

February 26, 2019

Charles McClendon
City Manager
Cathedral City Hall
Cathedral City, CA

Re: Inquiry regarding Brown Act Violation

Dear Mr. McClendon:

I am writing you in connection with the email chain dated February 16, 2019 obtained under a FOI request, a copy of which is attached for your reference.

Let this letter serve as a formal request that the City of Cathedral City undertake an inquiry as to whether such communication is a violation of the serial communication provisions of the Ralph M. Brown Act and is the result of the culmination of discussions between Council members, their agents or other representatives/individuals who carried information between Council members regarding their purportedly fair consideration of all pending applications.

By means of background in support of my request for a formal inquiry, the facts are as follows.

On February 13, 2019, the Council announced it would not be following the districting rules and that it would entertain city wide applications for the appointment. To that end, at the conclusion of the meeting, the Council came up with six questions (allegedly not previously prepared) to be included in the application. Residents were then invited to go the City Website to complete and file their applications by February 19, 2019 so that the Council could study and consider those applications.

The Council also alleged that after it had the opportunity to study those applications (without an interview component or the necessity of a resume or other formal requirements), the Council would hear further public discussion on the appointment process on February 27, 2019. After that public discussion, the Council stated it would consider all of the factors and render a decision on the spot by swearing in their preferred applicant who will sit on the Council for two years.

On February 16, 2019, three days after the meeting and three days prior to the filing deadline, a sitting councilman engaged in a conversation with former Mayor Stan Henry regarding Mr. Henry's application, which he greeted with great warmth and support. That conversation was triggered by the circulation of one letter of support for Mr. Henry (despite the fact that many other emails to the Council countered the content of that letter). That one letter so impressed the Councilman he stated his intent to quote it.

Mr. Henry was pleased to read that article and stated he was working on "my application now!!!" (exclamation points are the author's...not mine) and in response the sitting Councilman stated "**Excellent...I am convinced it will be 3-1**".

Undoubtedly, the explanation for this ethical breach and inappropriate conduct will be the "hunch" defense....that the pronouncement was just based on a subjective feeling. That is belied by the specificity of the vote spread being "3-1".

In an era where ordinary people have lost trust in government, it is imperative that the City take all immediate steps to inquire as to any and all discussion between council members, their representatives, staff or other agents of communication regarding their personal intentions pertaining to the application process. This inquiry should include whether there were violations of the "serial provisions" of the Brown Act, wherein communications were not made directly, but through cumulative conversations that communicated the Councilmember's preferences and appointment agenda, leading to the conclusion that the vote will be 3-1.

If the City Staff and/or attorney were privy in any way to such serial and cumulative communications, then those individuals are witnesses in this matter and should not undertake the inquiry. Under such circumstances, the inquiry must be conducted by truly disinterested parties.

It is apparent that the residents of the Cathedral City are entitled to be fully informed of all aspects of the appointment process and that if the City fails to act appropriately in this matter, it is a serious breach of the public trust.

Finally, please be advised that this letter is a predicate to any further steps needed to make a formal inquiry in this matter.

Respectfully,



Lynne O'Neill

Resident District One**

**Address and telephone number withheld due to ongoing stalking and harassment in connection with this matter. Please do not publicly announce my contact information as I fear for my safety. I am happy to produce proof of residency in person at City Hall upon request.

From: John Aguilar
Sent: Saturday, February 16, 2019 6:38 PM
To: Stan Henry
Subject: Re: City Council Appointment

Excellent..im convinced it will be 3-1...

----- Original message-----

From: Stan Henry
Date: Sat, Feb 16, 2019 6:28 PM
To: John Aguilar;
Cc:
Subject:Re: City Council Appointment

Im working on the application now!!!!

On Feb 16, 2019, at 6:27 PM, John Aguilar <JAguilar@cathedralcity.gov> wrote:

im going to quote him?

----- Original message-----

From: Stan Henry
Date: Sat, Feb 16, 2019 6:21 PM
To: John Aguilar;
Cc:
Subject:Re: City Council Appointment

John,

Thanks, I hadn't seen this.

On Feb 16, 2019, at 4:17 PM, John Aguilar <JAguilar@cathedralcity.gov> wrote:

Nice.

----- Original message-----

From: Mark Carnevale
Date: Sat, Feb 16, 2019 9:32 AM
To: John Aguilar;
Cc:
Subject:Fwd: City Council Appointment

From: andyjessupjr@jessupautoplaza.com
To: cmccclendon@cathedralcity.gov, nico4gk@aol.com
Cc: JMeza@cathedralcity.gov, sjames@cathedralcity.gov

Sent: 2/13/2019 4:52:45 PM Pacific Standard Time
Subject: City Council Appointment

Mayor Carnevale:

I understand tonight's Council Mtg will include public comments regarding Greg Pettis' vacant council seat appointment.

I also understand that the following/end of February 2019 Council Meeting, a decision is expected to be made to fill Mr Pettis' vacant council seat.

Please accept this electronic correspondence (Josie, Charlie and/or Stone have my permission to distribute this among current Council Members) as my personal choice and as our Jessup Family vote of confidence in Mr Stan Henry to fill the vacancy.

I have been honored to interact with Cathedral City City Hall, it's Council, it's staff, Dept Heads and general employees since 1996; at which time my family embarked on our relocation from Palm Springs. A common theme which I have experienced from these individuals is a passion for the community and a desire to be a productive advocate of it's residents.

It is my belief that Greg Pettis would find it agreeable and honorable that a man of such character and distinction, as Stan Henry, would be appointed to complete his term.

Stan's loyalty to public service began in his participation of the forming of our Police Dept in early 1990.

As this City's longest serving Police Chief, he watched our City quickly grow, while placing safety and security priority #1 within his force.

Stan has proven through balanced decision making, integrity driven leadership and principled application of values, that he will place our community before himself. I have followed Stan over the last couple decades, as he transitioned from our longest serving Police Chief to our Mayor. He has maintained the same calm leadership, fitting for a Public Official. He is able to inspire those around him, manages the nuances of political decisions, all the while he leads through examples by which he holds himself personally accountable.

Please consider Stan Henry to fill the vacant Council Seat.

Very Sincerely,
Andy Jessup Jr
3rd Generation Dealer
Grandson of the Founder
Since 1938
Longest Established Dealership in the Valley

Andy Jessup Jr.
President
760-328-9999