

The recent decision by Chair Dave Morley, supported by 3 other Board members, to publish a part of the investigation material compiled by an outside law firm clearly is not in the best interests of KICA. I believe it is only an attempt by Dave Morley to direct the focus away from the embarrassing defeat of his initiative to increase the Board and appoint two members of his selection. Here is why: After a fulsome discussion with investigating counsel, and KICA labor counsel, about the report, and its conclusions that there was no "hostile work environment," in July the Board unanimously voted not to release the report and for all copies to be returned to KICA. The intent was for the information from all interviewed to remain confidential as is appropriate in an investigation of this nature, especially one that finds no cause of action. We can now conclude that some Board members did not comply with the agreement and have, instead, seemingly, been waiting to use the investigation as a tactic or weapon if they needed it. On December 16, the Court ruled that the appointment gambit was improper and within three weeks we are back talking about something that was resolved seven months ago-why? I believe it is being done to distract from the Chair's poor decision-making and to, again, upset the orderly KICA election process. I voted against releasing a single document from the investigative report which was to remain confidential because the document is only Jimmy's perspective and, I believe, being released for an improper purpose.

Below is the substance of a statement I made after the attorney in charge of investigating Jimmy's potential claims made his presentation to the Board on July 12 which I believe puts Jimmy's departure in fair perspective.

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The report prepared by outside counsel concludes that there "is no evidence of a 'hostile work environment'." No surprise to me.

I believe that the COO's perception that he was operating in a "toxic environment" was his interpretation of reality and was a direct result of his authority and level of autonomy being restricted. Let me explain.

When I first met Jimmy Bailey in early 2018, it was at my request. I wanted to meet with Jimmy, present myself and ask how I could be on the Finance Committee. He told me that at the present time there were no spots open, but he counseled me to start going to the meetings as an observer and by the end of the year he could consider me. I asked what I would do then, and he told me not to worry because he appointed the Finance committee members. This is not hearsay, he told me this. He believed that he had this authority. I later learned from then -Treasurer Mike Feldman that this was not the case. But from Jimmy's perspective, he had authority which was solely within the KICA Board.

In that same conversation, I asked Jimmy why KICA did not have more Committees? to which he replied, "Committees are a waste of my time, I won't allow it." Again, here Jimmy believed that he had the authority to Not "allow" any Committees.

After I joined the Finance Committee in 2019, in my first Budget process, after the Committee finalized the review of the Budget, Jimmy said, "There is no vote required by the Finance Committee for the Budget to go to the Board."

Then Treasurer Dave Morley was not present at that meeting but at the next meeting the minutes reflected this statement by Jimmy. At that next meeting I questioned if that was the case, and Dave Morley confirmed that a vote would be taken on any Finance Committee recommendations to the Board. Do not take my word for this but please go the minutes of the Finance Committee of October 2 and October 23, 2019. Here again, Jimmy believed that he had the sole authority on the Budget process even though that was not the case.

At the Members' Annual meeting of 2020, then Chair Diana Mezzanotte announced the formation of three Committees, Community Outreach, Technology and Employee Recruitment & Retention. Jimmy Bailey had to believe that the introduction of something he viewed as a waste of his time and that he "would never allow," was a direct restriction on his level of authority and autonomy. I think that re-introduction of committees, fed his "toxic environment" narrative.

Earlier that same year the Board instructed the COO to send all emails written to the Board by members of the community directly to all Board members. Previously, although KICA said members could reach the Board by addressing emails to [board@kica.us](mailto:board@kica.us), in fact, the COO would determine which emails he would respond to without the knowledge of the Board. Yes, let me repeat, emails written to the Board would go to the COO without any knowledge of their content by the Board. Basically, Jimmy was censoring communications between members and the Board. The new procedure announced in 2020 was clearly a sign to him that his authority was being restricted and was more fuel for his "toxic environment" claim.

Later in 2020, we had the adult pool incident, a decision made by management which was seriously questioned by many KICA members but also questioned by the KICA Board. The November 2 KICA Board minutes show that when addressing that incident Chairman Morley said, "I don't think we handled this well," and the "Turmoil is significant." This criticism of a management decision had never publicly happened before and could have been interpreted by the COO as a "defamation of character" or more evidence of what he thought was a "toxic" environment.

Then the 2021 Board election process began where I ran on, among other things, the principle that "Strategic decisions should be made by our members thru the Board and not by Management." This was just another signal to the COO that his authority and autonomy could

be limited which in his mind created a “toxic environment”. Me being elected with a solid and strong vote by our members clearly confirmed to him that the Board would be more actively involved in KICA strategic decisions going forward.

Then after the COO 2020 annual review the HR Committee recommended, and the Board agreed to implement certain remedial measures. Here, again, this measure had to have been viewed by Jimmy as harmfully affecting the environment he was used to and further chipping away at his authority and autonomy.

So, he then began a strategy of hurling around claims of “toxic environment “and “defamation of character.” And by January 22 he began sending emails to a new Gmail account entitled “J. Bailey backup”, presumably because he intended to leave KICA but also wanted to position himself for a good termination settlement. And the strategy worked.

But, even though successful, my conclusion is that there was never a “toxic environment” or “defamation of character issue but was always a limit of his authority or autonomy issue.

Alex Fernandez