

I am writing this dissent to clarify my position on the release of Jimmy Bailey's letter to Attorney Greg Horton dated April 28, 2021 and to comment on the letter itself.

Jimmy Bailey never submitted a Grievance. In early March of 2021, Jimmy Bailey verbally informed David Morley that he was planning to file a grievance relative to his work environment. This type of claim triggers a need to prepare for litigation. Our labor lawyer was informed of this potential claim. On March 27, 2021, Bailey's attorney sent a letter to the Board stating that Bailey may file a grievance and listed a myriad of claims with no specifics. It is important to note that the Chair, Dave Morley, kept this letter from the other Board members for **over 2 months**. On April 28, 2021 Jimmy Bailey sent a post settlement letter to the attorney, Greg Horton, who was running the "investigation". This multi-page letter has been mis-characterized as a grievance. By April 28, 2021 Bailey had negotiated a settlement with the Chair, Dave Morley, (to the dismay of some board members) had signed the release and was just waiting for his check of approximately \$250,000.00. Was this a quid pro quo for the forthcoming letter/grievance to be submitted by Jimmy Bailey? Who requested this letter? Community members you must decide for yourselves. The Board did not see this letter until the full report was provided to the Board in early July.

In the public comments section of the January 10, 2022 Board meeting, a commentor asked Jerry McGee if his change of heart was a result of his reading of the April 28<sup>th</sup> letter. Jerry responded simply: "Yes". Jerry changed his position on this whole situation soon after the March 1, 2021 retreat/meeting. Why? Had he not changed his position, would Dave Morley have supported his election to Vice-Chair at the annual meeting of the membership? In addition, the April 28<sup>th</sup> letter could not have been the reason he changed his position because the Board members did not see this letter until early July when we received the report. To this date Jerry McGee has not provided any reason for his "flip".

The reason that I voted against publishing the April 28 letter was not because of its content as it relates to me. I voted against release because the Board unanimously (9- 0) voted to not publish the investigator's report in order to honor our commitment to keep all interviews and communications of staff and others strictly confidential. This letter is part of that report. The investigating attorney also informed the Board that his report must remain confidential. The Board's attorney also opined that it was inappropriate to publish the report or any part of it, i.e. the 4/28 letter/grievance by Mr. Bailey.

So why is our Chair, Dave Morley, so adamant to publish this letter (Grievance) at this time? He claims that there exists a persistent demand by the community to release the report and/or the letter. That "persistent demand" is a few people as we have seen on iKiawah. The Chair sees this as a persistent demand, yet he did not see over 800 signatures on the petition regarding the adult pool as a persistent demand, nor the over 1,000 people who signed the petition for a referendum on the board appointments and expansion.

Why now, in the middle of an election of board members? It is an attempt to affect the election by publishing a document that he thinks puts me in a bad light. When you read the letter, you will see that this is not the case.

I am mentioned 4 times in Bailey's letter. First, he claims that Brad McIlvain and I "incited anger" during the public outreach meetings led by Brad McIlvain, Jerry McGee and me. That did not happen. I think many community members, who participated, appreciated this time to interact with board members. At the end of each session we polled the participants and received only positive comments. Many community members expressed a desire to have more of these sessions.

The second mention of me is simply a statement that a member at a Java with Jimmy session stated that she had attended one of the public outreach sessions and opined that "it seems like the board members who were running that (session) (sic) were unaware of the pool changes". She was addressing the issue of allowing children to use the adult pool and who made that decision. The board did not make that decision. It was a decision made by KICA staff. . . we do not know who.

The third mention of my name is where Jimmy is complaining that my wife, (specifically mentioned by name), encouraged people to attend the upcoming Java with Jimmy session. Why would Jimmy be upset that someone would encourage people to attend such a meeting with the COO? He seems to be clairvoyant by opining why my wife sent that email. And why drag my wife into this? She was only encouraging the community to let Jimmy know of their concerns about the heating of the family pool. No board member's spouse/partner should **ever ever** be mentioned like this. No one in the community should ever feel that this is acceptable behavior by a COO.

The next time I am mentioned is Jimmy simply made a statement that Brad and I submitted dissents on the issue of appointing board members as provided in the Covenants. The last time he mentions me is where Bailey asserts that Brad's and my addressing the status of heating the pool and the repaving of the bike paths as in our dissents are "statements that question my competence . . .". The fiduciary responsibility of the Board is oversight of the COO and staff. When a board member becomes aware of something presented by the COO that appears to be erroneous, the board is obligated to look into such matters. That is exactly what Brad McIlvain and I did. We met with staff, with approval of the Chair, Dave Morley, to review the issue of heating the family pool. At that meeting we also asked if we could address the bike path project. What we discovered was that both the pool heating and bike path project were not problematic contrary to what we were told by Mr. Bailey. The proof was in the pudding as both projects were completed on schedule and under budget. No one in attendance at this meeting remembers it to be in any way contentious, but only collaborative. After we reported our findings to the Board, the next day, Dave Morley sent an email to Brad and me scolding us for "exceeding our authority" by talking to staff about the bike path. This "scolding" was requested by Jimmy Bailey.

In his letter to Attorney Horton, Jimmy Bailey complains that his 2021 Board review of his 2020 performance was too low at 3.75 out 5.0. That is a "C". That was the average of the Board. He also complains that his bonus was reduced to 10% from a max of 15%. Prior to this year, he had always automatically received a 15% bonus. That is not a bonus, it is deferred compensation. Again, the entire board voted on this. His base salary, plus his formerly guaranteed 15% bonus, was nearly \$300,000.00 per year. The Board also engaged an executive coach to assist Jimmy in being successful toward

improving in those areas that needed amelioration, especially around communication skills. He participated in only one session with the coach and chose not to follow up. Why, because he already knew he was leaving. He started a new position the very next Monday after his last day with KICA.

David DeStefano, Director, KICA Board