
**IN THE COURT OF APPEALS OF
THE STATE OF WASHINGTON, DIVISION II**

**ARTHUR WEST,
appellant,**

Vs.

**CLARK COUNTY,
respondent.**

Review of decisions entered by
the Honorable Judge Warning

**APPELLANT'S
CORRECTED
REPLY BRIEF**

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III. SUMMARY OF ARGUMENT

This case involves the issue of whether a series of county related communications posted on social media by an elected city officer should be seen to be public records

In the Reply Brief Clark County makes a number of specious representations as to appellant West's arguments and as to the facts and applicable legal standard to be applied in this case. These representations demonstrate a series of pervasive and fundamental misunderstandings: as to the powers and authority of county commissioners, as to the powers and duties of counties and quasi-municipal officers in general, as to the "conduct of business" and "scope of employment" tests, and, perhaps most egregiously, as to the basic and fundamental intent of the PRA.

It should be noted that these arguments are made in what is virtually a perfect vacuum, without reference to the record or a scintilla of actual fact or evidence, and with only the most transient and truncated out of context citations of competent legal authority to support the broad and misleading assertions made by counsel.

Throughout their reply the county makes ad hominem attacks, along with stilted arguments as to the allegedly limited scope of a county commissioner's duties, and incomprehensible and baseless assertions that back and forth discussions with constituents concerning the details of County budget and tax issues, land use and the exercise of other general

police powers expressly granted to County Commissioners under RCW 36.32.120, RCW 36.40.100 and the Clark County Charter are somehow outside of both a commissioner's official duties and scope of employment.

However, the county completely fails to address the central issue of this case: should a city council member's back and forth social media communications with the public concerning municipal business falling squarely within their duties under State law RCW 36.32.120 and RCW 36.40.100 and a County Charter be considered public records when they concern issues related to and that have a nexus with actual city council action are within the scope of employment conduct of county business and issues related actual city council action? The answer to this question is Yes.

1. The "scope of employment" of quasi-municipal elected County Commissioners such as Clark County Commissioner Madore includes the exercise of broad legislative and executive powers under both Charter and Statute, and squarely encompasses back and forth communications with constituents concerning specifics of the county budget, GMA planning, law enforcement and other county issues entrusted to their care.....

Despite counsel's attempts to misconstrue existing precedent the actual authority is clear, and fatal to the county's arguments in this case:

In the *Puyallup* case, this Court held:

(P)osts on social media sites like Facebook potentially can constitute public records, just like

any other written communication. **The court in Nissen emphasized that the PRA must apply when public employees "use cell phones to conduct public business by creating and exchanging public records-text messages, e-mails or anything else."** 183 Wash.2d at 884, 357 P.3d 45. **The same rule necessarily applies to public officials using Facebook to "conduct public business."** Therefore, a Facebook post can constitute a public record -but only if the statutory requirements are satisfied. *West v. City of Puyallup*, 2 Wn. App. 2d 586, 410 P.3d 1197, (2018) (emphasis supplied)

Citing to Nissen, this Court further reiterated that:

The (Nissen) court held that "[a]n employee's communication is within the scope of employment' only when [1] the job requires it, [2] the employer directs it, or [3] it furthers the employer's interests." Id. at 878, 357 P.3d 45. **In other words, the PRA applies only to "records related to the employee's public responsibilities."** Id. At 879, 357 P.3d 45. The court stated that "[t]his inquiry is always case- and record specific." *West v. City of Puyallup*, 2 Wn. App. 2d 586, 410 P.3d 1197, (2018) (emphasis supplied)

As counsel is undoubtedly aware, counties in the State of Washington exercise broad and expansive powers, often by and through county officers like Clark County Commissioner Madore. The records at issue in this case, particularly the agenda and land use related communications, met the requirements of RCW 42.56.010(3) in that they were maintained by a city official in the conduct of their duties and were "prepared", "owned", "used" and "retained" and were relied upon by Clark

County Commissioner Madore (and therefore, in accord with Broyles, the County) in the performance of his official duties as a Clark County Commissioner.

Thus the required case- and record-specific inquiry in this case compels a finding that at least a portion of the records posted on and received at Clark County Commissioner Madore's Facebook page were clearly public records subject to disclosure under the Public Records Act.

This reality is underscored by the circumstance that elected municipal officers are not janitors or filing clerks acting as mere servants of the city, they are *public servants* acting under the direction of their constituents, *the people, who*, under the Public Records Act, *do not yield their sovereignty to agencies* such as Clark County **and insist upon remaining informed so that they may retain control of the instruments they have created**¹.

The Trial Court in adopting an overly narrow conception of the “scope of employment” of an elected municipal official to exclude the “conduct of public business” by Commissioner Madore acting within the

¹ See RCW 42.56.030: The people of this state do not yield their sovereignty to the agencies that serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may maintain control over the instruments that they have created. This chapter shall be liberally construed and its exemptions narrowly construed to promote this public policy and to assure that the public interest will be fully protected. In the event of conflict between the provisions of this chapter and any other act, the provisions of this chapter shall govern.

scope of his duties as a county commissioner via back and forth communications concerning municipal business on facebook, eviscerated the intent of the people in enacting the I-276, and the Legislature in amending it.

2. County Commissioners in the State of Washington, such as Mr. Madore, exercise broad powers under their legislative delegations of authority. For Clark County, a charter county² (See Appendix I), these broad and expansive quasi-municipal powers **are expressly vested** in commissioners such as elected County Commissioner Madore under the black letter of Statute law, RCW 36.32.120 and RCW 36.40.100 and the Clark County Charter.

The “scope of employment” of an elected representative county commissioners under the Clark County Charter and State Law is broad and includes squarely within its scope two way communicating about municipal business with their constituents and “employers”, the people.

As counsel is undoubtedly aware, counties in the State of Washington exercise broad and expansive powers, by and through county officers like Clark County Commissioner Madore. The records at issue in this case, particularly the taxing, police power, and planning related communications, met the requirements of RCW 42.56.010(3) in that they were maintained by were “prepared”, “owned”, “used” and “retained” and were relied upon by Clark County by and through Clark County

² See MRSC, *A Brief History of the Development and Passage of Clark County's Home Rule Charter*.

Commissioner Madore, a county official in the performance of their “official duties” under State Law and County Charter as a Clark County Commissioner.

Thus, the required case- and record-specific inquiry in this case compels a finding that at least a portion of the two way communications and records posted on and received at Clark County Commissioner Madore’s Facebook page fall squarely within the scope of duties of, and conduct of county business by, a County Commissioner under State law and the County Charter³, and were public records subject to disclosure meeting the three part definition of public records under the Public Records Act.

Quasi-municipal officers such as Clark County Council Member Madore exercise broad powers on behalf of their counties under Charters, legislative delegations and the express terms of statute.

In their informative *County Commissioner Guide*⁴, MRSC clearly

³ The *Clark County Charter* provides, at section 2.4, in pertinent part: The enumeration of particular legislative powers shall not be construed as limiting the legislative powers of the council. The council shall be the policy-determining body of the county. The council shall exercise its legislative power by adoption and enactment of ordinances, resolutions and motions. Subject to state and federal law, it shall have the power to:

- A. Levy taxes, appropriate revenue, and adopt budgets for the county.
- B. Establish compensation for all county employees and provide for the reimbursement of expenses.
- C. Adopt by ordinance comprehensive plans and land development codes, including improvement plans for present and future development in the county.
- D. Conduct public hearings on matters of public concern to assist in performing its legislative responsibilities
- E. Carry out other legislative duties as authorized and required by law....

⁴*County Commissioner Guide*, MRSC, Page 11, Section 4, *Job of a commissioner*, online at <http://mrsc.org/getmedia/6134275f-ca98-45b2-8c4c-aa49515363ab/County->

and articulately sets forth the broad powers enjoyed by county quasi-municipal officers like Clark County Commissioner Madore.

The primary legislative powers of the board of commissioners are found in RCW 36.32.120 and RCW 36.40.100. The powers include: budgeting and appropriation of funds for all county activities; building and maintaining county roads; making and enforcing civil and criminal resolutions and ordinances not in conflict with state law, including those for land use and building construction; supporting and implementing state and federal mandates; executive oversight of all appointed county agencies; construction and maintenance of public buildings; fixing the tax levies for the county and its subordinate jurisdictions;...

The MRSC County Commissioner Guide further explains that:

It is essential to recognize competing interests among the public and staff, and to cultivate support from these groups by involving them as stakeholders in your policy development.

It must be recognized that the legislative authority of the county is exclusively vested in its County Commissioners, like Clark County Commissioner Madore, and that this authority and the official duties of a commissioner must necessarily include back and forth communications with their constituents concerning the details of county budget, taxes, land use, GMA planning and other police powers.

This broad authority, which can only be exercised through the officers and agents of Clark County, provides an equally expansive scope of employment in regard to individual Clark County Commissioners like Commissioner-Guide.pdf.aspx?ext=.pdf

Mr. Madore. Here, again, the county's argument fails.

3. Quasi-municipal entities such as Clark County can act only through officers and agents, such as Clark County Commissioner Madore.

The basic principle that a county such as Clark County can only act through its elected and appointed agents like Clark County commissioner Madore is very clearly established. This Court, in *Broyles v. Thurston County*, 147 Wn. App. 409, (2008), held:

A county is a municipal corporation authorized by law to exercise powers the state grants to it. RCW 36.01.010. The county is no single person or entity. Rather, it exercises its powers through various commissioners, officers, and agents. RCW 36.01.030.

Similarly, Clark County can only exercise the extraordinary and broad powers of its charter and those it has been delegated by and through officials such as Clark County Commissioner Madore.

This unique and singularly broad delegation of authority to county legislative and executive officials is a critical factor in assessing what level of disclosure is appropriate in order to preserve the public's right to know.

In this case West provided back and forth detailed communications between commissioner Madore and his constituents concerning the specifics of the proposed county budget and county tax and land use policy, communications clearly and unambiguously constituting the

“conduct of (county) business” and squarely within the scope of duties set forth in the Clark County Charter, RCW 36.01.010 and RCW 36.01.030.

Clearly, as the vast majority of states have recognized, the public has a right to be informed of the “conduct of the public’s business” and by municipal officers through county business related communications and the potential conflicts of interest on the part of its elected county officials, who, it must be remembered, legislate by adopting budgets and other county policy, exercise quasi-judicial functions in relation to land use proposals and who make, on a regular basis, critical decisions on the exercise of various police powers by their respective municipalities.

4. The disclosure of the communications of municipal officers relating to activities within the scope of their employment, their broad exercise of local, police, and land use powers relevant to their legislative, executive, and quasi-judicial functions serves a vital public interest.

The unique position of municipal commissioners in regard to their freedom of association and their municipal duty has been previously recognized by the Courts, and it should come as no surprise that while freedom of association is protected, the right to freely associate to the detriment of the public's interest in fair and impartial decisionmaking is not a recognized constitutional right.

As the Supreme Court recognized in *SAVE v. City of Bothel*:

While it is true that membership in a community

organization is protected in some ways by the First Amendment to the constitution, a rule regarding violations of the appearance of fairness would not burden the right of association, as appellants suggest. The rule does not prohibit membership in community organizations; it prohibits participation in at least quasi-judicial proceedings when such membership demonstrates the existence of an interest which might substantially influence the individual's judgment. Therefore, we hold the zoning ordinance must be set aside for the additional reason that consideration and approval of the matter was vitiated by participation of commission members whose other interests appeared to be capable of substantially influencing their judgment. *SAVE v. City of Bothel*, 89 Wn.2d 862, 576 P.2d 401, (1975)

Similarly, in the present case, there is no dispute that Madore has a right to freedom of association. However, to the extent that an elected Clark County Commissioner engages in back and forth discussion with citizens concerning details of county business such as budget, taxation, GMA planning or pending land use issues, even on social media, these two way communications are the “conduct of business” fairly within the scope of their authority and are of critical importance for the public to be able to review in order for the sound public policy of *both* the PRA and the appearance of fairness doctrine (See RCW 42.36) to be effectuated.

Finally, as the Supreme Court implicitly recognized in *Nissen v. Pierce County*, 183 Wn.2d 863, 357 P.3d 45 (2015), it should be beyond reasonable contention that, in order for the intent of the PRA to be effectuated, the two way communications of municipal officers, particularly county commissioners, relating to the details of their broad

exercise of local police and land use powers and relevant to the quasi-judicial functions of their office must be seen to be public records, the disclosure of which promotes a vital governmental interest sufficient to meet even the most exacting scrutiny.

The Court erred in overly narrow construction of the terms “scope of employment” and “official duties” and in failing to account for Madore’s evident “conduct of business” squarely within the broad scope of a Clark County Commissioner’s duties of office.

The Trial Court failed to effect the broad remedial intent of the Public Records Act by very narrowly construing the term 'scope of employment' beyond the Puyallup ruling to exclude broad classes of records from the definition of public records. Significantly, persuasive authority exists for an even broader reading of scope of employment than this Court adopted in Puyallup.

Because the legal term “scope of employment” in and of itself is rather vague and ambiguous, various courts have looked to various factors in determining whether a tortfeasor’s conduct falls within the “scope of employment.” For instance, some of the factors include “the nature of the employment, the duties of the employee, whether the incident occurred in the course of fulfilling some job related function or whether it occurred during activities personal to the employee.”

Some courts, for example, have turned to and relied upon the

scope and analysis of Restatement of Agency at §228.

In *Robel v. Roundup Corp.*, 148 Wn.2d 35, 59, P.3d 611 (2002) the Washington Supreme Court in cited to the restatement at 228

An employee's conduct will be outside the scope of employment if it "is different in kind from that authorized, far beyond the authorized time or space limits, or too little actuated by a purpose to serve the master." RESTATEMENT (SECOND) OF AGENCY § 228(2) (1958); *see also* RESTATEMENT, *supra*, § 228(1).

The Restatement §229 sets forth additional factors to be considered by the court in determining whether an employee is acting within the course of his employment. The general principle provided by §229 indicates that unauthorized conduct on behalf of an employee will be considered to be within the scope or course of employment if the unauthorized conduct is of the same general nature of that authorized or *incidental* to the conduct authorized.

Perhaps the best standard to employ in regard to the remedial intent of the PRA would be the color of law, respondeat superior, and negligent employment standards applied in civil rights cases.

In *Elder v. Cisco Construction. Co.*, 52 Wash.2d 241, 324 P.2d 1082, 1085, (1958) the Supreme Court considered

The highly indefinite phrase - "within the course and scope of his master's business" or "within the course and scope of his employment" -

The court found that this highly indefinite phrase

". . . refers to those acts which are so closely connected with what the servant is employed to do, and so fairly and reasonably incidental to it, that they may be regarded as methods, even though improper ones, of carrying out the master's orders.

". . . It has been said that in general the servant's conduct is within the scope of his employment if it is of the kind which he is authorized to preform, occurs substantially within the authorized limits of time and space, and is actuated, at least in part, by a desire to serve the master." Prosser, Torts (2d ed.) 352.

In Restatement, Agency, § 228, the general statement reads as follows:

"(1) Conduct of a servant is within the scope of employment if, but only if:

"(a) it is of the kind he is employed to perform. .

"(b) it occurs substantially within the authorized time and space limits . . .; and

"(c) it is actuated, at least in part, by a purpose to serve the master."

Further, and more problematic for the application of such principles to elected municipal commissioners...

A "servant" is defined in Restatement, Agency, § 220, as". . . a person employed to perform service for another in his affairs and who, with respect to his physical conduct in the performance of the service, is subject to the other's control or right to control."
(Italics ours.)

An elected county commissioner is thus not properly seen as a servant or employee of the county, but a public servant of the people.

The closest Washington has come recently to interpreting the phrase "scope of official duties" was in *LaMon v. City of Westport*, 22 Wn. App. 215, 588 P.2d 1205 (1978). In that case, the Westport city

council passed a resolution to indemnify the legal expenses of the police chief, who had been sued for civil rights violations. *Id.* at 216. Division Two of the Court of Appeals held that the City was entitled to indemnify the police chief if it so chose. *Id.* at 219. although the Court did not use the "scope of employment" anywhere in its opinion, by specifically noting the federal court's finding, the Court of Appeals suggested that the phrases "scope of official duties" and "under color of state law" are similar in meaning, if not identical. This Court should go one step further and precisely hold what LaMon merely suggested.

Federal law interpreting 42 U.S.C. § 1983 demonstrates why this Court should interpret "scope of official duties" as akin to "under color of law." One of the early Supreme Court cases to construe the phrase "under color of law" was *Screws v. United States*, 325 U.S. 91, 65 S. Ct. 1031, 89 L. Ed. 1495 (1945). In that case, the Court stated,

It is clear that under 'color' of law means under 'pretense' of law. Thus acts of officers in the ambit of their personal pursuits are plainly excluded. Acts of officers who undertake to perform their official duties are included whether they hew to the line of their authority or overstep it. If, as suggested, the statute was designed to embrace only action which the State in fact authorized, the words 'under color of any law' were hardly apt words to express the idea.

Courts continue to look to the scope of an employee's official

duties when analyzing whether an action is taken "under color of law." For example, the 8th Circuit has held that

"whether a police officer is acting under color of state law turns on the nature and circumstances of the officer's conduct and the relationship of that conduct to their official duties."

Although the existing Puyallup test is amply sufficient for West to prevail in the instant case, this broader type of test is more appropriate in the context of remedial legislation such as the PRA.

In the present case involving Commissioner Madore even the test approved by this Court in Puyallup should have considered the broad scope of authority of elected municipal councilmembers, who are not properly seen to be employees or servants of the city to begin with and should have found that he was acting within the scope of his 'employment', ie *his official duties as an elected representative* in conducting, via facebook, two way conversations with constituents concerning county business falling squarely within the scope of County Commissioner duties under the Clark County Charter, and State Law.

5. The Court erred in failing to take judicial notice under ER 201.....

The Court erred in failing to take judicial notice under ER 201 of the additional emails filed in the case when requested by plaintiff and when the records were, by the county's own admission, and the Court's

own determination⁵, a matter of general public knowledge and subject to ready verification under ER 201⁶.

V. CONCLUSION

Substantial evidence demonstrates that Clark County Council Member Madore's Facebook posts had a sufficient "nexus" to county business and the decision making process to fall within the "scope of employment" standard and the more definite "conduct of public business" rule set forth in Nissen, Vermillion, and Door ...

The numbered records appended in the plaintiffs ER 904 filing amply demonstrate records subject to disclosure under the PRA in the following regards:

1. The Facebook Post of November 14, 2016, (CP 32, 73) as noted above, expressly demonstrates an official capacity communication.

2. The Facebook Post of December 8, 2016 (CP 75) contains a specific discussion of Commission action on the County Budget and County Budget issues.

3. The Facebook Post of December 7, 2016, (CP 77-8) also contains a specific discussion of Commission action and County issues.

4. The Facebook Post of December 28, 2016 (CP 77-82) includes

⁵ See Transcript of April 25, Page 25 "**the information being sought is available to anybody who wants a Facebook site, and as you can see from Mr. West's ER 904s, you know, here's the information that I want.**"

⁶ See ER 201, which provides, in pertinent part...(d) When Mandatory. A court shall take judicial notice if requested by a party and supplied with the necessary information.

a discussion of a proposed adsorption of Skamania County, and includes a claim by Madore that the county council majority misused the GMA. Madore responds to citizen comments at CP 82.

5. The Facebook Post of December 22, 2016 (CP 84-85) includes a discussion of the CRC LightRailTolling Project and the council majority voting thereon. Madore responds to citizen comments at CP 85.

6. The Facebook Post of December 12, 2016, (CP 87-89) contains a specific detailed discussion of a property tax vote and a reference to Council Minority Budget Amendments. Madore engages in extensive back and forth discussions concerning county budget and tax issues at CP 88 and 89.

7. The Facebook Post of November 8, 2016 (CP 90-97)is actually that of December 6th., due to an inadvertent clerical error. This document contains a specific discussion of a Council vote on property taxes and an extensive discussion of County tax issues. Madore engages in extensive back and forth discussions at CP 94, CP 95, CP 96, and CP 97.

8. The Facebook Post of November 22, 2016 (CP 99-101) specifically discusses the actions of "a big-government-knows-best council majority that rubber stamps unchecked spending", and Council member Madore and Mielke's plan for a "right-side-up budget instead." Madore engages in back and forth discussions of the County budget at CP 101.

9. The Facebook Post of November 1, 2016 (CP 103) contains a specific discussion of County planning issues.

10. The Facebook Post of October 16, 2016 (CP 105-108) also contains a discussion of Clark County central planning "rubber stamped" by the Clark County Council. Madore engages in back and forth discussion at CP 108.

Thus, Unlike the very different case of Puyallup City Council Member Door, who only posted general information and did not engage in two-way discussions of specific county business, council actions or voting, Clark County Council member David Madore used his facebook page to engage in extensive back and forth discussion of specific and detailed county and council business and voting, including land use issues county tax increases, the County Budget, and county GMA planning issues.

As then plaintiff West argued at the hearing before the Honorable Judge Warning on April 25, 2019:

...(I)n the documents admitted under... ER 904, such as the September 7, 2017, communication, Madore talks about the Marc Boldt, Jeanne Stewart, Julie Olson rubber stamping the staff's budget...talks about the banned council minority presentation, which he provides a link to.

...(T)he other clear and... apparent distinction between Madore and Julie Door's Facebook posts were that while Judge Door's Facebook posts were one way,... Madore's Facebook was designed to and was used for...extensive back-and-forth

communications.

And there's a back-and-forth communication on the November 20th, 2016, communication about the GMA,... -- where people comment about it.... Madore responds back about the Clark County... GMA, -- that the County Council majority (allegedly) mis-used to strip rural citizens of their private property rights.

There's a communication of November 12th, 2016 -- actually, there's three comments...from Mr. Madore back to citizens on the November 12th communication on the issue of taxes. Certainly a public issue.

He's engaging in back- and-forth communication about specific issues that will come before the County for a vote. I can't see how this is not under Nissen the back and forth exchange of information....

I don't see how this can't be seen to be not conducting business of the County. These are specific issues that are being discussed, outside of a public forum, concerning details of official County business.

Again, November 6, 2016, he talks about the MPD fund, and the council majority would not allow the fund history or the computer model formula they used to be revealed.

Again, on November 16th, he makes another comment to Miss Stewart, I guess there's two more comments on this issue on the November 16th. So, this is an extensive discussion of public issues, specific public issues by a public figure, and this is what was entirely missing in the Door case...
Transcript of April 25, 2018, at Page 21-22

So, in stark contrast to the general one-way general posts of Puyallup City Council member Julie Door, Clark County Commissioner David Madore “prepared” and put specific details of "work related" outgoing text messages "into written form" and “used”

“owned” and “retained” both outgoing and incoming text messages "while within the scope of employment," thereby satisfying the “conducting public business” rule and the elements of a public record set forth in RCW 42.56.010(3).

The County fails to recognize that an elected public servant holding the office of county commissioner and representing *the People* was not just an employee or servant of the county, but also a public servant of the public at large, and as such was serving their 'employer', *the People*, and the county when posting information and communicating back and forth with their constituents about specific details of the business of the county concerning duties vested in their office by State Law and the Clark County Home Rule Charter.

Elected county commissioners are simply not janitors or workmen pounding nails at a construction site at the direction of their employer. They are not 'employees' in the traditional sense at all and as such the “scope of employment” test properly used for an employee mopping floors has little relevance to the actual scope of authority of an elected official exercising sovereign powers on behalf of “*We the People*” in a representative republic founded upon a *Declaration*, by *the People* of self evident rights.

The “scope of employment” of an elected representative viewed in light of the remedial intent of the PRA and the expressed policy of the

Declaration of Independence is broad and properly includes communicating about municipal business with their constituents about specific details of matters which serve to further the public's business. The Court erred when it ruled otherwise.

For the foregoing reasons, this Court should reverse the Order of the Trial Court in all respects and remand this case for further proceedings.

Hopefully, in the process the standards and rules for evaluating the social media communications of elected county officials can be clarified and made more explicit, a benefit the respondents are completely adverse to because they apparently wish to be able to continue to conduct the people's business behind a smokescreen of "private" forums that the bulk of the citizens of the County may be completely unaware of or not computer savvy enough to review.

Respectfully submitted this 3rd day of January, 2020.

s/Arthur West
ARTHUR WEST

APPENDIX I CLARK COUNTY CHARTER (EXCERPT)

Section 2.4 Powers of the council

The enumeration of particular legislative powers shall not be construed as limiting the legislative powers of the council. The council shall be the policy-determining body of the county. The council shall exercise its legislative power by adoption and enactment of ordinances, resolutions and motions. Subject to state and federal law, it shall have the power to:

- A. Levy taxes, appropriate revenue, and adopt budgets for the county.
- B. Establish compensation for all county employees and provide for the reimbursement of expenses.
- C. Adopt by ordinance comprehensive plans and land development codes, including improvement plans for present and future development in the county.
- D. Conduct public hearings on matters of public concern to assist in performing its legislative responsibilities
- E. Carry out other legislative duties as authorized and required by law.
- F. Set collective bargaining guidelines and approve collective bargaining agreements.
- G. Confirm or reject appointments to boards and commissions forwarded by the county manager.
- H. Have concurrent authority with the county manager to nominate members to the following boards and commissions. Members are appointed by the council.
 1. Clark County planning commission.
 2. Clark County historic preservation commission.
 3. Board of equalization of assessment.

ARTHURS WEST - FILING PRO SE

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Appellate Court Case Title: Arthur West, Appellant v. Clark County, et al., Respondents
Superior Court Case Number: 16-2-00879-9

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