



**SOUTH SAN LUIS OBISPO COUNTY  
SANITATION DISTRICT**

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**AGENDA  
BOARD OF DIRECTORS MEETING**  
Arroyo Grande City Council Chambers  
215 E. Branch Street  
Arroyo Grande, California 93420

**Action Summary Minutes of the  
Regular Meeting of Wednesday, October 4, 2017**

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**1. CALL TO ORDER AND ROLL CALL**

Acting Chair White called the meeting to order and recognized a quorum.

Present: Karen White, Acting Chair, Oceano Community Services District  
Jim Hill, Director, City of Arroyo Grande  
Barbara Nicolls, Director, City of Grover Beach

District Staff: Rick Sweet, Technical/Administrative Services Consultant  
Gilbert A. Trujillo, District Legal Counsel

**2. PLEDGE OF ALLEGIANCE**

Acting Chair White led the Pledge of Allegiance

**3. AGENDA REVIEW**

**Motion:** Director Hill made a motion to approve the Agenda as presented

**Second:** Director Nicolls seconded the motion

**Action:** Motion was approved 3 - 0

**Ayes:** Directors Hill, Nicolls and White

**Noes:** None

**4. PUBLIC COMMENTS ON ITEMS NOT APPEARING ON AGENDA**

Acting Chair White opened the Public Comment period

Otis Page requested the names of all Board Members and minutes of the

meetings during the time John Wallace was General Manager of the Sanitation District.

Julie Tacker spoke on the attempt to censure former Board Member Mary Lucey.

Stewart Jenkins provided an email on Brown Act enforcement and commented on proper placement of Closed Session on the Agenda.

Patricia Price spoke about Chairman Shoals, former Director Mary Lucey, Amy Simpson, an unpermitted trailer at the Plant and former General Administrator Gerhardt Hubner.

Shirley Gibson commented on rehashing former General Administrator John Wallace issues and former Director Mary Lucey issues and moving forward.

Coleen Kubel spoke on moving forward, getting on with work at the plant and spending money for litigation.

Acting Chair White closed the Public Comment period.

## **5. CONSENT AGENDA:**

Consent items were taken separately.

### **5A. Approval of Warrants**

Rick Sweet, Technical/Administrative Services Consultant advised the Board about an item that was added to the Warrant Register after publication of the Agenda.

Acting Chair White opened the Public Comment period.

Julie Tacker commented on the Shannon Sweeny contract being in excess of the not to exceed amount.

Cinnamon Lofton spoke on moving forward without resolution to issues.

Patricia Price commented on the amount paid to Liebert, Cassidy Whitmore.

Shirley Gibson spoke on the cost of legal fees caused by Julie Tacker.

Acting Chair White closed the Public Comment period.

Discussion was held on the Human Resources invoice and the Shannon Sweeny contract.

**Motion:** Director Hill made a motion to approve the Warrant Register excluding the Liebert, Cassidy Whitmore invoice.

Motion died for lack of second.

**Motion:** Director White made a motion to approve the Warrant Register as presented

**Second:** Director Nicolls seconded the motion

**Action:** Motion was approved 2 - 1

**Ayes:** Directors White and Nicolls

**Noes:** Director Hill

**5B. Approval of Minutes for Meeting of September 20, 2017**

Acting Chair White opened the Public Comment period.

Julie Tacker stated the letter from Stewart Jenkins was not attached to the Minutes nor was it on the District's website.

Patricia Price asked if the Board Members had read the investigation report and had done their homework.

Nancy McNeil spoke on what the content of the Minutes had to show.

Mary Lucey urged the Board to be diligent on keeping the public speaker on track to the Agenda.

Acting Chair White closed the Public Comment period.

**Motion:** Director Nicolls made a motion to approve the Minutes of September 20, 2017

**Second:** Director White seconded the motion

**Action:** Motion was approved 3 - 0

**Ayes:** Directors Nicolls, White and Hill

**Noes:** None

**6. ACTION ITEMS:**

**6A. CONSIDERATION OF RESOLUTION OF CENSURE OF DIRECTOR JIM HILL**

Rick Sweet, Technical/Administrative Services Consultant presented the Staff Report.

Acting Chair White opened the Public Comment period.

Julie Tacker spoke on making the censure retroactive to apply to a former Board Member, no one being under oath when interviewed for the investigation and Directors Shoals and Austin not being in attendance at the present meeting.

Coleen Kubel commented on the absence of Directors Shoals and Austin and the investigation being opinions not facts.

Patricia Price spoke about former Director Mary Lucey, former District Administrator Hubner and an email from a constituent.

Mary Lucey commented on a previous public speaker lying about a censure, pollution of the ocean, Board Members being capable and informed and Director Hill being present in Closed Session.

Nancy McNeil spoke on taking Counsel's advice to censure Director Hill and carrying out the other Board Members action to move forward with the censure.

Shirley Gibson commented on Director Hill's Council Reports at the last Arroyo Grande City Council meeting.

Kris Victorine spoke about the two Board Members absent from the present meeting and the investigation not being supported by facts.

Stewart Jenkins commented on the proposed Resolution approving the censure of Director Hill, a letter he sent to the Arroyo Grande City Councilmembers, attorney client privilege, legislative oversight and confidential personnel matters.

Acting Chair White closed the Public Comment period.

**Motion:** Director White made a motion to adopt Resolution No. 2017-377 a Resolution of the South San Luis Obispo County Sanitation District Board of Directors approving Censure of Director Jim Hill.

**Second:** Director Nicolls seconded the motion

**Action:** Motion was approved 2 - 1

**Ayes:** Directors Nicolls and White

**Noes:** Director Hill

## **6B. TECHNICAL CONSULTANTS AND PLANT OPERATION'S REPORT**

Rick Sweet, Technical/Administrative Services Consultant presented the Technical Consultant and Plant Operation's Report.

Discussion was held on the various projects, and the audit.

The Board received and filed the Reports.

Chair White opened the Public Comment period.

Julie Tacker commented on the Coastal Commission tour, Human Resources policy manual, Strategic Plan, Public Records Act, overcharges by the attorney, the Audit, current financial status, expansion of the sanitation district, search for the new District Administrator, distribution of materials to Board members, and formal complaint against Mayor Shoals.

Coleen Kubel spoke about the number of District Board members.

Acting Chair White closed the Public Comment period.

**7. BOARD MEMBER COMMUNICATIONS**

None

**8. CLOSED SESSION**

Acting Chair White opened the Public Comment period.

Patricia Price spoke on a complaint made to a Board member.

Julie Tacker commented on documents received through a public records request.

Mary Lucey asked for more information about Closed Session and the Brown Act.

Coleen Kubel spoke on a previous speaker's comments.

Acting Chair White closed the Public Comment period.

**8A. CONFERENCE WITH LABOR NEGOTIATORS pursuant to Government Code Section 54957.6:** Agency designated representatives: Richard Sweet or Paul J. Karp; Susan Wells Employee organization: Service Employees International Union (SEIU) Local 620

Discussed; no reportable action.

**8B. CONFERENCE WITH LEGAL COUNSEL: ANTICIPATED LITIGATION:** significant exposure to litigation pursuant to **Government Code Section 54956.9(d)(2) and (e)(5) (One Item)**

Discussed; no reportable action.

The reconvened the meeting at 8:14 p.m.

**9. ADJOURN MEETING**

The meeting was adjourned at 8:15 p.m.

**THESE MINUTES WERE APPROVED BY THE BOARD OF DIRECTORS AT THE MEETING  
OF OCTOBER 18, 2017.**



## MEMORANDUM

**TO: CITY COUNCIL**

**FROM: JAMES A. BERGMAN, CITY MANAGER**

**SUBJECT: SUPPLEMENTAL INFORMATION  
AGENDA ITEM 11.a. – SEPTEMBER 12, 2017 CITY COUNCIL  
MEETING - CONSIDERATION OF REPORT OF INVESTIGATION**

**DATE: SEPTEMBER 11, 2017**

Attached is correspondence received from Julie Tacker following distribution of the Agenda packet.

cc: City Attorney  
City Clerk  
Public Review Binder

## Kelly Wetmore

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**From:** Jeff Edwards  
**Sent:** Monday, September 11, 2017 1:31 PM  
**To:** Jim Bergman  
**Cc:** Kelly Wetmore  
**Subject:** Please see that the council gets my Opinion Piece for tomorrow's agenda

<https://calcoastnews.com/2017/08/tribune-editorial-exposes-writers-ignorance/>

Julie Tacker  
Administrative Assistant

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## Tribune editorial exposes writer's ignorance

August 13, 2017



Julie Tacker

OPINION by JULIE TACKER

In addition to being factually inaccurate, the Tribune's recent editorial, "Arroyo Grande mayor claims he did nothing wrong. So why is he so quiet?" takes a poorly aimed pot-shot at Mayor Jim Hill.

The Tribune editorial staff suggests an email that was blind copied to Jeff Edwards, intended for me (we share an email account), was sent to the district's attorney, and "other officials." This is factually inaccurate.

The email in question was sent only to the sanitation district's legal counselors, former administrator Gerhardt Hubner, Superintendent John Clemons and me - no "officials" were copied. This is just part of what's wrong with the investigations mash-up of several email strings that were the subject of a complaint filed against

Clemons by Nancy MacNeil, Oceano resident and wife of former sanitation district board member Mary Lucey.

In fact, the mash-up of emails are put in chronological order, but are incongruent and disjointed as they are sent to and from different people and have differing subject lines. I had never seen any of these emails until the report became public and until now had not seen anything confidential or that was "attorney work product privileges."

The email in question was blind copied to me because I was one of several meeting attendees who witnessed the Dec. 21 incident at a sanitation district meeting. Those inside the board room could hear the noisy dust up in the parking lot where Lucey and MacNeil threatened Clemons; saying "watch your back" after a disagreement ensued over a \$600 washer/dryer purchase.

The intent of the purchase was to wash sewage spills from employee's personal garments and dry jackets and coats that had been soaked while working in heavy rain events. Hubner disagreed with the purchase, the unit was returned and no cost was incurred by the district. The wisdom surrounding the return is still a question in my mind.

I was interviewed in the Hill investigation by Scott Nelson who showed me a redacted copy of the subject email, and asked why I thought I was copied.

The redactions by the sanitation district were such that neither Nelson or I had the full context of the subject. I answered by looking at the date, it has to be related to the Nancy MacNeil complaint. I also told Nelson, I was at the meeting where the incident took place and was probably copied because I would likely be questioned.

That email is still in my inbox, my copy is not redacted, I have gone back and read it and know exactly what it says and am no longer guessing, as the investigator was, at what it said. I would be happy to share it with him today, if I thought it would change his report.

The only thing confidential in the email is the word; "confidential" in the subject line, the email itself did not contain MacNeil's complaint or any other "personal" information about any "personnel matter."

The editorial takes a pot-shot at me too, repeating the investigators statement, "This person is not a ratepayer or associated with the district in any tangible way..." I may not be a ratepayer in that district, but I am informed and involved, and have been for nearly a decade.

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I am a county-wide board watcher. The sanitation district under John Wallace went unchecked by citizens; sewage treatment is not a subject that interests of most people.

I also was called a "supporter" of Mayor Hill; my observations of Hill are that he is the most thorough government official I have ever watched at a dais. The voters of Arroyo Grande are fortunate to have someone as detail oriented and intelligent looking over the matters of their community. These observations are not necessarily "support." Hill and I differ greatly on some important topics at the sanitation district and national politics.

The editorial fails to delve into much of the meat in the report, another topic suggests Hill acted unilaterally and interfered in a contract extension. Hill did nothing of the sort. I know, because I requested the contract at issue prior to its extension.

A quick perusal of the contract revealed it had expired and it needed revision. I brought it to Hill's attention, he contacted legal counsel and legal telephoned Hubner.

Hubner apparently had also noticed the error and had begun the process of extending the contract, likely because the request had brought it to his attention. Hill's alerting legal counsel was in no way "unilateral" or "interfering," it was notifying legal counsel of a mistake and taking it through the proper channels to see it was fixed.

Contracts are in place to protect both parties, the district was at risk as long as it was operating under an expired contract.

This, along with countless other documents, was thrown like mud on a wall to see if anything would stick.

As the report contends, most of these documents were irrelevant to the original accusations. When investigator Nelson told me he had nine three inch binders of material, mostly from the accusers in Oceano, and proceeded to ask me about former Oceano CSD general manager's, Tom Geaslen and Lonnie Curtis (the two were found either stealing red handed or stealing by incompetence and were hired and fired long after Hill left Oceano), I knew the investigation was a 'witch hunt' and I said so at the time.

No one that was interviewed was under oath. No one that was interviewed was under penalty of perjury. There are no national secrets in Arroyo Grande or at the Sanitation District, and as it turns out nothing "confidential" was shared.

Investigator Nelson assured me he had 31-years of experience in these types of investigations and would stake his reputation on it. Some investigator. He conducted his investigation without questioning the principal party involved — Mayor Hill.

Nelson's report plays politics instead of being impartial; in my opinion Nelson's reputation is mud.

An irony in all of this is that at the time the investigation began; only sanitation board members and Patty Welsh had Hubner's contract with his Ventura address on it. Now, as part of the report, that unredacted address is now available on the internet – for all to see. Wasn't this the "threat of litigation" that started the whole investigation?

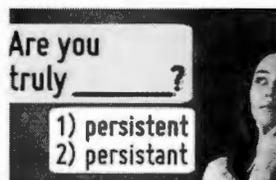
Perhaps the most ironic thing in all of this is the report itself; and it's there, plain as the nose on one's face, on the front page, posted on both the City of Arroyo Grande and South San Luis Obispo County Sanitation District's websites, reported by several media outlets and linked on their websites for all the world to access:

"Report of Investigation regarding the joint investigation by the City of Arroyo Grande, California and the South San Luis Obispo County Sanitation District" (wait for it) "Confidentiality Notice — This report is subject to the attorney-client communication privilege and the attorney work product doctrine. Unauthorized viewing of this document is strictly prohibited." Just because it says "confidential" on it doesn't necessarily mean it's confidential.

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A male goose is a:  
1) Billy 2) Gender



by mgid

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