

PROSECUTING ATTORNEY | ANTHONY F. GOLIK

SCOTT D. JACKSON
Chief Deputy

CAMARA L. J. BANFIELD
Chief Criminal Deputy

CHRISTOPHER HORNE
Chief Civil Deputy

SHARI JENSEN
Administrator

Via Hand Delivery

April 13, 2016

Clark County Board of County Councilors
1300 Franklin Street
Vancouver, WA 98666

To the Board of County Councilors:

The Clark County Prosecuting Attorney's Office, pursuant to RCW 36.27.020, is the legal advisor to the Board of County Councilors. Our Office has designated Chief Civil Deputy Chris Horne as the primary legal advisor to the BOCC. In addition, other deputies in the Civil Division provide legal advice to county departments, including the BOCC, and other county elected officials on a variety of legal subjects. Finally, when necessary and advisable, this Office defends and represents the county and its elected officials in litigation or other administrative proceedings.

Earlier this year, County Councilor David Madore accused two of this Office's attorneys, Chris Horne and Christine Cook, of knowingly providing false information to the BOCC in connection with advising the BOCC on the Growth Management Act. His accusations are currently being investigated by an outside investigator. Nevertheless, it is the firm position of the Prosecuting Attorney's Office that neither Chris Horne nor Christine Cook ever knowingly provided false information to the BOCC or otherwise performed their role as legal advisor improperly.

However, as a result of Councilor Madore's accusations, our Office has undertaken an analysis regarding the potential for conflicts of interest in continuing to advise the BOCC. This is because under the Rules of Professional Conduct applicable to this Office's attorneys, Mr. Horne and Ms. Cook may have a conflict of interest in representing the BOCC if there is a significant risk that their role as legal advisor to the BOCC and other County elected officials will be materially limited by their own personal interests. Under the Rules of Professional Conduct applicable to this Office's attorneys, any conflict that may exist on the part of Mr. Horne or Ms. Cook does not also constitute or give rise to a conflict on behalf of other attorneys in the Office.

In addition, most clients can consent to or waive most kinds of conflicts of interest. If the investigation against Mr. Horne or Ms. Cook concludes that either has engaged in the alleged wrongdoing, we will want to revisit this subject with you. Given, however, our belief that they will not be found to have engaged in any wrongdoing, we believe it is appropriate for the BOCC to continue to turn to them, or to other attorneys in this Office, for advice and analysis

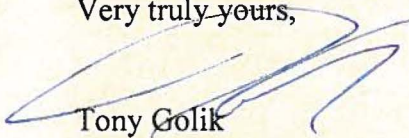
on Growth Management Act matters as well as on other matters. While we would not want either Mr. Horne or Ms. Cook to advise Councilor Madore in his role as a county councilor on any matters for at least so long as the investigation continues, we believe that Mr. Horne and Ms. Cook can continue to advise the BOCC as an entity or a component of county government. During the pendency of the investigation, Councilor Madore may direct his questions to Amanda Migchelbrink.

We ask, however, that the BOCC consider this matter with care and then let us know whether the BOCC wants Mr. Horne and Ms. Cook to continue advising the BOCC consistent with past practice, whether the BOCC wants any changes made to the representation or whether the BOCC wants to proceed in a different direction altogether. For example, the BOCC should consider whether it is concerned that the advice it may receive from Mr. Horne or Ms. Cook may somehow be adversely affected or tainted because of Mr. Madore's charges. Similarly, the BOCC should consider whether the BOCC's effectiveness as a governmental body or the public's view of the BOCC may be impaired if counsel, who have been accused of wrongdoing by one of five Councilors, continue to advise the BOCC on some or all matters while the investigation of those accusations is ongoing. The BOCC is also entitled, however, to consider whether and to what extent a change in counsel would delay the work of the BOCC or increase the cost to the taxpayers of moving forward.

In deciding whether to consent, you are entitled to consult with separate counsel, and we urge you to do so if you have any doubts as to the advisability of consenting to this waiver. You can contact the Washington State Attorney General's Office to provide legal counsel to the BOCC on this issue. Alternatively, our Office would be happy to consent to the BOCC hiring private counsel who will be specially deputized for the limited purpose to review this issue.

If the BOCC consents to Chris Horne and Christine Cook continuing to represent and provide legal advice to the BOCC and county departments, please sign and return this letter. If you have any questions or concerns that you would like us to address before you make a decision, please let me know; I will try to address them as quickly as possible.

Very truly yours,



Tony Golik
Prosecuting Attorney
Clark County Prosecuting Attorney's Office

We consent to Chris Horne and Christine Cook providing legal advice and representation to the Board of County Councilors and County Departments, and we waive any conflict of interest that representation may involve.

Date: _____

By: Clark County Board of County Councilors

Marc Boldt
Chair, Clark County Board of County Councilors

Jeanne E. Stewart
Clark County Board of County Councilor

Julie Olson
Clark County Board of County Councilor

David Madore
Clark County Board of County Councilor

Tom Mielke
Clark County Board of County Councilor