

**SMCLC COMPLAINT CONCERNING COUNCILMEMBER PAM
O'CONNOR'S INTERFERENCE IN THE FIRING OF ELIZABETH RIEL**

The Santa Monica Coalition for a Livable City (SMCLC) files this Complaint with the City of Santa Monica (City) seeking the following:

1. **An investigation into whether Pam O'Connor should be prosecuted for violation of Section 610 ("Interference in Administrative Services") of our City Charter.** This investigation would be based upon her intervention with former City Manager Rod Gould concerning the firing of Communications and Public Affairs Officer Elizabeth Riel. This Complaint also calls for appropriate legal action to be initiated against Ms. O'Connor for any such violation.

Government lawyers or independent counsel would conduct this investigation.

2. **A full, public review by our City Council and our new City Manager into the facts surrounding Ms. O'Connor's intervention and the firing of Ms. Riel.**

This review differs from the investigation discussed in "1" above which concerns potential legal action against Ms. O'Connor for violation of the law. **The review called for here is broader than the legal investigation of O'Connor, and is to analyze what the City did wrong. Such an investigation would have several goals.**

The **first goal** is for the City Council to make appropriate findings about the conduct of its former Mayor.

The **second** is for appropriate findings as to senior staff's actions and inactions in this matter to improve accountability and future performance.

The **third** is to establish procedures to ensure that this political interference does not happen again.

This review would be conducted under the purview of the Council and the City Manager.

Our City Charter explicitly prohibits any city councilmember from interfering in the City Manager's hiring and firing decisions – a councilmember cannot, even indirectly, request that a city employee be hired or fired. As Mr. Gould admitted in his deposition in the Riel lawsuit, Ms. O'Connor did **not** "have a right to try to influence [my] decision regarding Ms. Riel."

The facts are well developed. Depositions have been taken, documents produced and a significant court ruling made in the Riel lawsuit. All of this unearthed a determined campaign by Mayor O'Connor to pressure City Manager Gould to fire Elizabeth Riel because of her protected free speech activities some 8 years earlier.

This campaign was kept secret from the public and other councilmembers. The settlement cost taxpayers some \$1,000,000 including attorneys' fees. **What had been a merit-based hiring was turned into a political firing.**

Attached are relevant documents, mainly emails, deposition testimony and SMCLC's letter of August 24, 2015. The City has the full record, the most relevant of which is the O'Connor-Gould email exchange as well as Gould's email exchange with his top staff in this same period.

Why a City Review is Needed

What is the issue raised in this Complaint in relation to Councilmember O'Connor and how does it differ from the issue involved in the Riel lawsuit the City just settled? Why must the City now launch its own investigation and review?

The City must act now to hold those in the City accountable for their actions and to ensure that the weaknesses exposed in this process are fully addressed. One million dollars in taxpayer money has been spent and important rules and procedures violated. To do nothing would show that our City government is unwilling or incapable of examining its own misbehavior. It would be government at its worst.

It is up to the City Council to hold its members accountable for serious breaches of its rules— as do government bodies from Congress to State legislatures. Failing to do so would be an abdication of responsibility. It is up to the City Manager, as well as the Council, to ensure that this does not happen again and that proper procedures are in place. Under our Charter, all powers of the City shall be vested in the City Council subject to the Charter. Section 605. The City Manager shall be responsible to the City Council for the proper administration of the affairs of the City. Section 704. Thus, the ultimate responsibility is the Council's, working with the City Manager.

This Complaint is based on the allegation that then Mayor O'Connor acted improperly by waging, with increasing pressure, a campaign of interference in the City Manager's hiring/firing decision, that the City Manager permitted this political intervention and surprisingly, the senior staff did not play an independent, critical role in the process.

We now know that events did not unfold as Mayor O'Connor told the *Santa Monica Daily Press* just days after her successful campaign to have Ms. Riel fired. Ms.

O'Connor's statement that "I might have commented [to Rod Gould] on my experience with [Elizabeth Riel]" seems aimed at hiding from the public and the Council just how extensive and active her role was.

Rather than "might have" or "commented," Mayor O'Connor sent 9 emails within 36 hours, attacking the hiring of Ms. Riel and her employment in City Hall, and intensifying with further attacks on Gould himself, his competency and threats to organize the community against the hiring of Elizabeth Riel and to notify the press. The emails show that at first Mr. Gould and his staff attempted to resist the onslaught, but eventually he proved unable to withstand the pressure from someone he testified he was "very close" to.

What Matters for This Complaint

Ultimately, it is not relevant to this Complaint whether the firing was proper, which it most definitely was not. That was already addressed in the federal lawsuit *Riel v. Santa Monica*.

It is also not relevant to this Complaint whether Ms. O'Connor's interference was effective, which it most definitely was.

What matters here as to Ms. O'Connor is that no councilmember can wage a behind the scenes campaign like this, brazenly crossing the line that gives the City Manager the sole power to make hiring and firing decisions and absolutely prohibits interference by a councilmember. No councilmember is entitled to inject his or her political will on a hiring/firing decision.

As to the City Manager and his staff, what matters is that they must **resist** political interference in hiring/firing decisions, offer critical advice, and be transparent, frank and open when communicating to the public and the Council.

And, finally, it is unacceptable that someone who works for a developer support group like Downtown Santa Monica, Inc. and supported the Chamber, as Debbie Lee had, is seen as neutral and can be hired without even going through the extensive process the other 200 applicants had, while someone who 8 years earlier headed a neighborhood group and exercised her free speech rights to question certain development practices, as Elizabeth Riel had, is considered biased and unfit to work for the City.

Conclusion

This is a matter of significant public concern. It should not and cannot be swept under the rug. For public trust to be restored, the serious problems that have been exposed within the City Council and city government need to be addressed.

We have both a new Mayor and a new City Manager—a perfect time to deal with this. Accountability is central to a democratic system. And all this must be done transparently and publicly.

Dated: August 31, 2015

Respectfully submitted,

A handwritten signature in cursive script that reads "Diana Gordon". The signature is written in black ink and is positioned above the printed name.

Diana Gordon
Co-Chair
Santa Monica Coalition for a Livable City

Enclosures

Cc: City Council
Rick Cole
Marsha Moutrie
Community and Neighborhood Leaders

SMCLC

Santa Monica Coalition for a Livable City

August 24, 2015

Breaking News: Documents Reveal O'Connor Role in City Employee Firing

SMCLC recently obtained private emails, sworn testimony and other documents in Elizabeth Riel's lawsuit against the City. **These documents show City Councilmember and then Mayor Pam O'Connor relentlessly pressured then City Manager Rod Gould to fire Elizabeth for having made a donation to an SMCLC political mailer in 2006.** The mailer disclosed campaign contributions to O'Connor from a major developer with business before the City. See <http://www.smclc.net/OConnor-Riel.html>

Our City Charter explicitly prohibits any city councilmember from interfering in the City Manager's hiring and firing decisions—a councilmember cannot, even indirectly, request that a city employee be hired or fired. No other councilmembers were included in or even knew about O'Connor's campaign to fire Elizabeth.

The prohibition against interference is absolute. **As even Gould was compelled to admit in his testimony, O'Connor did not "have a right to try to influence [my] decision regarding Ms. Riel." Yet that is exactly what she repeatedly did, ratcheting up the pressure until Gould finally relented and fired Elizabeth.**

Background:

In 2014 the City hired Elizabeth Riel to be its Communications Director. City Manager Gould praised Elizabeth, her community activities and expertise. He then abruptly fired her before her first day of work for her association with SMCLC eight year's prior to her hiring.

SMCLC told the City at the time of the firing that it was unconstitutional, that Elizabeth was being fired for engaging in protected free speech, and that the City would be liable for significant damages. See <http://www.smclc.net/cityFiresResident.html>

After she was terminated, Elizabeth sued the City for violating her First Amendment rights. The judge found that "a reasonable person would have understood [Elizabeth Riel's] termination was unconstitutional." <http://www.smclc.net/OConnor-Riel.html>

Discovery was taken, exposing O'Connor's campaign to get Elizabeth fired. **The City then settled the lawsuit, costing taxpayers over \$1,000,000, including the City's legal fees.**

Evidence of O'Connor's Central Role in the Firing:

Soon after Elizabeth was fired, O'Connor downplayed her involvement in the affair, telling the *Daily Press* newspaper: "I might have commented [to Rod Gould] on my experience with her [Elizabeth]." (<http://smdp.com/council-evaluate-gould-rescinded-job-offer/135061>)

The evidence, however, completely refutes O'Connor's description of her involvement as possible or casual.

Days before Elizabeth was supposed to report to work, Ms. O'Connor began a relentless campaign against her, **sending some nine private emails to Mr. Gould** over a 36-hour period -- with escalating threats and hostility -- eventually questioning Mr. Gould's competency. The barrage was so intense that at one point Mr. Gould offered to resign.

Initially, Gould and his top staff resisted O'Connor, recognizing in internal emails that they had made "the right decision" and "the right choice" in hiring Elizabeth. Gould asked O'Connor to "give her (Elizabeth) a chance to prove herself."

But O'Connor was unmoved, responding: **"I do not and will not trust her. I will not work with her... she attacked me directly by putting money into a hit piece... She is a supporter of Kevin (McKeown)."** (It was election season and the emails show O'Connor objected to having someone at City Hall that she perceived was aligned with another councilmember.)

O'Connor then went after Mr. Gould: "This is the best practice of City a Mangers!!! (sic) Hire people who are political enemies of people elected to your Council?" And in another email: "...I am being attacked from both outside City Hall and from within City Hall. And I am curious about Best Practices of City Management if this is one of them."

O'Connor's pressure intensified. She sent another email to Gould threatening to go to the press. In yet another she warns that she'll "be sharing this with others in the community" to rally opposition to Elizabeth "being in this position."

The multi-pronged attack was effective. Gould, who testified he was "very close with Mayor O'Connor," was clearly worried he had angered her, responding: "Pam, I need you to know I would never knowingly do anything to hurt you... I am depressed over this." In another email: "You are not under attack from City Hall. We all view you with the greatest respect and admiration... If you and the Council have lost confidence in me as a result of this hiring decision, then I will tender my resignation."

Ultimately, Gould buckled to O'Connor, writing that he was "moving toward a decision to retract the job offer."

Gould fired Elizabeth the weekend before she was to begin her job. He immediately called Debbie Lee, Vice-President of Downtown Santa Monica, Inc. and formerly with the Visitors and Convention Bureau and offered her the position. Lee accepted with alacrity. Lee had not gone through any part of the nationwide selection process that Elizabeth had gone through, but evidently that didn't matter.

And what about the SMCLC political mailer that O'Connor raised as a basis for firing Elizabeth; the mailer Ms. O'Connor referred to in an email as "a hit piece"? O'Connor was shown this mailer at her deposition. She was unable to identify a single statement in it that was inaccurate. It bears repeating: **O'Connor could not point to one word in the SMCLC mailer that was untrue. She just didn't like it.**

This is a serious matter. Under our City Charter form of government, no matter how much a councilmember disagrees with a city manager, they cannot cross the inviolate line that gives the city manager exclusive, sole power in hiring and firing decisions. Nor can they secretly and privately pressure the city manager, as was done here. A councilmember's only legitimate recourse is to seek a review of the city manager in a council session.

SMCLC will ask the City for a full investigation as to whether O'Connor's actions and interference in this matter violated our City Charter. It's also important for our new City Manager and the City Council to review what happened here in order to ensure that such prohibited interference is not allowed to happen again.

No one should be above the law. Those we elect must be held accountable to the public they serve.

Victor, Diana, Sherrill, Jeff

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

ELIZABETH RIEL, an individual,)

Plaintiff,)

vs.)

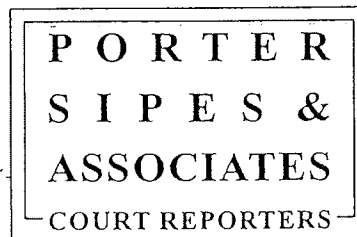
CITY OF SANTA MONICA, a municipal)
corporation, and ROD GOULD,)
individually and in his official)
capacity,)

Defendants.)

NO. 2:14-CV-04692

**CERTIFIED
TRANSCRIPT**

CONFIDENTIAL PURSUANT TO STIPULATION
30(b)(6) VIDEOTAPED DEPOSITION OF ROD GOULD
WEDNESDAY, MARCH 18, 2015



Reported by:

Rose M. Heffernan

RPE, CLR, CSR No. 9820

5757 UPLANDER WAY, SUITE 209
CULVER CITY, CALIFORNIA 90230
PHONE 310•787•4499
FAX 310•787•1024
pmcsr@earthlink.net

1	BY MR. KAPLAN:	14:04:27
2	Q. All right, Mr. Gould. I'm going to try to get	14:04:27
3	through a large number of documents this afternoon.	14:04:32
4	MR. KAPLAN: Let's do next in order.	14:04:34
5	MR. BIRD: 16.	14:04:37
6	MR. KAPLAN: 16? Yeah. Sorry.	14:04:38
7	MR. BIRD: It's okay.	14:04:41
8	(Plaintiff's Exhibit 16 was	14:04:52
9	marked for identification.)	14:04:52
10	THE WITNESS: Thank you.	14:04:52
11	BY MR. KAPLAN:	14:04:57
12	Q. I'd like you to direct your attention to the	14:04:57
13	first e-mail at the bottom of this document, from Pam	14:04:59
14	O'Connor to you.	14:05:06
15	A. Yes.	14:05:10
16	Q. Do you recall receiving this?	14:05:10
17	A. I do.	14:05:11
18	Q. And is this the first document or notice that you	14:05:12
19	received from Pam O'Connor that she was not happy with the	14:05:20
20	selection of Elizabeth Riel?	14:05:25
21	A. Yes.	14:05:26
22	Q. And prior to receiving this, had she made -- had	14:05:27
23	she telephoned you or spoken to you verbally about her	14:05:32
24	unhappiness with Elizabeth Riel's selection?	14:05:37
25	A. No.	14:05:44

1 Q. And why did you forward this to Kate Vernez and 14:05:44
2 Elaine Polachek? 14:05:50
3 A. Because they were my closest advisors on this 14:05:51
4 matter. 14:05:54
5 Q. Okay. And did you think that Kate Vernez's 14:05:55
6 advice at the top was good advice? 14:05:58
7 A. I didn't know what to make of it at the time. 14:06:06
8 Kate is a very positive person and looks at the bright 14:06:09
9 side. And I was very close with Mayor O'Connor, and was 14:06:12
10 optimistic here, or at least hoping for a way to reconcile 14:06:16
11 this. 14:06:22
12 Q. Did you have any -- did you think that it was 14:06:24
13 important to bring Mayor O'Connor around? 14:06:24
14 MR. BIRD: Objection. Ambiguous. 14:06:42
15 THE WITNESS: I thought, based on this 14:06:45
16 communication, that Mayor O'Connor had a major problem 14:06:47
17 with my hiring of Elizabeth Riel, and that was something 14:06:51
18 that I needed to look into. 14:06:56
19 BY MR. KAPLAN: 14:06:59
20 Q. Did Mayor O'Connor have a right to veto your 14:06:59
21 selection of Ms. Riel? 14:07:03
22 A. Absolutely not. 14:07:05
23 Q. Did she have a right to try to influence your 14:07:08
24 decision regarding Ms. Riel? 14:07:11
25 A. No. 14:07:11

Rod Gould

From: Rod.Gould@SMGOV.NET
Sent: Friday, May 23, 2014 6:43 AM
To: Elaine Polachek
Subject: Re: FYI

Yep

Sent from my iPhone

> On May 23, 2014, at 4:51 AM, "Elaine Polachek" <Elaine.Polachek@SMGOV.NET> wrote:

>

> Gooe email. Let's have Kate talk to Pam to see if she can help bring her around. However Pam can be tough to convince. Remember how happy Kevin was when he heard the news? This might explain why.

>

> Elaine

>

> Pam

>

>> On May 22, 2014, at 11:46 PM, "Rod Gould" <Rod.Gould@SMGOV.NET> wrote:

>>

>> Pam, Welcome home. I don't know that Elizabeth is a member of this group and have heard her speak very respectfully of you and the issues for which you stand. She is a communications expert and will help the City with its messaging. I would call upon her to help with notes and slides for you as needed and would hope you would give her a chance to prove herself. Let's discuss when you have a moment. Rod

>>

>> Sent from my iPhone

>>

>>> On May 22, 2014, at 8:36 PM, "Pam OConnor" <Pam.OConnor@SMGOV.NET> wrote:

>>>

>>> I will be extremely hesitant to work with Elizabeth Riel especially during the campaign season.

>>>

>>> If I need support on Mayoral things I want someone else assigned.

>>>

>>> In past elections SMCLC has attacked me.

>>>

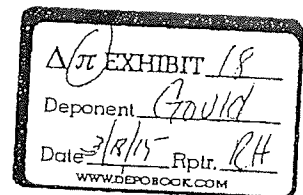
>>> <http://www.smgov.net/departments/council/agendas/2008/20080624/s2008062408-D-3.pdf>

>>>

>>> Thanks!

>>>

>>> Pam



CONFIDENTIAL

COSM00648

Kate Vernez

From: Rod.Gould@SMGOV.NET
Sent: Friday, May 23, 2014 6:42 AM
To: Elaine Polachek; Kate Vernez
Subject: Fwd: FYI

Sent from my iPhone

Begin forwarded message:

From: Pam OConnor <Pam.OConnor@SMGOV.NET>
Date: May 22, 2014 at 9:01:44 PM PDT
To: Rod Gould <Rod.Gould@SMGOV.NET>
Subject: Re: FYI

Rod,

- You hired someone who has political ties with some Councilmembers (she and Ted were active in the RIFT campaign--likely Kevin also). And someone who has a no growth background--cne does not sign SMCLC letters unknowingly!
- She may be a pleasant person--but you have put a no-growth activist in upper management at City Hall.

Just give me the technical materials I need when I need them and I'll do it myself.

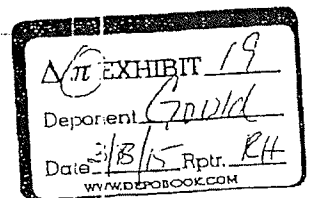
Thanks!

Pam

On May 22, 2014, at 20:46, "Rod Gould" <Rod.Gould@SMGOV.NET> wrote:

Pam, Welcome home. I don't know that Elizabeth is a member of this group and have heard her speak very respectfully of you and the issues for which you stand. She is a communications expert and will help the City with its messaging. I would call upon her to help with notes and slides for you as needed and would hope you would give her a chance to prove herself. Let's discuss when you have a moment. Rod

Sent from my iPhone



On May 22, 2014, at 8:36 PM, "Pam OConnor"
<Pam.OConnor@SMGOV.NET> wrote:

I will be extremely hesitant to work with Elizabeth Riel especially during the campaign season.

If I need support on Mayoral things I want someone else assigned.

In past elections SMCLC has attacked me.

<http://www.smgov.net/departments/council/agendas/2008/20080624/s2008062408-D-3.pdf>

Thanks!

Pam

Exh 19, page 2

Rod Gould

From: Rod.Gould@SMGOV.NET
Sent: Friday, May 23, 2014 7:42 AM
To: Elaine Polachek
Subject: Re: FYI

Yes. That's where we are. Rod

Sent from my iPhone

On May 23, 2014, at 7:37 AM, "Elaine Polachek" <Elaine.Polachek@SMGOV.NET> wrote:

- I think Elizabeth is the right choice. She she has a keen understanding of communications for the City. However when Pam sets her mind on someone, she tends to be immovable. I do think that Kate can help at least open the door a little for Elizabeth. Then Elizabeth will have to try to establish trust with her.

On May 23, 2014, at 10:30 AM, "Rod Gould" <Rod.Gould@SMGOV.NET> wrote:

- Our system is designed to seperate politics from employment decisions. If she were a Tea Partier, there would be no need for her to disclose it or ability for us to ask. I will speak with Elizabeth today to be sure she can work with all members of the City Council and represent the City's views professionally. I think we made the right hiring decision, but am not at all sure Pam will give her a chance to prove herself. Any advice? Rod

Sent from my iPhone

On May 23, 2014, at 7:21 AM, "Elaine Polachek" <Elaine.Polachek@SMGOV.NET> wrote:

---Well she didn't disclose this at all. In fact the only thing we heard was from Kevin saying he had a photo with her from a few years ago on her website. This is definitely a trust issue for Pam.

Do you think it's salvageable?

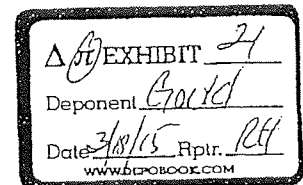
Elaine

On May 22, 2014, at 11:40 PM, "Rod Gould" <Rod.Gould@SMGOV.NET> wrote:

Oh boy. Rod

Sent from my iPhone

Begin forwarded message:



From: Pam OConnor
<Pam.OConnor@SMGOV.NET>
Date: May 22, 2014 at 8:36:40 PM
PDT
To: Rod Gould
<Rod.Gould@SMGOV.NET>
Subject: FYI

I will be extremely hesitant to work with Elizabeth Riel especially during the campaign season.

If I need support on Mayoral things I want someone else assigned.

In past elections SMCLC has attacked me.

<http://www.smgov.net/departments/council/agendas/2008/20080624/s2008062408-D-3.pdf>

Thanks!

Pam

Rod Gould

From: Pam O'Connor <pam.oconnor.samo@gmail.com>
Sent: Friday, May 23, 2014 2:36 PM
To: Rod Gould
Subject: Re: From the local press...

Rod,

- I do not and will not trust her. I will not work with her not because she is a supporter of others but she attacked me directly by putting money onto a hit piece. There are very very few direct hit pieces done in Santa Monica and she was a leader in this effort
- Then she is a supporter of Kevin. What confidence do I have that she is not going to elevate him and his position and be dismissive of me--as we go into a political season!
- This is a best practice of City Managers!!! Hire people who are political enemies of people elected to your Council?
- I will be sharing this with others in the community and will be asking people for their opinion about her being in this position.

Pam

On May 23, 2014, at 9:36, Rod Gould <Rod.Gould@SMGOV.NET> wrote:

Our background checks focus on previous performance, criminal and financial issues. Elizabeth has grown very tired of all the complaining around town and thinks SM is a superb city. She wants to put the development issues in better light. I am surprised by her earlier association and will discuss it with her. I ask that you keep an open mind and give her a chance. Rod

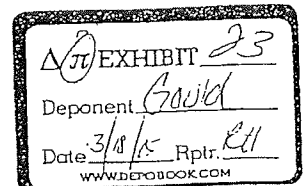
Sent from my iPhone

On May 22, 2014, at 9:41 PM, "Pam O'Connor" <pam.oconnor.samo@gmail.com> wrote:

I don't think your background checking folks did much of a job.

Riel even contributed money to attacks on me. See below.

"The mailer urges voters to "tell Pam O'Connor and developers that Santa Monica is NOT for sale," and concludes, "It's our city. Let's take it back.""



"Among those bankrolling the coalition's mailer were SMCLC head Diana Gordon, Pier Restoration Corporation Chair Ellen Brennan, Elizabeth Riel and Victor Fresco, according to a campaign finance report filed with the City Clerk last week."

http://www.surfsantamonica.com/ssm_site/the_lookout/news/News-2006/October-2006/10_30_06_O'Connor_Targeted_by_Coalition.htm

Rod Gould

From: Pam O'Connor <pam.oconnor.samo@gmail.com>
Sent: Friday, May 23, 2014 4:57 PM
To: Rod Gould
Subject: Re: Btw

I'm sure Kevin hasn't lost faith!

And this is likely to become a news story in at least one local outlet next week. She is a public figure due to her political activity (not just political affiliation).

> On May 23, 2014, at 18:38, Rod Gould <Rod.Gould@SMGOV.NET> wrote:

>

> Pam, I am aghast at this development. You need to know that we are prohibited from asking candidates for city positions about their political affiliations. She could be a Tea Party member and I would never know it. She has not disclosed her prior political activities to me or any member of the selection panels. This is out of the blue.

>

> Having made the job offer and it having been accepted, I am in a bit of pickle. I have a call into her and will address this head on with her. If she cannot serve all members of the City Council equally and without favor or if she cannot represent the policies of this City Council with professionalism, then I will rescind the job offer. If she insists that she can discharge the full duties of the position, then I must allow her to begin work. I will consult Marsha to be sure of my understanding here, but the civil service system was developed principally to protect candidates for municipal jobs and city employees from political influence. The Council can fire the City Manager at any time and for any reason. The employees under him/her have many protections as you know.

>

> You are not under attack from City Hall. We all view you with the greatest respect and admiration. I am particularly proud to serve you and recognize that this will be a blistering campaign season. I can make certain that nothing done by my staff makes it any more difficult. If Elizabeth were to act politically in her role, I would take action up to and including termination. Let me think about this further and have the conversation with her. Then perhaps we can discuss it face to face or on the phone. If you and the Council have lost confidence in me as a result of this hiring decision, then I will tender my resignation. Rod

>

> -----Original Message-----

> From: Pam O'Connor (mailto:pam.oconnor.samo@gmail.com)

> Sent: Friday, May 23, 2014 2:50 PM

> To: Rod Gould

> Subject: Btw

>

> I am still running even though I am being attacked from both outside City Hall and from within City Hall.

>

> And I am curious about Best Practices of City Management and if this is one of them.

>

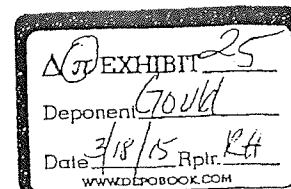
> Always a learning experience!

>

> Pam

>

>



From: Rod.Gould@SMGOV.NET
To: pam.oconnor.samo@gmail.com
Subject: Re: From the local press...
Date: Friday, May 23, 2014 8:28:35 PM

- Am moving toward a decision to retract the job offer based on a conversation with Elizabeth that was less than helpful.

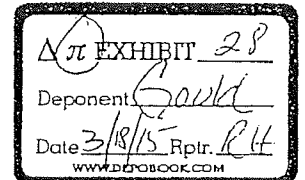
Sent from my iPhone

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"The mailer urges voters to "tell Pam O'Connor and developers that Santa Monica is NOT for sale," and concludes, "It's our city. Let's take it back.""

"Among those bankrolling the coalition's mailer were SMCLC head Diana Gordon, Pier Restoration Corporation Chair Ellen Brennan, Elizabeth Riel and Victor Fresco, according to a campaign finance report filed with the City Clerk last week."

http://www.surfsantamonica.com/ssm_site/the_lookout/news/News-2006/October-2006/10_30_06_O'Connor_Targeted_by_Coalition.htm

Rod Gould

From: Pam O'Connor <pam.oconnor.samo@gmail.com>
Sent: Saturday, May 24, 2014 2:58 AM
To: Rod Gould
Subject: Re: Btw

Just saw th s. Just landed in Barcelona--think time difference is 9 hrs. Obviously email is working. We should be able to figure out a time.

I would add that she had ample time to have 1) apologized and 2) written a letter to the editor saying "In the past I may have been part of negative...but now think...can have strongly held positions on issues...but not demonize individuals..."

And as someone pointed out to me, as a communications expert she might have had a role in writing the hot piece on me.

But now to put this aside and find hotel, and explore Barcelona. There is life beyond Santa Monica.

> On May 24, 2014, at 2:39, Rod Gould <Rod.Gould@SMGOV.NET> wrote:

>
> Pam, I need for you to know that I would never knowingly do anything to hurt you or any member of the City Council. I am depressed over this.

>
> But, I am also increasingly bothered that Elizabeth shared none of this in the process. As a public relations expert, she of all people would have strong sense of how her previous activism would affect how she is perceived in this role. How indeed could she be viewed as objective and neutral after her very public stands? Does her previous political work disqualify her for this key position?

>
> I will speak with her and think hard about this. I may have to reverse course and rescind the offer. Marsha and I have been discussing this option and she can help.

>
> I would like to talk with you this weekend if possible as it weighs heavily on me. You asked about best practices as a city manager. On one hand, we are to make the best decisions we can to carry out the wills of our councils in the interests of our communities. In this case, key information was missing. We should have done a simple Google search. That is our mistake. On the other, we are to be politically astute without being political or politically aligned. This hire is problematic given the way you and others may perceive it.

>
> So, I tried calling you, but your cell voice-mail is full and won't accept any more messages. Would it be all right to speak this weekend? I respectfully ask for the chance to discuss this debacle with you. Rod

>
> -----Original Message-----

> From: Pam O'Connor [mailto:pam.oconnor.samo@gmail.com]

> Sent: Friday, May 23, 2014 4:57 PM

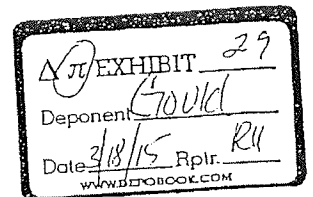
> To: Rod Gould

> Subject: Re: Btw

>

> I'm sure Kevin hasn't lost faith!

>



> And this is likely to become a news story in at least one local outlet next week. She is a public figure due to her political activity (not just political affiliation).

>
>
>

>> On May 23, 2014, at 18:38, Rod Gould <Rod.Gould@SMGOV.NET> wrote:

>>
>> Pam, I am aghast at this development. You need to know that we are prohibited from asking candidates for city positions about their political affiliations. She could be a Tea Party member and I would never know it. She has not disclosed her prior political activities to me or any member of the selection panels. This is out of the blue.

>>
>> Having made the job offer and it having been accepted, I am in a bit of pickle. I have a call into her and will address this head on with her. If she cannot serve all members of the City Council equally and without favor or if she cannot represent the policies of this City Council with professionalism, then I will rescind the job offer. If she insists that she can discharge the full duties of the position, then I must allow her to begin work. I will consult Marsha to be sure of my understanding here, but the civil service system was developed principally to protect candidates for municipal jobs and city employees from political influence. The Council can fire the City Manager at any time and for any reason. The employees under him/her have many protections as you know.

>>
>> You are not under attack from City Hall. We all view you with the greatest respect and admiration. I am particularly proud to serve you and recognize that this will be a blistering campaign season. I can make certain that nothing done by my staff makes it any more difficult. If Elizabeth were to act politically in her role, I would take action up to and including termination. Let me think about this further and have the conversation with her. Then perhaps we can discuss it face to face or on the phone. If you and the Council have lost confidence in me as a result of this hiring decision, then I will tender my resignation. Rod

>>

>> -----Original Message-----

>> From: Pam O'Connor [mailto:pam.oconnor.samo@gmail.com]

>> Sent: Friday, May 23, 2014 2:50 PM

>> To: Rod Gould

>> Subject: Btw

>>

>> I am still running even though I am being attacked from both outside City Hall and from within City Hall.

>>

>> And I am curious about Best Practices of City Management and if this is one of them.

>>

>> Always a learning experience!

>>

>> Pam

>>

>>

Exh 29, page 2

Rod Gould

From: Elizabeth Riel <elizriel@gmail.com>
Sent: Friday, May 23, 2014 2:59 PM
To: Rod Gould
Subject: Re: Could You Give Me a Call?

Ha--those are the best kind! I'm intrigued. Yes, feel free to try me over the weekend if not at 5:45 ish today. I am also going to try and get about 30 minutes on your calendar next week to discuss priorities so I can hit the ground running. Thx!

Sent from my iPhone

On May 23, 2014, at 1:22 PM, Rod Gould <Rod.Gould@SMGOV.NET> wrote:

Thanks for trying. If we could talk briefly over the weekend if not today, it would be good. Tuesday at the latest. It is a small, but gnarly political issue. Rod

From: Elizabeth Riel [mailto:elizriel@gmail.com]
Sent: Friday, May 23, 2014 12:29 PM
To: Rod Gould
Subject: Re: Could You Give Me a Call?

Hi Rod-

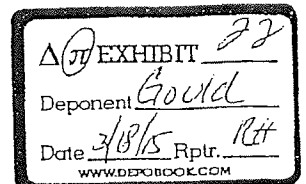
I just tried you back and heard from Doris that you are in a lunch meeting. I'm actually about to head into a lunch meeting myself and then an afternoon of meetings (including Julie Rusk). Doris and I compared calendars and it looks like our schedules don't mesh until about 5:45--would that work? Busy day!

Thanks,
Elizabeth

Sent from my iPhone

On May 23, 2014, at 11:19 AM, Rod Gould <Rod.Gould@SMGOV.NET> wrote:

Elizabeth, if you have a moment, could you call me at 310-458-8301 or 310-633-0434? Thanks Rod



Kate Vernez

Subject: RE: Ok a little more

From: Elaine.Polachek@SMGOV.NET
Sent: Sunday, May 25, 2014 8:23 PM
To: Kate Vernez
Cc: Rod Gould
Subject: Re: Ok a little more

- Yes Kate. That makes a lot of sense if she's willing.

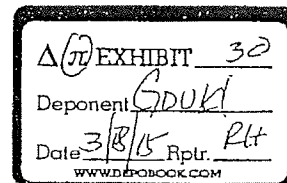
On May 25, 2014, at 6:12 PM, "Kate Vernez" <Kate.Vernez@SMGOV.NET> wrote:

- Perhaps Elizabeth is part of the solution if she wishes to be—I know that I would. She might also feel that the demands of her firm have increased necessitating a re-evaluation on her end too. If that is not the case then I think that our evaluation underscores the need for a wider skill set to meet the City's needs including at the national, state and county stages as well as communications.

From: Rod Gould
Sent: Sunday, May 25, 2014 11:08 AM
To: Elaine Polachek
Cc: Kate Vernez
Subject: Re: Ok a little more

Better! !

Sent from my iPhone



On May 25, 2014, at 9:10 AM, "Elaine Polachek" <Elaine.Polachek@SMGOV.NET> wrote:

- >> This is really tough because we can't refer to political involvement or a perceived lack of neutrality.
- How about reflecting back to Kate and the attributes that made her so successful. Could we say "Reflecting on the unique qualities that Kate brought to the position, we've decided to expand our search in hopes of finding a candidate with a similar combination of background, experience and attributes."

On May 25, 2014, at 11:07 AM, "Rod Gould" <Rod.Gould@SMGOV.NET> wrote:

- I need to figure out what to say about this turn of events. Standing on "It's a personnel matter" doesn't seem to cut it. Saying "Upon further consideration, it has been determined that the job fit is not optimal" sounds obtuse. What would you recommend? Rod

Sent from my iPhone

On May 25, 2014, at 7:42 AM, "Kate Vernez" <Kate.Vernez@SMGOV.NET> wrote:

I'm very sorry to say that there is no other choice for you and the City and that you made the right decision. Let me know how I can help on next steps.

From: Rod Gould
Sent: Saturday, May 24, 2014 8:42 PM
To: Kate Vernez
Subject: Fwd: Ok a little more

FYI

Sent from my iPhone

Begin forwarded message:

From: Rod Gould <Rod.Gould@SMGOV.NET>
Date: May 24, 2014 at 7:07:20 PM PDT
To: Pam O'Connor <pam.oconnor.samo@gmail.com>
Cc: Elaine Polachek <Elaine.Polachek@SMGOV.NET>, Marsha Moutrie <Marsha.Moutrie@SMGOV.NET>
Subject: Re: Ok a little more

Pam, You are correct that she backed some Councilmembers and actively opposed others and publicly supported one side of the development debate. She says that was 6-8 years ago, but the players and debate are the same. So, she is perceived as aligned politically, which makes doing her job untenable. Further, she failed to disclose her prior activism. That goes to trust and judgement. Her explanations were not persuasive. So I must withdraw the job offer.

I will consult with Marsha to make certain that I do it in a way that does not create liability for the City.

ICMA Tenet 7 is very familiar to me as I sit on the committee that enforces the Code on ICMA members. She is not a member.

I am in a martial arts class tomorrow at 1 pm and we have the Memorial Day Observance from 11-2 on Monday.

Enjoy your time in one of Europe's finest cities. I will keep you posted as I go. Please feel free to relay any questions you may have.

Rod
Sent from my iPhone

On May 24, 2014, at 5:21 PM, "Pam O'Connor" <pam.oconnor.samo@gmail.com> wrote:

And she was involved at a level of putting money into one side, being a public face for one side, and active at a level that got attention from the press.

See Tenet 7 and Guidelines: <https://icma.org/Documents/Document/Document/100265>

If you really want to talk (by really I just mean rather than emailing now and talking when I return) perhaps 1pm your time Sun or Mon?

On May 24, 2014, at 21:39, Rod Gould <Rod.Gould@SMGOV.NET> wrote:

Hope you are enjoying Barcelona. You need a break from SM politics and personalities.

Yes, these articles include much of the same claims and counter claims being made today. The fight over Hines is just another battle in this long running conflict, and the actors are very much the same. Only this time SMRR is fully engaged and there is private money is flowing on both sides.

Please suggest a time for a call and I will reach out to you (9 hours behind). If you are too busy, no problem. I am moving to solve this before your return. Rod

Sent from my iPad

On May 24, 2014, at 4:40 AM, "Pam O'Connor" <pam.oconnor.samo@gmail.com> wrote:

Just to give you a flavor of the Measure T debate in 2008. She signed the SMCLC letter (at least one) supporting Measure T. And this is still at the core of the land use debates of today--with many of the same folks involved.

<http://smldp.com/measure-t-creates-rift-within-ceps-membership/73540>

http://www.surfsantamonica.com/ssm_site/the_lookout/news/News-2008/October-2008/10_22_08_Groups_Battle_Over_RIFT.htm

http://www.surfsantamonica.com/ssm_site/the_lookout/news/News-2008/October-2008/10_01_08_Kuehl_Opposes_Prop_T.htm

<http://m.laweekly.com/2008-10-30/news/proposition-t-the-mostdivisive/>

http://www.surfsantamonica.com/ssm_site/the_lookout/columns/FrankGruber/FG-2008/10_2008/10_06_08_Catch_my_RIFT.htm

http://www.surfsantamonica.com/ssm_site/the_lookout/news/News-2008/September-2008/9_23_08_Prop_T_RIFT.htm

And just for fun:

http://www.surfsantamonica.com/ssm_site/the_lookout/news/News-2008/September-2008/9_29_08_Tree_Activist_Unchained.htm

Re: Elizabeth Riel



Subject: Re: Elizabeth Riel
From: Kevin McKeown <kevin@mckeown.net>
Date: 6/4/14, 6:53 PM
To: Dave Simpson <dave@smdp.com>

On 6/4/14, 4:03 PM, "Dave Simpson" <dave@smdp.com> wrote:

Hi Kevin,

Presumably you've read the Lookout's stories that insinuates that Elizabeth Riel's position as City Hall's communications coordinator was rescinded for political reasons.

She apparently donated to your campaign.

I'm wondering what you've heard. To your knowledge, was the offer rescinded because of her previous community activism? Did you have any say in rescinding the offer? Do you know if another council member had a say in it?

Feel free to give me a call if it's more convenient: 609.304.8993. Thanks very much,

Dave

The hiring of Elizabeth Riel was a staff decision about which I had no knowledge nor involvement till after the fact. It was disclosed to me by Rod on May 5th at our regular monthly meeting. I immediately shared my enthusiasm (Elizabeth would be GREAT in that job), and just as immediately realized I should let Rod know that Elizabeth had in the past been a political supporter of mine and that, in fact, her image still remained on my website. He said past involvement should not be a problem. I even asked if he'd be more comfortable if I removed Elizabeth's image from my website, and said that would not be necessary.

I left the meeting on May 5th very happy for our community to have gained a communications person of Elizabeth's caliber. Having immediately revealed my own past engagement with Elizabeth on local political matters, I assumed that local political involvement would not be a problem for Elizabeth.

The rescission of that hiring of Elizabeth came as shock to me. I emailed Rod, but he was out of the country and I agreed to wait until our regularly scheduled face-to-face meeting on June 2nd.

I had several questions, and got fully satisfactory answers on none of them. If Elizabeth's local political involvement was the cause for Rod's action, why was her slow-growth support of me NOT an issue, but her opposition to another Councilmember and that CM's support for a proposed high-rise project at Santa Monica Place WAS an issue that cost her her job?

If political involvement was judged by the City Manager to be a kill-the-deal issue, why did the City Manager not do further background research immediately after talking with me? He told me the information about Elizabeth was brought to him by someone, but declined to reveal to

Re: Elizabeth Riel

me who that someone is. Who has that kind of political influence?

Our conversation having been, to my mind, insufficiently clarifying, and Rod having reminded me that he works for all seven Councilmembers and is answerable to us in periodic employee evaluations conducted the Council, I suggested to Rod that he place on the Council agenda for next Tuesday an employee evaluation for the City Manager.

Thanks,

Kevin

Kevin Mckeown
kevin@mckeown.net
<http://www.mckeown.net>

Santa Monica, CA (USA)
Tel: (310) 393-3639
"Choose to be conscious"
