

Schroader, Kathy



From: Orjiako, Oliver
Sent: Monday, June 06, 2016 8:26 AM
To: Albrecht, Gary; Alvarez, Jose; Anderson, Colete; Euler, Gordon; Hermen, Matt; Kamp, Jacqueline; Lebowsky, Laurie; Lumbantobing, Sharon; Orjiako, Oliver; Schroader, Kathy; Wisner, Sonja
Subject: FW: For the record: The Thorpe Contract
Attachments: Transparency_The Thorpe Contract.docx

FYI and for the record. Thanks.

From: McCauley, Mark
Sent: Sunday, June 05, 2016 10:14 PM
To: Orjiako, Oliver; Euler, Gordon; Reis, Francine
Subject: Fwd: For the record: The Thorpe Contract

FYI.

Sent from my iPhone

Begin forwarded message:

From: "Bridget McLeman" <bridget.mcleman@gmail.com>
To: "Stewart, Jeanne" <Jeanne.Stewart@clark.wa.gov>, "McCauley, Mark" <Mark.McCauley@clark.wa.gov>
Cc: "Bridget McLeman" <bridgetmcleman@gmail.com>, "Chris.cooke@clark.wa.gov" <Chris.cooke@clark.wa.gov>
Subject: For the record: The Thorpe Contract

I am sending this document so that it becomes part of the public record.

This document includes material connected to GMA, Budget supplemental discussions, the Thorpe contract, comprehensive planning process.

In my view, it provides evidence of acting unilaterally to develop a contract, planning agenda items with no prior discussion with Council members, last minute alterations to the agenda, no advance notice of initiative to other council members, collusion between two council members, denial of input (including cutting off debate) from the "minority" both in the budget discussion and discussion of the detail of the contract.

Bridget



Transparency.

Process is our friend: Sometimes it's good to revisit history.

Revisit process. Revisit transparency.

And revisit collusion between two councilors.

Context:

On November 24th, County Council rejected the Planning Commissions recommendations and voted 2 - 1 in favor of Alternative 4. The months leading up to this decision provide many examples of failure to follow due process but, quite frankly, it makes my head hurt to try to figure about the various alternatives, variations thereof, open houses and public meetings and the like.

Hiring outside support for Alternative 4

Following the 11/24 meeting, Mr. Madore did not have confidence in the Planning Department's ability or willingness to work on Alternative 4 so he took the matter in his own hands. He called Robert Thorpe a land use specialist from Mercer Island WA which elicited the following email the next day:

The Thorpe Contract

From: Robert W. Thorpe, AICP

To: Madore, David

Subject: Comprehensive plan

Date: Tuesday, November 24, 2015 12:41:05 PM

Thank you for the phone call. We would welcome opportunity to provide proposal for completing FEIA. We are on MRSC Roster for small works. We have time available. Able to spend segregated time in winter in December to be completed by Dec 24th.

Lee Michaelis, AICP would be project manager/principle author.

Please see www.rwta.com for past SEPA/comprehensive plan projects.

Respectfully,

Robert W. Thorpe, AICP - President

R. W. Thorpe & Associates, Inc.

2737 78th Avenue SE, Suite 100

Mercer Island, WA 98040

Phone: (206) 624-6239

Upon receipt of this confirmation of their phone conversation, Madore contacted McCauley with instructions.

Note: There are no records, to date that I can see, relating to how Mr. Madore located Thorpe.

Note: This was Thanksgiving Day. I believe Mr. McCauley was on vacation celebrating with his family, and also busily responding to work emails:

From: Madore, David

To: McCauley, Mark

Subject: Re: Tuesday hearing

Date: Thursday, November 26, 2015 11:04:38 AM

Good morning Mark, and happy Thanksgiving.

Us get 'er done guys seem to rest easier and enjoy our time off better when we know we are prepared and ready to complete our assignments

So it is with Tuesday's plans Gordy had been quoted as having no idea as to how to proceed from here Our staff had related their concern that they fear too much work in too little time to meet the deadline So we cannot afford to delay or leave the path ahead undefined So please be sure to post Tuesday's agenda as action to expedite the execution of the Comp Plan update That will include approving potential contracts with resources to do the work that staff feels is too difficult

Please be sure that we have what we need to hand off the rest of the work for the FSEIS, transportation plan, and other major tasks to a more capable, faster, lower cost resource

As Oliver has proposed adding \$300,000 in extra cost for the present consultant and staff to complete the Comp Plan work, we must be prepared to immediately solve that problem with a more appropriate path We need the freedom to authorize that expedited path on Tuesday So please post that agenda

Thank you,
David Madore

On Nov 26, 2015, at 8 06 AM, McCauley, Mark <Mark McCauley@clark wa gov> wrote

Got it May I suggest this as a board time item as opposed to a hearing item? I think the discussion would be comfortable at board time Just a thought

On Nov 25, 2015, at 8 22 PM, Madore, David <David Madore@clark wa gov> wrote

Mark,

Oliver shared that the cost may increase and the time may extend if we approved alternative 4 He also stated that that the staff may require up to \$300,000 extra and might not be able to complete the work on time if we approved Alt 4

I'd like to know if this is the case I believe that the Board needs to make sure that staff has all the help they need to succeed at or below the cost of our original budget and in plenty of time So I invite them to prepare the cost and time to complete the plan

I am inviting alternative resources to offer competent, timely, cost effective help to make the job easy

I'd like us to have the choices prepared for us to consider and choose a path forward so we can get 'er done

Thanks
David Madore

On Nov 25, 2015, at 12 30 PM, McCauley, Mark <Mark McCauley@clark wa gov> wrote

Sir, we are wondering what you expect at next Tuesday's hearing regarding the Comp Plan The board carried an item over Are you expecting anything from staff? Thank you

Have a great Thanksgiving!
Mark

At the same time, Madore moved ahead with Thorpe & Associates as this email exchange reveals:

From: R. W. Thorpe & Associates, Inc. [<mailto:admin@rwta.com>]
Sent: Monday, November 30, 2015 5:24 PM
To: Madore, David
Cc: 'Lee A. Michaelis, AICP'
Subject: Draft MOU for FSEIS

David,
Attached is a draft MOU for you review. If you have any questions please contact Robert.
Thank you
Stacey

R. W. Thorpe & Associates, Inc.
2737 78th Avenue SE, Suite 100
Mercer Island, WA 98040
Phone: (206) 624-6239
Web: www.rwta.com

Mr. Madore issued further instructions to McCauley including details for a meeting with Thorpe on Wednesday with the Board following Board adoption on Tuesday. Remember the Board does not yet know anything about Thorpe. Instructions include notice of the agenda item to be posted on the Grid.

Note: Sent at 5:43 PM – Day before item on the agenda:

From: Madore, David
To: McCauley, Mark; Orjiako, Oliver; Horne, Chris; Cook, Christine
Subject: Comp Plan Implementation Resource
Date: Monday, November 30, 2015 5:43:31 PM
Mark,

Here is the contact information for R. W. Thorpe & Associates, Inc.
<http://www.rwta.com/>
admin@rwta.com
206-624-6239

Robert Thorpe

As you know, when asked what the path forward would be to implement the Comp Plan Update consistent with the preferred Alternative, Gordy's quote to the media was "I have no idea". Planning has also expressed that they do not want us to lose any time. They need a concise and timely plan to complete the work.

To ensure that we support staff with the necessary resources for their success, and to do so expeditiously, please prepare a simple one time agreement that our Board can consider to authorize on Tuesday for a Wednesday meeting.

That agreement would cover the expenses for this very experienced and well qualified resource to meet with staff Wednesday morning to help define a clear, affordable, timely, and complete Comp Plan implementation proposal. Their expenses should be well below \$5000.

If our Board agrees and things come together, then as the first agenda item on Wednesday's Board Time, we can then consider their proposal to complete the necessary Comp Plan work. They will need to leave by 2:30-ish for a meeting up north.

Pending Board approval on Tuesday, please schedule meetings with them here with Planning Staff and our PA's office on Wednesday morning in preparation for Wednesday afternoon's proposal.

To prepare for Tuesday's 2016 Comp Plan Implementation hearing, I sent Rebecca the following text to be posted on The Grid:

"Authorization to engage a third party for an amount to be less than \$5000 to provide guidance to and propose a path forward to the Board on Wednesday. Wednesday's proposal includes potential contracts to complete the Comp Plan Update, the FSEIS, the Transportation components (Capital Facilities Plan, and Capital Facilities Financial Plan), SEPA process and other steps necessary to complete the necessary tasks. Follow through on other Comp Plan policies"

Thank you,
David

From: Madore, David
To: McCauley, Mark
Subject: FW: Draft MOU for FSEIS
Date: Monday, November 30, 2015 5:47:50 PM
Attachments: MOU Clark County.doc

Mark,

As soon as I sent you the email regarding the Comp Plan implementation, I see that they sent me this MOU. So I am forwarding it to you to prepare your part.

Thank you,
David

From: Madore, David
To: "R. W. Thorpe & Associates, Inc."
Subject: RE: Draft MOU for FSEIS
Date: Monday, November 30, 2015 5:50:18 PM

Robert,

Thank you for your quick response. You should hear from our county manager, Mark McCauley on Tuesday.

Your MUO is scheduled for our 6 pm Tuesday Board hearing.

Our agenda includes the following:

"Authorization to engage a third party for an amount to be less than \$5000 to provide guidance to and propose a path forward to the Board on Wednesday. Wednesday's proposal includes potential contracts to complete the Comp Plan Update, the FSEIS, the Transportation components (Capital Facilities Plan, and Capital Facilities Financial Plan), SEPA process and other steps necessary to complete the necessary tasks. Follow through on other Comp Plan policies"

Thanks
David

From: Madore, David
To: "R. W. Thorpe & Associates, Inc."

Subject: RE: Draft MOU for FSEIS

Date: Monday, November 30, 2015 6:03:06 PM

Robert,

One correction to the MOU, rather than meeting with us in executive session, we would meet in open session at our Wednesday Board Time meeting. I am assuming that you can / will also include the CFP and CFFP as well and do the checklist.

Thanks

David

From: Madore, David

To: Tilton, Rebecca

Subject: RE: Clarifications of hearing agenda items

Date: Monday, November 30, 2015 4:30:34 PM

The 2016 Comp Plan hearing agenda

Authorization to engage a third party for an amount to be less than \$5000 to provide guidance to and propose a path forward to the Board on Wednesday. Wednesday's proposal includes potential contracts to complete the Comp Plan Update, the FSEIS, the Transportation components (Capital Facilities Plan, and Capital Facilities Financial Plan), SEPA process and other steps necessary to complete the necessary tasks. Follow through on other Comp Plan policies

From: McCauley, Mark

To: Madore, David

Cc: Orjiako, Oliver; Redline, Tina

Subject: Document1

Date: Monday, November 30, 2015 8:19:20 AM

Attachments: Document1.docx

Sir, good morning.

How does this look for the tomorrow's agenda for the comp plan?

The budget document we posted for tomorrow is the same one we posted when we published the notice of public hearing on November 10th--so it should stay there.

.....

Mark

NOTE: This contract has been drafted and agreed to by the consultant, and put on the agenda before any other Council member or any other staff know about it, have discussed it, or it has been reviewed by legal.

NOTE: On Monday 30th, the contract was provided to the PA's office for review.

At the Council meeting on Tuesday, December 1st. Council is reviewing the **2015-16 Budget Mid-Biennium Review & Modification Supplemental Appropriation** Among the mid-term adjustments, Dr. Orjiako requested \$300,000 for contingency to cover additional costs for the SEPA / GMA. These amounts had been agreed to in the mid-term budget discussion on October

21st work session. Mr Mielke wanted to cut that amount. Before discussing the item, Ms Stewart asked for a break.

Messrs Mielke and Madore can clearly be seen on the CVTV video talking back and forth.

The full CVTV video is on line: BOCC 12_01_15



When they return, Madore invites questions from Councilors and turns to Mielke:

1.51.15 tape

Mielke: " I do. Kind of I think I understand..... I just heard we have a compromise on this..... that's where they're asking for another \$300,000 to finish up the comp plan but I think we have an agreement if you want to make that here

Madore: "If you like I can make the proposal here

Mielke: "and we have a compromise if you'd like to make that here

Madore " i can - What's proposed here is 300,00 proposal as contingency not authorized to be used. I want to change this to \$65,000.

Oliver Orjiako is our Director of Planning. Now Oliver, A little explanation. This is not an amount that's there as a result of us accepting a different alternative but you explained to me an amount it's a question of maxing out your budget and this will provide contingency fund which will come back to us for authorizing.

Oliver: Good evening, that's correct. when I met with you I did explain that up to now the state has funded all the comp plan updates. Last talked to the state they offered a little bit over 1.5 million for shoreline master program

.....
When we were planning budget for 15-16 we were expecting to receive funding from the state and later learned there was no funding from the state. We were told late in 2015 that there was no funding coming from the state and have exhausted the \$420,000 we put in the budget this is just to put in contingency (more)

Madore then proposed to change the Supplemental Budget amount from \$300,000 to \$6,5000

Mielke: supports this "because I was not going to be quite so generous not having met with Oliver "

Discussion

Stewart: " So when we looked at it in the Powerpoint a month ago (Oct 21) we understood what the 300,000 was and we moved it forward. So where do we get the idea to reduce it to \$65,000. Where does that number come from?

Madore: "Rather than cover that topic here, we have a special hearing to cover the process forward later on. I would just say with all the homework that's gone in to it and work has gone in to it then this is an appropriate amount.

.....
Stewart: "So maybe i didn't ask the question well. I 'm wondering when wedon't understand where the \$65,000 comes from.

M: "There is more that will be discussed in the hearing that will determine path forward

Mielke: "When i came across that in the budget i was going to remove it. i understand Madore has confided with others, conferred with, and come down with a compromise and come up with this numberI believe anything we have to do we're going to pay for and it'll come back to us either way

Stewart: I'll just refer to it as the mystery money

Madore : All in favor of amending the request from 300,000 to 65,000

M & M yes

S No - I have no information that would lead me to believe that it is appropriate. amount

Madore: OK

S I'll just call it the mystery money

Mielke: That's amazing cos we have no information that says we need 300,000 either.

Later in same meeting

Mr Madore had placed an item on the agenda

2016 Comprehensive plan update process https://www.clark.wa.gov/sites/all/files/the-grid/120115_ImplementationComprehensivePlanPolicy.pdf This document set out the rules for moving forward. The last item on the agenda was the Professional Services Agreement – for an initial amount of \$5,000 on the understanding that it would cost more if the Council approved the concept https://www.clark.wa.gov/sites/all/files/the-grid/120115_PH_CompPlanThorpeAgreement.pdf

Madore in anticipation to assure that we want to make sure we support our staff to have available help in a timely manner present to staff tomorrow, to brainstorm with staff tomorrow, to create a path forward with a company and Chris Horne and Chris Cook have prepared an agreement to help

Stewart I'd sure like to see a copy of that

Madore it is authorizing this expert in comp plan process to work with staff tomorrow in order to propose a path forward to meet their needs so they were successful

Stewart I'd want to know a lot more who selected, when did it come up, who is this Thorpe and Associates, who found them

Madore they have a lot of expertise so whatever they can do as consultant to our staff

Madore experts in the field This has unfolded since the 24th where we adopted the proposal

Stuart well, how much are we going to expend on this

Madore less than \$4,000

Stewart how is it that we can conceivably think we can get expertise at a level to review all the changes added to the comp plan most in the last month and month and a half - a comprehensive review because that's what we need I bet we could find someone for 10 bucks but what we're doing here is creating the future here for the future of clark county and we're going on the cheap because we agree with someone philosophically is a mistake I'm just extremely skeptical that someone who can do it for 5,000 is going to be able to give us a comprehensive product this is not a place to cheap down and narrow the horizons I'd also ask if our staff knows this agency, and if staff had been involved in the selection process, if they would be on the list of the qualified people So I think this is a bad idea
applause

Clarification Horne to Stewart

I know you just got the agreement tonight but this is just a proposal to make a one day presentation to the council after that you may choose to hire them for more work - - basically short term, small dollar compared to if they are hired to do more

Stewart So how can it be that I'm just getting this kind of a document tonight

Cook because we were requested to provide the document yesterday

Cook it was put in final form after receiving more information from Thorpe today

Stewart So some people are going to come down and sell their services and you'll have two people who'll say yes

whether it's the best way to go that won't be mitigated or not

Madore: Any more discussion

The Budget Supplemental, GMA Policy statement, and the Professional Service Agreement were adopted 2-1

Board adopted a document that set out GMA policies

Implementation of the Clark County Board of Councilors Comprehensive Plan Policy

Policy 2: The Board adopts the following policies and processes related to the Comp Plan:

2.2 It shall be the policy of the Board to have the option to select an alternative consultant or resource to complete the FSEIS in the event of a cost overrun or delayed delivery date.

Wednesday's Board Time 12/2/15

Meeting between Council and Thorpe?

Meeting between Thorpe and Planning staff?

County Council Meeting 12/8/15

https://www.clark.wa.gov/sites/all/files/the-grid/120815_PSA_Thorpe.pdf

Amended contract to a maximum of \$45,000

Contract states:

Overall: Cost Ranges - Low End (goal / target) to High End (maximum not to exceed without change order)

A. start up \$2500-\$4500 (Current signed agreement with Clark County) B. 1. R.W. Thorpe and Associates - \$8000 - 10,000

Morris - \$3000-\$5000

Settle \$4000-\$5000

Expenses - 1 Meeting at Clark County \$15,000-\$20,000

2. R.W. Thorpe and Associates \$15,000 - \$22,000 Step B - 2/3 Preliminary Estimate

To be verified fully Step B-1

Team= \$12,000 to \$20,000 plus expenses

Step4-TBD

Clark County and Consultant (RWTA Team) Option to modify Steps 2-4

Work program and budget following Step 2

We have enclosed attachment A & B for RW Thorpe and Associates/Co-consultants Rate Sheet We appreciate the opportunity to assist you with Step 1 research, meeting and recommendation at Clark County Administration office on December 2