

O'Donnell, Mary Beth

From: Orjiako, Oliver
Sent: Monday, April 27, 2015 4:59 PM
To: Euler, Gordon; Anderson, Colete; O'Donnell, Mary Beth
Subject: FW: Request for audit of the public record index of the 2016 Comp. Plan Update - For the Public Record

Follow Up Flag: Follow up
Flag Status: Flagged



CP16 #0728

Correspondence between Greg and Carol for index. Thanks.

Oliver

From: Kimsey, Greg
Sent: Monday, April 27, 2015 4:13 PM
To: 'Carol Levanen'; Stewart, Jeanne; Madore, David; Mielke, Tom; McCauley, Mark; Susan Rasmussen; Leah Higgins; Rick Dunning; Rita Dietrich; Jerry Olson; Fred Pickering; Jim Malinowski; Frank White; Benjamin Moss; Lonnie Moss; Melinda Zamora; Nick Redinger; Curt Massie; Marcus Becker; Zachary McIsaac; Clark County Citizens United Inc.
Cc: McCauley, Mark; Orjiako, Oliver; Cook, Christine
Subject: RE: Request for audit of the public record index of the 2016 Comp. Plan Update - For the Public Record

Hi Carol, you're very welcome.

In response to your concern that the continuous public process continues up to the time when the Board of County Councilors ("BOCC") votes on the comp plan – the BOCC could close the public record shortly prior to voting on the comp plan. The record is open for public comment until it is finally closed by the BOCC. The BOCC has not yet selected a preferred alternative for SEPA analysis; therefore the record on SEPA issues is open, and citizens may submit comments to the record on those issues. As yet, the BOCC has made no decision to adopt or revise any element of the comprehensive plan, and therefore the record on the plan itself is also open for public comment.

You also expressed concern that the public record will be "cherry picked" – in my opinion the Community Planning staff understand their responsibility to create a complete public record and are taking the appropriate steps to ensure this is accomplished. In addition, in my opinion the Community Planning staff is doing an excellent job of creating the public record as well as the index to that public record. As of this morning the record of public comments regarding SEPA alternatives is current through 7:34am April 14, 2015, and the index for the public record is complete through March 23, 2015. If you believe documents are missing from the public record and/or the index to the public record I encourage you to contact Oliver Orjiako.

In response to your suggestion that some "independent" person be responsible for creating the public record – compiling the record of submittals regarding the comprehensive plan update is a function of Community Planning staff, in coordination with other staff who receive submittals on behalf of the county. For example, when Clark County Citizens United provides materials to members of the BOCC, Community Planning includes them in the record when the materials are forwarded to Community Planning. Acting County Manager Mark McCauley could choose to assign the function of compiling the record of submittals regarding the comprehensive plan update to someone other than

Community Planning staff, however that might require the BOCC to adopt an amendment to the existing county budget to provide an additional expense.

If you have additional comments, concerns or questions please don't hesitate to contact me.

Regards,
Greg

From: Carol Levanen [<mailto:cnldental@yahoo.com>]

Sent: Friday, April 24, 2015 11:01 PM

To: Kimsey, Greg; Stewart, Jeanne; Madore, David; Mielke, Tom; McCauley, Mark; Susan Rasmussen; Leah Higgins; Rick Dunning; Rita Dietrich; Jerry Olson; Fred Pickering; Jim Malinowski; Frank White; Benjamin Moss; Lonnie Moss; Melinda Zamora; Nick Redinger; Curt Massie; Marcus Becker; Zachary McIsaac; Carol Levanen; Clark County Citizens United Inc.
Subject: Re: Request for audit of the public record index of the 2016 Comp. Plan Update - For the Public Record

Dear Mr. Kimsey,

Thank you for your timely response. The April date was the last posting of testimony for the public record index. No doubt, the public thinks that what is posted, is in fact everything that was submitted, to date. In fact, that can't be further from the truth. CCCU is well aware of the requirement that the record must be complete by the time of the final approval of the Plan. But, don't you think that is too late for councilors to read, understand and consider the submitted testimony at that late date? State law does say that they must consider the public input. What is a record good for, if information for it is 'cherry picked'. The public record is the only recourse the taxpayers of Clark County have to voice their opinion to those who say they want to hear from them. The ballot box is the other. The GMA has much language regarding public input and process. In the 1994 Comp Plan, the Index was rewritten twice and was still dramatically incomplete. A thousand pieces of testimony were never entered in the record at that time. The county lost in the court regarding the public process. Is that what the county wants to have happen again? Having an ongoing open and complete public process, record and index tells the public that what they have to say is important and gives integrity to the process. Isn't that what your goal is? Unfortunately, your response tells me that county agents do not consider the situation in the same way, and would argue that the county will get the information in the record when they have to, and not before. A more appropriate method to assure a full and complete record, is that planning staff stays out of the picture, until the testimony information is listed. This process should not take more than a few days to perform, and then staff can review the contents. There should be independent persons handling public testimony, similar to ballot protection. The legal implications for both do matter in the eyes of the courts.

Best Regards,

Carol Levanen, Ex. Secretary
Clark County Citizens United, Inc.
P.O. Box 2188
Battle Ground, Washington 98604

From: "Kimsey, Greg" <Greg.Kimsey@clark.wa.gov>

To: 'Carol Levanen' <cnldental@yahoo.com>; "Stewart, Jeanne" <Jeanne.Stewart@clark.wa.gov>; "Mielke, Tom" <Tom.Mielke@clark.wa.gov>; "Madore, David" <David.Madore@clark.wa.gov>; "McCauley, Mark" <Mark.McCauley@clark.wa.gov>; Susan Rasmussen <sprazz@outlook.com>; Leah Higgins <leahnwhomes@gmail.com>; Rick Dunning <ralan1953@gmail.com>; Rita Dietrich <billrita@pacifier.com>; Jerry Olson <wcolsons@tds.net>; Fred Pickering <fredp@yacolt.com>; Jim Malinowski <j.malinowski@ieee.org>; Frank White <firfarmer@yahoo.com>; Benjamin Moss <benjaminmoss@johnlscott.com>; Lonnie Moss <mossback44@gmail.com>; Melinda Zamora <mzamora1001@gmail.com>; Nick Redinger <nickredinger@hotmail.com>; Curt Massie <cmassie331@gmail.com>; Marcus Becker <marcusb35@msn.com>; Zachary McIsaac <zmcsaac@ashbaughbeal.com>; Clark County Citizens United Inc. <cccuinc@yahoo.com>

Cc: "Orjiako, Oliver" <Oliver.Orjiako@clark.wa.gov>; "Cook, Christine" <Christine.Cook@clark.wa.gov>; "McCauley, Mark" <Mark.McCauley@clark.wa.gov>

Sent: Friday, April 24, 2015 2:34 PM

Subject: RE: Request for audit of the public record index of the 2016 Comp. Plan Update - For the Public Record

Hi Carol.

Yes, I recognize that Clark County Citizens United requested that my office conduct an audit of the public records index for Clark County's 2016 comprehensive plan update. However, a request for an audit does not require this office to conduct an audit. While a request for an audit does not require the audit be conducted, I do take audit requests very seriously and carefully consider what action, if any, we should take in response to that request.

When a concern regarding an aspect of Clark County operations is brought to the attention of my office, generally our first action is to contact the Director of the county department where the concern originates from. We discuss the concern with the Director to gather information that will help us to better evaluate the concern and what our response, if any, should be to address the concern.

My understanding is that state law requires the public record of comments and input regarding a county's comprehensive plan update (the "Public Record") must be complete at the time the legislative body approves the comprehensive plan update (the Public Record must be complete at that time, however it may meet the requirement to be complete even though it has not yet been fully indexed).

We have discussed Clark County Citizens United's concern with Community Planning Department Director, Oliver Orjiako, staff in the Prosecuting Attorney's Office and acting county Manager Mark McCauley. As a result of these discussions it is my opinion that the county has the proper procedures and controls in place to ensure compliance with state law regarding the requirement that the Public Record be complete at the time the legislative body approves the comprehensive plan update.

In your email you state "All items prior to April 14, 2015 intended by the public for the record, are mandated by state law to be in the record, before the record's last date, which is April 14, 2015." I am not aware of the law you are referring to, if you would provide me additional information about this I would be happy to respond. If the "items" you are referring to are comments and/or information that you want included in the Public Record my understanding is that they can be submitted any time prior to approval of the comprehensive plan update by the Board of County Councilors and would then be included in the Public Record.

While I believe the county is acting appropriately to ensure that the Public Record will be complete when the Board of County Councilors approve the comprehensive plan update, if you believe items are missing from the Public Record I encourage you to contact Oliver Orjiako.

If you have additional comments, concerns or questions please don't hesitate to contact me.

Regards,
Greg

From: Carol Levanen [<mailto:cnldental@yahoo.com>]

Sent: Thursday, April 23, 2015 8:24 PM

To: Kimsey, Greg; Stewart, Jeanne; Mielke, Tom; Madore, David; McCauley, Mark; Susan Rasmussen; Leah Higgins; Rick Dunning; Rita Dietrich; Jerry Olson; Fred Pickering; Jim Malinowski; Frank White; Benjamin Moss; Lonnie Moss; Melinda Zamora; Nick Redinger; Curt Massie; Marcus Becker; Zachary Mclsaac; Carol Levanen; Clark County Citizens United Inc.

Subject: Re: Request for audit of the public record index of the 2016 Comp. Plan Update - For the Public Record

Dear Mr. Kimsey,

CCCU has filed a formal email request for an audit of the public record index. It is your responsibility to fulfill that request. CCCU is quite sure that many items are missing or mis-labeled. You have responded that the index will be complete by the end of the GMA update, but that is much too late. All items prior to April 14, 2015 intended by the public for the record, are mandated by state law to be in the record, before the record's last date, which is April 14, 2015. This request is not between planning staff and you, it is between CCCU and the auditors office. Our question to planning staff, is why the testimony is not already in the record? Are these items of public testimony just sitting in no-man's-land? CCCU does expect the Auditors office to independently review and confirm the information and respond to the audit request. CCCU looks forward to resolution of this matter, as soon as possible. Thank you for your time and attention.

Sincerely,

Carol Levanen, Ex. Secretary
Clark County Citizens United, Inc.
P.O. Box 2188
Battle Ground, Washington 98604

From: "Kimsey, Greg" <Greg.Kimsey@clark.wa.gov>
To: 'susan rasmussen' <sprazz@outlook.com>
Cc: "cnldental@yahoo.com" <cnldental@yahoo.com>; "jim.malinowski@icloud.com" <jim.malinowski@icloud.com>; "Madore, David" <David.Madore@clark.wa.gov>; "Stewart, Jeanne" <Jeanne.Stewart@clark.wa.gov>; "Mielke, Tom" <Tom.Mielke@clark.wa.gov>; "McCauley, Mark" <Mark.McCauley@clark.wa.gov>; "Orjiako, Oliver" <Oliver.Orjiako@clark.wa.gov>
Sent: Thursday, April 23, 2015 3:52 PM
Subject: RE: Request for audit of the public record index of the 2016 Comp. Plan Update

Hi Susan,

We have discussed your concern with Oliver Orjiako, Community Planning Director as well as a member of his staff. While you are correct that certain items are not currently included in the public records index for the 2016 comprehensive plan update, our discussions cause us to believe that the Planning Department is diligently working to include them. We have no reason to believe that all items that should be included in this database will be included and indexed prior to adoption of the plan.

If you believe there are specific documents that should be in the public records index for the 2016 comprehensive plan update but don't appear to have been included I encourage you to contact Oliver Orjiako.

I hope this addresses your concern. If you have additional concerns, comments or questions please don't hesitate to contact me again.

Regards,
Greg

From: Kimsey, Greg
Sent: Wednesday, April 22, 2015 3:13 PM
To: 'susan rasmussen'
Cc: cnldental@yahoo.com; jim.malinowski@icloud.com; Madore, David; Stewart, Jeanne; Mielke, Tom
Subject: RE: Request for audit of the public record index of the 2016 Comp. Plan Update

Hi Susan, this is to acknowledge receipt of your request.

I hope to provide you a response no later than early next week.

Regards,
Greg

From: susan rasmussen [mailto:sprazz@outlook.com]
Sent: Wednesday, April 22, 2015 2:19 PM
To: Kimsey, Greg
Cc: cnldental@yahoo.com; jim.malinowski@icloud.com; Madore, David; Stewart, Jeanne; Mielke, Tom
Subject: Request for audit of the public record index of the 2016 Comp. Plan Update

Dear Auditor Kimsey,

A recent review of the public records index for the comprehensive plan 2016 update demonstrates there are numerous items missing and or mislabeled. This creates an incomplete index of the public record. Clark County Citizens United, Inc. is requesting a full audit of the index of the public record for the comprehensive plan update. We look forward to your response to this request.

Thank you for your attention,

Susan Rasmussen
Clark County Citizens United, Inc.

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