County Councilman Chris Baird later raised the conflict of interest issue himself to City Manager Rachael Stenta. "As you may know, an ongoing 'conspiracy theory' is that Rebecca (Davidson) is making room for her friends and colleagues, " Baird said.  "One way or the other. But, when a local loses out, and a friend of Rebecca's moves in, it is highly specialized in his field."
The question is whether the City of Moab, just three weeks after Davidson became its city administrator, should have entered into a 'master agreement' for computer services with a company, Tayo, Inc, that as of the date the contract was signed, June 4, 2015, did not even exist as a Utah corporation, whose co-owner, Tara Smelt, turned out to be Davidson’s Director of Communications and Events, in Kemmerer, Wyoming, and who, at the time the contract was signed, was still apparently employed by the City of Kemmerer.

Stenta informed Davidson:

“Given that the above system was maintained and developed by our independent consultant, In order to inventory and assess our overall system, it was necessary to hire a different consultant to give us an accurate accounting of system design, vulnerabilities and access control.

“During this inventory process, critical issues were discovered. Security issues which left City water systems, Narcotics Task Force operations and City databases exposed to the city.”

The City’s current consultant was charging $90.00 per hour and the consultant I hired I am in the process of preparing a Request for Proposal (RFP) for IT consulting services – to conduct a competitive procurement process that we have not previously been able to ‘engage in.’ The Zephyr asked Stenta, via a January 28 email, for the status of the RFP but as this story prepares to go to press has not replied.

As noted, an examination of expenses by the City of Moab, as documented on the web site: http://www.utah.gov/transparency/index.html, show that Moab paid Tayo, Inc. a total of $29,790.30 for just two invoices submitted June 30th and September 8th, 2015. And clearly drastically additional charges are yet to come.

In the previous four years, Computer Wise charged the City of Moab $35,216. And finally, no serious cyber issues have been reported to or by the former IT consultant in the past 15 years.

And just eight weeks after Rebecca Davidson left her city manager duties in Wyoming, Kemmerer City terminated the services of Niyo Pearson as its IT support technician and, as Kemmerer City Recorder Glenda Young stated, the city ‘never used or talked to’ Pearson again.

Whether the City of Moab needed a systems upgrade, or whether the city was unprotected from cyberattacks by “ISIS and nation state hackers” is not the main point here. Improvements may be in order.

The question is whether the City of Moab, just three weeks after Davidson became its city administrator, should have hired the services of a company, whose co-owner, Tara Smelt, turned out to be Davidson’s Director of Communications and Events, in Kemmerer, Wyoming, and who, at the time of the contract was signed, was still apparently employed by the City of Kemmerer. Further, it paid Tayo, Inc almost $39,000. Our times the maximum allowed by the city without conducting a “competitive procurement process. Finally, what is Tayo, Inc’s customer history? These are issues that need to be resolved.

A LETTER FROM THE CITY ATTORNEY

On January 25, The Zephyr received a letter from Moab City Attorney Christopher McAnany, responding to at least some of the questions I had posed to him and to City Manager Rebecca Davidson, earlier in the month. McAnany advised me that his letter would “in lieu of any further response from Ms. Davidson,” though in fact there had been no response from Davidson at all.

McAnany confirmed that there had been no peer review or third party scrutiny when the City of Moab responded to The Zephyr’s GRAMA request. He wrote, “The City Recorder Ms. Stenta has initiated the process of responding to your request and, subject to production under the law. In doing so she asked that all City Council members produce all responsive records for her to review.” In other words, Rachel Stenta advised the council, mayor and city manager what subjects The Zephyr was pursuing and they in turn independently determined which emails they thought appropriate.

Regarding the restructuring of city government, McAnany claimed that all discussions by the City Council were conducted in “executive session,” including the “reorganization of departments,” and he noted that the closed session were conducted, “as allowed by Utah law.” And McAnany wrote, “The City does not comment publicly on employment status of individual employees, but I can tell you that all matters with the employees affected by the Council decision have been settled to the satisfaction of the parties.” And he noted that the lack of paperwork was, “not unusual.”

Regarding the IT security contract that was signed just three weeks after Davidson assumed her duties, McAnany explained that, “The contract was executed on an emergency basis of the City and thus not subject to open records law.” There was nothing in the GRAMA documents that claimed a “serious computer issue” had become an “emergency,” in early June. Stenta noted the potential problems and in late August, as noted, she requested emergency funding.

The fact that the co-owner of Tayo, Inc, was Davidson’s former Communications Director in Kemmerer, and who in fact was still employed in Wyoming, was not an issue. McAnany wrote, “we are not aware of any conflict of interest as to this project.”

Finally McAnany went on to explain the City Council’s intent when it offer Davidson the position. He wrote, “When Ms. Davidson was hired the City Council gave specific direction as to a number of priorities and changes that it wanted to implement.

His comments indicate that at the time Davidson was offered the job, the council made it clear that they expected her to implement certain “priorities and changes.” And McAnany admitted that such changes could result in, “painful personnel decisions,” but that ultimately they were “for the overall good of the organization.”

“What bad things are being said by the critics of Ms. Davidson?” McAnany concluded, “the fact is that she was carrying out the express direction given to her by the elected leaders on the City Council.”

No one would argue that. But what it means, in the end, is that the council had personal “priorities,” way back in March 2015, including the restructuring of city government, and hired Rebecca Davidson, with her aggressive management style, to implement those priorities. Restructuring as a public issue, for public discussion and debate was never considered.

Then, over the next six months, the council, mayor and city manager moved quietly forward, exclusively, in a series of “executive sessions” behind closed doors, to craft and shape its reorganization plans, leaving the staff and the citizens of Moab oblivious to their work, until the evening of September 22, when they approved their plan unanimously and, 16 hours later, began to implement it, via the city manager, with the dismissals of Davey and Olsen.

“What’s Past is Prologue?”

The government of the City of Moab and its elected representatives and the people who work as administrators, are there to serve the citizens who live and work in the community. And that government must be accountable to the People. Greater change has affected Moab City Hall in the past eight months than in the previous decade. There are questions, broad and specific, that need to be asked, and answered more transparently than they have so far.

When a community, large or small, goes to the polls to elect their representatives, they vote with the hope that they are choosing the best of us...

We hope in short to elect...

“the better angels of our nature.”

* When the Moab City Council moved forward to hire a new city administrator, what were the qualities in Rebecca Davidson that made her the council’s choice among 57 applicants?

* Was the council aware of the litigation in Timnath and was it aware that the ‘non-disparagement’ agreement prohibited city officials from providing any information about Davidson’s tenure there?

* With that in mind, how did the city properly vet Ms. Davidson? Did the city ever receive the copy of the “supplemental audit from the Town (of Timnath),” mentioned by city recorder Stenta? According to Stenta, the document “cleared (Davidson) of any allegations or wrong doing” Was that document sent to the City? If so, why was it not included in the GRAMA request?

* Did the council investigate Davidson’s tenure in Kemmerer? Is there any written documentation? If so, why wasn’t it included in the GRAMA request?

* Was the council aware that a priority for Davidson in Kemmerer was to dramatically ‘restructure’ its government, a process that led to the departure of more than 20 of its employees in just three years?

* Was the City of Moab aware that Davidson had made criminal allegations against two of Kemmerer’s staff, forcing an investigation by the Wyoming Division of Criminal Investigations, and that in both cases, the county attorney declined to prosecute and the cases were dropped?

* Was ‘restructuring’ a priority for the Moab City Council before Davidson was offered the job? If so, was her aggressive management style in Kemmerer the reason she was selected?

* Regarding Moab City, was there a topic of discussion, how and where was it discussed? In the GRAMA request, there isn’t a single document or evidence of any written correspondence between the council members or with the city manager, discussing the idea or its implementation. How was this complex change discussed and debated? If it was conducted behind closed doors, in executive session, can the City Council explain the need for absolute secrecy for a decision that had the potential to affect its entire staff?

* Did the council meet with the staff during the summer months to discuss restructur...