



SUNSET EMPIRE TRANSPORTATION DISTRICT

BOARD OF COMMISSIONERS  
SPECIAL BOARD MEETING MINUTES  
THURSDAY JULY 10, 2014

1. CALL TO ORDER- Chair Paul Lewicki called the meeting to order at 8:30 AM.

2. ROLL CALL:

Present: Chair Paul Lewicki, Commissioner Rae Goforth, Commissioner Marcia Fenske, Commissioner Carol Gearin, Commissioner Kevin Widener and Commissioner Kathy Kleczek. Excused- Commissioner Neal Smith.

Jeanyse Snow, Attorney/Legal Counsel for Sunset Empire Transportation District

Staff Present: Executive Director Diana Bartolotta, Financial Officer Diane Moody, Executive Assistant Mary Parker, HR Officer Lori Karl, NWRC Manager Jason Jones, IS John Layton, Operations Manager Scott Earls, Operations Assistant Tami Carlson and Mobility Management Lis Pietila

3. Discuss the Employment of the Executive Director-

Chair Lewicki thanked those attending for rearranging their schedules to attend the meeting. He explained how the meeting was going to go saying he would be making comments by way of an overview of the situation and make some recommendations. Chair Lewicki said we will then hear comments from Board members and we will invite Diana to make a statement if she would like. Chair Lewicki said that our attorney is going to give us advice as to options under the contract and employment agreement, there may be further discussion by the Board and finally if there is a motion we will take action.

Chair Lewicki then read the following statement: *On June 11<sup>th</sup> members of the SETD staff approached Commissioner Gearin to report employees being bullied and treated in a unprofessional manner by the Executive Director. Commissioner Gearin interviewed a number of employees and learned the nature and breadth of the intimidation. On June 14<sup>th</sup> those concerns were brought to the attention of the Board Chair by Commissioner Gearin. On June 15<sup>th</sup> and June 16<sup>th</sup> the Chair conducted interviews of those employees to confirm the reports first hand. Employees reported being yelled at, intimidated, demeaned in front of peers and disregarded during business meetings. Each indicated he or she was fearful of reprisal for speaking up about the problems. Each also shared their serious thoughts of resigning due to the pressure and humiliation they felt from the Executive Director. On June 17<sup>th</sup> in an attempt to curb this behavior, Commissioner Goforth and I met with the Executive Director. We presented the complaints and explained the Board expected this treatment to the employees to cease, that the Board expected the employees would be treated with respect, coached and mentored where necessary to bring employees up to the expectations of management in a way that fostered trust, professional growth and productivity. The Executive Director explained that the problems were the fault of the employees and that she had been fooled into believing what the employees had told her and that is why she treated the employees the way she was treating them.*

*Monitoring the situation of the ensuing days I did not notice any improvement and sarcasm increased. It had been reported that employees were talked to about the conduct of other employees. Board members were talked to about other Board members in front of staff and employees reported being very uncomfortable about this practice, hearing information that they thought they should not have been privy to. On June 24<sup>th</sup> during a regular Board Meeting an Executive Session was held for the Board to discuss the complaints and to discuss the employment of the Executive Director. In that session the Executive Director requested that the proceedings be held in open session in a public meeting. This meeting is the result of that request. Subsequent to that Board meeting I was told by a representative from the Oregon Department of Transportation, who had met with the Executive Director the day following the Board meeting, some disturbing information about the way the*

*Executive Director had treated one of her (SETD) employees during the ODOT representatives visit and in front of the ODOT representative.*

*The Executive Director also volunteered that she, the Executive Director, was going to be fired in the next couple of weeks and what did the ODOT representative think the Executive Director's job was. The Executive Director indicated that she could do a better job if she had a different Board.*

*On June 26<sup>th</sup> I was told by John Anglim, a professional developer for employees and leaders that was hired by the previous Executive Director to help our management team develop better working relations and overcome silos and develop trust with each other, that there were serious problems with the current leadership at Sunset Empire. That the Executive Director was leading with fear and that a feeling of fear was unanimous across the staff and John characterized it as a "big red flag" to have this broad concern among the staff so early in the Executive Directors tenure. John has scheduled at least one meeting with the Executive Director to discuss the problems that the staff was having with the Executive Director but the Executive Director is reported to have cancelled the meeting or meetings before they occurred.*

*Chair Lewicki said that after much thought and consternation I must say that I feel that this just isn't working out and further it is my recommendation that the Board terminate Miss Bartolotta's employment without cause. Chair Lewicki said that this concluded his comments and he would like to open it up to the Board for discussion.*

Commissioner Fenske asked for John's last name. Chair Lewicki clarified John Anglim. Commissioner Gofroth said he had come to a Board meeting. Commissioner Gearin said he is the one that Jay hired to come in and help the Board and staff. Commissioner Kleczek asked attorney Jeaneyse Snow, "Having held this meeting and having read all of the report that Paul just read are we as a Board in a legal standing to terminate without cause and we're having a meeting without cause?" Jeaneyse answered that you are entitled to terminate her employment without cause. Jeaneyse said your prerogatives here at this meeting are to do nothing or to take action. You have defined that have the ability to terminate without cause. You have some possible suggested motions in front of you that would cover that possibility. That would include a 15 day written notice at which point she would be paid for that period and you would probably want to put her on administrative leave. She would get compensation for any vacation and holidays and so forth and offer of 3 months compensation with benefits. You can have a motion to terminate with cause. That entails some further action. You would probably want to place her on administrative leave and direct the chair to arrange for an independent contractor to investigate and prepare a report. Another investigation might be warranted so that you would have an actual presentation to the Board. And you can do a discipline. The contract in Section 8 discusses the types of discipline available. Section 9(a) notes that misconduct by the Executive Director in most cases should result in counseling or discharge. An intermediate disciplinary action would be rare. Those appear to be the courses of conduct available to you. Commissioner Kleczek asked if these are in compliance with the Bureau of Labor and Industry laws. Jeaneyse said yes she is governed by the contract here. Commissioner Widener said that this answered his questions. Jeaneyse asked if she could go through a couple of other things. Chair Lewicki said yes. Jeaneyse said she thought that the Board had gotten a copy of an email sent by Miss Bartolotta yesterday. Jeaneyse said she was out of town but she did receive this, indicating that she had some concerns that this meeting is not proper. The basic one is that there was not adequate notice. Notice was given to Miss Bartolotta on Tuesday July 8, 2014. Jeaneyse asked Mary Parker what public notice she prepared and gave on Tuesday? Mary said that she had posted a public announcement at the Transit Center which is the normal process she would follow for any meeting. Mary said that John Layton had posted the meeting announcement at 9:37 AM on the SETD website and Facebook. Mary said that she had emailed public notification to radio station KMUN and to Tom Freel at KAST and she also sent notification to Elleda Wilson at the Daily Astorian and that meeting notice was published in the paper yesterday. Chair Lewicki said that if he could correct himself, he had given the meeting notice to Miss Bartolotta on Monday July 7<sup>th</sup>.

Jeaneyse Snow said that Miss Bartolotta has also requested various rights; to have her attorney, that this be public, a list of accusations, the right to respond, the right to call witnesses. Basically these are rights that she does not have but the Board has discretion to give her some of those things if you wish, but the statute ORS 192.660 (b) has been interpreted by the Attorney General of Oregon, that requesting an open session as she did during an Executive Session is absolutely her right, but the open hearing referred to does not constitute an adversarial hearing it is only an open session and that is what we are doing. The affected person need not be present, has no right to postpone for an attorney to attend or to have a formal hearing unless some other law or contracted collective bargaining agreement provides this right. None of those are happening here. So Miss Bartolotta can be present, she can have an attorney present if she wishes, but we do not need to postpone it if her attorney is not available to be present. Jeaneyse said she would also like to add to the record that she did not respond to Miss Bartolotta yesterday because she was out of town yesterday and because she had indicated that she had contacted a lawyer and does have a lawyer and once she has done that the Oregon Board of Ethics forbids me to contact her directly, so I can

only contact her attorney. Her attorney could give me permission should I request to speak to her directly. So we are free to proceed.

Commissioner Kleczek said I do not know what kind of details, time frame and number of occurrences what level this pertains to, a lot of this information is the first time I have heard of it. So to fully understand the scope and severity of this, I would appreciate some more details.

Commissioner Widener concurred and Commissioner Fenske agreed that this was the first time she had heard about this. Commissioner Widener said that he was not involved in the investigative procedures and all he got was what he received in the emails.

Commissioner Goforth said that she and Chair Lewicki had spent about 2 hours with Diana in her office. We discussed the individual situations and actually her response was rather void. She spent most of the time telling us how incapable certain people were that were on the staff and they had to go. That there were lies that had been told to her and that some of the staff had told her things about Board members and about other staff members that I could not even believe they had been said, let alone that there was any truth there. I had the feeling that she was not hearing what we were saying to her. I had the feeling that she was just thinking her own thoughts and coming out with her own responses. Then after spending 3 hours listening how bad the employees were and how they would never be successful, we get a glowing report on the management report. I have not been in college since 1951 but the first paragraph of her management report was right out of Psyche 101. It was just a glowing report about these very people that she had said were incompetent and had to be let go. I found it very typical of what the Indian chiefs in Alaska say, woman speaks with forked tongue.

Commissioner Widener asked if there have been incidents subsequent to that then.

Chair Lewicki said that is what disturbs me. Certainly this is not the path that any of us would prefer or to be caught up in but I personally did not see the kind of improvement I would expect in respect for the employees deference to the wishes of the Board and subsequent to Rae and I attempting to be clear about what was wrong with the situation and I would ask Jeaneyse to correct me if I am off base with what I am about to say but, I appreciate that you would like additional details and I should say that if this body elects to commence proceedings to terminate with cause that those details would be forthcoming, there would be a report of all the incidents and all the actions would be made available to the Board. If the Board should feel that termination without cause is the way to go, which is my recommendation, then in effect we are not making any accusations and we are responding to a situation that is just not working out for the Board. Chair Lewicki said there is a bit too much drama, a bit too much unsettling input from outside our body to leave me with the belief that we can't be as effective as we should be going forward. So unless Jeaneyse has advice to the contrary probably it is a bit premature for those details.

Commissioner Kleczek said she is not talking about details as far as specifics, as far as who said what to who, when and where, but I mean was there 1 occurrence were there 5 occurrences was it over a day, was it over 2 weeks? Commissioner Fenske asked is it a small scope or is it a lot of employees? Chair Lewicki asked Commissioner Gearin if she had some input on this. Commissioner Gearin said she had received a call from someone who was crying, sobbing, and told me this had been going on for quite a while and that there was a number of employees that this had happened with. I was given the names of some of the other employees that were going to speak to a Board member and I am a firm believer that there is a chain of command but if the problem is at the top I believe that the employee has a right to come to the Board. I will tell you that I do not feel I did anything wrong. I was given these names. I was going out of town for 2 days and told the person that called me that I would look into this. I could not promise anything but I would do what I could to find out what was going on because I did not want to take just one persons word. So over the next two days I did call several 4 other people. Everyone told me the same thing. It had been going on for quite a while. Some of them it happened to them and some of them it had not happen to them but they had seen it happen and it was embarrassing. One person said that they were so embarrassed they wanted to get up and walk out of the meeting. It apparently had been going on so that is the reason why there was a time difference between the time I was first called on June 17<sup>th</sup> and when Paul was notified because again I was out of town and I did make the calls and did not want to come to Paul unless I was sure and that was not getting only one persons opinion and this was an ongoing problem. Commissioner Gearin said she agrees with Chair Lewicki, that this is just a situation that is not working out for the Board and I do believe without cause is the best way to do it. Commissioner Kleczek said after the initial phone calls and contacts and meetings what is the scope of the reoccurrence? Was it one person? Was it once? Commissioner Fenske asked was anything improved. Chair Lewicki said he would admit of not being down here during that time but he did to the best of his ability monitor what was going on and it was his observation that the problem continued not necessarily on a instance by instance but more on a pervasive attitude throughout the office that made the employees uncomfortable, fearful of reprisal for doing the wrong thing. I do not know how many of you have been in the office here in the last few weeks but the feeling of discomfort is palatable. I think that we all can remember how things have been here the last year or so, it is not

that way anymore. So to answer your question it is my feeling that this is more of a continuum and not necessarily an event by event unfortunately may be a style of working with people that is contrary to what the Board would like to see.

Commissioner Kleczek asked Chair Lewicki if in the meeting that he and Commissioner Goforth had with Miss Bartolotta, did you ask for any specific changes or recommend any specific course of action for improvement.

Commissioner Goforth said yes and Chair Lewicki particularly did. That was one of the things that I felt Chair Lewicki was very good about suggesting because of the attitude and feelings that the employees and staff had expressed to both of us.

Commissioner Goforth said I just had the feeling that it was not sinking in, that is was not registering; that this is the way I do things, this is the way I am going to continue to do things. Commissioner Goforth said I had one incident at the RideCare committee meeting discussing putting Dial a Ride back in and I had said to the committee I will get some of this information from Tami so I can take it to the Board. I was told afterwards by Diana that I was not to talk to the staff and that Tami was scared of me and that I should not go to her, that she was terrified that I was going to go to her and talk to her. Commissioner Goforth said she had known Tami for 13 years and never known her to be scared of me. So when we had the Board meeting I said to Tami are you scared of me and she said of course not. Commissioner Goforth said but Diana said don't talk to Tami because she is scared of you but I have never had a problem talking to Tami. Commissioner Goforth said that there is that feeling of fear, fear. We are told not to talk to any of the staff and if we do we are to copy Diana. So I do but I have never had responses back from her.

Commissioner Kleczek asked Chair Lewicki in what ways did you specifically address and ask things to change and then in what way did you consider that they weren't changed or is specific a different interpretation between what I am saying. Chair Lewicki said the intent of the meeting was to address the reported problem quickly, promptly and directly so as not to let it fester and to not have the employees be subject to that type of treatment any longer than necessary. It was not per say a official meeting. I did take notes but I do not have them with me today and I hope the reasons are obvious. Chair Lewicki said to answer your question, the specific points that were talked about were number one, the intensity of Miss Bartolotta's approach toward the employees and how it was having a negative effect, so we suggested that she tone it down, that she back off on trying to do so much so quickly. Chair Lewicki said that we talked about the complaints of verbal abuse, intimidation and she denied those things and each and every one was denied. Chair Lewicki said I think we left the meeting making clear the expectations that any behavior that was not constructive or in a positive direction was something the Board did not want to see and yet I understand that it continued past that meeting. In fact I understand that after that meeting, Diana reached out to at least one other Board member secretly saying, would you come down here and let's talk about this. So to raise the point that it didn't appear to sink in, seems to be borne out by that. Not since that meeting has Diana come to me as the Chair or as far as I know to any other Board members with any conciliatory attitude, any apparent and genuine desire to switch gears and get in sync with the approach that the Board would like to see taken toward operation of this District. Commissioner Kleczek asked if that was asked for or indicated that was desired. Chair Lewicki asked to be conciliatory? Commissioner Kleczek said to reach out to the Board or the Board chair? Chair Lewicki said references were made of the roles of the Board responsibility is to make policy. Chair Lewicki said he did not want to say something that he does not recollect clearly right now.

Commissioner Kleczek said you understand I am coming from a position of not knowing anything and I am trying to put as many of the pieces in place in my own mind so that I can know where I am coming from. Chair Lewicki asked to interject one thought in here briefly, I tried to keep the Board members as well apprised of the situation as I could, but as the situation developed, it was made clear to me, as I had indicated in an email, that we need to be very careful about our communications outside of the open meeting law and more so in the last few weeks than we might have felt to be compelled to be before that, because of the nature of what we are doing here. So I have to tell you that because of the way the law is written it was difficult for me to give you details outside of an open meeting or an Executive Session and even now I am hesitant to go too much further because my recommendation is termination without cause.

Commissioner Fenske said she agrees it is not our roll to manage and I think that is something we see a lot of time in public entities like the Port, is that the Board micro-manages, but in this instance I don't think this has anything to do with managing the staff. I know we are supposed to be policy makers but we are also the boss of the Executive Director and we need to make sure that things are working well and that the Executive Director and the staff have a good working relationship or the District can't function, it can't deliver it's services, it just doesn't work. We have seen in the past what happens when the Executive Director and the staff are at heads and I do not want to repeat that. I feel kind of blindsided not knowing exactly what was going on. Part of me thinks that we need to do a corrective action with a 3 month timeline but that was my thought initially, but having heard that Chair Lewicki and Commissioner Goforth had sat down with the Executive Director and expressed concerns. Because at our last Board meeting it seemed that Miss Bartolotta was unaware of what the issue at hand was and obviously a week before, she had been approached and was aware there was an issue. So I think she has been given a

chance and granted it hasn't been weeks and weeks to turn things around, it does seem like it is in one ear and out the other, so I guess I would go along with the termination without cause.

Commissioner Kleczek said I apologize if I am the one talking and asking the questions all the time, but not having been in the room I feel that I may have a different perspective perhaps of the meeting because there is no reading of expressions, there is no reading people when all you are getting is the voice on the phone. I, in a similar way, I feel like this came out of the blue. Having known that it was on the agenda but not really knowing the details and scope of what was happening I feel that it is important to say these things out-loud here in the public meeting because then it is there. I knew that Chair Lewicki and Commissioner Goforth were having a meeting with Diana and I did not know any of the outcomes of it and I have to say that based on the reactions and what I heard on the phone that day I feel like there are a lot of mixed messages going on. So if Miss Bartolotta was told there was nothing to worry about and everything was ok, that was the impression that I got on the phone that was the message she was given as far as the meeting was concerned. Then out of the blue to see her job under the microscope, that's what it seemed like over the phone was going on so that indicates to me on some level there are mixed messages. So, I would have to say to go from we've talked about and discussed this and we are going to watch what happens to now we are going to discuss termination seems like a big jump. So to me I could not go along with termination without cause because I do not know enough. I would say that maybe something you all decide differently. Personally I do not know enough details to go along with that. I would say that a specific scope of action, if we lay it out as a disciplinary action and a measurable outcome in a specific amount of time determined by the board that is measurable would be something I could agree with because it really feels like we are skipping stuff.

Commissioner Goforth said actually I thought it was made very, very clear. I thought that Paul made it very, very clear. That the actions of the past that had been reported by the staff to Paul and Carol had to stop, it had to cease and that she had to back off. The management skills were not there, they were not being successful. Unfortunately a lot of that did not get out to you but you know to continue this on could be disastrous. It could be disastrous. I too like Marsha went through a lot of this and I didn't think we would ever have to do it again, but quick and easy is the way to go. Let's not destroy the district.

Commissioner Widener said I am kind of torn here because I wasn't present for the meeting that you two had and I do not know the details. Frankly I want to respect the employees confidentiality as well but it is very difficult for me I understand we are not in a legal proceeding but I am hearing a lot of hearsay. I trust the opinion of the Board but I also saw a lot of edginess at the last Board meeting. There was going back and forth between you guys. I don't know if that put an end to it or not.

Commissioner Fenske asked about the option for a paid leave and an investigation by an objective party.

Commissioner Gearin said that would be for cause and I would like to respect the confidentiality of the staff and they would all have to be interviewed. This is just personal observation, but Diana and I did have a disagreement. I reached out to her I said I would like to discuss this so both of us could not feel threatened. I was going to talk on the phone, come to the office, and take her to lunch or whatever. I sent her an email and then after the second budget meeting I went up to her office and said I know you are busy with the budget but I will leave it in your ball park whenever you have time. I never heard from her. I know this does not have too much to do with what we are discussing now, but I did reach out to her and did not get any response. When you have 5 different staff members virtually telling you the same story and they are all fearful of their jobs. I was a nurse for 40 years. And I have seen a couple times when people are emotionally beaten down and you reach a point where you don't believe you are worth anything. I am afraid that is what I see happening. It may be a management style but I do not believe it is a style I would like to see happen here. I think everyone is aware that I had originally voted no, but I did feel after talking with Diana that it was going to work and I am wrong.

Chair Lewicki said he would like to offer Diana an opportunity to make a statement if she would like to.

Diana Bartolotta said I made some notes and then there are some specific comments that people brought up that I want to address. I did request a public hearing and this is still not a public hearing. Paul cited the incorrect statute and when he fixed it he cited the Executive Session so it is still not a public notice. I am represented by an attorney and Jeaneyse is right we cannot talk because I am represented by an attorney. My attorney could not be present. There are 2 reasons why I could not have an attorney present. One is nobody in Astoria does labor and employment law so I had to get one from Portland who has a meeting today. The second is all of the government lawyers are conflicted out because they all have represented the Bus before. So I do not think this is wise for me to speak on my own behalf, because this is emotional.

Like many of you this did come from nowhere. I feel if I represent myself I will be emotional and I won't make objective arguments and won't stick to the facts so it is really hard to defend myself without representation. I have asked the staff to be here. Many of you have said this is hearsay and I agree this is hearsay. So I think I can address particular concerns

particular items if you would like. I would like to turn my time over to the staff and allow them to say whatever they need to say. I think that is what is the most important because what is going on here is the Board is speaking to the staff and a few staff members are speaking to the staff and if they're comfortable anyone who wants to speak because they have asked me repeatedly, when do I get a chance to say what I think and also with the Board members who called them there were leading questions and my words were twisted. There were specific questions that were asked and not answered. Kathy you asked if there were specific things that Rae and Paul asked me to do that I did not do. No. It was a 3 hour attack where I listened and at the end of it I said; how do we move forward, how do we do this better, how do we work together? I have asked Paul this numerous times. His answer has been do what I tell you to do, do what Mary tells you to do. My belief is that this is politically motivated. Paul does not like me. He wants to get rid of me. He is terminating me without cause because there is no cause. He is using this witch hunt to increase fear so he can terminate me without cause. That's what's going on here. I am not the only person in this room who has had this happen. There are numerous other staff members in this room who have been attacked in the same way being told; you're the next Cindy Howe, this place is full of fear. The fear existed before me. I think it is not smart for me to make arguments on my behalf. The reason I wanted a public hearing is because I wanted the public to be able to be here, which notice was not sufficient to do that. I wanted to have legal counsel. I wanted to know the accusations. The accusations were given to me verbally by Paul and Rae but never in writing. I received them in writing last night for the first time. How can I address things if they are not being told. The approach has not been resolution the approach has been attack and conquer. Paul has given me specific directives. I am not allowed to talk to the lawyer without his approval. I am not allowed to read the Board Policies. I am not allowed to question Mary. I am not allowed to read the law. I am not allowed to speak in Board meetings. In response to Carol saying she reached out to me, you absolutely did. I did not reach out to you because Paul told me that I am not supposed to talk to Board members directly. He needs to be there or he needs to be aware of it or he needs to be present. I was terrified to talk with all of you. I wish I had. You can talk with George Dunkel about this, when I was signing my contract I said I would like to meet with each Board member individually, learn more about them, and understand why they became Board members because they are all very different. George said great idea. I said I want to start with Carol because I felt that I had not answered her questions in the interview very well, so let's start there and improve our working relationship. George said great. I contacted Paul and Paul said no. He said, I manage the Board and you manage the staff, you don't want me talking to the staff any more than I want you talking to the Board, he said this is a system that Jay and I had developed and I do not want you to disrupt it. Kathy I believe you are aware of this because you and I have spoken about it. It is a brilliant political move to get rid of me. I think I need to be represented by counsel. I think you in order to make a decision need to hear it directly from staff. In terms as protecting staff who may feel uncomfortable no one has to speak if they do not want to but anyone who wants to speak should be able to speak. That is the best way to get your primary information. So I think I need to have an attorney present because I am going to get emotional and I feel this is politically motivated by my refusal to take direct orders from Paul and that is where this is coming from. So this is why I asked for a public meeting. I would like the staff to have an opportunity to speak. Is that ok with you?

Chair Lewicki said actually it is not.

Diana said what a surprise.

Chair Lewicki said this offer to have a public statement was a courtesy extended to you.

Diana said I am allowed to have a public hearing. A public hearing involves public comment. Public comment is limited to 3 minutes per person.

Chair Lewicki said that public comment is not something we have to allow in this body. We have to allow public observation and public presence, but we do not have to allow public comment.

Diana said I think that the fact that you are unwilling to have the staff speak for themselves says a lot.

Chair Lewicki said he appreciated Diana's statement.

Diana said that she wished she had the right to have an attorney present.

Commissioner Kleczek said she had a question. We as a Board decided that said that we were going to have public comment on all of our agendas either at the beginning or at the end and therefore I would actually like you to follow the procedure we sat up.

Commissioner Widener said you make a motion and I will second it.

Commissioner Kleczek said she would like to offer the opportunity to correct the agenda first.

Chair Lewicki said it was my judgment because this is a special meeting that we would not have public comment for this very reason. But certainly if it is the Boards will, unless we have contrary advice of counsel I can't stand in the way of it, I can advise against it.

Commissioner Kleczek said public comment as what it is, is public comment and not a discussion between the Board and the public. I think making clear that distinction and following our agenda as we as a Board decided to have them I think is a good idea.

Chair Lewicki said bear in mind the staff is on the clock and should be doing there assignments and not sitting as public in the meeting. Still I will go with the will of the Board.

Commissioner Gearin said she would like to make a comment. I understand where you are coming from, however I see 2 possibilities here. One, if Diana is not dismissed, those people who have failed to speak up in her defense could have reprisal, and two are the people who are speaking up doing so for fear of losing their job because that was mentioned from 3 out of the 5 people that I talked with.

Diana Bartolotta said that if this is still my comments they were actually afraid of reprisal from their coworkers.

Chair Lewicki said we are not going to get into this kind of discussion.

Diana Bartolotta said that she just wanted the facts.

Commissioner Kleczek asked if Chair Lewicki was going to take action or should she make a motion

Chair Lewicki said if you want to take action make a motion.

Commissioner Kleczek moved to add public comments to the agenda like it has been on every other meeting agenda that we have.

Commissioner Widener seconded the motion

Discussion:

Chair Lewicki asked who in the public you would like to hear.

Commissioner Kleczek said anyone from the public who wants to speak according to our public comment rules.

Chair Lewicki asked you are including staff at this point? Commissioner Kleczek said yes.

Commissioner Fenske said I have a discussion thing I have to leave at 9:30 AM no matter what.

Chair Lewicki asked for a verbal vote which was not unanimous

Chair Lewicki requested a roll call vote

Roll Call Vote was taken:

Commissioner Kleczek	Aye
Commissioner Goforth	Nay
Chair Lewicki	Nay
Commissioner Widener	Aye
Commissioner Gearin	Nay
Commissioner Fenske	Nay

Motion failed 2 Aye and 4 Nay

Commissioner Fenske said she would like to hear but she had to leave at 9:30.

Miss Bartolotta interrupted with comments

Chair Lewicki said excuse me but let's keep the meeting focused here.

Chair Lewicki asked if there was any other discussion. With no further discussion Chair Lewicki asked if there was a motion.

Commissioner Goforth moved that Sunset Empire Transportation District terminate the employment of Executive Director Diana Bartolotta without cause pursuant to Section IX, C (1) of her employment contract. This includes: (a) 15 days written notice during which period Diana Bartolotta will be put on administrative leave with pay and (b) will be compensated for any earned but unused vacation, accrued holiday and personal time, subject to the general guidelines of the District and (c) an offer of 3 month compensation and benefits less all amounts required to be withheld and deducted.

Commissioner Gearin seconded the motion.

Discussion:

Commissioner Kleczek said that she has to say again that she feels like this is premature; we haven't followed any sort of timeline. I feel contrary to our attorney's recommendation that we are putting ourselves in jeopardy with the bureau of labor and industry laws and I don't feel like this is a good action for us to take right now.

Commissioner Goforth said that I believe that this had been discussed with Ron Downs our attorney at SDAO.

Commissioner Fenske said she had a comment along the lines of Kathy. I don't have time, granted there is a bias there, but rather than that I would prefer to do a motion to discipline with a short time.

Chair Lewicki said there is a motion on the table.

Commissioner Gearin said according to the statutes, if you do something because someone tells you to do it that way that has knowledge, you cannot be held libel.

Commissioner Kleczek said our attorney is not a Bureau of labor and industry attorney.

Commissioner Gearin said she is an attorney in this state.

Commissioner Fenske said she is our attorney.

Jeaneyse Snow said this is an at will employee contract.

Commissioner Kleczek said this is my feeling, my sentiment.

Commissioner Lewicki asked for a verbal vote which was not unanimous

Chair Lewicki requested a Roll Call Vote

Commissioner Kleczek	Nay
Commissioner Goforth	Aye
Chair Lewicki	Aye
Commissioner Widener	Nay
Commissioner Gearin	Aye
Commissioner Fenske	Nay

Motion was defeated 3 Aye and 3 Nay

Commissioner Fenske moved that Sunset Empire Transportation District discipline Executive Director Diana Bartolotta based on the evidence of repeated discourteous treatment of employees. Said discipline be a performance improvement or a corrective action plan developed and administered by the Board and with a timeline of less than 3 months.

Commissioner Widener seconded the motion.

Chair Lewicki asked for a verbal vote which was not unanimous.

Chair Lewicki requested a Roll Call Vote

Commissioner Kleczek	Aye
Commissioner Goforth	Nay
Chair Lewicki	Nay
Commissioner Widener	Aye
Commissioner Gearin	Nay
Commissioner Fenske	Aye

Motion was defeated 3 Aye 3 Nay

Chair Lewicki said that we are done with our agenda and the Board has taken no action, are there any closing remarks?

Commissioner Kleczek moved that we as a board based on the complaints made ask Diana to find and take some management classes where she can get some assistance in changing her management style based on the desires of the board.

There was no second to this motion.



Commissioner Fenske said we cannot leave this unaddressed.

Commissioner Fenske said she is uncomfortable terminating without further information so how about we terminate with cause so we put her on leave and do an investigation.

Commissioner Fenske moved that the Sunset Empire Transportation District Board commence proceedings to terminate Executive Director Diana Bartolotta for cause. Diana Bartolotta will immediately be put on paid administrative leave. Chair Lewicki will arrange for an independent contractor to investigate and prepare a report on the conduct of Miss Bartolotta as well as any other investigation the Chair deems advisable.

Diana Bartolotta interrupted with comments.

Chair Lewicki said excuse me there is a motion on the table  
The motion was not seconded.

Commissioner Kleczek moved that we end the meeting.  
The motion was not seconded.

Commissioner Fenske had to leave the meeting and was excused at 9:30 am.

Commissioner Goforth said this has got to be resolved or we are asking for more trouble.

Chair Lewicki moved to put Executive Director Diana Bartolotta on administrative leave with pay at the present time until the Board has an opportunity to determine its actions going forward.

Commissioner Gearin seconded the motion.

Chair Lewicki asked for a verbal vote and it was not unanimous.

Chair Lewicki asked for a Roll Call vote

Commissioner Kleczek	Nay
Commissioner Goforth	Aye
Chair Lewicki	Aye
Commissioner Widener	Aye
Commissioner Gearin	Aye

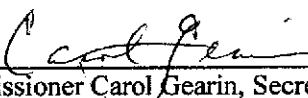
Motion passed 4 Aye votes and 1 Nay vote

Chair Lewicki said he would instruct Diana to relinquish her keys, her SETD cell phone, her laptop and any other equipment that has been issued. I would like one of the commissioners to accompany me to escort Miss Bartolotta.  
Commissioner Gearin said she would.

Chair Lewicki adjourned the meeting at 10:00 AM.

Meeting was adjourned

Mary Parker, Recording Secretary

  
\_\_\_\_\_  
Commissioner Carol Gearin, Secretary/Treasurer

Date 8/28/14