



## Legislation Details (With Text)

**File #:** 16-0448      **Version:** 1      **Name:** Ethics - Event #13  
**Type:** Resolution      **Status:** Other Business  
**File created:** 10/11/2016      **In control:** City Council  
**On agenda:** 11/10/2016      **Final action:** 11/10/2016  
**Title:** Ethics Complaint - Event Thirteen involving Councilman Jesse Kerley  
**Sponsors:** Pete Souza  
**Indexes:**  
**Code sections:**  
**Attachments:**

| Date       | Ver. | Action By    | Action   | Result |
|------------|------|--------------|----------|--------|
| 11/10/2016 | 1    | City Council | deferred |        |

### Ethics Complaint - Event Thirteen involving Councilman Jesse Kerley

#### SUMMARY:

I can go in length on harassment in the work place over the years of Councilman Kerley. I have no intention to get wrapped in detail on this because I believe soon there will be a formal EOC complaint. I am going to cover this briefly so that the Council can consider Councilman Kerley's integrity and methods of harassment.

- A. Councilman Kerley, starting on or about in January, began harassing City Manager Rutherford. I am not going to state all of the items here, especially since the Council has seen the flow of harassment.

Councilman Kerley ordered the City Manager to tell him what happened behind closed doors with a meeting with myself and who I ordered him to fire. Here are some things to note:

1. I or any other councilman can meet the manager in private! The open meeting law applies to elected officials, not administrative and elected officials.
2. If this was a closed door, how would he have known what transpired? This was an outright lie to cause trouble in City Hall.
3. That day, the only thing I did was stick my head in his office and inform him (as protocol dictates) that I was going down to Finance and crunch numbers and did he have a problem with that? What Mr. Kerley did not know when he shot his mouth off is the Mayor was in the office and Mr. Ridley was standing behind me.
4. Mr. Kerley went on in a rant e-mail that the Manager David Rutherford was lying and that all the City staff will testify, trying to give legitimacy to his claim.

This is easy to get to the truth, ask the department heads if they saw Councilman Souza's closed door meeting with Mr. Rutherford. Mr. Kerley is caught in a lie.

- B. Kerley accused me of meeting with Chief Shoap to have people arrested. That was Kerley's style. That was Councilman Kerley's comment on file with the D.A.'s office.

The only thing I ever did was: 1) try to determine how I could effectively enhance the

Police Department through policy and legislation to better compliment their accomplishment of public safety. 2) Pass on what information I had that was given to me by citizens. Several drug houses were shut down from this information. In all cases information was passed on and I let the police do their job.

The decision to pursue this rests with the Council. What is clearly evident is the acts listed in this complaint could not have transpired if open government existed at all levels, and if a person in the government had not chosen to oppress the truth, or promulgated misinformation. Now this Council has the opportunity to bring in an unbiased investigator, or shut this down and cover this up. Please understand this also, that after the election of the new Council with a different composition, they can open this up.

City Council shall either determine that the complaint has merit, determine that the complaint does not have merit or determine that the complaint has sufficient merit to warrant further investigation. If the Council determines that a complaint warrants further investigation, it shall authorize an investigation by the City Attorney or another individual or entity chosen by the City Council. (§ 1-710 (3))

BUDGET ACCOUNT:

NECESSARY COUNCIL ACTION: Determine merits of complaint