

February 24, 2015: Mountain Echo, Fall River Mills, CA

## **Internal battles at LAFCO and fight between Fire Districts and CAL FIRE dominate meeting**

### **Commission members bicker while fire agencies jockey for position**

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A resignation from an agency finance committee has revealed questionable expenditures that the Shasta Local Agency Formation Commission (LAFCO) member did not want to be involved in. Commissioner Les Baugh resigned from the finance committee because, as a public servant, he could no longer be a part of a committee that wasn't addressing the expenditures he was questioning. Baugh, who was on vacation and did not attend last week's meeting, said he's asked for disbursements for bank reconciliations and bank statements for a couple of months, but never received them until the second quarter statement of disbursement appeared in last week's agenda packet. He said the board approved additional work, so some of the expenditures are legitimate, but others are questionable. According to the statement, LAFCO has paid the executive officer, Jan Lopez, \$32,000 in wages and an additional \$4,931 in charges for work with Mayers Memorial hospital in the last six months.

However, the disbursement lists expenditures with the executive officer's name for hotel, motel and meal expenses at local establishments for more than \$4,000. At least 20 payments were made to the Fall River Hotel, the Red Lion and Motel 6 in Redding; eight were for meals at Fall River Hotel, Clearie's and Shasta Pizza. Lopez said that "all expenditures were reviewed approved by the Fiscal Committee and subsequently approved by the Commission on a monthly basis. They were incurred during the ordinary business activities involved in the work assigned." [sic]

"Of the three then appointed Fiscal Committee members for this fiscal year, Commissioners Fyten and Commissioner Haynes very carefully went over our all accounts and reports prepared by our staff at each committee meeting. Mr. Baugh, although appointed to the committee at the beginning of this fiscal year, did not attend any Fiscal Committee meetings during the first and second quarter, and resigned from the Fiscal Committee in January," Lopez said.

At the October 2013 meeting when Lopez was offered a contract for the executive officer's position, LAFCO's attorney, Jim Underwood, reported the contract was not to exceed \$80,000 and 15 months. At that time Baugh, as chairman, told Lopez that all expenses were to come out of her pay, and not be submitted to LAFCO. She was hired to complete the remainder of the 51 municipal service reviews and sphere of influence as required by law. When asked, Chairman Stephen Morgan said he couldn't speak on the charges, but they were doing meetings and LAFCO pays for out of county expenses. He was told Fall River is not out of the county, Morgan said he didn't know how the disbursement statement was placed in the agenda packet as it was a closed session item from the Jan. 29 special meeting. When reminded he was on the Commission when Lopez was hired and told that all expenses were to come out of her wages, he said Underwood told him not to speak on the subject. Underwood said the

Commission approved the statement of disbursements without question. But when he was reminded that expenses were to come out of the executive officer's wages, and asked if that would make these expenditures a misuse of public funds, Underwood only said it was a fair question. He said he was in the process of clarifying the new contract to address areas of concern, but would not elaborate. The Commission voted 5 to 1, with Commissioner David Kehoe objecting, to approve the disbursements.

The current executive officer lives in the Ono area. The former executive officer lives in the Chico area. In his eight years with LAFCO, including time in the 1980s, Baugh said he's never seen expenses for local accommodations. When asked, Baugh said LAFCO only pays for these kinds of expenses when members go to the California LAFCO convention, but not locally, "never for someone to stay locally." Baugh said he doesn't know who, what or how

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this money was spent and has not had luck getting answers. Shasta County Administrative Officer Larry Lees said, "The County is very concerned on how 'Public Funds' are used." He said as mentioned in the public session during last week's LAFCO meeting, they are waiting for additional information based on a previous closed session. "Shasta County has two Board members that sit as our representatives to LAFCO and I know they, as well as I, will not accept a misuse of public funds" Lees said, adding he had not seen a total accounting of LAFCO expenses.

Baugh said the executive officer's contract was well written enough, but they never anticipated expenses of this kind. Baugh said he did, in fact, tell the executive officer that all expenses would have to come out of her wages at the 2013 meeting. Commissioner Baugh said he has become a target and is perplexed as to why. At the Jan. 8 meeting, Scott Swindle submitted a letter to the Commission and spoke before the board in support of the executive officer, while berating Baugh.

In late January, Commissioner Baugh received a cease and desist letter from Jacob Swindle. This month a letter was sent to Baugh from a lawyer, Cynthia Hackler, hired by Jacob Swindle telling Baugh to limit his contact with LAFCO clerk Linda Romig. What wasn't disclosed during open session is that Scott is the son of Romig and Jacob her grandson, according to an Internet search. "I don't know that I said anything other than hello once," Baugh said, adding. "I don't know her."

At last week's LAFCO meeting, Romig held a cell phone to the speaker's microphone so Jacob Swindle could speak to the Commission. He accused Baugh of calling him "just a kid" on Baugh's Facebook page and made a derogatory statement about his last name. He wanted to know if Underwood was going to speak with Baugh about his behavior. Baugh posted the Redding newspaper's article on Jacob's cease and desist letter questioning the headline, but no reference to Jacob as "just a kid" could be found then, but a "friend" commented, "'Swindle'...May be appropriately named!" [sic].

Baugh did not return a request for comment. "I will continue to be a watchdog for public money," Baugh said, adding, "If I were a little entity, like a cemetery district, I would be questioning why the money was spent this way." He said small entities pay \$300 in LAFCO fees, which "is a lot of money for them" as their limited budgets are \$1,600. He said, "The County can handle the extra money, but smaller entities can't and that is why I would not allow fees to be raised out of concern for the smaller entities," Baugh said.

LAFCO is an unfunded state mandate. Under the Cortese-Knox-Hertzberg Reorganization Act, LAFCO's are to determine fees by apportionments in proportion to each entity's total revenues as a percentage of combined total revenue. At last week's meeting, Lopez had hoped to have her contract as an independent contractor approved for an additional 18 months. But after much back and forth, sometimes tense, the Commission voted 4 to 2 to continue her contract to the April 2 regular meeting to give Underwood time to complete the wording of the contract, which has been shuffled between him and Lopez's attorney. The commissioners who voted to extend the contract said they wanted the attorney to clarify the language in the contract before it is agreed upon.

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## *And these are adults?*

**Y**ou have to read Mrs. Russell's report on LAFCO to believe it. Misuse of public funds is a serious charge and those allegations get lost when the various commissioners are embroiled on or off stage in what can best be described as a circus. When they are busy muddying the waters with political posturing and verbal fisticuffs it is all too easy to lose sight of those things that should be the commissioner's objectives, i.e., making sure staff performs their duties in a lawful manner and making sure the organization does what it is chartered to do.

They are also on shaky ground when they violate employee privacy rights. The commissioners aren't there to host their rather vicious version of "Saturday Night Live." My understanding of the laws is that when a public agency is investigating, and/or, considering charges against any employee, whether it is a janitor or the executive director, the investigation and possible charges are, under the Ralph M. Brown Act, other state and federal laws, and just plain human decency, is to handle the charges in closed session. Charges, whether real or imaginary, have the direct effect of damaging a person's reputation.

In my opinion the Commission's performance in the last year of the previous executive officer's tenure was outrageous and it hasn't gotten any better with the latest executive director. Shasta County Supervisor Les Baugh has an absolute right and justifiable moral duty to resign from a committee which he feels is allegedly acting illegally or condoning illegal action. But the charges he is referring to involve an employee and thus should be private until such time as the board decides to formally pursue the matter, if they decide to do so.

Along with that, for the commissioners to attack each other on a personal level in public is far from being professional - political, maybe, but Shasta County isn't the congress or executive branch and I for one, expect better of them.

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