

“WHAT’S PAST IS PROLOGUE” (CONTINUED)

When Moabite Janet Buckingham, in the same thread asked Soliz why she believed this, Soliz replied, “Speaking with council members personally.”

Other Moabites on the facebook thread responded to Soliz’s comment, asking how council members could have spoken to her about the issue when publicly, they’d claimed they couldn’t discuss the matter at all. But Soliz defended the council member who spoke with her personally, writing, “I think it is reasonable for them to answer direct questions and they did not delve extensively into personnel issues but addressed questions I had about the article in the Sun and Jim’s report.”

But she would not identify the councilperson.

Two days later, Ershadi deleted all of her comments, an action that was noted by Waters and Buckingham. A day later Ershadi removed her facebook page entirely. Over the next month, Councilperson Ershadi re-activated and then de-activated her account at least three times, explaining once that she was, “taking a break from social media.” As of this date, it is not visible to the public.

(NOTE: Fortunately, before Ershadi deleted her comments and removed the post, The Zephyr copied and pasted and took screen shots of the entire comment thread. We posted that long thread on the Zephyr Blog in late November.)

LINK: <http://www.canyoncountryzephyr.com/blog/2015/11/19/un-edited-facebook-thread-re-the-zephyrs-upheaval-at-city-hall-story-1115-162015/>

WARNINGS AND ‘SURPRISES.’

There is no evidence to suggest that either Davey or Olsen knew they were about to be terminated suddenly, in a matter of minutes. First, both had enjoyed successful years and even decades-long careers with the City of Moab. Both were highly regarded by their peers and by their previous supervisor, City Manager Donna Metzler.

After Metzler retired and the City Council selected Rebecca Davidson as its new administrator, there is no hard information to suggest they’d been warned of a sudden termination.

In fact, during the five months Davey worked with Davidson, he had very little direct contact with the city manager; Olsen, by an examination of emails at least, had none. The results of a GRAMA request by The Zephyr revealed only two emails written by Davidson to Davey and they both occurred during the third week of June.

On June 15, Davey received this admonition by email from Davidson. She wrote, “I have read over your work priorities this week. It doesn’t seem to add up to a full work load this week. Are there other items that you are working on? It is important to me that you are able to produce results each week.”

Davey replied at length.

“There are no current City documents that you don’t already have access to, regarding economic development status and work plan, as I pointed out to you when we briefly met in mid May (the last and only time we actually had a one to one meeting.) As you might recall from that meeting, I reported that I was hoping, with the hiring of Zacharia Levine, that the potential existed to create a City/County economic development strategy, but until now, I have not heard back from you about that. I am pleased that you agree we can and should move forward. I can, of course, provide you with a plan of action for Economic Development by Thursday PM. We, meaning the City, cannot do it by ourselves, but we have really good partners, including Grand County, Workforce Services, USU (both through SBDC and the Moab Business Resource Center,) and, maybe most importantly, if we want it actually work, the Moab Chamber of Commerce. And the upcoming 24 hour tour by Lieutenant Governor Spencer Cox and leaders of the Governor’s Office of Economic Development gives us a great opportunity to focus in on what we think are the most important economic and social issues facing Moab.”

According to Davey, he sent the “plan of action” to the city manager and made the Thursday deadline, but never heard back from Davidson regarding the plan. (and there was no record of a response in the GRAMA file) He continued to move forward with other projects and ideas.



And to highlight the point that he was working ‘above and beyond, Davey candidly noted parenthetically, “(My big question: Since I am considering this well after working hours; does this qualify as comp time?)”

Davidson fired back, “I am seeking documents regarding Economic Development, status and work plan. I understand that SBDC is seeking a BEAR grant, but I am looking for what you are doing related to Economic Development. Please provide me with a plan of action for ED. Please be more specific and clear with this document. I would like it by Thursday PM. If you have questions, please let me know.”

According to Davey, he sent the “plan of action” to the city manager and made the Thursday deadline, but never heard back from Davidson regarding the plan. (and there was no record of a response in the GRAMA file) He continued to move forward with other projects and ideas.

But he’d been advised to hold off on affordable housing initiatives until the City talked

with the school district about the possible donation of land to the City, in order to build housing for police officers and other city employees in need.

During the previous winter and into the Spring of 2015, Davey and planning staff had invested many hours designing two new affordable housing ordinances that would increase density in exchange for contracts. The plan would hopefully improve the chances that housing would be more available to low and moderate income individuals and families. But the ordinances had been bottled up in “legal review” for months and months. And he’d been advised to hold off on affordable housing initiatives until the City talked with the local school district about the schools donating land to the City to build housing for police officers and other potential city employees.

And he had been told to hold off on helping a local developer create a downtown development plan to convert much of the property along Center Street and First West into small retail outlets. The idea was to create more affordable venues for local artisans and artists who otherwise were priced out of Main Street locations. Smaller boutique restaurants and outdoor cafes, small plazas, and even an outdoor amphitheater and performing stage were considered.

Davey may have wondered why he kept being put off, on projects like this. On September 23, it became a lot clearer..

TIMNATH & KEMMERER FLASHBACKS

As this publication noted in its first article on the subject, controversy seems to follow Rebecca Davidson wherever she goes. In 2010, Davidson made state headlines, relating to her five year tenure of employment with The City of Timnath, Colorado.

In late December 2010, News 9, the NBC affiliate in Denver, reported that the Timnath Council would meet to “discuss suspended town manager,” Ms. Davidson. According to the report, “Davidson has been manager in Timnath since 2005, working on a contract basis until January, when she became a town employee. Separately, the town has also been paying her engineering firm, IB Engineering, hundreds of thousands of dollars a year...This summer, council members asked for an outside investigation into the town’s contracting and bidding processes. The report by a Colorado Intergovernmental Risk Sharing Agency investigator has not yet been made public.”



“Town officials say a nondisparagement clause they signed in January means they can’t discuss how Davidson ran the town. (Timnath, CO)”

**Trevor Hughes
The Coloradoan, June 2011**

It also reported that Timnath’s mayor, Donna Benson, “with whom Davidson has clashed,” had also filed a law suit against the Timnath council, “over secret meetings to hear employee complaints about her. Davidson’s complaints about Benson’s interactions with town staff prompted the secret meetings.”

<http://archive.9news.com/news/story.aspx?storyid=172345>

A week later, Davidson and Timnath were back in the Denver headlines when 9News announced Davidson had resigned. The “three-way deal” ended with Davidson’s resignation and the resolution of a \$1 million law suit “brought by Loveland-based Gerrard Excavating Inc. against the 633-resident town and Davidson, who until last year was both town manager and the town engineer responsible for overseeing the Old Town sewer reconstruction project”

9News also reported that, “Davidson was suspended with pay last summer, several weeks after Town Council members received an audit of Timnath finances. Council members cited the need to ‘review invoicing, lack of documentation, fair treatment in the bidding process, town contracts and other processes’ in suspending Davidson but never offered any further specifics.”

The report noted that Timnath officials could not publicly discuss the matter and that, “both sides signed a non-disparagement clause and agreed to keep confidential a report about Davidson written by an outside investigator.”

In a June 19, 2011 ‘Coloradoan’ article by Trevor Hughes, titled “Timnath Learns Costly Lesson After Paying Millions for Projects,” Hughes offered a more detailed account. He wrote: :

“In 2008, the small town of Timnath east of Fort Collins paid half of its \$2 million municipal budget to its town manager and her engineering company.

“And while 2008 was a high point of money paid by the town to former manager Becky Davidson and her firm, IB Engineering, it was by no means the only time Timnath spent a significant portion of its money on her and her company.

“For several years, Davidson/IB received more than \$600,000 annually from Timnath, according to an audit and town financial officials.

“But a deal struck between the town and Davidson as she left under pressure earlier this year means town officials refuse to answer all but the most basic questions about how town money was spent during her tenure. Town officials say a nondisparagement clause they signed in January means they can’t discuss how Davidson ran the town.

“I’m going to let the past speak for the past,’ new Timnath Mayor Jill Grossman-Belisle said. ‘We’re trying to use this as an opportunity to learn.”

In the *Coloradoan*, Hughes explained the city of Timnath’s dilemma. In part, he

wrote:

“...court records show that the town was preparing to sue Davidson over design flaws and errors in the Old Town sewer project. In a court motion, Timnath’s lawyers said Davidson’s actions as the town engineer “fell below” the standards expected of a professional engineer.

“As part of the process of working with Gerrard to finish the project...the town has discovered that the IB defendants made errors in both the design and the administration of the project,’ attorneys with Brownstein Hyatt Farber Shreck LLP said in a Nov. 23, 2010 filing. ‘As part of its work on the project during the fall of 2010...the town discovered errors and omission in the plans and specifications prepared by IB defen-

Davidson received a settlement that included nine months of paid salary.. Years later, as Moab’s city manager, Davidson felt ten weeks of severance pay was sufficient for Olsen, who had been employed by Moab City for 25 years.

dants. The town has also discovered instances in which the IB defendants’ management of the project fell below the applicable standard of care...”

(NOTE: the article is available for public viewing via The Coloradoan’s paid archives for \$3.95: http://www.coloradoan.com/article/20110619/NEWS01/110618011/Timnath-learns-costly-lesson-after-paying-millions-projects?ody_ssey=nav|head)

According to the article and court documents, Davidson received a settlement that included nine months of paid salary.. Years later, as Moab’s city manager, Davidson felt ten weeks of severance pay was sufficient for Olsen, who had been employed by Moab City for 25 years.

The Moab City Council became aware of the Timnath controversy before Davidson was hired. The Zephyr’s GRAMA search of city documents shows several related emails between Councilwoman Peterson, Moab Police Chief Mike Navarre, who took charge of vetting city manager candidates, and City Recorder Rachel Stenta. While some of the emails have been redacted, Peterson’s original email makes it clear the subject is Davidson and Timnath, though it appears no one in Moab dug very deeply into the “mess” Peterson mentions...

On Mon, Feb 23, 2015 at 1:58 PM, Kirstin Peterson <kirstin.m.p@gmail.com> wrote: <http://archive.9news.com/news/article/174983/346/Timnathtownmanager12/18/2015>

City of Moab Mail Fw: interesting article

Sounds like there was quite the mess over there though nothing says there was any wrongdoing on Rebecca’s part. I haven’t been able to track down anyone to speak with yet from this area but I have gotten some good feedback on (redacted).

Cheers, Kirstin

On Feb 23, 2015, at 3:18 PM, Rachel Stenta <rstenta@moabcity.org> wrote: I’ve requested a copy of the supplemental audit from the Town that has the final outcome. She was cleared of any allegations or wrong doing. I’ll share it with you when I get it.

Rachel E. Stenta

On Mon, Feb 23, 2015 at 9:33 PM, Mike Navarre <chief@moabcity.org> wrote: I have tried several times to contact, (redacted) Town Marshall for a reference check on (redacted) No response. I left voice mail, no response to my calls.

Mike

On Tuesday, February 24, 2015 9:17 AM, Rachel Stenta <rstenta@moabcity.org> wrote:

I have received no response as well (from) (redacted). I did get a call back from one reference who was the former legal representative for (redacted) . So far I have return calls from 1 out of 3. I believe Mayor Dave has a couple of references and was planning on speaking to the current Mayor.

Rachel E. Stenta

That’s where the discussion ends. There are no further emails or correspondence on the subject. The “the supplemental audit” referred to by Stenta, which she was still waiting to receive and planned to share with the council, is not in the list of emails. Though Stenta mentions that Davidson, “was cleared of any allegations or wrong doing,” the report that confirmed it was not included among the GRAMA documents sent to *The Zephyr* by Stenta. And, in fact, Davidson could not have been “cleared” of anything, because the non-disparagement agreement banned anyone involved in the litigation from expressing any opinion at all.

As for other vetting efforts, there is one other reference in the GRAMA documents, on February 25, when Davidson notifies Stenta, “Could you relay a message to Michael Navarre for me? I just received the fingerprint and consent information from him last night.” The assumption here is that Navarre requested her prints, to run them in the NCIS computers, for possible criminal activity, a procedure that is standard practice for any position of this type.

Spending \$3.95 for a copy of Trevor Hughes’ article in “The Coloradoan” may have helped in the vetting process, but nothing suggests that such an effort or expense was made.

* * *

Throughout the 176 pages of GRAMA documents, there is no mention, other than an email from the *Moab Sun News*, of Davidson’s employment, just prior to Moab, in Kemmerer, Wyoming, population 3000. From 2012 to 2015, Davidson was its city manager.

If inquiries were made, they do not show up in GRAMA documents. But just weeks after Davidson was officially offered the position, in late March 2015, Councilwoman Ershadi received an email from the editor of the *Moab Sun News*.

Moab Sun News editor <moabsunnewseditor@gmail.com>

Date: Friday, April 3, 2015

Subject: Fwd: New City Manager

To: Heila Ershadi <heila4citycouncil@gmail.com>

Hi Heila:

Good morning! Andrew thought that you might be interested in this. It’s one of seven or eight similarly toned messages we’ve received. Some of these people appear to be affiliated with a group that calls itself the *South Lincoln FreeMan*: <https://www.facebook.com/pages/SouthLincolnFreeMan/347551775446030?ref=ts>

There is nothing in the GRAMA documents to indicate that Ershadi replied in writing, or that other council members commented, but it did put the City of Moab on notice that something akin to a rebellion had occurred in Kemmerer, and that Davidson had been at the very volatile center of it. By the time she left Wyoming to assume her Moab duties, Davidson had become one of the town’s most controversial citizens.

According to the *Kemmerer Gazette*, Davidson moved to Kemmerer in early 2012, and worked early-on to re-structure and streamline city government. She removed and replaced several longtime employees in the process. Some accused her of favoritism. Public opinion about Davidson boiled over in a December 2012 council meeting, when Kemmerer’s mayor, Zem Hopkins, addressed concerns about the city manager. They were in reply to a letter to the editor from a former city council candidate, Connie McMillan, who “expressed concerns about current city administrator Rebecca Davidson, (and) voiced her continued concerns about the loss of a number of Kemmerer city employees since March of this year.”

But the city council stood by Davidson. *The Gazette* asked two council members, Kelly Blue and Jim Burnett, “about Davidson’s previous issues in Timnath prior to the August primary election. Both confirmed that the council was aware of Davidson’s employment history in Timnath and expressed their confidence in Davidson’s qualifications and abilities, as well as confirming their support for her in her current position.”

(This is essentially the same conclusion reached by Moab officials when they inquired about Davidson’s difficulties in Timnath, Colorado. And the same defensive position the Moab city council took on behalf of Davidson when she started dismissing employees.)

Finally, it was clear that Davidson believed a public meeting about her hiring practices was inappropriate and pointless to begin with. According to the *Gazette*, “Davidson (said) that the city was restructuring. None of the city’s vacated positions have been discussed during council meetings, which according to Davidson is not an issue as those employees report directly to her, not the city council, and therefore the vacancies do not need to be addressed in council meeting.”

(The email from the Moab Sun News) did put the City of Moab on notice that something akin to a rebellion had occurred in Kemmerer, and that Davidson had been at the very volatile center of it. By the time she left Wyoming to assume her Moab duties, Davidson had become one of the town’s most controversial citizens.

There is no “official count” of the number of employees who left the City of Kemmerer during Davidson’s tenure; as always “personnel matters” are exempt from public disclosure laws. And of those who left, it’s impossible to confirm how many left of their own free will, how many left under duress, how many left due to “re-structuring,” and how many were fired.

Critics of Davidson argue that more than 20 Kemmerer city employees left their jobs during her three years in Kemmerer, including its building inspector and parks maintenance director, its director of public works, the chief of police, the events center director, the parks and recreation director, the events center assistant, seven events center attendants, the custodian, the desk attendant at the recreation center, the seasonal and lead park techs, three employees of the streets department, the recreation center coordinator, the police department secretary, and the IT contract employee. (NOTE: We asked Ms. Davidson to clarify the staff departures in our January 11 letter to the city manager, but she did not reply)

At least two of these employees also faced allegations of criminal misconduct by Davidson and were officially investigated by the Wyoming Division of Criminal Investigation (DCI).

JENNIFER LASIK

Jennifer Lasik came to Kemmerer in 2008. She’d been a history and geography teacher at a private religious school in Oak Creek, Wisconsin, but in 2004-05, Lasik went back to college and secured a Masters in Public Administration. She was subsequently hired by Kemmerer’s previous city manager, Michael Archibald, as the city’s Events Center Director and still occupied that position when Davidson arrived in 2012. Relations between Davidson and Lasik were excellent at first, and in January 2013, Davidson expanded Lasik’s duties, along with a new job title. The *Kemmerer Gazette* reported that, “Jennifer Lasik has seen her position metamorphose, too. As the city’s newly titled ‘cultural arts and events director,’ she’s moved from just managing the facility and associated events to managing other city events as well.”

In a memo to Lasik in 2012, Davidson wrote, “I wanted to take a few minutes to focus on some positive things that I have noted in your performance and teamwork.... I am glad that you are a part of this team.”

On several occasions, Lasik and her husband Adam invited Davidson and her husband to their home for dinner.

http://www.kemmerergazette.com/v2_news_articles.php?heading=0&page=72&story_id=3341