



Skamania County Sheriff's Office

Deputy Report for Incident 25-05127

Nature: Agency Assist
Location: 60

Address: 1 CLARK COUNTY
OOC

Offense Codes: ASST

Received By: Aguiar, Cris

How Received: T

Agency: SCSO

Responding Officers: Lyle, Christian

Responsible Officer: Lyle, Christian

Disposition: ACT 08/06/25

When Reported: 12:39:01 08/06/25

Occurred Between: 12:39:01 08/06/25 and 12:41:25 08/06/25

Assigned To:

Detail:

Date Assigned: **/**/**

Status:

Status Date: **/**/**

Due Date: **/**/**

Complainant: 124226

Last: CRESA

First: Clark Dispatch

Mid:

DOB: **/**/**

Dr Lic: 5 Letter

Address: CRCA

Code/VANCC

Race:

Sex:

Phone: (360)696-4461

City: Vancouver, WA Varied

Offense Codes

Reported: ASST Agency Assist

Observed: ASST Agency Assist

Additional Offense: ASST Agency Assist

Circumstances

Responding Officers:

Lyle, Christian

Unit :

22

Responsible Officer: Lyle, Christian

Agency: SCSO

Received By: Aguiar, Cris

Last Radio Log: **:*.**:** **/**/**

How Received: T Telephone

Clearance:

When Reported: 12:39:01 08/06/25

Disposition: ACT **Date:** 08/06/25

Judicial Status:

Occurred between: 12:39:01 08/06/25

Misc Entry:

and: 12:41:25 08/06/25

Modus Operandi:

Description :

Method :

Involvements

Date

Type

Description

08/06/25

Name

CRESA, Clark Dispatch

Complainant

Narrative

Skamania County Sheriff's Office
POB 790
Stevenson, WA 98648

Case: 25-05127

- Clark County Sheriff's Office, Agency Assist

INCIDENT

- Open Public Meetings Act violations
- Home Rules Bi-Laws violations
- Procedural violations

INVOLVED PARTIES

- Alleged victim: Clark County Council Member Michelle Belkot
- Alleged suspect: Clark County Council Chair Sue Marshall
- Alleged suspect: Clark County Council Member Wil Fuentes
- Involved: Council Administrative Assistant Michelle Pfenning
- Alleged suspect: Clark County Manager Kathleen Otto
- Involved: Clark County Council Member Glen Yung
- Involved: Clark County Council Member Matt Little
- Complainant: Rob Anderson

Date of Original:

- August 5th, 2025

Distribution:

- Clark County Sheriff's Office-Sheriff
- Clark County Councilor's Ethics Committee
- Clark County Records

Charges Recommended/ Violations Observed:

- Violations of RCW 42.30.120 Open Public Meetings Act
- Violation of Clark County Charter, Title XIII- Appointments to Boards, Committees and Task Forces.
- Violation of Clark County Charter, Section 2.4 (G)
- Violation of RCW 9A.80.010, Official Misconduct.

SYNOPSIS

During a public meeting on March 12th, 2025, Clark County Council Chair Sue Marshall acted to removed Councilor Michelle Belkot from her assignment to the C-Tran Board. Rob Anderson requested the appointment of a special prosecutor and for the assignment of the investigation to take place in a neighboring law enforcement agency. Clark County Sheriff Horch requested the Skamania County Sheriff's Office review the allegations and submit their findings. Upon review of the Clark County Home Rules Charter Bi-Laws and the Open Public Meetings act,

the actions taken by the Clark County Council to remove and replace Council Member Belkot should be considered, null and void.

NARRATIVE

I, Detective Lyle, present the following information-I am a full-time Deputy of the Skamania County Sheriff Office. I am a fully commissioned deputy sworn to enforce all Washington State laws, Skamania County ordinances, and any municipal codes that fall within my jurisdiction. I am currently assigned to the investigative division as a Detective on Patrol Team One. At the time of this incident I was serving in the role of Detective.

On 04/19/2025, I was assigned by the Skamania County Sheriff to investigate allegations stemming from a criminal complaint in Clark County, Washington. Skamania County Sheriff Scheyer forwarded me the request from Clark County Sheriff Horch on 04/14/2025. I received a copy of the email requesting assistance and its attached documents. I downloaded the attached documents into a secure data vault. I immediately reviewed the criminal complaint submitted by Rob Anderson.

Based on the criminal complaint, I gathered the following Exhibit items referred to by Rob Anderson:

1. (2262025 Council Time) <https://youtu.be/BK3Wt0SGNlY?si=9U0YJkMql3xutDFU> @1:29:13
 2. (3122025 Council Time) <https://www.youtube.com/watch?v=BDvPA0e6tLE> @ 1:31:15, 1:35:30, 1:18:15, 1:18:35
 3. (3192025 Council Time) <https://youtu.be/t4yuE3dVLn4> @ 28:40 min.
- Exhibit A: February 26, 2025 Agenda (in vault)
 - Exhibit B: Video 1, linked above
 - Exhibit C: March 12, 2025 Agenda (in vault)
 - Exhibit D: Video 2, linked above
 - Exhibit E: Video 3, linked above

I also reviewed the references in the criminal complaint made by Rob Anderson regarding case law and lawsuits listed below:

References included in lawsuit/ filing-

- A. Miller v. City of Tacoma
- B. Citizens Alliance v. San Juan County
- C. Eugster v. City of Spokane
- D. Mukilteo Citizens v. City of Mukilteo

I also located links provided by Rob Anderson during my initial telephone call with him on 05/07/2025 (see below).

Title: Vancouver mayor pro tem acknowledges the mayor 'set the trap' for Michelle Belkot - ClarkCountyToday.com
<https://www.clarkcountytoday.com/news/vancouver-mayor-pro-tem-acknowledges-the-mayor-set-the-trap-for-michelle-belkot/>

Summary: Article on Clark County Today.com. During the, "labor roundtable meeting on March 14, Erik Paulsen, the mayor pro tem, can be heard praising Vancouver Mayor Anne McEnerny-Ogle for her strategy in getting Belkot to explain her position during the C-TRAN board meeting on March 11. After Belkot noted she would be voting to revert to language that would prevent C-TRAN (and Clark County taxpayers) from paying for light rail, another board member - Sue

Marshall - asked to table the vote. McEnerny-Ogle seconded, and a vote did not take place that night."

Title: LISTEN: Mayor Anne and Erik Paulsen Brag About Setting "The Trap" For Be...

<https://youtu.be/r5rrTYIfszU?si=175DaKPa50xAlO37>

Summary: 1 minute video. March 14th, 2025 at Union roundtable meeting Golden Corral. Erik Paulsen stating "a trap had been set" for Clark County Councilor Belkot.

After reviewing the referenced case law hearing information; references included in lawsuit/ filing. I compared the information to the Washington Open Public Meetings Act (OPMA), (RCW 42.30) and the Clark County Home Rules Charter Bi-Laws.

I quickly determined the violations had arisen from the acts of the Council Chair, Sue Marshall, and Council Members Fuentes, Yung, and Little made when no discussion was made during the meeting and action was taken to remove Council Member Belkot (Topic A). Additionally, Council Chair Sue Marshall had no authority to remove Council Member Belkot from a board in accordance with the Clark County Home Rules Charter Bi-Laws (Topic B). Further, Clark County Manager, Kathleen Otto, was derelict of her duties by allowing the removal of Council Member Belkot from the C-Tran Board and for allowing the appointment of Council Member Fuentes to the C-Tran Board as County Manager Otto has the sole authority to make such appointments and removals (Topic C). Lastly, violations of the OPMA occurred during the appointment of Council Member Fuentes to the C-Tran Board when he appointed without adequate public discussion. This appointment was a violation of the OPMA due to the obvious existence of a secret vote and it was a violation of the Clark County Home Rules Charter Bi-Laws for the lack of an application and supporting documents provided by Council Member Fuentes or on his behalf (Topic D).

Topic A- A violation of the OPMA occurred when Council Chair, Sue Marshall, and Council Members Fuentes, Yung, and Little made when no discussion was made during the meeting and action was taken to remove Council Member Belkot. A hasty vote was made and acted upon without public discussion. No emergency existed for such a vote and required public comment in accordance with RCW 42.30.240. There was no acknowledgement made by Chair Marshall regarding any verbal or written public comments. Therefore, this is a clear violation of the OPMA. Any observed violation of the OPMA renders any action taken by a governmental organization as null and void. Therefore, the removal of Council Member Belkot was not acted upon in good faith and she should be reinstated to her position as a member of the C-Tran Board.

Topic B- Clark County Council Chair Sue Marshall had no authority to remove Council Member Belkot from any board due to the guidelines of the Clark County Home Rules Charter Bi-Laws. Chapter XIII (Appointments to Boards, Committees, and Task Forces), Section A specifically imbues the County Manager with the authority to appoint members of boards. Such appointments will be presented to the County Council during a regular meeting. The Council will confirm or reject the appointment by a majority vote within 30 calendar days. Failure of the Council to act within 30 calendar days constitutes acceptance of the appointment. In this case, Council Chair Marshall proposed a vote to remove Council Member Belkot without the obvious consent or authorization from the County Manager. I was unable to locate any rules, policies, or guidelines authorizing the County Council Chair to removed another Council Member from an

appointment. Therefore, Council Chair Marshall's proposed vote was conducted in violation of the Clark County Home Rules Bi-Laws and should be null and void.

Topic C- Clark County Manager, Kathleen Otto, was derelict of her duties by allowing the removal of Council Member Belkot from the C-Tran Board and for allowing the appointment of Council Member Fuentes to the C-Tran Board as County Manager Otto has the sole authority to make such appointments and removals. In accordance with the Clark County Home Rules Bi-Laws, Chapter XIII (Appointments to Boards, Committees, and Task Forces), Section A, specifically imbues the County Manager with the authority to appoint members of boards. The unilateral decision made by County Chair Marshall was in direct violation of the rules. The lack of action by County Manager Otto reveals the potential for a violation of-

RCW 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.

County Manager Otto should have known her authority was to appoint members to boards and not the County Chair. When County Manager Otto failed to act to retain County Council Member Belkot and correct the error made by Chair Marshall, County Manager Otto deprived another person of a lawful right or privilege or refrained from performing a duty imposed upon him or her by law. Therefore, County Manager Otto's actions or inaction were in direct opposition to RCW 9A.80.010.

Topic D- Violations of the OPMA occurred during the appointment of Council Member Fuentes to the C-Tran Board when he appointed without adequate public discussion. This appointment was a violation of the OPMA due to the obvious existence of a secret vote and it was a violation of the Clark County Home Rules Charter Bi-Laws for the lack of an application and supporting documents provided by Council Member Fuentes or on his behalf. There was no preamble to the decision to vote to remove Council Member Belkot from her assigned C-Tran Board during the open meeting. Therefore, a secret meeting must have occurred prior to the public meeting vote. The lack of discussion or dissent from any of the Council Members, before, during, or after the vote was cast indicates a decision was made in concert by Council Members Fuentes, Little, Yung, and Chair Marshall. This is a clear violation of the OPMA. Hence, any observed violation of the OPMA renders any action taken by the Clark County Council to remove Council Member Belkot as null and void.

Additionally, the appointment of a member to a new board, as was the case with Council Member Fuentes being appointed to the C-Tran Board, requires a written resume of the candidate's qualifications, which will be included with the agenda for the appropriate Council meeting. This was not a reappointment for an existing appointment; rather, this was an entirely new appointment for a position not previously held by Council Member Fuentes. There is no record of a resume being posted to the agenda for Council Member Fuentes. This suggests the hasty nature of the decision to recall Council Member Belkot from the position by an unauthorized vote and the appointment of Council Member Fuentes to the C-Tran Board. It also strongly reinforces the possibility of a secret vote cast by Chair Marshall, Council Member Fuentes, Council Member Yung, and Council Member Little prior to their vote during an open public meeting. Therefore,

this constitutes a separate violation of the Clark County Home Rules Charter Bi-Laws and the OPMA and should be ruled as null and void.

Individual Liability:

Members of a governing body who attend a meeting where action is taken in violation of the OPMA are subject to a \$500 penalty for the first violation, if they attend with knowledge that the meeting is in violation of the OPMA (RCW 42.30.120(1)). Subsequent knowing violations of the OPMA carry a \$1,000 penalty. Violation of the OPMA is not a criminal offense. The penalty is assessed by the superior court, and any person may bring an action to enforce the penalty (RCW 42.30.120(2)).

Also, a knowing or intentional violation of the OPMA may provide a legal basis for recall of an elected member of a governing body, although recall is not a penalty under the OPMA. See Recall of Lakewood City Council (2001), In Recall of Kast (2001).

Actions in violation of the OPMA are null and void. Any ordinance, resolution, rule, regulation, order, or directive that is adopted at a meeting that does not comply with the OPMA, and any secret vote taken, is null and void (RCW 42.30.060). This does not, however, mean that a subsequent action that complies with the OPMA is also invalidated. See OPAL v. Adams County (1996), Clark v. City of Lakewood (9th Cir. 2001), and AGO 1971 No. 33. But, where action taken in open session merely ratifies an action taken in violation of the OPMA, the ratification is also null and void. See Clark v. City of Lakewood (2001) and Miller v. Tacoma (1999).

Training Requirements:

The OPMA requires that all members of governing bodies, state and local, receive training on the requirements of the Open Public Meetings Act (RCW 42.30.205).

The training must be completed within 90 days after a governing body member takes the oath of office or otherwise assumes the duties of the position. The training must be repeated at intervals of no longer than four years, as long as an individual is a member of the governing body. This legislation does not specify the training that must be received, other than it is to be on the requirements of the OPMA and that it may be completed remotely. No penalty is provided for the failure of a member of a governing body to receive the required training. Council Members who have not completed the OPMA training are operating outside the guidelines set forth by the Open Public Meetings Act.

On 05/07/2025 I called Rob Anderson and left a voicemail message. On 05/08/2025 I spoke with Rob Anderson via telephone. Anderson told me about his involvement in the case. Anderson ensured I had copies of all the exhibits he had submitted with his lawsuit. I provided Anderson with my email address and he emailed me copies or links to the content we discussed.

On 05/07/2025 I called Council Member Belkot and left a voicemail message. On 05/13/2025 Council Member left a message on my voicemail and requested her attorney be present during any interview with her. We made an appointment for a telephonic interview on 05/27/2025.

On 05/27/2025 I spoke with Council Member Belkot and her attorney. I recorded the interview and placed a copy of the recorded interview in the Skamania County Digital Evidence Vault.

The following is a list of questions and responses of the interview: This responses to this interview are not a verbatim account. They are merely representative of my handwritten notes. For the full verbatim transcript you must listen to the audio recording of the interview.

Interview with Council Member Michelle Belkot-

Questions for Councilor Michelle Belkot (District 2) (360.521.6682)

1. What records of official misconduct are you able to provide regarding the appointment of Councilor Fuentes to the C-Tran Board or the proceedings leading up to his appointment and your removal?

Answer- She recommended a FOIA for the records.

2. What do you stand to lose as a result of your removal from the C-Tran Board?

Answer- I was the swing vote representing my constituents regarding a \$22 million light rail project versus the \$1.2 million bus plan.

3. Why do you believe you were removed from the C-Tran Board?

Answer- Yes, because I did not agree with the different plan; adding light rail. The original light rail plan was run by Tri-Met. Now, Clark County will pay for half of the overall costs associated with the more expensive project. They installed Wil to the position because he will do whatever the Mayor (Mayor of Vancouver) wishes.

4. What does the Clark County Council stand to gain by removing you from the C-Tran Board?

Answer- Chair Sue Marshall and Wil Fuentes will vote lock-step with Mayor Anne. Fuentes doesn't vote for himself. He has cue cards he reads from before he speaks.

5. What was your role during the Clark County Council meetings on February 26, 2025 and March 12, 2025?

Answer- County Councilor. Discussed the IDR plan. I voted 'No' on supporting the light rail project.

6. Have you attended the OPMA training and earned a certificate?

Answer- Yes.

A. When?

Answer- During my first term.

B. Would you be able to provide me a copy of your certificate?

Answer- Yes.

7. Are you aware of the Clark County Council Rules for Procedure (Revised March 25, 2024)?

Answer-Yes.

A. Title XIII- Appointments to Boards, Committees and Task Forces- States, "The County Manager will appoint members of boards, commissions and task forces

as provided by state law and The Clark County Charter, and the appointment will be presented to the County Council during a regular meeting. The Council will confirm or reject the appointments by a majority vote within 30 calendar days. Failure of the Council to act within 30 calendar days constitutes acceptance of the appointment."

Answer- No, Fuentes

B. Where does it state in the Home Rules Charter or Rules for Procedure that an appointment can be rescinded by a majority vote of the Clark County Council?

Answer- It doesn't.

8. Are you aware any recommendation for appointment, "must be made with the written resume of the candidate's qualifications, which will be included with the agenda for the appropriate council meeting. Resumes are not required for reappointments."

A. Was a written resume submitted for the appointment of Councilor Fuentes?

Answer- No.

B. If not, why?

Answer- No discussion was made during the meeting.

C. If so, please provide a copy of the documents submitted and proof it was listed as an agenda item.

Answer- N/A

9. Did you have any formal or informal meetings with other Councilors regarding the C-Tran Board position?

A. If so, when and do you have the minutes, recordings, or documentation of such a meeting?

B. If not, then, how did the CC Councilors determine Councilor Fuentes would replace you in that position?

Answer- There had to have been a conversation between Sue Marshall and Matt Little; and Mayor Anne and Sue Marshall.

10. Was there a directive from the County Manager? IAW Bi-Laws the County Manager is responsible for removing members from their board positions. (See Home Rule Charter, Section 2.4 (G). The Council will confirm or reject appointments to boards and commissions forwarded by the County Manager).

A. If so, when did the County Manager direct you to be removed from the C-Tran Board? Please provide any documentation supporting this directive from the County Manager.

Answer- N/A

B. If not, did you believe the Chair, had the authority to remove a Councilor from an appointment without the expressed directive from the County Manager?

Answer- No.

11. In section 2.4 (H) of the Home Rule Charter, members of the Council may be

appointed to the CC Planning Commission, the CC Historic Preservation Commission, and the Board of Equalization.

Answer- Discussed annually. The County Manager goes down the list of appointments and we all agree to the list. It is an informal process.

A. Where is the provision for the C-Tran Board appointment?

Answer- None exists.

B. Please provide me any meeting minute notes, records, video, or audio of the creation of the C-Tran Board position and the appointment of you to such a position.

Answer- In existence since the C-Tran board was formed.

12. Did you witness or discuss the Councilor Fuentes' Appointment with the Vancouver Mayor prior to the meetings on February 26th and March 12th, 2025?

A. If so, are there any records of your conversation or observations of a conversation with the Vancouver Mayor or Mayor Pro Tem?

Answer- N/A

B. If not, how did the Vancouver Mayor know to attend the CC Council meeting?

Answer- Good question. I don't know.

C. Were any meetings with the Vancouver Mayor or Mayor Pro Tem marked in your calendar?

Answer- No.

D. If so, please provide me a copy of your calendar with the inclusive dates of November 1st, 2024 through March 12th, 2025. - N/A

E. Please provide me with any texts messages, messages, notes, emails, memorandums, inter-office letters, or anything else discussing the request to have the Vancouver Mayor or Mayor Pro Tem present at either of the meetings in February 2025 or March 2025.

Answer- I don't have them.

13. Was there an executive session held regarding the appointment of Councilor Fuentes to the C-Tran Board and the removal of you from the C-Tran Board?

Answer- No.

A. If so, who called the meeting? N/A

B. Who was present? N/A

C. What decision was made? N/A

D. Was action taken at the executive meeting? N/A

On or about 06/23/2025, I called the Clark County Council's Office and spoke with a new employee named Jake Goodwin. I requested the email information for the Council Administrative Assistant, the County Manager, and all the Councilors. On 06/23/2025, Goodwin emailed me with the requested information. In the email, Goodwin recommended that I speak with Michelle Pfenning because she had worked in the office for much longer than he had.

Next, I contacted Michelle Pfenning. I informed Pfenning I am a Detective with the Skamania County Sheriff's Office and I was conducting an investigation at the request of the Clark County Sheriff's Office. Pfenning told me she had access to the calendar and scheduling application for the Councilors. I provided Pfenning all the dates I was available during the month of July for interviews so she could check the Councilors' schedules and schedule appointments with me.

I sent a follow-up email to Pfenning on 07/01/2025 with the following message body:

"I am just checking to see how the scheduling for interviews is going. I am very interested in getting these completed before the end of July 2025 so I can complete my investigation and submit my report. Please let me know if you have any questions or concerns."

Pfenning responded to my email on 07/01/2025 by stating this was a holiday week and all the Councilors were on vacation. She told me she would get back to me the following week. The body of her email response contained the following:

"Thank you for your email, and I am working on these. This is a holiday week, so there is limited contact with Council and staff. I will continue to be in contact."

As of 08/01/2025, I have not received any further correspondence from Pfenning.

So, I sent another email to Pfenning on 08/01/2025 requesting an update. The body of my email was as follows:

"Have you made any traction on getting interviews scheduled? The last time I heard from you was on 07/01/2025. I understand things can get busy. I am just wondering if there was a problem with getting the Councilors, yourself, or the County Manager to commit to interviews while the lawsuits are in progress. Please let me know how we intent to proceed with this investigation."

On 08/05/2025, I received an email response from Pfenning stating the following in the body of her message:

"My apologies, life got busy and they have sporadically been out on vacation. I will speak to them again and email you back."

On 08/04/2025, I called Rob Anderson to determine if the injunction he had filed had been approved or delay. On 08/05/2025, Rob Anderson called me back at the Sheriff's Office. During our conversation, Anderson told me he had a Court hearing scheduled for 07/18/2025 that had been delayed due to the appoint Judge having a schedule conflict. Anderson told me the new date for the injunction hearing was scheduled for mid-August.

Based on the delay to the injunction hearing and the delays with the interviews scheduled through County Assistant Pfenning this investigation has entered a state of temporary pause. Any future interviews with government employees or Council Members will be included in a supplemental report, if applicable. An investigative folder was competed with copies of interview questions, important documents printouts, the OPMA guidelines, and other items of evidentiary value. This folder will be maintained in the Skamania County Detectives office in the event follow-on interviews are conducted.

CONCLUSION

Based on the information regarding criminal complaint submitted by Rob Anderson, County Council Member Fuentes should be removed from the C-Tran Board immediately and Council Member Belkot should be reinstated to her position on the C-Tran Board. Numerous violations to the Clark County Home Rules Bi-Laws and the Open Public Meetings Act have been identified. The ethics committee for the Clark County Councilor's Office should be notified and convene a meeting to review the violations contained in this report.

RECOMMENDED ACTION

Council Chair, Sue Marshall, and Council Members Fuentes, Yung, and Little should be fined for violation of the OPMA. County Manager Otto could be charged with violation of RCW 9A.80.010, Official Misconduct for failing to act or sanctioned with an official letter of reprimand for not properly performing her duties as the County Manager.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that all statements made herein are true and accurate and that I am entering my authorized user ID and password to authenticate it.

Detective Christian S. Lyle #22 Stevenson, Skamania County,
WA/08-06-2025

Reporting Deputy Place Signed/Date Signed

Responsible LEO:

Approved by:

Date

Name Involvements:

Complainant : 124226

Last: CRESA

DOB: **/**/**

Race:

Sex:

First: Clark Dispatch

Dr Lic: 5 Letter
Code/VANCC

Phone: (360)696-4461

Mid:

Address: CRCA

City: Vancouver, WA Varied