

“WHAT’S PAST IS PROLOGUE”

Three Small Towns & Their Common Bond--City Manager Rebecca Davidson

JIM STILES

NOTE: In preparing this article about Moab’s city manager Rebecca Davidson, the Moab City Council’s actions re: Ms. Davidson and the subsequent “restructuring” of Moab government, The Zephyr sought information from a variety of sources. We filed Freedom of Information Act requests, via the Wyoming Sunshine Laws, with the City of Kemmerer, Wyoming and the Wyoming Division of Criminal Investigation. We filed a Government Records Access request (GRAMA) with the City of Moab, and we conducted interviews with numerous people personally involved in the issues raised here. We also contacted reporter Trevor Hughes, now of USA Today, who wrote a comprehensive article about the current Moab City manager’s tenure as city manager in Timnath, Colorado.

On January 11, we sent 15 questions to city manager Rebecca Davidson, in an effort to “clarify and resolve” issues raised in this article. She did not respond (Those questions are available to the reader elsewhere in this issue). Finally, we contacted the Moab City Attorney, Chris McAnany, to seek clarification on the process used to fulfill our GRAMA request with Moab City. His January 24 response, which he noted was, “in lieu of any further response from Ms. Davidson,” is included elsewhere in this issue, and excerpted later in this article. Finally, we offer the City of Moab the opportunity to reply. But please note that all correspondence with this publication will be regarded as ‘on the record.’...JS

SEPTEMBER 23, 2015

Autumn had arrived earlier in the week, but it still promised to be another hot day in Moab, Utah on the morning of September 23, 2015. The Weather Channel called for a high near 90 degrees, and lots of sunshine, as longtime Moabite Ken Davey made his way to the city offices on Center Street.

Davey was a familiar face at City Hall and throughout Moab; he and his wife Julie Fox came to Moab in the late 1980s, not long after the Atlas Mill closed and Moab’s economy approached near-collapse. A quarter of Moab’s homes sat vacant in those days, as many locals wondered if the town would just dry up and blow away.



Ken and Julie were, in many ways, some of the first ‘New Moabites’ to arrive in town. Julie worked for AMTRAK and kept that job for years, until she and Ken had a child in the early ‘90s. Later Julie started the Eklektika Cafe’ in Moab which still flourishes among the bigger chains restaurants and eateries.

In the beginning, Ken found work where he could get it; he became known for his talents as a writer, and eventually did reporting stints for all of the local media (including The Z) and later became the news director for Channel 6 televi-

sion. In the 1990s Ken Davey was one of the town’s most familiar faces.

Davey was known for his intelligence and his self-deprecating wit, though even he acknowledged it could be a tad acerbic at times. For better or worse, Ken especially gained a reputation for his candor---he could be more ‘frank and earnest’ than some people preferred---and could easily play the role of Devil’s Advocate from time to time, when he thought the need was there.

He had recently (2012-13) co-hosted, with soon-to-be city councilwoman Heila Ershadi, a public affairs program called, appropriately, “On the Other Hand.” Most Moabites appreciated his honesty, even if it sometimes annoyed them. Some didn’t.

For the last ten years, Davey had been Moab City’s ‘economic development specialist and administrative analyst.’ Former city manager Donna Metzler offered him the job in 2005 and, based on his performance reviews, he executed his responsibilities with skill and professionalism, and was considered an asset to the community. Davey loved the work and the challenge.

Davidson announced to Davey that on the previous evening, the Moab City Council had voted unanimously to “restructure” the city staff and that consequently, his position was being eliminated.

Immediately.

On this warm September morning, Ken Davey had several projects on his mind---first he was concentrating on two upcoming projects. Working with the Utah State University-Moab Business Resource Center intern, Ken planned to schedule as many as fifty interviews with local Moab business owners and managers in the near future. His goal was to determine what regional, state and federal incentive and training programs best matched the needs of local businesses. Davey saw this as an opportunity to vastly expand local utilization of the Custom Fit Program, which provides matching funds for employee training. Davey was convinced this could help both the local workforce to develop better paying job skills and, in doing so, in-



crease profits.

Davey also spent the morning preparing for meetings with leaders from USU-Logan and USU statewide, to discuss Moab’s economic future. He wanted to explore the kinds of industries and businesses that best suited Moab’s future. Instead of the desperate, “we’ll take anything,” approach that so many communities often resort to, Davey thought it made more sense to determine what businesses ‘fit’ Moab best. Then he hoped he could use the resources of Utah State University and the University of Nevada to develop a strategy and a campaign to help expand existing businesses that fit the criteria and recruit other companies to set up shop in Moab.

Davey broke for lunch but was at his desk at about 2 PM when he received a call from Moab City Recorder Rachel Stenta. She asked him to come downstairs to her office immediately. A couple minutes later, he arrived to find Stenta and City Manager Rebecca Davidson waiting for him.

Davidson had been Moab’s city manager less than six months; selected from 57 applicants by the Moab City Council, her previous work experience, in similar positions in Timnath, Colorado and Kemmerer, Wyoming had been marked by heated controversy, angry public debate, and even litigation. Now, it must have felt like deja vu, as she showed Davey a chair and advised him to sit down.

Davidson announced to Davey that on the previous evening, the Moab City Council had voted unanimously to “restructure” the city staff and that consequently, his position was being eliminated. *Immediately.* Davey wasn’t even aware that a restructuring vote was on the agenda. There had been no emails, no staff meetings, no warnings whatsoever that a major change in the organization of Moab City was about to be sprung on its staff.

On her desk was a document which she pushed across the table for him to examine. She explained that if he refused to sign it, he’d be eligible for what amounted to a pittance in severance pay; if he agreed to its terms, he’d receive an amount slightly more, enough perhaps to sustain him and his family for a couple months. Davidson said she’d give him some time to decide and suggested he talk to a lawyer. The conversation was over.

Stenta escorted Davey back to his office, where he called Julie to give her the news. Stenta stood outside the door while he made the call, then re-entered his office while Davey cleared out his desk of personal items and turned over his city cell phone, keys, and computer password. It took about 15 minutes.

Stenta then escorted him to the back door. Less than half an hour after he learned he was about to become unemployed, Ken Davey walked out of Moab City Hall for the last time.

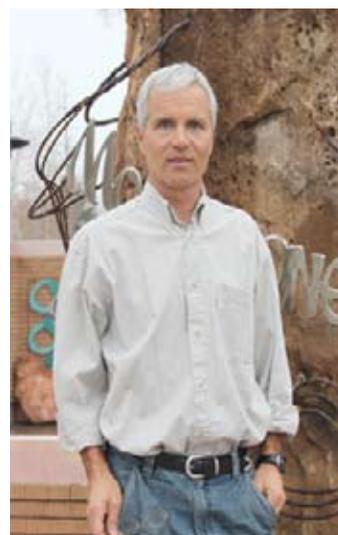
When he got home, Davey showed the document to Julie and explained the severance options. The paper also included what Davidson called a, ‘non-disparagement agreement.’ It stated:

“Employee and City hereby mutually agree not to make disparaging or defamatory comments or statements about one another, or any person or entity associated or affiliated with City, following the execution of this agreement.”

Ken Davey, at 62 years of age and unemployed, in a community already struggling with high unemployment and shockingly low wages, realized that he was in no position financially to hire a lawyer and contest the terms of the agreement. He signed the document and returned it to the City of Moab.

* * *

Unknown to Ken at the time, the same fate was falling on fellow city employee, ‘community development director’ David Olsen. Olsen had been with the City of Moab for 25 years. Like Davey, Olsen was called from his desk, advised of the ‘restructuring’ and told to vacate his office and the building. He was shown a document, including the ‘non-dis-



paragement’ clause. If he signed the document, the city would pay Olsen 10 weeks severance; if he refused to sign, a small fraction of that amount. An attorney on Olsen’s behalf later sent a letter to the city, asking for an increase, based on Olsen’s quarter century of service to the City of Moab, but the request was flatly denied.

Just months earlier, Olsen had bought a new home for his family and put his old home up for sale. A bank loan for a balloon payment on the new home was approved, based on his income with the city, on the same day he was dismissed. The loan was canceled.

Through the decades, Olsen rarely dabbled in politics, but showed a passion and loyalty to his work and to the citizens of Moab that was unmatched. Not everyone agreed with Olsen’s vision for Moab’s future, but no one could question his integrity, his decency, or his commitment to the community. One co-worker called Olsen the most dedicated worker he’d ever met.

Other than a couple of unavoidable surgeries, Olsen never once called in sick in 25 1/2 years. That’s dedication.

And yet, when Olsen first came to Moab, his real claim to fame was via his dog, ‘Bailey’ was a remarkable black lab who possessed the unique ability (for a canine) to climb trees. It was a common sight in the early 90s to see David and Bailey at the city park with his pooch precariously clinging to a tree limb, high above. Bailey’s legend reached

all the way to the East Coast and New York City, to the Ed Sullivan Theater where Bailey displayed his special talents on a special edition of “Stupid Pet Tricks” on “Late Night, with David Letterman.” The two Daves stood by a very tall fence, created just for the dog, beaming proudly. It was a great moment.

Over the years, Olsen helped create and organize the Trail Mix Committee and is credited with helping to develop more than 150 miles of singletrack bicycle trails in the Moab area. Early in his career, he was instrumental in developing a plan for the Mill Creek Parkway. He worked over two and a half decades to secure millions of dollars in grants for the city. Three years ago, he was featured in the Times-Independent’s “Unsung Heroes” page, noting, “It’s hard to miss the influence that David Olsen has had on Moab.” The T-I also highlighted his work on the school board and his “many years as a coach with Moab City Recreation programs. He is currently coaching the seventh-grade girls’ basketball team.” He told the T-I, “My kids are there. It helps me to be closer to them.”

http://www.moabtimes.com/view/full_story/21780288/article--Unsung-Heroes-David-Olsen

On the day he was dismissed, he’d been working on grant and loan applications for the proposed new sewer plant and water tank, and a grant he had just finished called “Safe Routes to School” was approved by the council on the same evening they approved the re-structuring plan and, consequently, his dismissal.

After he was dismissed, Olsen told the Moab *Times-Independent*, “I gave it my all. I feel good about what we accomplished. It’s miraculous what we accomplished,” Olsen added, “I worked with some great people and I feel incredibly thrilled with what we’ve done over the years ... Millions of dollars of great things. We’ve competed really, really well. I don’t know why you’d restructure success.”

But on September 23, Olsen was out of a job. He later told the T-I that he was given about 2 1/2 hours to pack up and get out. “I thought I did a great job for the city,” Olsen told the *Times-Independent*. “I did the best I could to represent them and I was an advocate for fixing up things. Everywhere I go I can see something. I feel good about it. This is kind of like the Twilight Zone for me, what’s happened.”

‘OFFICIAL’ & PUBLIC REACTION...AND OFF THE RECORD

Except for their immediate families and close friends, the Olsen and Davey dismissals went practically unnoticed for three weeks, when the weekly *Moab Sun News* broke the story, with an article called, “Two Veteran City Workers Lose Jobs.”

http://www.moabsunnews.com/news/article_636d1b3a-734d-11e5-b1ea-17e37c45d558.html

A week later the *Times-Independent* offered its own version of the dismissals in a front page article titled, “City Restructures Departments, Eliminates Two Longtime Positions.”

http://moabtimes.com/view/full_story/26922403/article-City-restructures-departments--eliminates-two-longtime-positions?

In the same issue, the T-I gave the new city manager, Rebecca Davidson, her own column, though there was no mention of the dismissals in her article.

Public reaction was swift and mostly angry. Social media posts on facebook were overwhelmingly in support of the two dismissed employees, though the problem for many Moabites was the lack of information. Neither Davey nor Olsen could offer anything other than the facts; their personal opinions, due to the “non-disparagement agreement” that both signed, were prohibited. The City Council and Moab Mayor likewise refused to offer any public explanation, claiming they were unable to discuss personnel matters.

(NOTE: Only two of the five councilpersons who voted to re-structure the city staff, Kyle Bailey and Heila Ershadi, remain in office. The other three left office when their terms expired on January 4, 2016.)

Councilman Bailey, according to the T-I, failed to return calls by the newspaper. Ershadi simply told the T-I, that re-organization was necessary, to “allocate our limited taxpayer monies in ways that would best serve the current needs of the community.”

Behind the scenes, at least some of the City Council were worried about the public reaction. Via a Government Records Access request (GRAMA) by The Zephyr, some emails related to the dismissals were obtained.



On October 19, Councilwoman Ershadi proposed a letter to the editor, in response to the *Moab Sun News* article. She wrote, “Especially in light of the Moab Sun News’s ‘coverage’ of the restructuring, I think we should put some sort of brief statement in the newspapers. I drafted a possible LTE (letter to the editor). If we hurry, we can get something in by deadline, at least for the Sun News. Please let me know what you think.”

And she included this draft for the council and Davidson to edit and approve:

“Recently, the city council unanimously approved a restructuring of the city’s staff organization. The main purpose of this restructuring was to allocate our limited taxpayer monies in ways that would best serve the current needs of the community. A few of the changes include increasing our focus on Moab’s housing needs and development process, and creating a position to oversee special events.

“The restructuring also resulted in two employees no longer being with the organization. This was a difficult decision, and was made with much deliberation and careful consideration of facts and options.

“It is not ethical or legally advisable for us to discuss the matter in detail. However,

it is worth noting that the city council has members from across the political spectrum, and we voted unanimously in favor of the reorganization.

We strive to be a responsible, responsive local government.”

It’s worth noting that no one on the city council felt moved to explain their actions to their fellow Moabites, who they represent, until the story broke and citizens began to express their shock and anger.

And Ershadi added, “I am hearing a LOT of misunderstanding and angst over the restructure, exacerbated by the article (Moab Sun News). Rebecca is being characterized as an outsider coming in and axing beloved longtime employees. I don’t think we need to go on the defensive, either, but I think we need to acknowledge people’s concerns, and state clearly that we stand behind our decision and with our city manager.”

In a followup email to fellow Councilwoman Kirstin Peterson, Ershadi wrote, “Of course I wouldn’t send an LTE (letter to the editor) on behalf of the council without everyone’s permission...that’s why I sent it to the whole council. Rebecca and I already discussed running it by Chris (the Moab City Attorney).”

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Outgoing Councilman Gregg Stucki, weighed in, noting that he had “supported the re-organization.” “My only regret,” he added, “is in how things have gone down. We should have done a better job in showing our appreciation (i.e. throw a small party, give them a plaque honoring their accomplishments, commiserate with them, wish them well, let them know this is not personal). Despite what we now state officially, the abruptness sends a message that there were other underlying issues.”

It’s a question to ask Davey and Olsen, whether “a small party, a plaque” and some “commiseration” would have provided much comfort at this point.

In late October, in an effort to shed more light on the issue and to provide some background information re: Davidson and her previous work in Timnath, Colorado and Kemmerer, Wyoming, The Zephyr posted an article on our Blog called, “Upheaval at Moab City Hall: For Its New City Manager, Rebecca Davidson, It’s Deja Vu All Over Again.” The article consisted mainly of information and links to other articles that covered Davidson’s tenure in Timnath and Kemmerer.

<http://www.canyoncountryzephyr.com/blog/2015/10/27/upheaval-at-moab-city-hall-for-its-new-city-manager-rebecca-davidson-its-deja-vu-all-over-again-by-jim-stiles/>

Two weeks later, we posted the story on The Zephyr facebook page; it reached more than 5000 readers, including Zephyr reader, Julianne Waters. Waters is one of the co-founders, with Tim DeChristopher of the activist group, Peaceful Uprising. On November 15, Waters re-posted the Zephyr article and link, with a comment, and then tagged Councilperson Heila Ershadi’s facebook page, as well, which, as of mid-November, was open to the public. Waters wrote:

“I for one was truly flabbergasted when I heard of Dave Olsen & Ken Daveys dismissal. This is a very interesting article and one that should be shared immediately with Mayor Dave and the City Council. There’s a lot of fishy stuff going on. What do you think, Heila Ershadi?”

“And certainly, it was not a surprise for David or Ken, I am quite sure. That’s a rumor that made it into print, unfortunately.”

City Councilwoman Heila Ershadi

What followed was a long and contentious discussion about the dismissals. Moab citizen Kerry Soliz defended Ershadi and the council. Ershadi herself participated in the discussion, arguing that the termination of Davey and Olsen should not have shocked either of them. In the comment thread, Ershadi wrote,

“I think if I were seeing the restructure from another perspective, and not from the inside, I would feel exactly like you. However, being on the inside, I was privy to other information. Because it involves personnel, it’s not legally or ethically advisable for me to discuss it.

“And certainly, it was not a surprise for David or Ken, I am quite sure. That’s a rumor that made it into print, unfortunately.”

Later in the facebook thread Soliz insisted, “I do not believe there was a surprise firing and a two hour window to clean out an office. I believe both Ken and Dave had notice this was going to happen, were given adequate advance notice and a decent severance package. I am disappointed in Jim for spreading gossip and instigating emotional reactions.”

(NOTE: It was the article in the *Moab Sun News* that described the circumstances of Olsen’s quick exit, and we might add, **accurately**, not *The Zephyr*.)