

**Schroader, Kathy**

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**From:** Orjiako, Oliver  
**Sent:** Tuesday, December 01, 2015 9:47 AM  
**To:** Alvarez, Jose, Anderson, Colete, Albrecht, Gary, Euler, Gordon, Hermen, Matt, Kamp, Jacqueline, Lebowsky, Laurie, Lumbantobing, Sharon, Wiser, Sonja  
**Cc:** Schroader, Kathy  
**Subject:** FW: Please place this letter sent today in the record on Comp Plan update and SEPA record  
**Attachments:** Cook&Horne-Ltr-151201.pdf

FYI and for the record

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**From:** David McDonald [<mailto:david@mcdonaldpc.com>]  
**Sent:** Tuesday, December 01, 2015 8:56 AM  
**To:** Schroader, Kathy  
**Cc:** Orjiako, Oliver; Euler, Gordon  
**Subject:** Please place this letter sent today in the record on Comp Plan update and SEPA record

Thank you

Best Regards,

David

FRIENDS OF CLARK COUNTY  
PO BOX 513  
VANCOUVER, WASHINGTON 98666  
[friendsofclarkcounty@tds.net](mailto:friendsofclarkcounty@tds.net)

December 1, 2015

Christine Cook  
Chris Horne  
Office of the Clark County Prosecuting Attorney, Civil Division  
1300 Franklin Street  
Vancouver, Washington 98660

Via pdf and e-mail

For the public record—Request that Public Hearing for tonight on “Implementation of the Clark County Board of Councilors Comprehensive Plan Policy” be stricken until proper 15 notice is provided to the public under the County’s Type IV process rules.

Dear Ms. Cook and Mr. Horne:

After reviewing the documents approved by the Board last Tuesday, it is clear that Councilor Madore wants to switch consultants for the preparation of the FSEIS. Such a switch is not shocking given the fact that e-mails during the development of the Preliminary Draft SEIS and the Draft SEIS show that both he and CCCU (especially Ms. Rasmussen) actively contacted ESA’s offices in Washington and California<sup>1</sup>.

I also note that there is an e-mail in the public record portal that directs Councilor Madore to not have direct contact with ESA. This directive was apparently given in response to the ESA staff e-mails to Clark County planning staff on September 30 and October 1, 2015 regarding contact by Councilor Madore and Ms. Rasmussen with ESA staff regarding findings in their Draft SEIS. I have listened to two voice mail messages that the Councilor left with ESA staff, one of which directed them to address the issue raised with them by Susan Rasmussen.

Given the findings by ESA regarding the significant impacts that would be

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<sup>1</sup> This is my opinion but, given the statements in the record from the July 17, 2015 Board hearing during public comment with Carol Levanen, the e-mails and voice mails with the consultant, Ms. Rasmussen’s and Ms. Levanen’s consistent and vitriolic comments against ESA’s findings regarding Alternative #4 and the fact that Councilor Madore continues to allow CCCU in general and Ms. Rasmussen and Ms. Levanen specifically to be the single group determining what should be in his new Alternative #5, I believe my opinion is well grounded in facts that are in the record.

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caused by Councilor Madore's Alternative #4, I anticipate that the Councilor wants the county to retain a consultant he can control. My anticipation is evidenced by the fact that the resolution specifically limits the type of information that should be provided to the ESA<sup>2</sup>. I hypothesize that, given the admonition to Councilor Madore that he should not contact ESA, he does not feel that he can control ESA, or they will not accept the restrictions on ESA's evaluation of the new Alternative #5 adopted by the Board (*see fn #2*). Therefore I expect that he will be suggesting a new consultant tonight at the hearing for the Board to hire, an action item that I do not believe is covered by the continuation of the 2.3 of the public hearing. *See* discussion of the agenda item *infra*.

In the event that such a request is made, I trust that the County will follow its code and send the matter out for an RFP. I believe such an RFP process is required under RCW 36.32.250 and CCC 2.37.010<sup>3</sup> as this would neither be a performance based

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<sup>2</sup> **Policy 1:** The Board selects as policy, Exhibit B and choice B of Exhibit A to be used as the specifications and criteria to be used in the FSEIS analysis. The October 8, 2015 subject matter expert letter from the Clark County Technical Advisory Committee on Septic Systems is to be included in the FSEIS to correct related out of date information published in the DSEIS

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

2.1 The materials and information submitted for analysis by the FSEIS *shall be wholly consistent with the Preferred Alternative and fully supportive of the policies selected by the Board of Clark County Councilors* (Board).

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.

2.3 The Board policy is hereby adopted to complete the FSEIS as scheduled by February 1, 2016.

2.4 It shall be the policy of the Board to review the FSEIS, to specify any corrections deemed necessary, and to approve the FSEIS in a public hearing before the FSEIS is considered final and submitted to state

<sup>3</sup> **2.37.010 Contracts less than twenty-five thousand dollars (\$25,000).**

SHARE

Contracts, leases and purchases involving less than twenty-five thousand dollars (\$25,000) but more than five thousand dollars (\$5,000) may be made by Clark County without advertising or competitive bids, as provided by RCW 36 32.250 as amended by

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contract under RCW 39.35.020(4) nor a small works roster process under RCW 39.04.155.

More importantly, and in further support of the above, I reviewed the agenda item this morning and I noted that the description regarding the hearing has markedly changed from yesterday to include the following language:

*Authorization to engage a third party for an amount to be less than \$5,000 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.*

Staff Contact: Oliver Orjiako (360) 397-2280, ext. 4112; Gordy Euler (360) 397-2280, ext. 4968

According to CVTV, Councilor Madore stated that the "Motion would be to move item 2.3 to Tuesday's agenda". Item 2.3 states the following:

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the laws of Washington, Chapter 267 First Extraordinary Session, 2007, provided:

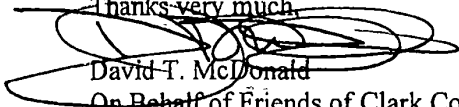
- (1) That bids be solicited from as many suppliers as practicable,
- (2) That a record be kept of all bids and made available for public inspection by telephone, e-mail or fax;
- (3) Repealed by Ord 2014-01-08;
- (4) That supplies be purchased, whenever possible, in quantities for a period of at least three (3) months but not to exceed one (1) year;
- (5) That supplies used throughout the county be standardized as far as possible, and stored for general use by all departments, which shall be charged for them when withdrawn. (Sec. 1, Res No 1977-09-12; amended by Sec. 1 of Ord. 2014-01-08)

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2.3 The Board policy is hereby adopted to complete the FSEIS as scheduled by February 1, 2016.

Of note is that Item 2.2<sup>4</sup> *was not* continued to the public hearing scheduled for tonight and there was nothing in Item 2.3 that mentions Authorization to engage a third party or discuss potential contracts. These items are not covered by the notice and should be withdrawn and or stricken.

Thanks very much



David T. McDonald

On Behalf of Friends of Clark County

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<sup>4</sup> 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.