0001-380-533-571211-Extension Services	420-Communication Services	\$0	
0001-380-533-571211-Extension Services	421-Telephone	\$0	
0001-380-533-571211-Extension Services	430-Travel Charges	\$0	
0001-380-533-571211-Extension Services	449-Other Advertising	\$0	
0001-380-533-571211-Extension Services	451-Rent - Copiers	\$0	
0001-380-533-571211-Extension Services	452-ONLY Quarterly trsr for DP ER&R	\$62,012	
0001-380-533-571211-Extension Services	482-Equipment Maintenance	\$0	
0001-380-533-571211-Extension Services	491-Assoc. Dues/Membership	\$0	
0001-380-533-571211-Extension Services	496-Tuition/Registration	\$0	
0001-380-533-571211-Extension Services	958-County TER&R Annual Rents	\$0	
0001-533-380-571211-Extension Services	210-Employee Benefits	\$0	
0001-533-380-571211-Extension Services	211-PERS/LEOFF	\$0	
	<b>571211 Basub Total:</b>	<b>\$62,012</b>	<b>0.00</b>
0001-380-533-571212-Master Gardner - NBB	313-Educational Supplies	\$0	
0001-380-533-571212-Master Gardner - NBB	318-Equipment Under \$5000	\$0	
0001-380-533-571212-Master Gardner - NBB	324-Food/Water	\$0	
0001-380-533-571212-Master Gardner - NBB	326-Expendable Equipment	\$0	
0001-380-533-571212-Master Gardner - NBB	415-Xerox/Printing Services	\$0	
0001-380-533-571212-Master Gardner - NBB	419-Other Prof. Services	\$0	
0001-380-533-571212-Master Gardner - NBB	422-Postage	\$0	
0001-380-533-571212-Master Gardner - NBB	449-Other Advertising	\$0	
0001-380-533-571212-Master Gardner - NBB	496-Tuition/Registration	\$0	
	<b>571212 Basub Total:</b>	<b>\$0</b>	<b>0.00</b>
0001-380-533-571213-Watershed Steward Program	311-Central Stores-Office Max	\$0	
0001-380-533-571213-Watershed Steward Program	313-Educational Supplies	\$0	
0001-380-533-571213-Watershed Steward Program	314-Maps-Books & Periodicals	\$0	
0001-380-533-571213-Watershed Steward Program	321-Agriculture Supplies	\$0	
0001-380-533-571213-Watershed Steward Program	324-Food/Water	\$0	
0001-380-533-571213-Watershed Steward Program	327-Computer Supplies	\$0	
0001-380-533-571213-Watershed Steward Program	329-Other Operating Support	\$0	
0001-380-533-571213-Watershed Steward Program	410-Professional Services	\$0	
0001-380-533-571213-Watershed Steward Program	415-Xerox/Printing Services	\$0	
0001-380-533-571213-Watershed Steward Program	419-Other Prof. Services	\$0	
0001-380-533-571213-Watershed Steward Program	422-Postage	\$0	
0001-380-533-571213-Watershed Steward Program	428-Cellular One/Pagers	\$0	
0001-380-533-571213-Watershed Steward Program	430-Travel Charges	\$0	
0001-380-533-571213-Watershed Steward Program	449-Other Advertising	\$0	
0001-380-533-571213-Watershed Steward Program	459-Other Rental	\$0	
0001-380-533-571213-Watershed Steward Program	491-Assoc. Dues/Membership	\$0	
0001-380-533-571213-Watershed Steward Program	496-Tuition/Registration	\$0	
	<b>571213 Basub Total:</b>	<b>\$0</b>	<b>0.00</b>
0001-380-533-571214-Small Acre Landholder Outreach	311-Central Stores-Office Max	\$0	



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<b>General Government</b>			
<b>Department of Environmental Services</b>			
<b>Department of Environmental Services</b>			
<b>Department of Environmental Services</b>			
0001-380-533-571214-Small Acre Landholder Outreach	313-Educational Supplies	\$0	
0001-380-533-571214-Small Acre Landholder Outreach	314-Maps-Books & Periodicals	\$0	
0001-380-533-571214-Small Acre Landholder Outreach	321-Agriculture Supplies	\$0	
0001-380-533-571214-Small Acre Landholder Outreach	324-Food/Water	\$0	
0001-380-533-571214-Small Acre Landholder Outreach	329-Other Operating Support	\$0	
0001-380-533-571214-Small Acre Landholder Outreach	410-Professional Services	\$0	
0001-380-533-571214-Small Acre Landholder Outreach	413-Engineering Services	\$0	
0001-380-533-571214-Small Acre Landholder Outreach	415-Xerox/Printing Services	\$0	
0001-380-533-571214-Small Acre Landholder Outreach	419-Other Prof. Services	\$0	
0001-380-533-571214-Small Acre Landholder Outreach	422-Postage	\$0	
0001-380-533-571214-Small Acre Landholder Outreach	430-Travel Charges	\$0	
0001-380-533-571214-Small Acre Landholder Outreach	439-Other Travel	\$0	
0001-380-533-571214-Small Acre Landholder Outreach	449-Other Advertising	\$0	
0001-380-533-571214-Small Acre Landholder Outreach	459-Other Rental	\$0	
0001-380-533-571214-Small Acre Landholder Outreach	491-Assoc. Dues/Membership	\$0	
0001-380-533-571214-Small Acre Landholder Outreach	496-Tuition/Registration	\$0	
<b>571214 Basub Total:</b>		<b>\$0</b>	<b>0.00</b>
0001-543-533-576916-DES Admin - Legacy Lands	110-Salaries	\$49,442	0.26
0001-543-533-576916-DES Admin - Legacy Lands	210-Employee Benefits	\$3,065	
0001-543-533-576916-DES Admin - Legacy Lands	211-PERS/LEOFF	\$4,994	
0001-543-533-576916-DES Admin - Legacy Lands	221-Medical Insurance	\$3,048	
0001-543-533-576916-DES Admin - Legacy Lands	223-Dental	\$312	
0001-543-533-576916-DES Admin - Legacy Lands	230-Life Insurance	\$175	
0001-543-533-576916-DES Admin - Legacy Lands	236-Disability Ins.	\$0	
0001-543-533-576916-DES Admin - Legacy Lands	315-Office Supplies	\$1,000	
0001-543-533-576916-DES Admin - Legacy Lands	316-Telecommunication Equip.	\$200	
0001-543-533-576916-DES Admin - Legacy Lands	327-Computer Supplies	\$1,000	
0001-543-533-576916-DES Admin - Legacy Lands	329-Other Operating Support	\$1,000	
0001-543-533-576916-DES Admin - Legacy Lands	415-Xerox/Printing Services	\$5,000	
0001-543-533-576916-DES Admin - Legacy Lands	421-Telephone	\$1,400	
0001-543-533-576916-DES Admin - Legacy Lands	430-Travel Charges	\$500	
0001-543-533-576916-DES Admin - Legacy Lands	452-ONLY Quarterly trsrfr for DP ER&R	\$2,116	
0001-543-533-576916-DES Admin - Legacy Lands	490-Miscell. / Contrib. to other fund	\$6,578	
<b>576916 Basub Total:</b>		<b>\$79,830</b>	<b>0.26</b>
0001-543-533-576925-Legacy Lands Planning & Policy	110-Salaries	\$49,450	0.26
0001-543-533-576925-Legacy Lands Planning & Policy	210-Employee Benefits	\$3,066	
0001-543-533-576925-Legacy Lands Planning & Policy	211-PERS/LEOFF	\$4,994	
0001-543-533-576925-Legacy Lands Planning & Policy	221-Medical Insurance	\$3,048	
0001-543-533-576925-Legacy Lands Planning & Policy	223-Dental	\$312	
0001-543-533-576925-Legacy Lands Planning & Policy	230-Life Insurance	\$176	
0001-543-533-576925-Legacy Lands Planning & Policy	236-Disability Ins.	\$0	
<b>576925 Basub Total:</b>		<b>\$61,046</b>	<b>0.26</b>
0001-543-533-576950-Legacy Land Cap Proj - (non-cap. asset)	410-Professional Services	\$100,000	
0001-543-533-576950-Legacy Land Cap Proj - (non-cap. asset)	419-Other Prof. Services	\$86,920	
<b>576950 Basub Total:</b>		<b>\$186,920</b>	<b>0.00</b>
0001-542-533-594395-Misc Environmental Capital	140-Overtime	\$0	
0001-542-533-594395-Misc Environmental Capital	141-Comp Time Non Exempt	\$0	
0001-542-533-594395-Misc Environmental Capital	210-Employee Benefits	\$0	
0001-542-533-594395-Misc Environmental Capital	211-PERS/LEOFF	\$0	
0001-542-533-594395-Misc Environmental Capital	236-Disability Ins.	\$0	
0001-542-533-594395-Misc Environmental Capital	310-Office Supplies	\$0	
0001-542-533-594395-Misc Environmental Capital	318-Equipment Under \$5000	\$0	
0001-542-533-594395-Misc Environmental Capital	327-Computer Supplies	\$0	
0001-542-533-594395-Misc Environmental Capital	328-Uniforms/Clothing	\$0	
0001-542-533-594395-Misc Environmental Capital	329-Other Operating Support	\$0	
0001-542-533-594395-Misc Environmental Capital	417-Temporary Employment Services	\$0	
0001-542-533-594395-Misc Environmental Capital	419-Other Prof. Services	\$0	
0001-542-533-594395-Misc Environmental Capital	493-Filing/Recording/Permit Fees	\$0	
0001-542-533-594395-Misc Environmental Capital	910-Grant Revenue Only	\$0	
0001-542-533-594395-Misc Environmental Capital	922-County Mailroom Services	\$0	
0001-545-533-594395-Misc Environmental Capital	416-Fund Overhead Allocations (DP Costs prior to 2013)	\$8,154	
0001-545-533-594395-Misc Environmental Capital	911-County Contract Services	\$0	
0001-545-533-594395-Misc Environmental Capital	918-Burden Overhead	\$0	
0001-545-533-594395-Misc Environmental Capital	933-Unleaded Fuel	\$0	
0001-545-533-594395-Misc Environmental Capital	935-Diesel Fuel	\$0	
<b>594395 Basub Total:</b>		<b>\$8,154</b>	<b>0.00</b>
0001-542-533-594548-Misc Environmental Capital	140-Overtime	\$5,000	
0001-542-533-594548-Misc Environmental Capital	141-Comp Time Non Exempt	\$2,258	
0001-542-533-594548-Misc Environmental Capital	210-Employee Benefits	\$452	
0001-542-533-594548-Misc Environmental Capital	211-PERS/LEOFF	\$730	

# Clark County Adopted Expenditure Budget - Line Item Detail

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Entity Name	Account	Budget	FTE
<b>General Government</b>			
<b>Department of Environmental Services</b>			
<b>Department of Environmental Services</b>			
<b>Department of Environmental Services</b>			
0001-542-533-594548-Misc Environmental Capital	310-Office Supplies	\$1,000	
0001-542-533-594548-Misc Environmental Capital	318-Equipment Under \$5000	\$500	
0001-542-533-594548-Misc Environmental Capital	327-Computer Supplies	\$4,000	
0001-542-533-594548-Misc Environmental Capital	328-Uniforms/Clothing	\$200	
0001-542-533-594548-Misc Environmental Capital	329-Other Operating Support	\$1,202	
0001-542-533-594548-Misc Environmental Capital	417-Temporary Employment Services	\$6,500	
0001-542-533-594548-Misc Environmental Capital	419-Other Prof. Services	\$486,804	
0001-543-533-594548-Misc Environmental Capital	419-Other Prof. Services	\$0	
<b>594548 Basub Total:</b>		<b>\$508,646</b>	<b>0.00</b>
0001-543-533-594765-Legacy Land Parks Capital	110-Salaries	\$91,292	0.48
0001-543-533-594765-Legacy Land Parks Capital	210-Employee Benefits	\$5,660	
0001-543-533-594765-Legacy Land Parks Capital	211-PERS/LEOFF	\$9,220	
0001-543-533-594765-Legacy Land Parks Capital	221-Medical Insurance	\$5,628	
0001-543-533-594765-Legacy Land Parks Capital	223-Dental	\$576	
0001-543-533-594765-Legacy Land Parks Capital	230-Life Insurance	\$324	
0001-543-533-594765-Legacy Land Parks Capital	236-Disability Ins.	\$0	
<b>594765 Basub Total:</b>		<b>\$112,700</b>	<b>0.48</b>
0001-543-533-594795-Capital- Non-Park Cultural/Recreational	110-Salaries	\$8	0.00
0001-543-533-594795-Capital- Non-Park Cultural/Recreational	221-Medical Insurance	\$0	
0001-543-533-594795-Capital- Non-Park Cultural/Recreational	223-Dental	\$0	
0001-543-533-594795-Capital- Non-Park Cultural/Recreational	230-Life Insurance	\$0	
0001-543-533-594795-Capital- Non-Park Cultural/Recreational	236-Disability Ins.	\$0	
0001-543-533-594795-Capital- Non-Park Cultural/Recreational	910-Grant Revenue Only	\$0	
<b>594795 Basub Total:</b>		<b>\$8</b>	<b>0.00</b>
<b>Program Total:</b>		<b>\$7,494,421</b>	<b>21.38</b>
<b>Sustainability &amp; Outreach</b>			
4014-000-308-508200-Contingency Budgets	236-Disability Ins.	\$7,892	
4014-000-308-508200-Contingency Budgets	997-Contingency	\$54,224	
<b>508200 Basub Total:</b>		<b>\$62,116</b>	<b>0.00</b>
4014-000-533-537110-Admin / General	110-Salaries	\$546,458	3.60
4014-000-533-537110-Admin / General	140-Overtime	\$1,500	
4014-000-533-537110-Admin / General	141-Comp Time Non Exempt	\$1,500	
4014-000-533-537110-Admin / General	200-Employee Benefits	\$26,210	
4014-000-533-537110-Admin / General	210-Employee Benefits	\$44,747	
4014-000-533-537110-Admin / General	211-PERS/LEOFF	\$55,108	
4014-000-533-537110-Admin / General	221-Medical Insurance	\$91,278	
4014-000-533-537110-Admin / General	223-Dental	\$8,360	
4014-000-533-537110-Admin / General	230-Life Insurance	\$1,560	
4014-000-533-537110-Admin / General	236-Disability Ins.	\$0	
4014-000-533-537110-Admin / General	311-Central Stores-Office Max	\$8,116	
4014-000-533-537110-Admin / General	313-Educational Supplies	\$0	
4014-000-533-537110-Admin / General	314-Maps-Books & Periodicals	\$16,816	
4014-000-533-537110-Admin / General	315-Office Supplies	\$15,000	
4014-000-533-537110-Admin / General	316-Telecommunication Equip.	\$1,000	
4014-000-533-537110-Admin / General	317-Xerox - Copy Charges	\$10,500	
4014-000-533-537110-Admin / General	318-Equipment Under \$5000	\$4,000	
4014-000-533-537110-Admin / General	319-Other Supplies	\$6,000	
4014-000-533-537110-Admin / General	320-Operating Supplies	\$17,600	
4014-000-533-537110-Admin / General	321-Agriculture Supplies	\$0	
4014-000-533-537110-Admin / General	324-Food/Water	\$0	
4014-000-533-537110-Admin / General	326-Expendable Equipment	\$27,000	
4014-000-533-537110-Admin / General	327-Computer Supplies	\$24,000	
4014-000-533-537110-Admin / General	328-Uniforms/Clothing	\$3,000	
4014-000-533-537110-Admin / General	329-Other Operating Support	\$18,600	
4014-000-533-537110-Admin / General	334-Building Materials	\$19,750	
4014-000-533-537110-Admin / General	339-Other Bldg. Supplies	\$4,500	
4014-000-533-537110-Admin / General	400-Other Services & Charges	\$55,710	
4014-000-533-537110-Admin / General	410-Professional Services	\$0	
4014-000-533-537110-Admin / General	412-Legal Services	\$49,300	
4014-000-533-537110-Admin / General	415-Xerox/Printing Services	\$21,000	
4014-000-533-537110-Admin / General	417-Temporary Employment Services	\$43,800	
4014-000-533-537110-Admin / General	418-GenFund Indirect Charged to COUNTY FUNDS (Architect Serv. prior to 2013)	\$363,248	
4014-000-533-537110-Admin / General	419-Other Prof. Services	\$0	
4014-000-533-537110-Admin / General	420-Communication Services	\$2,000	
4014-000-533-537110-Admin / General	421-Telephone	\$7,000	
4014-000-533-537110-Admin / General	422-Postage	\$10,000	
4014-000-533-537110-Admin / General	426-UPS/Federal Express	\$10,000	
4014-000-533-537110-Admin / General	427-Premiums & Awards	\$5,500	
4014-000-533-537110-Admin / General	429-Other Communication	\$3,250	

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Entity Name	Account	Budget	FTE
<b>General Government</b>			
<b>Department of Environmental Services</b>			
<b>Department of Environmental Services</b>			
<b>Sustainability &amp; Outreach</b>			
4014-000-533-537110-Admin / General	431-Airfare	\$1,600	
4014-000-533-537110-Admin / General	433-Local Mileage	\$9,400	
4014-000-533-537110-Admin / General	434-Long Distance Travel	\$2,500	
4014-000-533-537110-Admin / General	435-Meals	\$2,100	
4014-000-533-537110-Admin / General	437-Freight	\$6,500	
4014-000-533-537110-Admin / General	438-Lodging	\$2,000	
4014-000-533-537110-Admin / General	440-Advertising	\$0	
4014-000-533-537110-Admin / General	449-Other Advertising	\$0	
4014-000-533-537110-Admin / General	450-Rental/Lease Agreement	\$10,000	
4014-000-533-537110-Admin / General	451-Rent - Copiers	\$32,000	
4014-000-533-537110-Admin / General	452-ONLY Quarterly trsfr for DP ER&R	\$36,892	
4014-000-533-537110-Admin / General	456-Rental Cars/Other Vehicle Rental	\$2,000	
4014-000-533-537110-Admin / General	459-Other Rental	\$30,000	
4014-000-533-537110-Admin / General	460-Insurance Charges	\$22,657	
4014-000-533-537110-Admin / General	491-Assoc. Dues/Membership	\$9,500	
4014-000-533-537110-Admin / General	496-Tuition/Registration	\$17,000	
4014-000-533-537110-Admin / General	499-Other Misc. Services	\$97,100	
4014-000-533-537110-Admin / General	510-Inter Gov Service	\$400,500	
4014-000-533-537110-Admin / General	620-Buildings	\$636,560	
4014-000-533-537110-Admin / General	648-Computer Equipment & Software	\$30,000	
4014-000-533-537110-Admin / General	911-County Contract Services	\$0	
4014-000-533-537110-Admin / General	912-Countywide Indirect	\$0	
4014-000-533-537110-Admin / General	913-Department Overhead	\$0	
4014-000-533-537110-Admin / General	922-County Mailroom Services	\$0	
4014-000-533-537110-Admin / General	931-County Central Stores	\$0	
4014-000-533-537110-Admin / General	932-County Print Shop	\$0	
4014-000-533-537110-Admin / General	934-GIS/County Maps	\$0	
4014-000-533-537110-Admin / General	951-Hourly Equipment Rental	\$0	
4014-000-533-537110-Admin / General	954-County Land & Bldg Rentals	\$0	
4014-000-533-537110-Admin / General	958-County TER&R Annual Rents	\$0	
4014-000-533-537110-Admin / General	964-County Liability Ins. Charge	\$0	
	<b>537110 Basub Total:</b>	<b>\$2,871,720</b>	<b>3.60</b>
4014-000-533-537215-Planning & Policy	110-Salaries	\$160,660	1.05
4014-000-533-537215-Planning & Policy	140-Overtime	\$1,486	
4014-000-533-537215-Planning & Policy	141-Comp Time Non Exempt	\$496	
4014-000-533-537215-Planning & Policy	210-Employee Benefits	\$13,337	
4014-000-533-537215-Planning & Policy	211-PERS/LEOFF	\$16,427	
4014-000-533-537215-Planning & Policy	221-Medical Insurance	\$29,602	
4014-000-533-537215-Planning & Policy	223-Dental	\$2,522	
4014-000-533-537215-Planning & Policy	230-Life Insurance	\$420	
4014-000-533-537215-Planning & Policy	236-Disability Ins.	\$0	
4014-000-533-537215-Planning & Policy	311-Central Stores-Office Max	\$0	
4014-000-533-537215-Planning & Policy	315-Office Supplies	\$0	
4014-000-533-537215-Planning & Policy	317-Xerox - Copy Charges	\$0	
4014-000-533-537215-Planning & Policy	327-Computer Supplies	\$0	
4014-000-533-537215-Planning & Policy	328-Uniforms/Clothing	\$0	
4014-000-533-537215-Planning & Policy	329-Other Operating Support	\$0	
4014-000-533-537215-Planning & Policy	400-Other Services & Charges	\$0	
4014-000-533-537215-Planning & Policy	410-Professional Services	\$0	
4014-000-533-537215-Planning & Policy	412-Legal Services	\$0	
4014-000-533-537215-Planning & Policy	415-Xerox/Printing Services	\$0	
4014-000-533-537215-Planning & Policy	417-Temporary Employment Services	\$0	
4014-000-533-537215-Planning & Policy	422-Postage	\$0	
4014-000-533-537215-Planning & Policy	426-UPS/Federal Express	\$0	
4014-000-533-537215-Planning & Policy	440-Advertising	\$0	
4014-000-533-537215-Planning & Policy	451-Rent - Copiers	\$0	
4014-000-533-537215-Planning & Policy	496-Tuition/Registration	\$0	
4014-000-533-537215-Planning & Policy	648-Computer Equipment & Software	\$0	
4014-000-533-537215-Planning & Policy	910-Grant Revenue Only	\$0	
4014-000-533-537215-Planning & Policy	922-County Mailroom Services	\$0	
4014-000-533-537215-Planning & Policy	931-County Central Stores	\$0	
4014-000-533-537215-Planning & Policy	932-County Print Shop	\$0	
	<b>537215 Basub Total:</b>	<b>\$224,950</b>	<b>1.05</b>
4014-000-533-537550-Capital Projects - non-capital assets	620-Buildings	\$0	
	<b>537550 Basub Total:</b>	<b>\$0</b>	<b>0.00</b>
4014-000-533-537770-Education & Outreach	110-Salaries	\$952,976	6.65
4014-000-533-537770-Education & Outreach	140-Overtime	\$42,000	
4014-000-533-537770-Education & Outreach	141-Comp Time Non Exempt	\$15,000	
4014-000-533-537770-Education & Outreach	210-Employee Benefits	\$82,818	
4014-000-533-537770-Education & Outreach	211-PERS/LEOFF	\$102,008	
4014-000-533-537770-Education & Outreach	221-Medical Insurance	\$180,894	
4014-000-533-537770-Education & Outreach	223-Dental	\$15,622	

# Clark County Adopted Expenditure Budget - Line Item Detail

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Entity Name	Account	Budget	FTE
<b>General Government</b>			
<b>Department of Environmental Services</b>			
<b>Department of Environmental Services</b>			
<b>Sustainability &amp; Outreach</b>			
4014-000-533-537770-Education & Outreach	230-Life Insurance	\$1,606	
4014-000-533-537770-Education & Outreach	236-Disability Ins.	\$0	
4014-000-533-537770-Education & Outreach	311-Central Stores-Office Max	\$0	
4014-000-533-537770-Education & Outreach	313-Educational Supplies	\$52,800	
4014-000-533-537770-Education & Outreach	314-Maps-Books & Periodicals	\$0	
4014-000-533-537770-Education & Outreach	315-Office Supplies	\$0	
4014-000-533-537770-Education & Outreach	316-Telecommunication Equip.	\$0	
4014-000-533-537770-Education & Outreach	317-Xerox - Copy Charges	\$0	
4014-000-533-537770-Education & Outreach	319-Other Supplies	\$0	
4014-000-533-537770-Education & Outreach	320-Operating Supplies	\$132,000	
4014-000-533-537770-Education & Outreach	321-Agriculture Supplies	\$12,000	
4014-000-533-537770-Education & Outreach	324-Food/Water	\$7,150	
4014-000-533-537770-Education & Outreach	326-Expendable Equipment	\$0	
4014-000-533-537770-Education & Outreach	327-Computer Supplies	\$0	
4014-000-533-537770-Education & Outreach	328-Uniforms/Clothing	\$0	
4014-000-533-537770-Education & Outreach	329-Other Operating Support	\$0	
4014-000-533-537770-Education & Outreach	334-Building Materials	\$0	
4014-000-533-537770-Education & Outreach	339-Other Bldg. Supplies	\$0	
4014-000-533-537770-Education & Outreach	400-Other Services & Charges	\$0	
4014-000-533-537770-Education & Outreach	410-Professional Services	\$618,876	
4014-000-533-537770-Education & Outreach	415-Xerox/Printing Services	\$0	
4014-000-533-537770-Education & Outreach	417-Temporary Employment Services	\$175,200	
4014-000-533-537770-Education & Outreach	419-Other Prof. Services	\$17,500	
4014-000-533-537770-Education & Outreach	420-Communication Services	\$0	
4014-000-533-537770-Education & Outreach	421-Telephone	\$0	
4014-000-533-537770-Education & Outreach	422-Postage	\$0	
4014-000-533-537770-Education & Outreach	426-UPS/Federal Express	\$0	
4014-000-533-537770-Education & Outreach	427-Premiums & Awards	\$0	
4014-000-533-537770-Education & Outreach	429-Other Communication	\$0	
4014-000-533-537770-Education & Outreach	431-Airfare	\$0	
4014-000-533-537770-Education & Outreach	433-Local Mileage	\$0	
4014-000-533-537770-Education & Outreach	434-Long Distance Travel	\$0	
4014-000-533-537770-Education & Outreach	435-Meals	\$0	
4014-000-533-537770-Education & Outreach	437-Freight	\$0	
4014-000-533-537770-Education & Outreach	438-Lodging	\$0	
4014-000-533-537770-Education & Outreach	440-Advertising	\$37,136	
4014-000-533-537770-Education & Outreach	449-Other Advertising	\$20,100	
4014-000-533-537770-Education & Outreach	450-Rental/Lease Agreement	\$0	
4014-000-533-537770-Education & Outreach	455-Machinery & Equip Rentals	\$0	
4014-000-533-537770-Education & Outreach	456-Rental Cars/Other Vehicle Rental	\$0	
4014-000-533-537770-Education & Outreach	459-Other Rental	\$0	
4014-000-533-537770-Education & Outreach	491-Assoc. Dues/Membership	\$0	
4014-000-533-537770-Education & Outreach	496-Tuition/Registration	\$0	
4014-000-533-537770-Education & Outreach	499-Other Misc. Services	\$0	
4014-000-533-537770-Education & Outreach	510-Inter Gov Service	\$0	
4014-000-533-537770-Education & Outreach	648-Computer Equipment & Software	\$0	
4014-000-533-537770-Education & Outreach	910-Grant Revenue Only	\$0	
4014-000-533-537770-Education & Outreach	911-County Contract Services	\$0	
4014-000-533-537770-Education & Outreach	920-Grant Revenue Only	\$0	
4014-000-533-537770-Education & Outreach	922-County Mailroom Services	\$0	
4014-000-533-537770-Education & Outreach	931-County Central Stores	\$0	
4014-000-533-537770-Education & Outreach	932-County Print Shop	\$0	
4014-000-533-537770-Education & Outreach	934-GIS/County Maps	\$0	
4014-000-533-537770-Education & Outreach	951-Hourly Equipment Rental	\$0	
4014-000-533-537770-Education & Outreach	954-County Land & Bldg Rentals	\$0	
<b>537770 Basub Total:</b>		<b>\$2,465,686</b>	<b>6.65</b>
4014-000-533-537775-Customer Service	110-Salaries	\$173,875	1.70
4014-000-533-537775-Customer Service	140-Overtime	\$3,984	
4014-000-533-537775-Customer Service	141-Comp Time Non Exempt	\$1,328	
4014-000-533-537775-Customer Service	210-Employee Benefits	\$14,693	
4014-000-533-537775-Customer Service	211-PERS/LEOFF	\$18,098	
4014-000-533-537775-Customer Service	221-Medical Insurance	\$51,132	
4014-000-533-537775-Customer Service	223-Dental	\$4,570	
4014-000-533-537775-Customer Service	230-Life Insurance	\$332	
4014-000-533-537775-Customer Service	236-Disability Ins.	\$0	
4014-000-533-537775-Customer Service	311-Central Stores-Office Max	\$0	
4014-000-533-537775-Customer Service	314-Maps-Books & Periodicals	\$0	
4014-000-533-537775-Customer Service	315-Office Supplies	\$0	
4014-000-533-537775-Customer Service	317-Xerox - Copy Charges	\$0	
4014-000-533-537775-Customer Service	318-Equipment Under \$5000	\$0	
4014-000-533-537775-Customer Service	320-Operating Supplies	\$0	
4014-000-533-537775-Customer Service	324-Food/Water	\$0	
4014-000-533-537775-Customer Service	327-Computer Supplies	\$0	

# Clark County Adopted Expenditure Budget - Line Item Detail

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Entity Name	Account	Budget	FTE
<b>General Government</b>			
<b>Department of Environmental Services</b>			
<b>Department of Environmental Services</b>			
<b>Sustainability &amp; Outreach</b>			
4014-000-533-537775-Customer Service	329-Other Operating Support	\$0	
4014-000-533-537775-Customer Service	400-Other Services & Charges	\$0	
4014-000-533-537775-Customer Service	410-Professional Services	\$0	
4014-000-533-537775-Customer Service	415-Xerox/Printing Services	\$0	
4014-000-533-537775-Customer Service	417-Temporary Employment Services	\$0	
4014-000-533-537775-Customer Service	421-Telephone	\$0	
4014-000-533-537775-Customer Service	422-Postage	\$0	
4014-000-533-537775-Customer Service	426-UPS/Federal Express	\$0	
4014-000-533-537775-Customer Service	431-Airfare	\$0	
4014-000-533-537775-Customer Service	433-Local Mileage	\$0	
4014-000-533-537775-Customer Service	435-Meals	\$0	
4014-000-533-537775-Customer Service	440-Advertising	\$0	
4014-000-533-537775-Customer Service	451-Rent - Copiers	\$0	
4014-000-533-537775-Customer Service	491-Assoc. Dues/Membership	\$0	
4014-000-533-537775-Customer Service	496-Tuition/Registration	\$0	
4014-000-533-537775-Customer Service	499-Other Misc. Services	\$0	
4014-000-533-537775-Customer Service	510-Inter Gov Service	\$0	
4014-000-533-537775-Customer Service	648-Computer Equipment & Software	\$0	
4014-000-533-537775-Customer Service	922-County Mailroom Services	\$0	
4014-000-533-537775-Customer Service	931-County Central Stores	\$0	
4014-000-533-537775-Customer Service	932-County Print Shop	\$0	
4014-000-533-537775-Customer Service	934-GIS/County Maps	\$0	
4014-000-533-537775-Customer Service	951-Hourly Equipment Rental	\$0	
	<b>537775 Basub Total:</b>	<b>\$268,012</b>	<b>1.70</b>
4014-000-533-537880-Maintenance & Operations	110-Salaries	\$73,944	0.50
4014-000-533-537880-Maintenance & Operations	140-Overtime	\$1,350	
4014-000-533-537880-Maintenance & Operations	141-Comp Time Non Exempt	\$450	
4014-000-533-537880-Maintenance & Operations	210-Employee Benefits	\$6,212	
4014-000-533-537880-Maintenance & Operations	211-PERS/LEOFF	\$7,650	
4014-000-533-537880-Maintenance & Operations	221-Medical Insurance	\$7,890	
4014-000-533-537880-Maintenance & Operations	223-Dental	\$834	
4014-000-533-537880-Maintenance & Operations	230-Life Insurance	\$80	
4014-000-533-537880-Maintenance & Operations	236-Disability Ins.	\$0	
4014-000-533-537880-Maintenance & Operations	311-Central Stores-Office Max	\$0	
4014-000-533-537880-Maintenance & Operations	315-Office Supplies	\$0	
4014-000-533-537880-Maintenance & Operations	317-Xerox - Copy Charges	\$0	
4014-000-533-537880-Maintenance & Operations	319-Other Supplies	\$0	
4014-000-533-537880-Maintenance & Operations	320-Operating Supplies	\$26,400	
4014-000-533-537880-Maintenance & Operations	327-Computer Supplies	\$0	
4014-000-533-537880-Maintenance & Operations	400-Other Services & Charges	\$0	
4014-000-533-537880-Maintenance & Operations	410-Professional Services	\$0	
4014-000-533-537880-Maintenance & Operations	412-Legal Services	\$0	
4014-000-533-537880-Maintenance & Operations	415-Xerox/Printing Services	\$0	
4014-000-533-537880-Maintenance & Operations	422-Postage	\$0	
4014-000-533-537880-Maintenance & Operations	426-UPS/Federal Express	\$0	
4014-000-533-537880-Maintenance & Operations	440-Advertising	\$0	
4014-000-533-537880-Maintenance & Operations	496-Tuition/Registration	\$0	
4014-000-533-537880-Maintenance & Operations	648-Computer Equipment & Software	\$0	
4014-000-533-537880-Maintenance & Operations	932-County Print Shop	\$0	
4014-000-533-537880-Maintenance & Operations	951-Hourly Equipment Rental	\$0	
	<b>537880 Basub Total:</b>	<b>\$124,810</b>	<b>0.50</b>
4014-000-533-537885-Inventory, Assessment & Monitoring	110-Salaries	\$29,578	0.20
4014-000-533-537885-Inventory, Assessment & Monitoring	140-Overtime	\$450	
4014-000-533-537885-Inventory, Assessment & Monitoring	141-Comp Time Non Exempt	\$150	
4014-000-533-537885-Inventory, Assessment & Monitoring	210-Employee Benefits	\$2,474	
4014-000-533-537885-Inventory, Assessment & Monitoring	211-PERS/LEOFF	\$3,048	
4014-000-533-537885-Inventory, Assessment & Monitoring	221-Medical Insurance	\$2,252	
4014-000-533-537885-Inventory, Assessment & Monitoring	223-Dental	\$232	
4014-000-533-537885-Inventory, Assessment & Monitoring	230-Life Insurance	\$32	
4014-000-533-537885-Inventory, Assessment & Monitoring	236-Disability Ins.	\$0	
4014-000-533-537885-Inventory, Assessment & Monitoring	311-Central Stores-Office Max	\$0	
4014-000-533-537885-Inventory, Assessment & Monitoring	317-Xerox - Copy Charges	\$0	
4014-000-533-537885-Inventory, Assessment & Monitoring	327-Computer Supplies	\$0	
4014-000-533-537885-Inventory, Assessment & Monitoring	400-Other Services & Charges	\$0	
4014-000-533-537885-Inventory, Assessment & Monitoring	410-Professional Services	\$176,822	
4014-000-533-537885-Inventory, Assessment & Monitoring	412-Legal Services	\$0	
4014-000-533-537885-Inventory, Assessment & Monitoring	415-Xerox/Printing Services	\$0	
4014-000-533-537885-Inventory, Assessment & Monitoring	419-Other Prof. Services	\$5,000	
4014-000-533-537885-Inventory, Assessment & Monitoring	922-County Mailroom Services	\$0	
4014-000-533-537885-Inventory, Assessment & Monitoring	931-County Central Stores	\$0	
4014-000-533-537885-Inventory, Assessment & Monitoring	932-County Print Shop	\$0	
4014-000-533-537885-Inventory, Assessment & Monitoring	934-GIS/County Maps	\$0	

# Clark County Adopted Expenditure Budget - Line Item Detail

Stage: BOCC Adopted

2015-2016

Page: 31

Entity Name	Account	Budget	FTE
<b>General Government</b>			
<b>Department of Environmental Services</b>			
<b>Department of Environmental Services</b>			
<b>Sustainability &amp; Outreach</b>			
	<b>537885 Basub Total:</b>	<b>\$220,038</b>	<b>0.20</b>
6310-903-830-537903-Closure - Garbage- City	410-Professional Services	\$0	
6310-903-830-537903-Closure - Garbage- City	472-Garbage	\$0	
	<b>537903 Basub Total:</b>	<b>\$0</b>	<b>0.00</b>
4014-000-533-537990-DES Permitting & Compliance	110-Salaries	\$8,180	0.05
4014-000-533-537990-DES Permitting & Compliance	210-Employee Benefits	\$671	
4014-000-533-537990-DES Permitting & Compliance	211-PERS/LEOFF	\$826	
4014-000-533-537990-DES Permitting & Compliance	221-Medical Insurance	\$2,044	
4014-000-533-537990-DES Permitting & Compliance	223-Dental	\$168	
4014-000-533-537990-DES Permitting & Compliance	230-Life Insurance	\$32	
4014-000-533-537990-DES Permitting & Compliance	236-Disability Ins.	\$0	
4014-000-533-537990-DES Permitting & Compliance	510-Inter Gov Service	\$0	
	<b>537990 Basub Total:</b>	<b>\$11,921</b>	<b>0.05</b>
6310-903-830-553703- Closure - Garbage- City	410-Professional Services	\$99,000	
6310-903-830-553703- Closure - Garbage- City	472-Garbage	\$510,746	
	<b>553703 Basub Total:</b>	<b>\$609,746</b>	<b>0.00</b>
6310-903-830-553713- Closure- Garbage - County	410-Professional Services	\$201,000	
6310-903-830-553713- Closure- Garbage - County	472-Garbage	\$1,036,968	
	<b>553713 Basub Total:</b>	<b>\$1,237,968</b>	<b>0.00</b>
4420-000-531-582340-DOE Whipple Creek Loan Principal	780-Principal-Intergovern. Loans	\$0	
	<b>582340 Basub Total:</b>	<b>\$0</b>	<b>0.00</b>
4014-000-533-591801-Depreciation	992-Depreciation Exp.	\$0	
	<b>591801 Basub Total:</b>	<b>\$0</b>	<b>0.00</b>
4420-000-531-592340-Interest on DOE Whipple Cr Loan	830-Non-Voted LT Debt Interest	\$0	
	<b>592340 Basub Total:</b>	<b>\$0</b>	<b>0.00</b>
4014-000-533-594375-Solid Waste Capital	140-Overtime	\$1,216	
4014-000-533-594375-Solid Waste Capital	141-Comp Time Non Exempt	\$406	
4014-000-533-594375-Solid Waste Capital	210-Employee Benefits	\$134	
4014-000-533-594375-Solid Waste Capital	211-PERS/LEOFF	\$164	
4014-000-533-594375-Solid Waste Capital	236-Disability Ins.	\$0	
4014-000-533-594375-Solid Waste Capital	410-Professional Services	\$88,410	
4014-000-533-594375-Solid Waste Capital	419-Other Prof. Services	\$2,500	
4014-000-533-594375-Solid Waste Capital	620-Buildings	\$0	
	<b>594375 Basub Total:</b>	<b>\$92,830</b>	<b>0.00</b>
4014-000-000-597090-Transfer to Fund 5090	550-Operating Transfers-subsidy	\$7,756	
	<b>597090 Basub Total:</b>	<b>\$7,756</b>	<b>0.00</b>
	<b>Program Total:</b>	<b>\$8,197,553</b>	<b>13.75</b>
	<b>Department of Environmental Services Total:</b>	<b>\$29,122,782</b>	<b>55.75</b>
	<b>Department of Environmental Services Total:</b>	<b>\$29,122,782</b>	<b>55.75</b>
<b>Geographic Information System (GIS)</b>			
<b>Geographic Information System (GIS)</b>			
<b>GIS Consulting Services</b>			
0001-000-120-518882-GIS Consulting Services	200-Employee Benefits	\$0	
0001-000-120-518882-GIS Consulting Services	210-Employee Benefits	\$0	
0001-000-120-518882-GIS Consulting Services	211-PERS/LEOFF	\$0	
0001-000-120-518882-GIS Consulting Services	236-Disability Ins.	\$0	
	<b>518882 Basub Total:</b>	<b>\$0</b>	<b>0.00</b>
	<b>Program Total:</b>	<b>\$0</b>	<b>0.00</b>
<b>GIS Database Management</b>			
0001-000-120-518880-GIS	110-Salaries	\$2,718,340	18.00
0001-000-120-518880-GIS	200-Employee Benefits	\$11,960	
0001-000-120-518880-GIS	210-Employee Benefits	\$169,407	
0001-000-120-518880-GIS	211-PERS/LEOFF	\$273,736	
0001-000-120-518880-GIS	221-Medical Insurance	\$487,870	
0001-000-120-518880-GIS	223-Dental	\$45,034	
0001-000-120-518880-GIS	230-Life Insurance	\$7,776	
0001-000-120-518880-GIS	236-Disability Ins.	\$0	
0001-000-120-518880-GIS	252-Meal Allowance	\$300	
0001-000-120-518880-GIS	311-Central Stores-Office Max	\$8,004	
0001-000-120-518880-GIS	312-Copy Center/Xerox Charges	\$100	
0001-000-120-518880-GIS	314-Maps-Books & Periodicals	\$2,000	
0001-000-120-518880-GIS	315-Office Supplies	\$1,500	
0001-000-120-518880-GIS	318-Equipment Under \$5000	\$21,800	
0001-000-120-518880-GIS	325-Evidence/Chem/Lab Supplies	\$8,000	
0001-000-120-518880-GIS	327-Computer Supplies	\$13,000	
0001-000-120-518880-GIS	329-Other Operating Support	\$58,200	
0001-000-120-518880-GIS	415-Xerox/Printing Services	\$21,000	

**Senator Don Benton  
PO Box 5076  
Vancouver, WA 98686  
360-600-1492**

April 29, 2016

WA State Auditor's Office  
Insurance Building/Capitol Campus  
302 Sid Snyder Ave SW  
Olympia, WA 98504-0021

Dear Auditor,

I am writing to you in order to protect myself and my job under the whistleblower laws of Washington. As a county employee I have become aware of illegal and improper activity at Clark County and would like your office to investigate the matter.

I have enclosed a copy of the whistleblower complaint filed with the County HR department as required by county policy. I am also requesting protection under state law as well.

Please treat this matter with the confidentiality it deserves and is required by law.

Thank you,

  
Don Benton

EXHIBIT R

To Francine Reis,

Dear Ms. Reis,

I am writing to you seeking protection and whistleblower status under HR Policy 23. This protection is also being sought consistent with state and federal law.

**RCW 42.41.030**

**Right to report improper governmental action—Policies and procedures.**

**(1) Every local government employee has the right to report to the appropriate person or persons information concerning an alleged improper governmental action.**

(2) The governing body or chief administrative officer of each local government shall adopt a policy on the appropriate procedures to follow for reporting such information and shall provide information to their employees on the policy. Local governments are encouraged to consult with their employees on the policy.

(3) The policy shall describe the appropriate person or persons within the local government to whom to report information and a list of appropriate person or persons outside the local government to whom to report. The list shall include the county prosecuting attorney.

(4) Each local government shall permanently post a summary of the procedures for reporting information on an alleged improper governmental action and the procedures for protection against retaliatory actions described in RCW 42.41.040 in a place where all employees will have reasonable access to it. A copy of the summary shall be made available to any employee upon request.

(5) A local government may require as part of its policy that, except in the case of an emergency, before an employee provides information of an improper governmental action to a person or an entity who is not a public official or a person listed pursuant to subsection (3) of this section, the employee shall submit a written report to the local government. Where a local government has adopted such a policy under this section, an employee who fails to make a good faith attempt to follow the policy shall not receive the protections of this chapter.

(6) If a local government has failed to adopt a policy as required by subsection (2) of this section, an employee may report alleged improper government action directly to the county prosecuting attorney or, if the prosecuting attorney or an employee of the prosecuting attorney participated in the alleged improper government action, to the state auditor. The cost incurred by the state auditor in such investigations shall be paid by the local government through the municipal revolving account authorized in RCW 43.09.282.

**(7) The identity of a reporting employee shall be kept confidential to the extent possible under law, unless the employee authorizes the disclosure of his or her identity in writing.**



## **Improper Acts**

### **Mistreatment of employees in the Department of Environmental Services**

Recently County Manager Mark McCauley directed that I prepare a staff report that would contradict a board resolution and action. I was directed to stop the processing of the Pearson property into surplus.

The Manager verbally indicated that the majority of the BOCC had already made a decision on action involving this property in violation of Washington State Open Meetings Act.

This directive is in direct contradiction of the board action taken on December 15, 2015.

This directive was confirmed by an email I sent confirming this desired action. The action mandated by the Manager was reiterated in an email dated 4/20/2016 despite the fact that this action would waste all the man hours and time invested in the efforts to follow the standing resolution of the board.

This is part of an ongoing vendetta that is politically motivated and in contradiction with HR Policy 13.6

Discrimination for or against a County employee based upon political views or affiliations is prohibited unless such affiliation or support is found to be a bona fide consideration in the quality and effectiveness of their job performance and contribution to the organization.

Manager McCauley has been targeting me in an attempt to gain favor with the new majority of the current council members in an attempt to retain his position. He has treated me unfairly and has directed me to take actions that are illegal, or unethical.

Manager McCauley has targeted and disciplined employees at the behest of the current Council Chair, Marc Boldt. An example of this behavior was the "counseling" of Chris Clifford, a senior member of my staff, after he had emailed a memo to Council Member Madore regarding a complaint that was filed against Councilor Madore by Oliver Orijoko.

This "counseling" was done after Marc Boldt sent a email to Mark McCauley stating that "something should be done" after it was made public that Mr. Clifford had sent an email to Councilor Madore.

Mr. Clifford did nothing wrong and did not violate any county policies, yet Manager McCauley verbally chastised Mr. Clifford at the behest of the Chair of the Council. This is a direct violation of the separation of powers outlined in the County Charter. It would also appear to be retaliation against Mr. Clifford for having dared write an email supporting a minority member of the council from false allegations.

CCHRP 23.1

**2. Hostile actions by another employee toward a local government employee that were encouraged by a supervisor or senior manager or official. (retaliation)**

Manager McCauley approved the promotion of Pete Dubois to Manager of the Solid Waste Division in the Department of Environmental Services. Mr. Dubois accepted this offer and it was announced at a managers meeting (Mr. Dubois's peers in the department). Three days later Manager McCauley rescinded the approval and stated that the position should be open to the public, that it "would be good for Pete to compete for his job".

Despite the offer and acceptance, despite the fact that Mr. Dubois had been doing the job for over 8 months, this employee was subjected to the embarrassment and humiliation of having to try and explain why the offer had been pulled back, I was directed by Manager McCauley to pull back the offer.

This caused tremendous anxiety amongst my staff and had a negative impact on moral in the department. I have seen Mr. McCauley promote others to management positions without making the job open to the public. Adriana Prada and Bob Stevens are examples of individuals elevated to higher positions without having to go through the open application process. All of these positions were filled **after** the new charter was in effect.

### **POLITICAL RETALIATION**

Currently, I am being directed to act in contradiction of standing county policy and direction voted on by the members of the County Council.

I believe my failure to act in this matter will provide the County Manager and the Council Chair an opportunity to punish me and further pursue their retaliation directed toward me.

The actions of the County Chair are purely politically motivated.

The actions of the County Manager are motivated by self-preservation.

I have brought to light many improper and illegal acts by the County Manager. Almost all of these have been in the last 12 months. Nothing has been done to resolve them. I have attempted to deal with these issues directly with Manager McCauley. These issues seem to be creating a situation where the philosophical approach is to kill the messenger.

Mr. McCauley altered my terms of employment while I served in the legislature at the behest of Chairman Marc Boldt. I was placed under terms and conditions that no other Department Directors have had imposed upon them.

This year the County Manager altered the conditions of my employment as a fulfillment of a campaign promise made by Marc Boldt. I was forced to be in the office from 8am – 5pm, limited my presence to the Public Services Building preventing me from carrying out my duties for meetings, I was not allowed to telecommute as other managers are allowed to do, conditions for my compensation were altered, and the duties of my position were altered. These actions while appearing to be arbitrary and capricious were in fact calculated retaliation with the intent of making my position with the County untenable.

The intent of these actions were meant to curry favor with Chairman Marc Boldt and to create a hostile environment for me to work under. I have suffered serious health issues related to these hostile acts.

Over the last year the County Manager has engaged in or knowingly allowed:

- Multiple violations of the new County Charter in hiring and the failure to open jobs to the public as called for in the charter
- Arbitrary and disparate treatment of County employees
- Financial improprieties, and miss-use of enterprise funds
- Improper acts of county employees that have substantially harmed private property owners
- Violations of the Open Public Meetings Act
- Improperly interfering with the operations of the Department of Environmental Services in contradiction to the County Charter.

As these illegal acts continue I fear that I will be subject to greater hostility and retaliation. This next level of retaliation may take the form of “reorganizing” the department I direct and terminating my position in the County.

I believe that this may already be occurring and is at the request and encouragement of Chairman Marc Boldt consistent with the pattern on hostile and disparate treatment I and my employees have been subjected to over the previous year.

**RCW 49.60.210**

**Unfair practices—Discrimination against person opposing unfair practice—  
Retaliation against whistleblower.**

**(1) It is an unfair practice for any employer, employment agency, labor union, or other person to discharge, expel, or otherwise discriminate against any person because he or she has opposed any practices forbidden by this chapter, or because he or she has filed a charge, testified, or assisted in any proceeding under this chapter.**

**(2) It is an unfair practice for a government agency or government manager or supervisor to retaliate against a whistleblower as defined in chapter 42.40 RCW.**

**(3) It is an unfair practice for any employer, employment agency, labor union, government agency, government manager, or government supervisor to discharge, expel, discriminate, or otherwise retaliate against an individual assisting with an office of fraud and accountability investigation under RCW 74.04.012, unless the individual has willfully disregarded the truth in providing information to the office.**

Marc McCauley and Marc Boldt are conspiring to harm Councilor Madore and intend to use public funds to pursue this design.

I have heard that in an effort to harm David Madore the new Council majority have conspired to "settle" a lawsuit for hundreds of thousands of dollars in an effort to brand Councilor Madore a racist. The litigation is meritless but as a political hammer it could irreparably harm Councilor Madore's personal reputation.

I am notifying you of this issue and these issues consistent with the policies of the Clark County Human Resources Policy.

I am also informing you that a complaint has been forwarded to the Washington State Auditor's Office and the Washington State Attorney General's Office. This issue cannot linger for another 30 days.

Respectfully

---

Don Benton  
April 28, 2016



proud past, promising future

**CLARK COUNTY**  
WASHINGTON

## **NEWS RELEASE**

May 11, 2016

Contact: Mark McCauley, acting county manager  
(360) 397-2232; [mark.mccauley@clark.wa.gov](mailto:mark.mccauley@clark.wa.gov)

### **Streamlining reassigns water, solid waste, weed, permit services**

Vancouver, WA – Services now housed in Environmental Services will be reassigned to other departments to reduce expenses and boost efficiencies, Acting County Manager Mark McCauley announced Thursday.

The reorganization is an example of the county's ongoing dedication to finding effective ways to serve the community and be good stewards of taxpayer dollars. Making the changes now helps put the county on better financial footing as it faces a possible 5 percent General Fund shortfall for the 2017-2018 budget.

Responsibility for clean water services, storm water management, forest practices and vegetation management will move to Public Works. Responsibility for environmental permit applications regarding habitat and wetlands will move to Community Development. Responsibility for solid waste, sustainability and environmental education will move to Public Health.

"Although bringing people together to form Environmental Services in late 2009 improved communication and collaboration among environmental programs, we found it separated them from the construction, maintenance and development services they support," McCauley said.

"This new structure will more strongly tie policies, requirements and plans with services and facilities in the community," he said. "That will offer greater efficiencies, clearer priorities and better communication across departments and with residents."

Under the streamlining plan, the county will eliminate four administrative positions and save nearly \$1.26 million over the next 2 ½ years. The plan is effective July 1.

The reorganization follows streamlining moves in Information Technology and General Services and meets elements of a vision, mission and strategic actions statement McCauley spearheaded last year with elected officials and department heads. It calls for taking steps that make the county "more efficient and effective for the long term." To meet other goals outlined in the statement, recommendations from internal workplace improvement teams are being put into practice.

###

## FW: Staff Help

Mielke, Tom

Thu 7/14/2016 10:45 AM

To: district18rep@msn.com <district18rep@msn.com>;

---

From: Golik, Tony  
Sent: Friday, May 20, 2016 9:35 AM  
To: Mielke, Tom  
Subject: Re: Staff Help

Thanks Tom

Tony

> On May 19, 2016, at 5:14 PM, "Mielke, Tom" <Tom.Mielke@clark.wa.gov> wrote:

>

> Thank you Tony, I believe we are back on track.

>

---

> From: Golik, Tony  
> Sent: Thursday, May 19, 2016 3:33 PM  
> To: Mielke, Tom  
> Subject: RE: Staff Help

>

> Hi Tom,

>

> I discussed your concerns with Emily Sheldrick and she let you know that we think your concerns should be discussed in executive session next week. I assume you no longer need a call back from me. Let me know if you feel otherwise.

>

> Thanks,

>

> Tony

>

> -----Original Message-----

> From: Mielke, Tom  
> Sent: Thursday, May 19, 2016 9:54 AM  
> To: Golik, Tony  
> Subject: RE: Staff Help

>

> Busy day too. North County EMS at 2pm and joint session at 4pm. Your call is more important to me, I will make myself available when ever. Call me on my cell, 360-608-6201 \_\_\_\_\_

> From: Golik, Tony  
> Sent: Thursday, May 19, 2016 9:00 AM  
> To: Mielke, Tom  
> Subject: Re: Staff Help

EXHIBIT T

>  
> Hi Tom,  
>  
> I will give you a call this afternoon.  
>  
> Thanks,  
>  
> Tony  
>  
>> On May 18, 2016, at 2:59 PM, "Mielke, Tom" <Tom.Mielke@clark.wa.gov> wrote:  
>>  
>> Hi Tony,  
>>  
>> I just left a message on your phone. My problem is that I am being put into a situation that on one hand I can't talk to Chris Horn but have to talk to Olive. (I see this as a hostile situation for me or at least very venerable.) Both have the same accusations of misconduct and are being investigated for truth. The difference is Oliver has filed no less than two formal complaints against Madore for I think personal violations and I'm being lead to deal with Oliver whom I also disagree with. County policy or practices in the past is the offended person is moved to the side so we may continue with business until Rebecca Dean comes to conclusion. Another issue I'm having is that report I'm told goes to McCauley before me. Also the 360 interviews go to McCauley first also. He does have jurisdiction over personnel, but the Board has it over Him. Can you help me?  
>>  
>> Tom  
>

This e-mail and related attachments and any response may be subject to public disclosure under state law.

## FW: Returning you call

Mielke, Tom

Thu 7/14/2016 10:47 AM

To: district18rep@msn.com <district18rep@msn.com>;

---

**From:** Mielke, Tom  
**Sent:** Thursday, May 19, 2016 1:19 PM  
**To:** Sheldrick, Emily  
**Cc:** Golik, Tony  
**Subject:** RE: Returning you call

Thank you Emily, better late than not at all. Also if not from you, we need a better understanding of authorized reorg and eliminating departments. The fact that we authorize the existence of a department by budget and only the Board does budget, only the Board can authorize the money budgeted to be moved.

Thanks,  
Tom

---

**From:** Sheldrick, Emily  
**Sent:** Thursday, May 19, 2016 1:12 PM  
**To:** Mielke, Tom  
**Cc:** Golik, Tony  
**Subject:** RE: Returning you call

Thank you, Councilor Mielke. I suggest that we discuss this during Executive Session next week. How does that sound? I'm in the middle of preparing for trial that's coming up very soon, so I apologize for not responding sooner.

-Emily

Emily A. Sheldrick  
Clark County Prosecutor's Office – Civil Division  
Senior Deputy Prosecuting Attorney  
Tel: (360) 397-2478 ext. 4956

---

**From:** Mielke, Tom  
**Sent:** Thursday, May 19, 2016 10:32 AM  
**To:** Sheldrick, Emily  
**Cc:** Golik, Tony  
**Subject:** RE: Returning you call

Hi Emily,

I do not see it as personnel matters. I'm amazed you and McCauley keep calling it that to shut off the dialogue to talk! The issue is practices, procedures and policies of the past dealing with lawsuits filed by employees. I believe this is

EXHIBIT U



policy making similar to salary and budget of employees.

I'm surprised that everyone seems to know what I wanted to discuss without talking to me! Please let me know if this makes my request more clear.

Thank You,  
Tom

---

**From:** Sheldrick, Emily  
**Sent:** Wednesday, May 18, 2016 3:32 PM  
**To:** Mielke, Tom  
**Subject:** Returning you call

Hello Councilor Mielke,

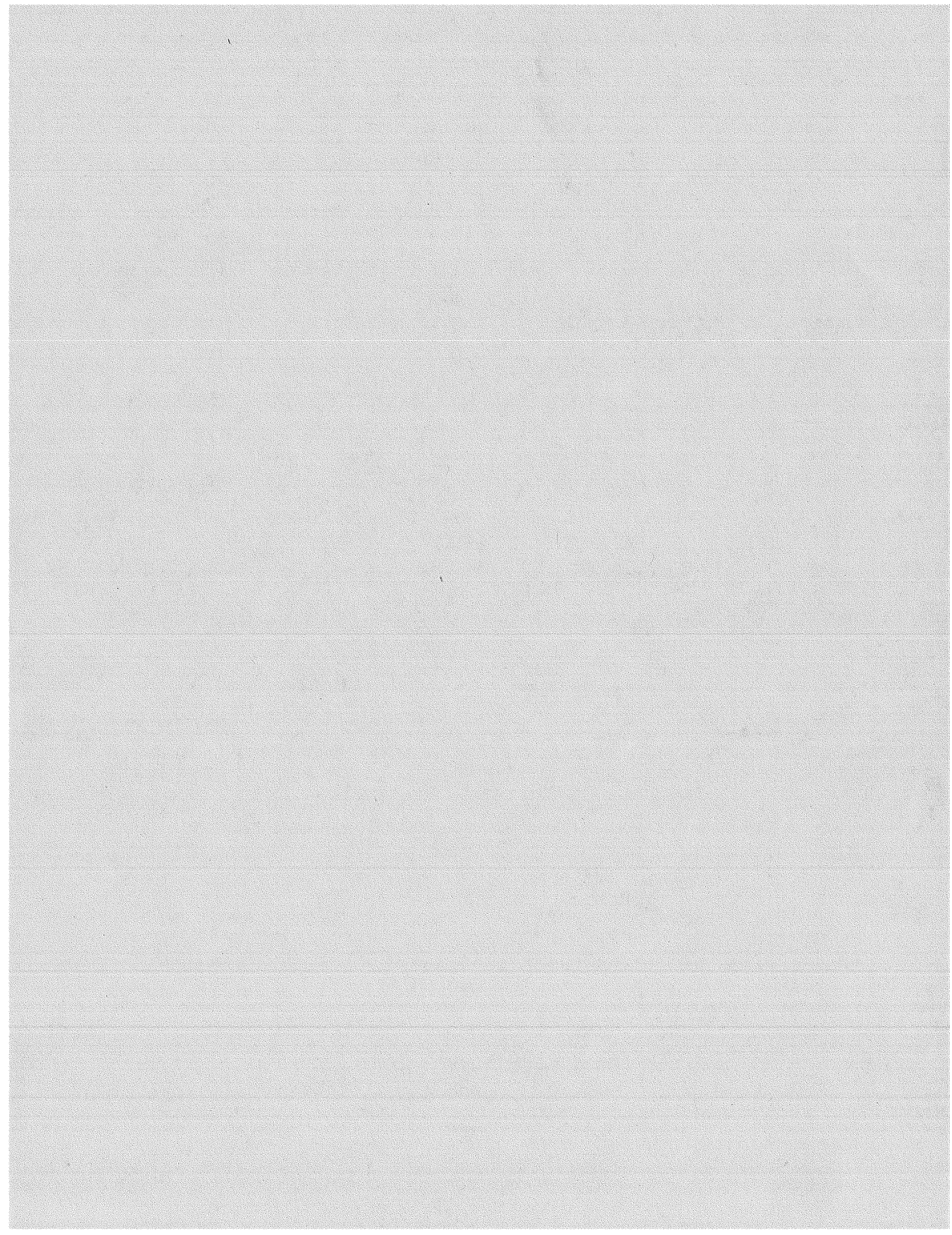
I received your voicemail message. Since question concerns personnel matters, it should be directed to the County Manager.

Thank you,

Emily

Emily A. Sheldrick  
Clark County Prosecutor's Office -- Civil Division  
Senior Deputy Prosecuting Attorney  
Tel: (360) 397-2478 ext. 4956

This e-mail and related attachments and any response may be subject to public disclosure under state law.



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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF CLARK

IN THE MATTER OF: THE RECALL OF  
MARC BOLDT, Clark County Councilor;  
JEANNE STEWART, Clark County  
Councilor; and JULIE OLSON, Clark  
County Councilor.

**No. 16-2-01367-1**

DECLARATION OF  
NICHOLAS POWER

1. Under penalty of perjury under the laws of the State of Washington I declare the following to be true and correct.

2. My name is Nicholas Power, I am over 18 years old and am competent to testify in this matter. I am an attorney licensed in Washington.

3. I am a sole practitioner and was originally licensed to practice law in Illinois in 1997 and then Washington in 2013. I have my own general civil litigation practice and I have represented clients in a wide variety matters including claims concerning breaches of contract, construction defects, constitutional matters, personal injury, retaliatory discharge, copyright and – of importance here -- cases involving violations of the Public Records Act and the Open Public Meetings Act.

4. I was retained by David Madore in late March 2016 and have advised him since then on a continuing basis.

1           5.     Councilor Madore has asked me to supply the Court with a declaration  
2 which gives my impression of certain instances which I personally was involved with  
3 which I understand relate to the circumstances under consideration by the Court in the  
4 recall petition.  
5

6           6.     On April 19, 2016, the BOCC voted to allow Deputy Prosecutors Horne  
7 and Cook to continue to advise the Board on Growth Management Matters. The day  
8 before, knowing that such a waiver of conflict was being contemplated, I wrote  
9 Prosecutor Golik and the Council Members to explain why it was ethically unsound for  
10 Deputies Horne and Cook to represent the Council. A true and correct copy of this letter  
11 is attached as Exhibit 1 to this Declaration.  
12

13           7.     I was present as an audience member at the Board work session the next  
14 day, April 20, 2016, which I understand is crucial to the allegations supporting recall.  
15 While there, I heard Deputy Horne beg-off from answering a question from a council  
16 member because he admitted he had a conflict of interest.  
17

18           8.     After hearing such a statement by Deputy Horne, I immediately requested  
19 an in-person meeting with Prosecutor Golik and met with him and a Deputy Prosecutor.  
20 I explained to them my continuing concern as to why Deputies Horne and Cook could  
21 not continue to advise the Board and included in my discussion Horne's statement that  
22 he was conflicted that he made during the April 20 meeting.  
23

24           9.     While ultimately Deputies Horne and Cook were excused from advising  
25 the Council, given the obvious and admitted conflict, it seems to me that the BOCC and  
26  
27

1 the prosecutor's office acted very cavalierly when it came to recusing themselves when  
2 such an obvious conflict existed.

3 10. I also was present and served as Councilor Madore's attorney during the  
4 Dean investigation. Upon learning that she would be the investigator, I contacted her via  
5 phone on April 21 and urged her to interview Councilor Madore as soon as possible. We  
6 discussed some dates for the following week (April 25, 26 and 27) and discussed that I  
7 would be videotaping the interview. I confirmed the contents of our conversation in an  
8 email. She wrote me back on April 21, and indicated that the proposed dates would  
9 work for her and that she was contacting the County about the dates and my request to  
10 videotape – and it would be up to the County to decide whether I could videotape the  
11 interview. A true and correct copy of this email thread is attached to this Declaration as  
12 Exhibit 2.

13 11. I joined Prosecutor Golik into the discussion by cc'ing him into Dean and  
14 My discussion. *Id.*

15 12. The next day, on April 22, I wrote Prosecutor Golik and the Clark County  
16 Public Records officer so that I could obtain public records that would assist in my  
17 preparation for the Dean interview. I have attached a true and correct copy of this letter  
18 to this Declaration as Exhibit 3. In this letter I also reiterate that it was my intention to  
19 videotape the interview by Dean of Madore at my own expense and that the County  
20 should advise me if they knew of any authority which prevented me from so doing. *Id.*

21 13. On May 11, I again contacted Ms. Dean and requested dates because the  
22 April 25, 26, and 27 dates had come and gone without scheduling. A true and correct  
23  
24  
25  
26  
27

1 copy of this email is attached as Exhibit 4. On May 13, Ms. Dean proposed dates in  
2 early June and we settled on June 2<sup>nd</sup>.

3 14. I do not know the reason for the delay, but given the nature of the  
4 investigation, it is my professional opinion that a six-week delay in the interview of a  
5 primary witness is not good investigative practice.  
6

7 15. During this six week delay, I never received any indication that the  
8 County or Ms. Dean objected to my intended video recording of the interview until I  
9 arrived with my client and a videographer on June 2 at the location of the interview.  
10

11 16. Ms. Dean did not allow the videographer to remain. Ms. Dean disputed  
12 could video record the interview. I reminded her that she had previously indicated that  
13 she did not previously object and had indicated that it was up to the County. I objected  
14 and showed her my correspondence to both her and to the County that had gone  
15 unanswered stating that I intended to video record the interview. Ms. Dean was  
16 unmoved.  
17

18 17. When the interview started, I immediately understood why she had  
19 objected so vehemently to the presence of a video camera in interview. This was  
20 because she was confrontational, dismissive, and appeared to be not seriously interested  
21 in investigating the allegations that Councilor Madore had made of wrong-doing. I think  
22 that a video record would have shown this much better than an audio recording.  
23

24 18. When the her report was issued on July 5, 2016, I immediately noticed  
25 that it contained multiple errors and she had failed to pursue issues and contact  
26  
27

1 witnesses that Councilor Madore had brought up in the interview which were material  
2 and probative to his allegations.

3 19. I further learned that the BOCC was going to consider adopting the  
4 findings of the Dean Report on July 19, 2016, less than 2 weeks after it was published.  
5

6 20. Because of errors Councilor Madore and I perceived in the Dean Report, I  
7 wrote the members of the BOCC and informed them that Councilor Madore and I were  
8 working on a response that I thought should be considered before the formal adoption of  
9 the findings in Report. A true and correct copy of that letter is attached as Exhibit 5.  
10

11 21. I understand that Councilor Mielke indicated that he would like to  
12 consider a responsive report authored by Councilor Madore and asked that the Board  
13 table the adoption until after that could response could be considered. I further  
14 understand that Councilor Mielke's motion to put the matter on hold failed by a 3-2 vote  
15 and that the findings of the Dean Report were adopted by a like vote.  
16

17 Signed on this 25<sup>th</sup> day of July 2016, in Friday Harbor, Washington.

18  
19  
20 

21 Nicholas Power WSBA #45974  
22 Attorney for David Madore  
23  
24  
25  
26  
27

LAW OFFICE OF  
**NICHOLAS E.D. POWER**  
540 GUARD STREET, SUITE 150  
FRIDAY HARBOR, WA 98250  
360-298-0464

Prosecuting Attorney Anthony F. Golik  
1300 Franklin St., Suit 380  
PO Box 5000  
Vancouver WA 98666-5000

April 18, 2016

Councilor Marc Boldt  
Councilor Jeanne E. Stewart  
Councilor Julie Olson  
Councilor Tom Milke  
Public Service Center  
1300 Franklin Street  
Vancouver, WA 98666

**Re: Prosecutor Golik to BOCC Letter of April 13**

**Via: Email and U.S. Mail**

Dear Prosecutor and Councilors,

I have been retained by Mr. David Madore to serve as his legal counsel.

I write to offer for your consideration what I perceive as unresolved legal issues which are raised in Prosecutor Golik's letter of April 13, 2016 wherein he offers the option -- and intimates favor of -- the execution of a waiver allowing Deputy Prosecuting Attorney Chris Horne and Deputy Prosecutor Christine Cook to resume providing legal advice to and representation of the BOCC.

It is my legal opinion that such a waiver would violate ethical legal cannons both for attorneys and public officers. Additionally, it would also run afoul of the common-sense policy of having elected officials scrupulously avoid the appearance of impropriety.

For the reasons stated below, on behalf of Mr. Madore, I ask that Prosecutor Golik carefully reconsider his advice that the BOCC could waive a conflict in the present situation and allow Deputies Horne and Cook to resume representing and advising the BOCC.

Mr. Madore has accused Deputies Horne and Cook of knowingly making material misstatements of the law during the course of the BOCC's deliberations on the Comprehensive Plan that is now under consideration. If it is true what Mr. Madore has alleged, the BOCC cannot consent to a waiver allowing Deputies Horne and Cook to resume their work. This is so because Mr. Madore's allegations in essence implicates the majority of the BOCC.

EXHIBIT     1



Specifically, Mr. Madore has accused Deputies Horne and Cook of making a false statement of material fact or law to the BOCC, and that these false statements were designed to further the political agenda of Councilors Boldt, Olson and Stewart to block the adoption of Alternative 4. Given that this is indisputably the political dynamic at work, it would be grossly improper for Councilors, Boldt, Olson and Stewart to absolve Deputies Horne and Cook of their failures or otherwise waive any conflict.

Mr. Madore's allegations against the Deputies are covered by RPC 4.1 regarding the truthfulness of statements to others. Mr. Golik's letter of April 13 however transmutes this accusation into one of an alleged conflict of interest that would be governed by RPC 1.8 – while I agree that a conflict might indeed exist – this in no way alters how the primary ethical problem should be dealt with. Until there is resolution whether (and why) the Deputies said what Mr. Madore alleges, no waiver is possible.

Accordingly, at least until the accuracy of Deputy Horne's and Deputy Cook's representations to the BOCC is resolved, I would submit that it is impossible within the widely recognized norms of ethical practice, both in the field of law and public service, to allow Deputies Horne and Cook to represent and advise the BOCC. Unlike a garden-variety conflict of interest scenario that can often be solved with knowing and intelligent waiver, the current situation is an entirely different animal – an allegation by one public official of the willful disregard for truth by attorneys assigned to advise the Board upon which the complaining public official sits.

Moreover, to the extent that Deputies Horne and Cook – and Prosecutor Golik for that matter – are publicly employed attorneys, it is essential to recognize that attorneys in the Prosecutor's office have a special duty to protect the general public and further the public's interest in fair, functional and transparent government.

Allowing Counselors Boldt, Olson and Stewart to consent on behalf of the Board is to run roughshod over the interests of the minority and the constituents the minority represents.

I also would note that Prosecutor Golik's absolution to Horne's and Cook's action without the benefit of external review makes me very suspect of the advice he seeks to give -- i.e. that it is ethically appropriate for Deputy Horne and Cook to return as counsel to the BOCC.

When all of this is examined in the context of the current political backdrop it is impossible to come to a conclusion that Deputies Horne and Cook should return to their prior roles at this time.

It is no secret that the three Commissioners who disfavor Alternative 4 are the same that are likely to vote in favor of waiver on Tuesday April 19<sup>th</sup>. That the statements of Deputies Horne and Cook that Mr. Madore challenges as counter factual relate to the viability of Alternative 4

severely diminishes the propriety of such a decision. Indeed, such a decision would rightfully be seen by a large segment of Clark County citizens as patently illegitimate.

I also would be remiss if I did not immediately relate my perception of how the return of Deputies Horne and Cook would be especially inappropriate given the recent allegations leveled against my client by Mr. Oliver Orjiako who, like Boldt, Olson and Stewart, is an outspoken critic of Alternative 4. Without too much imagination, it can be reasonably deduced that Mr. Orjiako's unsubstantiated allegation of racism has all the indicia of a late-in-career shake-down where a claim by Mr. Orjiako is settled by Boldt, Olson and Stewart, not for reasons of perceived liability, but rather for reasons of political expediency and to financially reward ideologically loyal staff.

I am in agreement with Prosecutor Golik that this matter is of sufficient complexity, importance and delicacy that the Washington State Attorney General should be consulted and I am doing that on behalf of Mr. Madore and would welcome a dialog fostered under the auspices of the Attorney General's office. Until an examination of the issues is fully undertaken any vote on the return of the Deputies is premature.

I welcome any and all comments, thoughts and suggestions as we work together to resolve the instant situation.

Very truly yours,

LAW OFFICE OF NICHOLAS POWER

A handwritten signature in black ink, appearing to read 'N. Power', written over the typed name below.

Nicholas E. D. Power

NEDP:

cc. Client



nick power <nickedpower@gmail.com>

---

## Madore/Clark County Matter

---

nick power <nickedpower@gmail.com>

Thu, Apr 21, 2016 at 3:27 PM

To: Rebecca Dean <rebeccadean@comcast.net>, tony.golik@clark.wa.gov

Dear Ms. Dean and Prosecutor Golik,

I thought it best to cc Prosecutor Golik into this conversation. I welcome him to chime in on any of this.

In our phone conversation earlier this morning, Ms. Dean asserted privilege and confidentiality and felt it was inappropriate for me to have a "side discussion" with her.

Maintaining privilege and confidentiality is fine, of course if Ms. Dean is acting as an attorney for Clark County.

However, according to the engagement letter of March 19 she is expressly not Clark County's attorney. Likewise my understanding is that Ms. Dean is not serving a judicial or quasi-judicial role. It is my understanding, though, that she is an investigator hired by the County. As such, I do not understand the reason for her claims of privilege. I would like clarification from both of you what role you see Ms. Dean playing in the matter and the rules under which all parties can and cannot contact her since I am presently flummoxed.

I do very much appreciate being able to make a record but still have lingering uncertainties as to the ground rules. Accordingly I write to you the below:

First, if the County is not in agreement that a video of Mr. Madore's interview is a certainty, I will take it on myself to arrange for the recording of the interview.

Second, whether or not the County chooses to employ video or not for Councilor Madore, I am requesting that some sort of simultaneous recording -- either video, audio or court certified stenographic -- be made of all witnesses and preserved.

I know full well that certain employment and investigatory records are exempt under RCW 42.56 or may otherwise be non-discoverable for whatever reason, but I am hereby putting the County on notice that I expect a simultaneous record be made. Obviously, if the County has a legitimate reason to move to quash a subpoena duces tecum or refuse a public records request the County can do that when the time comes.

I think these ground rules are fair and transparent and the County should welcome the creation of such a record. I am sure any objective reviewer of this process would conclude that given the nature of the allegations it would be -- if not required by law -- at least good practice to make this effort in a case like this one.

Third, as for supporting documents. . . the way I understand it, all documents on The Grid are public records but not all public records are on The Grid. I know that I have many public documents in my possession -- I do not know which ones of those are on The Grid.

I would assume that in a case such as this where my client is being investigated, the County has made a compendium of documents that it believes is relevant to the investigation and has forwarded these documents to the investigator charged with the investigation.

Accordingly, I am hereby making a request to Clark County for those records which the County has provided Ms. Dean. I furthermore request that any subsequently provided documents also be tendered. Upon investigation of that file, if I become aware of documents that I think are relevant I will tender those documents to each of you.

Finally, to my knowledge, Councilor Madore has never received an unredacted copy of your engagement letter. I am only able to see the 2nd enumerated topic of inquiry -- but not the first. I understand it relates to the Orjiako matter but would appreciate being let in on the verbage. Could either of you send that along to me ASAP?

Anyhow, if either of you has any questions feel free to contact me. Looking forward to meeting both of you next week.

Best,

EXHIBIT 2

Nick

**Nicholas Power**  
Attorney at Law  
540 Guard, Suite 150  
Friday Harbor WA, 98250  
office: 360-298-0464

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On Thu, Apr 21, 2016 at 11:45 AM, Rebecca Dean <rebeccadean@comcast.net> wrote:

Dear Nick -

Thank you for your call this morning. As I stated in at the call, I will talk to the County about the proposed interview dates and your request that we videotape Mr. Madore's interview. I asked for the dates next week, and expect that I will be able to conduct the interview on one of the dates you proposed; either I or someone from the County will contact you about the specific schedule. As I stated, I am happy to have you present during Mr. Madore's interview. Moreover, as we discussed, I will reserve time so you can make any "full and frank" comments you would like in the context of my interview with Mr. Madore.

In the meantime, if Mr. Madore has any documents that he would like me to consider that are not a matter of public record, in other words, not posted on the County's website, please feel free to send them to me. My rebeccadean@comcast.net email address tends to be the most efficient.

We did not discuss videotaping other witness interviews. I will convey your demands to the County, however.

All the best,  
Rebecca

REBECCA DEAN PLLC  
2212 Queen Anne Ave. North  
Box 158  
Seattle, WA 98109-2312  
(206) 465-3594  
Fax: (206) 420-8900  
rebeccadean@comcast.net  
rebecca\_dean@rebeccadeanpllc.com  
www.rebeccadeanpllc.com

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On Apr 21, 2016, at 11:29 AM, nick power <nickedpower@gmail.com> wrote:

Dear Rebecca,

It was good speaking with you this morning.

As I mentioned in my phone call, I am requesting that all your interviews with witnesses be videotaped. If video recording is not possible I am giving you notice that I wish to be present at those interviews.

Furthermore, I wish to memorialize our agreement that, as Mr. Madore's counsel, I will be present for the entirety of your interview of Mr. Madore.

It is my further understanding that you will conduct your interview of Mr. Madore on Monday, Tuesday or Wednesday

(April 25, 26, or 27) of next week.

Please indicate if the above does not comport with your understanding of our conversation.

Please propose several times during the referenced days as both Mr. Madore and I have multiple engagements scheduled during that time frame.

I look forward to meeting you in person sometime during the first three days.

Best,

Nick

**Nicholas Power**

**Attorney at Law**  
**540 Guard, Suite 150**  
**Friday Harbor WA, 98250**  
**office: 360-298-0464**

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LAW OFFICE OF  
**NICHOLAS E.D. POWER**  
540 GUARD STREET, SUITE 150  
FRIDAY HARBOR, WA 98250  
360-298-0464

Prosecuting Attorney Anthony F. Golik  
1300 Franklin St., Suit 380  
PO Box 5000  
Vancouver WA 98666-5000

April 22, 2016

County Manager/PRO Mark McCauley  
1300 Franklin St.  
Vancouver, WA 98666

*Re: Dean Investigation/Request for Records*

**Via: Email Only**

Dear Prosecutor and Public Records Officer,

As you are aware I represent Mr. David Madore. From my telephonic and email correspondence with outside investigator Ms. Rebecca Dean, it is my understanding that she plans on interviewing Councilor Madore sometime during the first three days of next week.

As I am sure you can appreciate, in order to prepare for such an interview, I require certain records that are germane to the issues that are under investigation.

Should it be the position of the County that some of the requested records are non-disclosable -- be that because of an ongoing investigation or other reason -- my client is willing to enter into a temporary non-disclosure agreement so that these documents can be tendered immediately with the understanding that the County may move for an appropriate protective order or that Councilor Madore might move to compel public production or lift restrictions contained in the NDA.

Given that Councilor Madore is both the target of the investigation and an elected Councilor I hope that you will find this accommodation satisfactory under the circumstances. Structuring the tender of documents in this manner allows us to fully investigate and respond to the allegations against Councilor Madore.

Also, I have yet to hear from Prosecutor Golik about the format and the ground rules of the intended investigation. I have requested that all interviews be videotaped or, if not videotaped, then somehow simultaneously recorded so that a record is maintained. No matter what the County wishes, I plan to have Mr. Madore's interview videotaped. If you know of any authority that prevents me from doing such, please advise me.

EXHIBIT 3

Yesterday, I also requested that I immediately be provided an unredacted version of the March 19 engagement letter of Ms. Dean. It is clear that if it is indeed true the redacted portion has concerns my client he is entitled to know the verbiage.

Accordingly, pursuant to RCW 42.56 and with due consideration to Councilor Madore's authority to review records in the possession of the political body on the board of which he sits, I hereby make the following requests<sup>1</sup>:

1. All text messages and attachments relating to the conduct of Clark County business or any other agency defined under RCW 42.56 whether on county owned phones or personal phones by Councilors Marc Boldt, Jeanne Stewart and Julie Olson, Director Oliver Orjiako, and County Manager/PRO Mark McCauley and each of their administrative assistants from January 1, 2012 or the earliest retention date to the present.
2. All written correspondence including regular mail and email, and enclosures or attachments thereto, of Councilors Marc Boldt, Jeanne Stewart and Julie Olson, Director Oliver Orjiako, County Manager/PRO Mark McCauley relating to the conduct of Clark County or any other agency defined under RCW 42.56 from January 1, 2012 or the earliest retention date to the present.
3. All non-privileged<sup>2</sup> correspondence including but not limited to emails and text messages in the possession of Clark County in which attorney Gregory Ferguson is an author or recipient or that contains the words "Greg Ferguson" or "Gregory Ferguson" or "Attorney Ferguson" or "Atty Ferguson" from January 1, 2012 or the earliest retention date to the present.
4. All records in the County's possession that relate to or references any County business with Mr. Peter Jarvis and Ms. Rebecca Dean from January 1, 2012 or the earliest retention date to the present.
5. All calendars, electronic or otherwise, of Councilors Marc Boldt, Jeanne Stewart and Julie Olson, Director Oliver Orjiako, County Manager/PRO Mark McCauley from January 1, 2012 or the earliest retention date to the present.

---

<sup>1</sup> Councilor Madore requests that to the extent possible all records be provided in original electronic format with all metadata included with the visible record. See, *O'Neil v. City of Shoreline*, 240 P.3d. 1149 (Wash. 2010).

6. All statements of credit cards or debit cards that result in a charge or debit to the County that are assigned Councilors Marc Boldt, Jeanne Stewart and Julie Olson, Director Oliver Orjiako, and County Manager/PRO Mark McCauley from January 1, 2012 or the earliest retention date to the present.
7. All reimbursement records of Councilors Marc Boldt, Jeanne Stewart and Julie Olson, Director Oliver Orjiako, County Manager/PRO Mark McCauley from January 1, 2012 or the earliest retention date to the present.
8. All browsing histories contained on any computer of Councilors Boldt, Stewart and Olson, Oliver Orjiako, County Manager/PRO Mark McCauley from January 1, 2012 or the earliest retention date to the present.
9. All correspondence including email and text messages and attachments or enclosures thereto between any County employee or officer and any reporting staff at The Columbian newspaper from January 1, 2012 or the earliest retention date to the present.
10. All non-privileged records in the possession of Councilors Marc Boldt, Jeanne Stewart and Julie Olson, Director Oliver Orjiako, County Manager/PRO Mark McCauley which references Deputies Christine Cook or Chris Horne and their status as council for the Board January 1, 2012 or the earliest retention date to the present.
11. All non-privileged written correspondence including emails and attachments in the possession of the County that refer to Deputies Christine Cook or Chris Horne and that relates to the Comprehensive Plan or Alternative 4 from January 1, 2012 or the earliest retention date to the present.
12. All records in the possession of Councilors Marc Boldt, Jeanne Stewart, Julie Olson, Director Oliver Orjiako, County Manager/PRO Mark McCauley that reference "Alternative 4" or "Alt. 4" or other similar designation whether specific or by inference.
13. All phone logs of Councilors Marc Boldt, Jeanne Stewart, Julie Olson, Director Oliver Orjiako, County Manager/PRO Mark McCauley from January 1, 2012 or the earliest retention date to the present.
14. All records pertaining to the bid, bid process, solicitation or selection of the County's paper of record from January 1, 2010 to present.



15. All correspondence or records pertaining to any contract, fee, permit, tax assessment, tax payment, development right between the County and Lance Killian.

I understand the planned interview of Mr. Madore is fast approaching. I am therefore amenable to receiving installments as records become available

I would ask that the production be structured in reverse chronological order so that the most recent communications are produced first. I would also request that each enumerated request be designated as an individual request and given its own identifying number.

While Councilor Madore considers all the request fair and essential to his understanding of the present situation, the ordinal number in which the requests are listed above are indicative of the currently perceived relative importance of the request. Councilor Madore, of course, will advise the County in writing should, in his estimation, this ranking change and will advise the County if production is no longer needed.

Moreover, Councilor Madore will not postpone, delay, or frustrate Ms. Dean's planned interview next week. However, given the relevance of the above referenced records to conducting a reasonable investigation into these matters, we respectfully request that follow-up interviews be conducted after Councilor Madore and I can review the responsive records

I welcome any and all comments, thoughts and suggestions as we work together to resolve the instant situation.

Very truly yours,

LAW OFFICE OF NICHOLAS POWER

A handwritten signature in black ink, appearing to read "NEDP", with a long horizontal line extending to the right.

Nicholas E. D. Power

NEDP:

cc. Client  
Councilor Marc Boldt  
Councilor Jeanne Stewart  
Councilor Julie Olson  
Director Oliver Orjiako  
County Manager/PRO Mark McCauley



nick power <nickedpower@gmail.com>

---

## Madore/Clark County Matter

---

nick power <nickedpower@gmail.com>  
To: Rebecca Dean <rebeccadean@comcast.net>

Wed, May 11, 2016 at 1:36 PM

Dear Ms. Dean,

It was good speaking with you shortly today. My client is eager to have your investigation proceed. I look forward to you furnishing me with proposed dates for an interview of Mr. Madore in the next several days.

Best,

Nick

**Nicholas Power**

**Attorney at Law**  
540 Guard, Suite 150  
Friday Harbor WA, 98250  
office: 360-298-0464

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On Thu, Apr 21, 2016 at 11:29 AM, nick power <nickedpower@gmail.com> wrote:

Dear Rebecca,

It was good speaking with you this morning.

As I mentioned in my phone call, I am requesting that all your interviews with witnesses be videotaped. If video recording is not possible I am giving you notice that I wish to be present at those interviews.

Furthermore, I wish to memorialize our agreement that, as Mr. Madore's counsel, I will be present for the entirety of your interview of Mr. Madore.

It is my further understanding that you will conduct your interview of Mr. Madore on Monday, Tuesday or Wednesday (April 25, 26, or 27) of next week.

Please indicate if the above does not comport with your understanding of our conversation.

Please propose several times during the referenced days as both Mr. Madore and I have multiple engagements scheduled during that time frame.

I look forward to meeting you in person sometime during the first three days.

Best,

Nick

**Nicholas Power**

**Attorney at Law**  
540 Guard, Suite 150  
Friday Harbor WA, 98250  
office: 360-298-0464

EXHIBIT 4

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LAW OFFICE OF  
**NICHOLAS E.D. POWER**  
540 GUARD STREET, SUITE 150  
FRIDAY HARBOR, WA 98250  
360-298-0464

July 19, 2016

Councilor Marc Boldt  
Councilor Jeanne E. Stewart  
Councilor Julie Olson  
Councilor Tom Mielke  
Public Service Center  
1300 Franklin Street  
Vancouver, WA 98666

*Re: Rebecca Dean Report and Proposed  
Resolution Accepting Findings*

*Via: Email and Hand Delivery*

Dear Councilors,

I write to **object** to the blanket adoption of the findings and conclusions in the highly flawed and biased "Dean Report" by way of the resolution that is on the agenda for consideration by the Board on July 19, 2016, wherein it is proposed that the BOCC adopt the factual and legal conclusions of the Rebecca Dean report of July 5, 2016.<sup>1</sup>

My client and I are pleased – though not surprised -- at her foundational conclusion that Councilor Madore did not racially harass Director Orjiako.

However, the wholesale adoption of the Report is premature and its adoption misguided. My client and I are working on a point-by-point response, critique and

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<sup>1</sup> The draft resolution indicates the Dean Report was issued on July 15, 2016. In actuality, the report was issued on July 5 not July 15, 2016.

EXHIBIT 5

refutation of the Report and will produce that for the Council's consideration shortly.

Suffice it to say, there are enormous errors in the factual findings and the legal conclusions drawn by Ms. Dean. This does not come as a surprise given the fact that Ms. Dean was selected by Councilors Boldt, Stewart and Olson in an illegal and secret meeting to create such an erroneous report.

The content of the Report was a forgone conclusion and is much more reflective of the political motivations of the detractors of Councilor Madore than the truth.

**I had the opportunity to work with Ms. Dean during her investigation. Frankly, I was astonished at her overt lack of objectivity as well as her overt partisanship.**

I repeatedly had to contact her over a period of six weeks just to get her to set up an interview with my client, so that his side of the story could be told. When finally the interview occurred, I was further confounded by her failure to conduct the investigation according to commonly accepted investigatory practices. She was rude, condescending, unprofessional, and appeared intentionally dismissive of critical facts key to the matter under review.

For instance, Ms. Dean repeatedly told me to contact Prosecutor Golik if I had questions regarding the procedure or "ground rules" for the investigation, when I contacted Prosecutor Golik he begged off and told me to contact Ms. Dean. After Ms. Dean and I came to terms with respect to what the ground rules would be, Ms. Dean demonstrated her bias against Councilor Madore by subsequently renegeing and would not honor the explicit terms as soon as the interview of Councilor Madore commenced.

Ms. Dean further demonstrated her bias by failing to pursue the evidence that Councilor Madore identified and failed to interview the witnesses that he identified as having insight into the various allegations. It was apparent that she either was not interested in what Councilor Madore was saying or lacked the background to understand the land use and planning issues at hand. Whether Ms. Dean herself decided not to pursue these avenues or whether she was directed not to pursue these avenues is unknown; but a complete, accurate and truthful report could

certainly not be created without investigating such matters and interviewing such witnesses.

In sum, Ms. Dean has produced a report that was bought and paid for by Councilors Boldt, Stewart and Olson to advance their political agenda. The wholesale adoption of her findings— which unfortunately I suspect a *fait accompli* - - is nothing more than a show of the eagerness of Councilors, Boldt, Stewart and Olson to self-ratify their long held positions on the matter and to further disparage my client.

There is no need to rush to adopt the conclusions of the Dean Report without providing my client an opportunity to produce a response. If the Board is truly interested in transparency and process, and a full and fair review of the facts of the matter, there is little to be lost in allowing such a report to be considered prior to the adoption. The public is entitled to have Councilor Madore's response to the Report considered before any adoption and if the facts are as clear as the Board thinks they are, they will be that clear a few weeks from now.

Accordingly, I urge you to table the proposed resolution to allow time for the production and consideration of a responsive report prior to any vote on its adoption.

As always I am available to speak about this or any other matter,

Very truly yours,

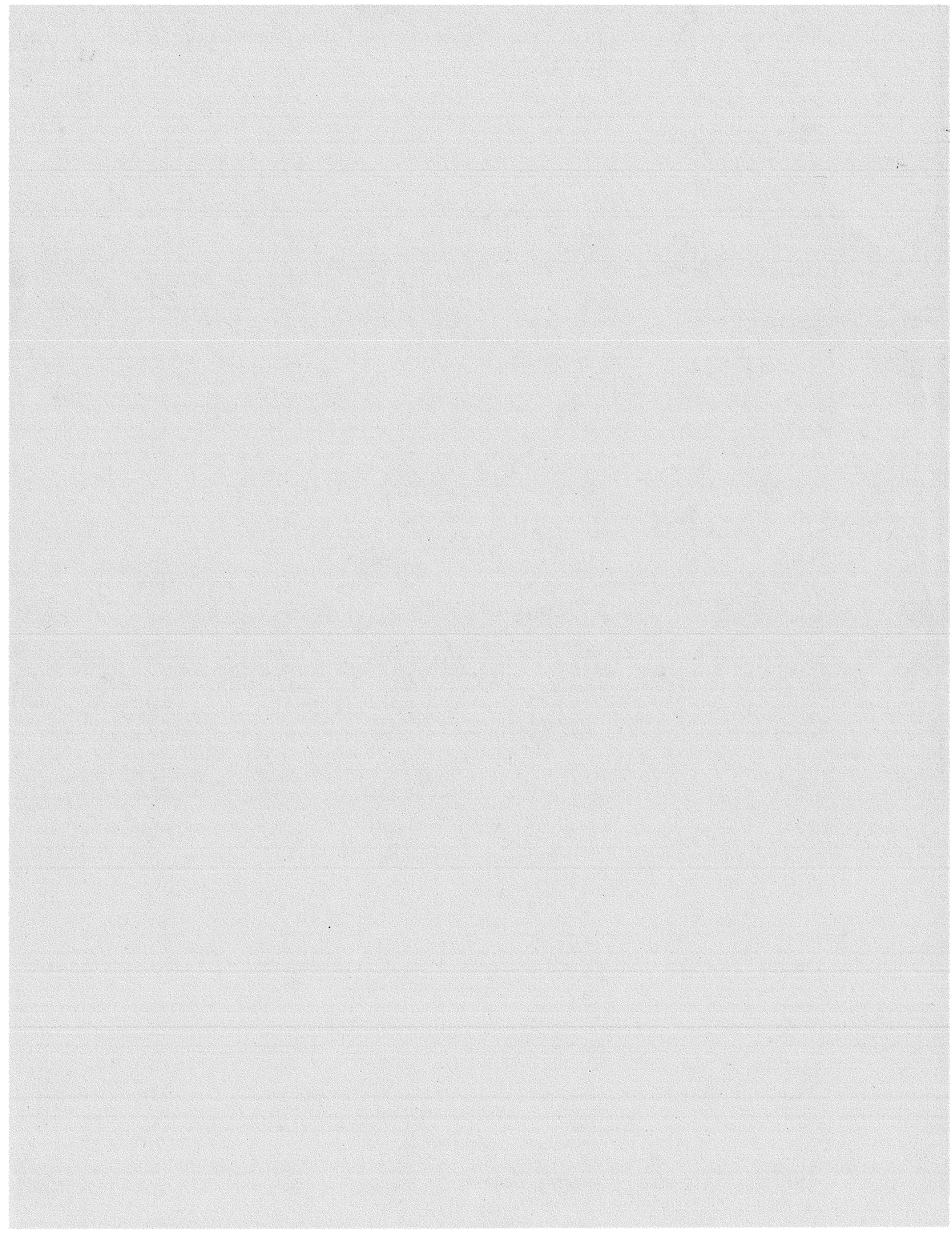
LAW OFFICE OF NICHOLAS POWER

A handwritten signature in black ink, appearing to be 'NEDP', written over a horizontal line.

Nicholas E. D. Power

NEDP:

cc. Client



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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF CLARK

**IN THE MATTER OF: THE RECALL OF  
MARC BOLDT, Clark County Councilor;  
JEANNE STEWART, Clark County  
Councilor; and JULIE OLSON, Clark County  
Councilor.**

NO. 16-2-01367-1

DECLARATION OF MICHAEL KAHRS

1. I, Michael Kahrs, am over 18 years of age and am otherwise competent to testify to the matters herein based upon my personal knowledge.

2. I am an attorney licensed in Washington since 1997.

3. I sent Capitol Pacific Reporting a video tape of the April 20, 2016 meeting of the Clark County Board of County Councilors ("BOCC"). I also provided Capitol Pacific Reporting with the link to the MP3 audio of the meeting posted on the BOCC's Grid. Attached to the Memorandum as Exhibit F is a true and correct copy of the transcript of the April 20, 2106 open meeting of the BOCC I received from Capitol Pacific Reporting.

I swear under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my ability.

DATED this 25<sup>th</sup> day of July 2016 in Seattle, Washington.

  
MICHAEL KAHRS