

## **Objection to Amending CCC 2.09.030**

County law 2.09.030 was unanimously adopted on May 26, 2015 to fulfill a clearly stated purpose. It was unanimously adopted by approving ordinance# 2015-05-07 that states that purpose as follows:

“The Board of County Councilors seeks to balance its responsibility to monitor the County budget with the authority granted and flexibility needed by the County Manager's to execute contracts on behalf of Clark County.”

<https://www.clark.wa.gov/sites/all/files/the-grid/2015-05-07.pdf>

That law is there for a good and sensible reason - to provide a check and a balance on how the people's money is spent. It ensures openness, transparency and accountability.

That law has allowed our county manager to sign all contracts in a way that is fast and efficient. The law allows the county manager to automatically approve all county contracts without requiring any action by the county councilors.

Simply posting the proposed contracts on the Contracts Grid for one week automatically allows the ability for county councilors and the citizens to monitor, oversee, and keep watch on exactly how the people's money is spent.

We've all been able to keep an eye on the county's wallet.

That law has worked fabulously and continues to fulfill its purpose. No county law can trump state or federal law including protecting the privacy rights of individuals and respecting attorney / client privilege.

The county has already demonstrated that truth by redacting those areas of contracts required to by state or federal law to be held confidential. The county can continue to do so without changing this county law.

The county law has worked exactly as intended. However, there is only one problem with the current law. It makes it illegal to secretly award self-serving contracts that are used by the county council majority and the county manager to use public funds to investigate their political adversaries.

That is precisely why this county has two pending court cases on alleged violations involving the county council majority and the county manager. The Writ of Mandamus is to be heard in superior court this month, and the recall charges against the county council majority are to be heard in our State Supreme Court next month. Both cases involve alleged violations of this specific law.

I have a hard time thinking of any other reason why contracts that the County is going to be bound by should not be subject to review by the Councilors and the Public at-large.

By making the change that is proposed, the Manager could enter into secret contracts that are beyond the view – and review – of anyone else. This is the anathema of how wise governments spend money.

The proposed modification gives the Manager authority to hundreds of thousands of dollars with no oversight.

The proposal eviscerates any real check that the Board has on how money should be spent. Moreover, without council oversight, there is no mechanism contemplated for describing what constitutes a “contract”. So it would be entirely possible, for a crafty manger to “break up” a large

contract that is in excess of specified limit into multiple smaller contracts that each individually, are less than the specified limit.

Without council oversight, what is preventing a manager from contracting separately with various different contractors who are each doing a part of a contract? That lack of transparency is a recipe for fraud and the fleecing of the citizens of Clark County. This could have ruinous consequences for the County.

Each of us signed our county's Vision, Mission and Strategic Actions document that committed us to openness and accountability as our top priorities.

<https://www.clark.wa.gov/county-manager/vision-mission-and-strategic-actions>

The Charter has already eroded the role of elected citizen representatives by delegating significant authority to an unelected county manager.

Today's proposed ordinance further erodes the role of the county council by granting even more authority to the county manager.

Today's proposed ordinance hinders the ability of citizens and their elected representatives to fulfill their responsibility of monitoring and overseeing the expenditure of the people's money.

Trust but verify. That wisdom insists that we protect and exercise our responsibility to verify the wise expenditure of millions in public funds.

Today's proposed ordinance hinders our ability to do our job. We will not be able to carry out our responsibility to verify how millions in public funds are spent.

Today's proposed ordinance turns out or dims the lights shining on county funds. This is a huge backward step away from transparent accountable government.

Today's proposed ordinance seeks to abolish the Contracts Grid that was established for the very purpose of ensuring transparency and accountability. We must keep an eye on the county's wallet.

The County Council job includes being a watchdog over the people's money. That includes knowing the specifics of each proposed contract before it is signed. We must have the ability to review those contracts before they are executed.

Today's ordinance as proposed, seeks to allow only 3 county councilors to review some contracts and keeps the council minority in the dark. That double standard marginalizes the county council minority and the citizens that they represent.

The Board is a Board – and acts as a Board. It cannot be subdivided at the whim of a majority of the Board. All Board members are entitled to the same information so the Board, as a whole, can oversee the activities of the Manager.

Today's proposed ordinance divests the legal authority of two of the County Councilors. This legal authority is vested in all (not just some) members of the County Council by the Constitution, the laws of Washington, and the people and cannot be divested by a vote of 3 Councilors.

In addition to these violations of common sense, special circumstances are in play that call for three of the county councilors to recuse themselves from deliberating and voting on this specific county law at this time.

The proposed ordinance is designed to change the currently in-place procedure that requires all Councilors to be made aware of all contracts including HR investigations.

This provision has been at the forefront of two very serious legal actions against Councilors Stewart, Olson and Boldt - the Recall court case and the Mandamus court case.

Why? Because the amendments being proposed today would be a clear case of self-dealing by these three councilors.

How? By removing the exact sections of the county code 2.09.030 that they are charged with violating.

When? Superior Court is scheduled this month to hear the Writ of Mandamus case and our state Supreme Court is scheduled to hear this specific recall charge against county councilors Boldt, Olson, and Stewart next month.

Such self-serving actions are akin to public officials who are scheduled to be in court for speeding in a school zone, use their authority to remove that school zone in attempt to deal an advantage to themselves while serving to disadvantage everyone else in our community.

Such behavior is the height of self-dealing for these Councilors to now consider an “ex-post legislative fix” that would serve their own interests – at the expense of the citizens of Clark County.

Because Councilors Olson, Boldt and Stewart and the County Manager have been called out for violating and fostering the violation of the notice requirement for contracts, and because litigation on this issue is pending, it was wrong for the County Manager and these Councilors to try to do this at this time. I am requesting that Councilors Olson, Boldt and Stewart recuse

themselves and refrain from deliberating and voting on this matter at this time.

It is a simple concept. You simply cannot vote on matters on which you have a specific and tangible personal interest for your own advantage and that are to everyone else's disadvantage. Each of those Councilors who have a private interest in this, so they should not deliberate or vote to change this county law. It is as simple as that.

I therefore move for the county councilors who have the identified conflict of interest to recuse themselves from deliberating and voting who are specifically named in pending court cases for violating this law.